



OHIO JUSTICE & POLICY CENTER

RECLAIMING LIVES • RENEWING COMMUNITIES • RESTORING JUSTICE

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**To: Community & Family Advancement Committee,
Ohio House of Representatives**

Chairman Ginter	Vice-Chair Conditt	Ranking Minority Member Boyd
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From: Dorianne G. Mason, Ohio Justice & Policy Center

Date: April 26, 2017

Re: In Support of House Bill 64

I am writing to ask for your favorable consideration and vote for House Bill 64. HB 64 would provide automatic and complete expungement of criminal records for people whose arrest and charging were the result of mistaken identification.

Arrest records can show up on background checks and trigger barriers to employment and housing. Even arrest records that were the result of mistaken identification. In 2009, Tiffany Freeman was informed that there was a warrant out for her arrest; she had been charged with felony forgery. Over the course of several months, it was shown that they had arrested and charged the wrong, Tiffany Freeman. Same name, different birth date and different race. The charges against Ms. Freeman were dismissed, but they remain on her criminal record and have served as a barrier to gainful employment and advancement in the healthcare field.

Ms. Freeman's situation is not unique. We have met many clients over the years who lost a job, could not get a job, or had their public housing jeopardized simply because of an arrest that did not even lead to a conviction. When the justice system definitively determines not only that the initially charged person is not guilty, but also that some other person is guilty, there is no reason the initial person should face explicit barriers or implicit public shame in the form of a criminal record.

It is especially important that this bill provides for complete expungement of the records, and not mere sealing. Regular criminal-record sealing (codified in R.C. 2953.31 et seq.) partially hides records from some employers; however, by statutory

exception, every state licensing agency as well as employers that serve vulnerable populations all get access to these “sealed” records through Ohio’s official BCI reports. Prosecutors may still use a previously “sealed” record to enhance the penalty of a future crime in some circumstances. Also, there are nearly 2,000 commercial background checking services available online; it is nearly impossible for someone wrongly charged with a crime to get that record corrected with every one of those agencies. Providing quick, early, and thorough erasure of official records will help prevent the spread of incorrect and damaging information through the background-checking industry.

We know this issue well because the Ohio Justice & Policy Center (OJPC) is the foremost expert in this state on the multitude of legal barriers facing Ohioans with criminal records. A large part of our experience is rooted in our twelve years of providing free legal clinics, several times each month, to people with criminal records in greater Cincinnati. We have served over 6,000 Ohioans through these clinics. Also, our office built and maintains the most powerful state-law tool in the country for cataloguing criminal-record-based legal barriers: The Ohio Civil Impacts of Criminal Convictions Database (<http://CIVICCOhio.org>). We provide community- and professional-education sessions statewide on these topics.

When someone is exonerated for an offense — no matter how minor — and someone else is found guilty, we should take effective steps to clear the innocent person’s reputation. Though this occurrence may be relatively rare, there is no reason to not provide a simple and complete mechanism in state law for expunging these records. HB 64 is an easy and effective step to make the justice system more just. We urge you to vote in favor of it.

I want to thank Representative Schuring and Representative Reece for coming together to draft this relief mechanism for people living with the economic and social consequences of mistaken identity. Thank you, Committee Members, for the opportunity to write to you about this bill. Please do not hesitate to contact me with any questions (dmason@ohiojpc.org).

