

PUBLIC ACCESS TO CONVICTION DATA: ACCOUNTABILITY AND THE ECONOMIC DEATH SENTENCE

In my neighborhood selling drugs is the junior achievement program. Oh, sure, we produce lots of scholars, athletes, all the other successful types. But for many of those who start out "underprivileged" (read "ripped off from the day of birth - lousy home, lousy parents, no one who cared and no money") for those underprivileged the black market is where it's at. The money's not bad and there's no need for training, experience, a resume' or even references. There's no background check so folks who are employed in the black market aren't too concerned when they find out that their criminal conviction records are now available to anyone who has access to the internet.

For the rest of us, however, there's reason to be concerned about this ease of access to the history of our follies. That's right - it's as simple as that. Your criminal history is now on the internet, much of it for free, the rest for about \$12.95. So if you're an "ex-con" there's no way to hide it, not even a tiny little misdemeanor conviction that carried a suspended or deferred sentence. Not even an expunged or vacated sentence. Although most states have provisions to expunge or vacate convictions and restore most rights, the trail of conviction can only rarely be buried beyond the reach of a fairly inexpensive internet search.

Non conviction data such as arrest records is available only to law enforcement, but may be found by others with some digging. It's probably not available to employers without a bit of stretching of the rules. But it's out there, and stretching of the rules is not all that uncommon.

Worse yet, if you have been convicted of a felony in the last few years there's a great new way to track you: DNA. Most felons, including those convicted of felony marijuana possession, are now required to submit DNA samples for the national data base. Now mind you gentle readers, DNA sampling is not nearly as uncivilized as tattooing, the identification system chosen by the last country to hold the title of the World's Leading Jailer. For DNA they just take a swab of your saliva. No visible marks.

This is bad news in an era where "accountability" has become a catch word and a decent paying job is not a right but a privilege. Problem is, it's just the poor folks who

get to be held accountable. For them, a drug conviction can be an economic death sentence. And now it sticks like a tattoo from Dachau.

"But this is America, a land neither founded nor freed by the well-behaved. And besides, forgiveness is divine," you may be moved to complain. Did you miss out on "Zero Tolerance?" A misdemeanor may be survivable, though the Canadians won't let you in their country if you have one. But a felon finds no forgiveness in today's job market. If you can't tolerate a job with no promise and you can't work for yourself, it's best to avoid all felonious conduct. It's as simple as that. There's more at stake than you realize.