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Dear Members of the General Assembly:

We write to support the principles underlying Delaware Senate Bill No. 37 (150th General Assembly), which seeks to expand the availability of expungement for adult arrest and conviction records, making expungement mandatory or discretionary for conviction records after a certain period of time has elapsed without reoffense.

Tens of millions of Americans have criminal records, which bring about socioeconomic and legal consequences that can last for decades after these citizens have served their formal sentences. As you know, policymakers have increasingly focused on criminal record expungement as a potentially important tool to improve the effectiveness and fairness of the criminal justice system, but essential empirical evidence has been sorely lacking on the operation and effects of expungement policies like the one proposed in Senate Bill No. 37.

Consequently, to date, policymakers have been unable to point to rigorous evidence-based arguments either in favor of or against broader expungement laws. This dearth of evidence has left the debate over expungement policy unmoored and drifting.

Earlier this month, in order to fill this void, we released our study, "*Expungement of Criminal Convictions: An Empirical Study*," in preliminary form as part of the University of Michigan's Law and Economics Working Paper series. A copy is appended to this letter. The final version will be published by the *Harvard Law Review*. Last week, we described the stakes of this debate and the results of our study in broad strokes in a New York Times Op-Ed.

Our research provides needed evidence on the benefits and costs of clearing criminal records, comprehensively and rigorously evaluating a representative state expungement policy not dissimilar from that proposed in Senate Bill No. 37. Through an unusual data-sharing agreement, we obtained and analyzed a large statewide dataset of sealed and unsealed criminal records linked to employment records, which allowed us to study the critical policy considerations driving the expungement debate.

We present several key empirical findings in our article related to the manageability of the expungement process and the benefits of expungement not only for eligible applicants but also for the community at large. One conclusion that is of particular relevance to Senate Bill No. 37 is that those who do obtain expungement have very favorable outcomes.

To begin with, expungement recipients pose relatively little risk of criminal recidivism, an important public policy consideration to all who care about criminal justice reform and particularly reentry policy. Indeed, those who have had their records expunged have extremely low subsequent crime rates, lower than those of the general population—a finding that defuses a common public-safety objection to expungement laws.
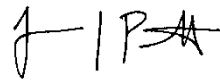
Expungement recipients also experience a sharp upturn in their wage and employment trajectories; for example, average wages go up by about 25%. Improved employment outcomes make families and neighborhoods stronger and improve state and local finances.

Together, these findings strongly support the policy case for expanding access to expungement, and especially for making the process easier or automatic, so that a larger share of those eligible will actually benefit. We believe that legislation with contours like Senate Bill No. 37 will make Delaware stronger, safer, and more humane.

Yours truly,

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