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**Testimony of Doni Crawford, Policy Analyst  
Record Expungement Simplification to Offer Relief and Equity Amendment Act of 2021  
Committee on the Judiciary and Public Safety  
April 15, 2021**

Chairperson Allen and members of the Committee, thank you for the opportunity to provide testimony. My name is Doni Crawford, and I am a policy analyst at the DC Fiscal Policy Institute (DCFPI). DCFPI is a nonprofit organization that promotes budget choices to address DC's racial and economic inequities and to build widespread prosperity in the District of Columbia, through independent research and policy recommendations.

DCFPI strongly supports a more simplified DC expungement process, an expansion of expungement-eligible offenses, and automatic expungement for decriminalized offenses, as envisioned in the Record Expungement Simplification to Offer Relief and Equity (RESTORE) Amendment Act of 2021.

Although the RESTORE Act was not part of the official record during last week's public hearing, Councilmember Henderson and DC Justice Lab developed this bill in deep collaboration with returning citizens, defense attorneys, prosecutors, and local and national justice reform organizations.<sup>1</sup> It would continue District advancements in racial equity by completely re-writing Title 16, Chapter 8 of the DC Code to expand expungement and sealing opportunities for affected individuals—the overwhelmingly majority whom are Black men.<sup>2</sup>

I recommend that the RESTORE Act make automatic sealing for non-convictions retroactive and remove waiting periods for sealing for all convictions to better ensure that impacted individuals are able to fully reintegrate and compete in society. I also urge the Council to move quickly to incorporate RESTORE Act language into committee markups and pass legislation before the public emergency is lifted to ensure that eligible individuals can fairly be considered for new employment and housing opportunities.

**The Devastating Effects of Targeted Criminalization and Unjust Policing on Black People**

Due to unjust policing practices, Black people comprise 86 percent of people arrested and 95 percent of people in prison serving DC Code sentences, despite only making up a little less than half of the population.<sup>3,4</sup> Cannabis policing practices in DC are similarly anti-Black. Black people made up 84 percent of arrests for public consumption and 89 percent of all cannabis-related arrests between 2015 and 2019, according to a recent Washington Post study.<sup>5</sup>

Interactions with the criminal justice system can result in criminal records that include both convictions and non-convictions, and criminal records can drastically reduce an individual's likelihood to be hired for a job and ability to secure housing. These collateral consequences are

further intensified for Black people, who continue to face racial discrimination in job and housing markets and the highest rates of unemployment during the pandemic, regardless of their criminal record.<sup>6, 7</sup> These consequences are often familial and intergenerational, leading to greater risk of housing instability, including homelessness, and economic insecurity for spouses, partners, and children.

Roughly one in seven District residents has a publicly available criminal record from the past 10 years, and only half were convicted of a crime, according to the Urban Institute.<sup>8</sup> Research has shown that employers and landlords have used publicly available criminal records to discriminate against prospective employees and tenants, even though it is illegal in DC.<sup>9</sup> Sealing non-conviction records would help reduce this type of discrimination. But DC law is stringent and makes it difficult for non-conviction records to be sealed—a process rivaled by only Alabama in its complexity and severity.<sup>10</sup>

### Recommendations to Strengthen the RESTORE Act

It is morally imperative that we adopt this legislation so that individuals (and their families) who have been arrested but not convicted, convicted of decriminalized crimes, or have returned home from serving their time are given the opportunity to succeed and thrive in our economy without facing additional barriers to employment and housing. I am supportive of the RESTORE Act's provisions to: increase access to criminal record relief; detail the DC sealing and expungement process in plain language; and allow automatic expungement for decriminalized offenses such as cannabis possession and cannabis consumption on private property. I further recommend that the RESTORE Act:

- Make automatic sealing for non-convictions retroactive indefinitely;
- Remove waiting periods for sealing for all convictions to better ensure immediate fair access to the job and housing markets; and,
- Require private companies to purge information about arrest and conviction data for records that are expunged, sealed, or resulted in non-conviction and establish penalties for non-compliance (this can also be accomplished through passage of the Criminal Record Accuracy Assurance Act of 2021).<sup>11</sup>

Thank you for the opportunity to provide testimony.

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<sup>1</sup> DC Justice Lab, [Restore Act of 2021](#), April 2021.

<sup>2</sup> Marina Duane, Emily Reimal, and Matthew Lynch, [Criminal Background Checks and Access to Jobs: A Case Study of Washington DC](#), Urban Institute, July 2017.

<sup>3</sup> ACLU DC, [Racial Disparities in D.C. Policing: Descriptive Evidence From 2013-2017](#), Updated July 31, 2019.

<sup>4</sup> Council for Court Excellence, [Analysis of BOP Data Snapshot from July 4, 2020](#), September 30, 2020.

<sup>5</sup> Paul Schwartzman and John D. Harden, [D.C. legalized marijuana, but one thing didn't change: Almost everyone arrested on pot charges is Black](#), The Washington Post, September 15, 2020.

<sup>6</sup> Doni Crawford and Kamolika Das, [Black Workers Matter: How the District's History of Exploitation & Discrimination Continues to Harm Black Workers](#), DC Fiscal Policy Institute, January 28, 2020.

<sup>7</sup> Doni Crawford, [Black Workers in the Grip of the Recession—Declining UI Trust Fund Could Cause More Harm](#), DC Fiscal Policy Institute, November 20, 2020.

<sup>8</sup> Duane, Reimal, and Lynch.

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<sup>9</sup> Kate Coventry, [Testimony of Kate Coventry at the Public Hearing on the Fair Tenant Screening Act of 2019 and the Michael A. Stoops Anti-Discrimination Amendment Act of 2019](#), DC Fiscal Policy Institute, October 27, 2020.

<sup>10</sup> Margaret Love, [DC's non-conviction sealing law is uniquely complex and restrictive](#), Collateral Consequences Resource Center, March 30, 2021.

<sup>11</sup> Doni Crawford, [First in Line: Why the District Must Take a Reparative Approach to Recreational Cannabis Policy for Black and Brown Communities](#), DC Fiscal Policy Institute, February 16, 2021.