

Officials: Expunge arrest records

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BALTIMORE - Criminal defense attorneys and advocates for the working poor Tuesday endorsed a statewide proposal to automatically expunge records of arrests that don't lead to formal charges — a move some said could slash the number of needless arrests in Baltimore City.

Members of the House of Delegates' judiciary committee heard testimony on a proposal that would entitle anyone arrested or detained then released without charges to expungement if they sign a waiver promising not to file a lawsuit related to the incident.

Del. Keith Haynes, D-Baltimore, unsuccessfully sponsored a similar measure. He said this version would be effective retroactively, as long as the arrestee initiates the process.

In 2005, city police arrested more than 98,800 adults and released 26,870 without charges, according to department statistics. That figure dropped about 29 percent in 2006.

Tuesday, committee member Del. Jill Carter, D-Baltimore, called the statistics “astounding.”

“But a better solution might be to make sure there is a valid arrest before they process and put these people through the system,” she said.

Natalie Finegar, assistant public defender for Baltimore, said many are unaware that the fruitless arrests remains on their record until they apply for a new job that requires a background check. The flawed policy affects not only the city, she said, but any jurisdiction with an automated booking system.

Melissa Chalmers Broome, a policy advocate for the Job Opportunities Task Force, said the bill is “simply about fairness.”

“We're not talking about people who are arrested and later found not guilty,” she told lawmakers. “We're talking about people who have never been charged with a crime and yet are forced to carry this burden of a blemished record.”

One lawmaker asked if the bill could extend to cases when government attorneys decline to prosecute cases. One worried the bill would “open the floodgates” for lawsuits against police officers.

A police union and member of the Montgomery County Police Department testified against the bill, saying it would interfere with detectives' ability to collect information.

“This could impact gang investigations, narcotics investigations,” said Officer J. Cunningham.

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