

**THIRTY-SIXTH LEGISLATURE OF THE U.S.
VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY
Chairman: The Honorable Clifford A. Joseph Sr.
Virgin Islands Police Department
St. Croix, USVI
June 5th, 2025**

Good morning to the Chair, The Honorable Clifford A. Joseph Sr., Legislative body and Staff, Members of the VIPD Team, and to the listening and viewing audience. My name is Assistant Commissioner Sean A Santos, Assistant Commissioner of the United States Virgin Islands Police Department. I come before you on behalf of Police Commissioner Mario M. Brooks to provide testimony on **Bill No 36-0057** - An Act amending title 5 Virgin Islands Code, chapter 314, section 3733, subsection (a) to require automatic expungement of the arrest record and complaint or information when the accused has been acquitted. (Sponsored by: Senator Alma Francis Heyliger).

We offer our support for Bill No. 36-0057, which proposes to amend Title 5 of the Virgin Islands Code, Chapter 314, Section 3733(a), to require the automatic expungement of the arrest record and complaint or information when an individual is acquitted of criminal charges.

This bill reflects a long-overdue step toward ensuring fairness in the justice system by protecting the reputational, social, and economic interests of individuals who have been found not guilty by a court of law. However, we recommend that this bill include specific safeguards and stipulations, especially in cases involving prior arrests for felonious violations, to maintain public safety and balance the right to privacy with the interests of law enforcement and the community.

Presumption of Innocence and Restorative Justice

The foundation of our criminal justice system is the presumption of innocence until proven guilty. When a person is acquitted, the legal system has determined that the government failed to meet its burden of proof. Yet, individuals with dismissed charges or acquittals often continue to face collateral consequences, including employment discrimination, housing denial, or social stigma, simply because of the lingering presence of an arrest record.

Automatic expungement affirms the principle that a person should not be punished for a crime they did not commit and supports restorative justice by allowing them to move forward without unnecessary barriers.

National Best Practices and Evolving Legal Standards

A growing number of U.S. jurisdictions including **Pennsylvania, Utah, and California** have enacted “**clean slate**” or automatic expungement laws to ensure people who are acquitted or have charges dismissed are not burdened by arrest records.

According to a 2020 report by the Brennan Center for Justice, such reforms have no measurable negative impact on public safety, and in fact, contribute to greater community reintegration and reduced recidivism.

Administrative Efficiency

Automatic expungement reduces the backlog and inefficiencies in the court and law enforcement systems by eliminating the need for formal petitions, hearings, and attorney involvement in uncontested cases of acquittal.

To ensure that public safety remains paramount, I respectfully propose that the following stipulations be included or clarified in the final version of the bill:

Individuals with prior arrests or convictions for felonious offenses within a defined lookback period (e.g., 5–10 years) should not be eligible for automatic expungement, even if acquitted of the current charge, unless a separate petition is filed and approved by the court.

This ensures that patterns of behavior or serious prior conduct are considered before records are sealed. Expunged records should remain accessible to law enforcement agencies, the Attorney General's Office, and the judiciary for investigative or sentencing purposes, even if no longer publicly visible.

This strikes a balance between individual privacy and the operational needs of criminal justice entities.

Automatic Expungement Limited to Non-Violent Offenses

The bill should specify that automatic expungement applies only to non-violent offenses, and that any acquittals for offenses involving weapons, sexual violence, or

other crimes against persons should be subject to judicial review before expungement is granted.

Conclusion

In conclusion, Bill No. 36-0057 is a vital step toward equity and justice for individuals who have been acquitted and deserve the opportunity to clear their names. With the inclusion of reasonable safeguards—particularly concerning prior felony histories and violent offense exclusions, this legislation can promote both fairness and public safety. I commend Senator Alma Francis Heyliger for her leadership on this matter and respectfully urge the Legislature to pass this bill with the necessary amendments to ensure balanced and effective implementation.

Thank you for your time and attention, we remain on standby.