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District Attorney
Randy J. Flyckt
210 W. Broadway Ave. #100
Ritzville, WA

VIA MAIL & EMAIL

March 5, 2018

RE: Clearing Records of Individuals Convicted of Misdemeanor Marijuana Possession

Dear District Attorney Flyckt,

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") writes to raise concerns regarding the individuals in your state who have outstanding records with convictions for misdemeanor marijuana possession. The Lawyers' Committee is a nonpartisan, nonprofit organization formed in 1963 at the request of President Kennedy to involve the private bar in providing legal services to address racial discrimination. Through its Criminal Justice Project, the Lawyers' Committee seeks to end mass incarceration and make the ideal of "equal justice under law" a reality for marginalized communities that are disproportionately minority and poor.

Because many Washington residents will remain unaware of the law or be intimidated by the prospect of obtaining legal counsel to shepherd their petitions through the courts, few of those eligible for expungement or reductions will receive relief from their convictions. We urge you to consider the collateral consequences and societal barriers faced by those with convictions for marijuana offenses that are no longer criminalized or illegal.

Marijuana arrests account for half of all drug arrests nationwide. Of the 8.2 million individuals who were arrested for marijuana between 2001 and 2010 in the United States, 88% of those individuals were arrested for possession. This has disproportionately impacted black Americans who are 3 times more likely than white Americans to be arrested for marijuana. These numbers illustrate the inequality that continues to negatively impact our communities.



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We may not be able to erase all of the damage that the war on drugs has unleashed on marginalized communities. But it is critical that you give all individuals with misdemeanor marijuana possessions convictions the chance to start anew and begin to take care of their families. Some jurisdictions have started to lead the charge in clearing these convictions.

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Seattle City Attorney Pete Holmes announced that he will ask the Seattle Municipal Court to vacate all convictions and dismiss marijuana possessions prosecuted before legalization began statewide in 2012. The City Attorney also plans to set up a website where people can determine whether their convictions had been cleared. Seattle's move follows an announcement by San Francisco District Attorney George Gascón, who said he would dismiss 3,038 misdemeanor marijuana charges and would consider reducing 4,900 felony marijuana charges. But Seattle and San Francisco do not have to be the last jurisdictions to dismiss their misdemeanor marijuana convictions.

Expungements are the right thing to do. Since states have started legalizing marijuana, those with criminal justice records for misdemeanor marijuana convictions have watched while others have become wealthy from the business of selling marijuana. While the wealthy and the resourceful benefit from a booming marijuana market, misdemeanor marijuana convictions continue to burden individuals seeking housing, credit, an education, or a job.

By taking the proactive approach of District Attorneys in San Francisco, San Diego, and Seattle, you can help to repair some of the damage caused by the failed war on drugs. We request that you move to vacate all misdemeanor convictions for marijuana possession and work to ensure that these convictions are cleared. Expungements will allow people to regain their footing in society without obstacles as they apply for lawful employment, seek housing, and attempt to provide for their families and communities. If you have any questions, please contact Myesha Braden, Director, Criminal Justice Project. (mbraden@lawyerscommittee.org).

Sincerely,

A handwritten signature in blue ink that reads "Kristen Clarke".

Kristen Clarke
President & Executive Director
Lawyers' Committee for Civil Rights Under Law