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## CRIMINAL RECORD EXPUNGEMENT

# UTEC leads way on bill

By Aaron Curtis  
[acurtis@lowellsun.com](mailto:acurtis@lowellsun.com)

**Lowell** » With children of her own to care for and a desire to have a job she would be proud of, Manoushka “Money” Gaston decided years ago to pursue a career as a certified nursing assistant.

The 27-year-old Lowell resident said she worked toward the position and received her nursing assistant certification roughly four years ago. Despite the achievement, she points out she can’t get a job at a nursing home or other health care facility.

This is due to the four misdemeanor charges on her record that Gaston said are from before she was 21.

Gaston, who grew up under the care of the state Department of Children and Families, was in and out of foster homes throughout her youth. The charges she faced include domestic assault and battery — resulting from fights she and a foster sister would have — along with trespassing at the age of 17.

Gaston notes the charges remain on her record even

though she was never convicted of any of the charges, as each were dismissed. Her record left her to pursue



unfulfilling positions and minimum wage jobs.

“We all make mistakes as a child,” Gaston said. “We shouldn’t get a life sentence for them.”

Gaston’s story is an example of why she and other UTEC legislative organizers have fought to update a previously passed law that allows youthful offenders to petition to expunge their criminal records.

The updated expungement legislation is a provision in the bill, “An Act Relative to Justice, Equity and Accountability in Law Enforcement,” which was passed by the House and Senate and is currently on Gov. Charlie Baker’s desk for review.

UTEC organizers — part of the Teens Leading the Way Coalition — were successful in their support of the initial

expungement law, said Susan Le, program manager for the coalition. Le has been with the campaign since it began in 2012 when she was a youth organizer.

After the bill was passed in 2018, it was realized most of the population UTEC serves would not be eligible due to the interpretation of the law as restricting eligibility to those with only one charge before the age of 21. Many also had charges that were among the 15 — including assault and battery — that would not be eligible under any circumstances, even if they had not been convicted.

Le said the expungement provision under the Justice, Equity and Accountability law would allow an individual to be eligible to expunge up to two offenses. It would also clarify that multiple offenses charged as part of the same incident will be considered as a single offense. Previously, multiple offenses within one incident counted as separate offenses.

According to the new legislation, time would need to have passed between the time of the crime and the petition to expunge.

If the offense is a felony, the individual must have completed all parts of their sentence at least seven years prior to petitioning, and three years in the case of a misdemeanor.

“Young people and emerging adults deserve a second chance and because of the advocacy of UTEC and other organization they will now have that opportunity without the stigma of record following them forever,” said retired Judge Jay Blitzman, who served in the Middlesex Division of the Juvenile Court.

Blitzman is a proponent of the legislation, going as far as to testify in favor of it in front of the House Committee on Ways and Means.

In his testimony, he detailed a case of an adolescent who appeared in front of him in Lowell Juvenile Court who had been accused of a misdemeanor. Although his case was dismissed without any finding of delinquency, the fact that he had been arrested meant that he could not join the National Guard.

“ We all deserve second chances,” Blitzman said. “ This is especially true for adolescents who, by definition, mature as they age and may have minimal or not further court involvement. However, many adolescents and emerging adults are haunted forever by the eternal stigma of having been arrested.

A study published in the Harvard Law Review, titled “ Expungement of Criminal Convictions,” suggest there are individual and societal benefits to expungement. The study showed those who have charges expunged experience a spike in their wage and employment trajectories.

“ On average, within one year, wages go up by over 22% versus the pre- expungement trajectory, an effect mostly driven by unemployed people finding jobs and minimally employed people finding steadier or higher- paying work,” according to the study’s abstract.

While pushing for the legislation, organizers at UTEC developed a slogan they pitched to legislators that summarized their mission: “ Erase my sentence, so I can write a novel.”

“ TLTW’s young people have been organizing for more than an update to the current expungement law,” Le said. “ They’re advocating for their futures.”

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