

Submitter: Tom Espinosa
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB4088

My Dear legislators,

Regarding HB4097, As a person who went from the good record needed to hold a state license to now being unable to even get an interview because of a single incident, I can testify to the impact, not only of a criminal record but because public humiliation of the arrest itself and the following tsunami of public information put on the internet.

The social impacts of the internet are undeniable and a responsible government should modify the way they do business accordingly.

Any encounter with law enforcement, by itself, can have long lasting impacts on a person's life, if they survive (Most aggressive actions and shootings happen with seconds of police arrival). Any arrest, is a form of public humiliation and shame. Making it worse, for-profit companies maintain unflattering data in the public domain unless they are paid to remove it, practicing a form of extortion.

The maintenance of a public criminal records by state agencies extends this harm furthering the detrimental socioeconomic effects for years after the restitution has been completed.

Unless a person has extensive resources to defend their on-line record, a single encounter with law enforcement is a life altering event. For the average person this is so overwhelming, they give up, reducing their societal advancement.

All of this negatively impacts public perception of law enforcement and the judicial system as a whole.

I would argue that the humiliating physical experience, time and incurred fees of an arrest, is punishment in and of its self. This is a powerful deterrence.

In order to preserve the strength of this deterrence and provide incentive for individuals to rehabilitate themselves, I would propose (barring any confounding charges or circumstances), all misdemeanor records be automatically expunged at the completion of their sentence, payment of fees and or completion of treatment.

I am cautious about automatically extending the length of time before request of set aside for violations of no-contact order because of the many ways a person's strong feelings might be manipulated and or exploited by another party.

While violating a protective order sounds horrific, there are many reasons why this violation could be charged while not actually being endangerment. There are instances where allegations of a violation have been maliciously made.

I have experienced this myself when my ex-wife made spurious allegations and then manipulated the court system to delay hearing on their credibility, thus

keeping the children in an unsafe manner herself. (She alleged assault because I yelled at my oldest 17, for leaving a bloody meat wrapper in the sink on top of fresh vegetables. That daughter is now a cook now and I am actually grateful for the opportunity to change the way I react to circumstances). It was in the stress of that situation that my youngest, not part of my ex's allegation, attempted suicide, for the second time while in her custody. This time she was hospitalized. Even though I had full custody of the children since our divorce, I was arrested for trying to get information on the wellbeing of my children.

Additionally, I have deep concerns about the process of plea agreements because they are seen as admissions of guilt instead of acceptance of responsibility. If one is taking responsibility for their actions and making amends then that person is deserving of unbiased consideration, that is the Christian spirit in me. I know that not all people are sincere in their attempts to make amends and for those, the courts and others for which this information is deemed necessary, should have look at the complete record. But for all others, the public humiliation of an arrest and the instantaneous dissemination of this information on line should be seen as time served.

Respectfully submitted, Tom Espinosa, Medford.