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A resolution by Supervisor Taylor, in support of the Milwaukee County District Attorney, State of Wisconsin, and the United States Federal government to reform statutes and practices relating to the expungement of criminal and civil conviction and criminal and civil non-conviction records, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, an estimated 1.4 million Wisconsinites have criminal records, which often makes it more difficult to obtain employment; and

WHEREAS, one remedy to this problem is the practice of judicial sealing, also known as expungement of criminal records, unless later ordered unsealed by the courts; and

WHEREAS, File No. 15-637, adopted on November 5, 2015, requested the Wisconsin State Legislature to reform and expand the current law on the expungement of criminal records; and

WHEREAS, the Director, Office of African American Affairs, has served a key role in advising Milwaukee County (the County) on the experiences of African Americans in the County, and has been instrumental in the drafting of this resolution; and

WHEREAS, in an informational report contained in File No. 18-486, dated June 2018, titled "A Fresh Start: Wisconsin's Atypical Expungement Law and Options for Reform," the Office on African American Affairs partnered with the Wisconsin Policy Forum to study the issue of criminal records as an employment barrier, a problem which falls most heavily upon persons of color in Milwaukee County and nationwide; and

WHEREAS, the Wisconsin Policy Forum determined that "Wisconsin appears to have a stricter expungement law than all of its neighboring states except Iowa;" and

WHEREAS, all people should be given the opportunity to care for themselves and their families; and

WHEREAS, overly strict expungement laws hamper the ability of individuals, especially those of color, to pursue happiness, and find dignity by contributing to society through meaningful employment; and

WHEREAS, the Committee on Intergovernmental Relations, at its meeting of October 18, 2018, recommended adoption of File No. 18-718 as amended (vote 4-0); now, therefore,

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BE IT RESOLVED, Milwaukee County (the County) reaffirms adopted File No. 15-637 that called on the Wisconsin State Legislature (State Legislature) to reform and expand the current expungement laws; and

BE IT FURTHER RESOLVED, the County urges the State Legislature to enact statutory reform based on the recommendations of the Wisconsin Policy Forum to:

- Require those subject to the criminal justice system in Wisconsin be made aware of expungement eligibility and the expungement process upon successful completion of criminal sentence and/or parole
- Remove ambiguities in Wisconsin expungement statutes, which have been subject to interpretation, such as:
 - Banning commercial record providers from noting expungements
 - Establishing guidelines for a case's expungement eligibility
- Expunge records of criminal conviction from the Wisconsin Department of Justice's physical and online criminal history databases in addition to the Wisconsin Circuit Court Access website
- Automatically expunge non-convictions, eliminating any waiting period once the court decision has been determined
- Abolish the statutory prohibition of expungements for those aged 25 or greater
- Enable judicial application of expungement *ex post facto*, not merely at sentencing nor solely from the present *ad infinitum*, with no delay upon successful completion of sentence and/or parole
- Align the State of Wisconsin (the State) generally with its neighboring states: Illinois, Indiana, Michigan, and Minnesota by expanding the types of felonies eligible for expungement to include nonviolent Class G, F, and E felonies in addition to the present Class H felonies or lower
- Prohibit denial of professional licensure based on criminal history
- Permit the judiciary to grant certificates of rehabilitation to reformed individuals with criminal convictions
- Enable expungement of civil convictions in the State

; and

BE IT FURTHER RESOLVED, the County urges the United States (U.S) Congress to enact statutory reform based on the recommendations of the Wisconsin Policy Forum to:

- Prohibit the denial of small business loans and grants from the U.S. Small Business Administration and financial institutions based on criminal history
- Terminate restrictions on individuals with criminal histories from eligibility toward Federal Pell Grants, Federal student loans, and Federal work study

- 90 • Cease the practice of the U.S. Department of Housing and Urban
91 Development's Federal Section 8 housing vouchers being denied to those
92 with a criminal history

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94 ; and

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96 BE IT FURTHER RESOLVED, the County requests that the Milwaukee County
97 District Attorney and his staff advocate for expungement as a default policy in
98 proceedings; and

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100 BE IT FURTHER RESOLVED, the County requests that State and Federal
101 elected officials who represent any portion of our community help develop and/or
102 support the passage of expungement policies and practices as outlined in this
103 resolution.

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106 jmj
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