



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Date: September 24th, 2019

Re: Michigan Clean Slate Legislation Package

Position: SUPPORT

To: The Michigan House Judiciary Committee

Distinguished Members of the Committee,

My name is Steve Miller, and I retired as a police sergeant after eighteen years of service with the Canton Township Police. I also served with the Milan Police Department and as a Security Policeman in the United States Air Force. I am here today on behalf of the Law Enforcement Action Partnership to speak in favor of passing legislation that would allow people to move forward and benefit their community after serving their time.

I don't know exactly how many people I've arrested, but the number is in the thousands. Some of those people committed crimes over and over, changing not just their own lives but the lives of others. But most of them were people who made a bad decision; they stole something, hit somebody, or were caught with drugs. These people had a day they would like to take back. Many of them have served their time and stayed out of trouble since that mistake, but they have a permanent mark on their record.

Unfortunately, many arrests occur not because the person posed a threat to the community but because the officer was under pressure to make an arrest. In my department, we all knew if we didn't make about one arrest each day, we'd get called out in the staff meeting and our requests for specialized training and assignments would be denied. So we found excuses to arrest people. We'd go to a rough part of town, pull people over for failing to use a turn signal, and arrest them for driving on a suspended license. The penal code is full of little things the average person could be arrested for. It was easy to do in poor communities, because people feared the police and didn't have anyone powerful on speed-dial. If we arrested people for these petty reasons in wealthier neighborhoods, we would be getting outraged calls from the city council and seeing articles in the newspapers.

These permanent records prevent people from moving on. Employers and landlords will automatically reject them without a second thought. Their college scholarship and housing assistance applications will be denied. Instead of making sure they get started on a better path, we are throwing roadblocks in their way.

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

Our current expungement process is broken. It's costly, it's time-consuming, and it forces people struggling to find employment to miss days of work to appear before a judge. As a result, only a fraction of those eligible actually obtain an expungement. An estimated 93 percent of people who are eligible for expungement don't even apply.¹

The bills being discussed today give people who are moving on from their past a Clean Slate. They allow people the opportunity to pursue their education, the chance to gain full employment, and the freedom to live where they want to live. They will bring expungement to hundreds of thousands of Michiganders who are currently eligible but who don't have the time or resources to navigate the system.

I would urge the committee to go further and allow all non-serious misdemeanors to be set aside after five years, rather than limiting the list to four and requiring a ten-year waiting period. As an officer, if I saw someone had committed a misdemeanor over five years ago, I would not consider that a good indicator of who the person is today. Research shows that if someone has not committed another misdemeanor within five years, they are no more likely to reoffend in the future than the general public is.²

The first arrest I ever made was a teenager with a small bag of marijuana. I have been thinking about that young man often, now that marijuana is legal. We are no longer arresting people for marijuana use, but we cannot forget about people who have been living for decades with a marijuana arrest record. It is our responsibility to make sure that as we stop arresting people for marijuana use, we also go back and address those who were targeted by our failed war on marijuana.

I would like to thank the committee for considering this legislation. Michigan needs Clean Slate. We need to prevent a mistake made at the age of 19 from affecting the rest of someone's life. This package of bills will change lives and help our entire communities move forward. Thank you for your time and your support.

Sgt. Steve Miller (Ret.)
Canton Township Police Department

¹ Prescott, J.J. and Starr, S. Expungement of Criminal Convictions: An Empirical Study. Harvard Law Review. 2019. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3353620.

² Blumstein, A. and Nakamura, K. Extension of Current Estimates of Redemption Times: Robustness Testing, Out-of-State Arrests, and Racial Differences. 2012. <https://www.ncjrs.gov/pdffiles1/nij/grants/240100.pdf>

