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Roger Williams University School of Law

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The Indy (College Hill Independent)

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May 18, 2016

Newsroom

Horwitz, Vorenberg on Expungement

Prof. Andrew Horwitz and Director of Pro Bono & Community Partnerships Eliza Vorenberg on how expungement helps those with minor criminal records get a fresh start.

From THE INDY (College Hill Independent): [“The Never-Ending Sentence: Rhode Island's Expungement Problem”](#) by Jack Brook



[...] A series of bills making their arduous way through the Rhode Island General Assembly could, if passed, provide some measure of relief for many Rhode Islanders who want to get their records with multiple charges expunged. One of the most important of these bills, House Bill 7417, would allow people with six or fewer misdemeanors to apply for a motion of expungement ten years after they have finished serving out their last conviction — a massive expansion of the current law, which only applies to those with a single misdemeanor. [...]

The issue of making expungement laws more lenient, particularly with regard to nonviolent misdemeanors, reveals the extent to which certain portions of the population — low-income individuals, people of color, people experiencing homelessness, or those who struggle with substance abuse or mental illnesses — end up with lasting records for often trivial offenses, leading to extensive repercussions for the rest of their lives. [...]



"If I'm an employer and there are three candidates, one with a record, who am I more likely to hire?" says **Andrew Horwitz, director of the criminal defense clinic at Roger Williams Law School**. "If I'm a landlord, and I have an apartment free, who am I more likely to rent it to? That's the daily reality that expungement seeks to address." [...]

If you walk into the arraignment courtroom in Providence's Garrahy Judicial Complex, where a person's charges are read against them, it won't take long before one thing becomes very clear: almost everyone is being charged with driving on a suspended license, or else for not having one in the first place. Both the Public Defender's office and the Attorney General's office, along with other legal professionals, have confirmed that this is one of the principal causes of misdemeanors, especially first-time offenses.

This is essentially a crime of poverty, **says Horwitz**, and one that most often leads to people ending up with permanent and unexpungeable criminal records. People usually get their licenses suspended in the first place on economic grounds, for being unable to pay a speeding ticket or driving-related offense. Later, if they get pulled over by a police officer, they will be arrested for the suspended license—a misdemeanor charge, unless you can pay to have your license reinstated. There isn't even a payment plan for suspended license charges, meaning that if you can't pay your fines straight out, you won't be able to get your license back. Instead, you'll end up with a misdemeanor.

"It's very unfair that we allow people who can get it dismissed to do so [by paying the fine], but a person who can't afford it can't get it dismissed," **Horwitz says**. "If they had the money they wouldn't be convicted. It's driven entirely by the person's ability to pay unpaid fines." [...]



Horwitz says that this initial inability to pay fines often leads to a snowball effect where people end up with misdemeanors and increased fines for small offenses, leading to an extensive criminal record for a minor offense. [...]

Even when people are eligible for some form of expungement, they often remain unaware.

“Low-income people just don’t have sufficient access to information about their rights,” **says Eliza Vorenberg, who runs the McAuley House expungement clinic and is the Director of Pro Bono & Community Partnerships at Roger Williams University School of Law.** “They often don’t know how to access and secure their rights.”