

ALAMEDA COUNTY PROBATION DEPARTMENT

JOINT RE-ENTRY OPEN TABLE MEETING

March 13, 2013

Probation Center, 400 Broadway, Oakland (Room 430)

MEETING NOTES

Introductions

Special Presentation – East Bay Community Law Center

- Eliza Hersh, an attorney with East Bay Community Law Center (EBCLC), showed a PowerPoint presentation on the Re-Entry Population in Alameda County and EBCLC's Clean Slate Program.
 - One in four people living in California have a criminal record. After they are convicted, they lose financial and employment opportunities, resulting in decreased access to housing, family disruption, increased exposure to the criminal justice system, decreased civic engagement and harm to their dignity. Clean Slate helps approximately 1,200 people each year by providing free legal help to eligible individuals seeking to clean up their criminal records.
 - Clients cannot have pending charges, cannot be on parole, must have completed at least half of their probation term. They must also have a copy of their RAP sheet and not owe any fines, fees or restitution.
 - EBCLC offers two free clinics staffed by lawyers:

Tuesdays, 10 AM – 1 PM Alameda County Law Library 125 12 th Street Oakland, CA 94607	Mondays, 10 AM – 1 PM Eden Area One-Stop Career Center 24100 Amador St., 3 rd Floor Hayward, CA 94544
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 - Research shows that employment opportunities for people with criminal records reduces their likelihood of recidivism. Having a criminal record doesn't necessarily predict future criminality. Research shows that someone who committed an offense 6 or 7 years ago is no more likely to reoffend in the future.
 - Ms. Hersh will forward a copy of the East Bay Community Law Center's flyer and PowerPoint to Teresa LaSalle for distribution. For additional information on Clean Slate, go to their website at: <http://www.ebclc.org/cleanSlate.php>
 - Ms. Hersh talked about the definition of reentry, the different levels of population and by chronology. This population is made up of those with misdemeanors, diversion, investigations or arrests or detention only, deferred entry of judgment, DUI's, convictions but no incarceration and convictions followed by jail. People with arrests only, face life-long barriers to employment. Although there are protections against denying jobs based on arrests, it is still a barrier.

Discussion regarding Re-Entry Population

- The reentry population faces the same barriers as those formerly incarcerated. Their first point of contact is with law enforcement. They can be incarcerated or not incarcerated. They will have long probation tails without any services that keeps them from getting jobs.
- Reentry means those getting out of jail today or tomorrow. Without coordination, we will have bad policies in place. We need coordination to create services and support. We need intervention to help pay for licenses and certifications. This table can play a valuable role in creating this system.
- Ms. Hersh's goal at this table is to adopt a reentry plan that is good for the entire reentry population.
- Per Ms. Hersh, there is no true expungement. If they are sentenced to prison, they can apply for a certificate of rehabilitation which becomes an automatic application for a Governor's pardon. For clients that don't go to prison, the only remedy is expungement. It's not a true expungement because it remains on your record under PC 1203.4 as a post-conviction dismissal. It does provide some protection for employment and housing. There are no remedies for those sentenced under 1170H. Under AB 651, this bill will make sure there is a remedy for people sentenced under realignment.
- There are less than 50 people who received split local prison sentences in Alameda County. There's no Clean Slate remedy for these people. There are some remedies to clean up their record; however, the remedies are imperfect. They will need assistance from a lawyer.
- There are very few circumstances when a juvenile record can be reported to employers. If someone has a conviction and they didn't go to prison, Clean Slate can petition for a 1203.4 dismissal or expungement, or help them reduce their felonies to a misdemeanor. Clean Slate will help terminate probation, reduce felonies to misdemeanors, get their convictions dismissed, and remove arrests off their record. Once all their convictions are dismissed, they can legally check the box and say "No" they have never had a conviction. Employers pay investigators to run the background checks and run to the court records to check for criminal records. In California, we have ICRA, Investigative Consumer Reporting Act. It relates to the Fair Credit Record Law preventing criminal background checks from reporting incorrect offenses. Clean Slate goes after companies that post incorrect histories. They also go after all unlawful discriminations.
- Under Penal Code 851.8, you can remove an arrest from your record, but only upon showing factual innocence. Unless that arrest is posing a barrier to employment, this is not a remedy for most people.
- Senator Hancock's office is working on SB 283 which will remove felony barriers to CalWorks and CalFresh.
- Senator Skinner's office is working on a bill that will require automatic Medicaid enrollment for people released from jail including those under realignment.
- Terri Waller mentioned, if the table is interested in the legislative policy issues, she would be happy to provide that information.

- What protection does a Certificate of Rehabilitation provide? It's a remedy for people who have been sentenced to prison. It still does not get people jobs and it stays on their record. You can't say "No" on criminal arrests. It does give an automatic application for a Governor's pardon and it may relieve you from having to register as a sex offender. It's mainly for misdemeanors.
- As of January 1, 2013, individuals have a right to have their SARATSO score posted on the internet under Megan's Law. California has the biggest population of sex offender registrants.
- Ms. Hersh gave an example of an interpretation made by a teacher which led to a high school student being arrested, tried and sentenced, and required to register as a sex offender.
- We have laws that turn into policies that administrators interpret. We should discuss how administrative protocols should change. Incidents like this should never have gotten into the system. We should be looking at administrative protocols that need to be reviewed and changed.
- According to Karen Meredith, there is huge discretion among all the parties involved. When the police do an investigation and send it to the District Attorney's (DA) office for review, it's up to the DA to decide whether a crime was committed and if the person under arrest committed the crime. Normally, reports are not sent to the DA when charges are not credible.
- Per Luther Jessie Jr., when we talk about reentry and charges being filed erroneously, if people are law abiding citizens, they should not be denied financial considerations. Luther has had a petition of rehabilitation sitting on the Governor's desk for 12 years and he's been a productive citizen for 25 years. Until we change our laws, if you've been in prison and you get out, you will be deprived of opportunities forever. We need to talk about the impediments.

Strategic Plan Update

- Per Terri Waller, this table needs a unified vision of what this group is about. We need to go back and create the Mission Statement that is both similar and different than the original version and come to an agreement on a common shared vision and plan.
- Per Marisel Brown, we also need to consider developing a process on what the group will do and bring in an outside group to help chart our course. There's a need to be clear on how decisions get made and it needs to be transparent. We all know what direction we're heading; we just need a facilitator to lead the group.
- Ms. Waller agreed. We need to figure out our process and engage all of the voices, including those most affected by our decisions, to speak up and advocate for them. Policy makers should also have a voice. We need to help inform the reentry population and have the ability to make decisions on spending. We need to link the plan with realignment as a subset and make it fit together. Ms. Waller also agreed this group needs a facilitator.
- Options is working with 7 clients who aren't eligible for any services because they are part of the 3 strikers. They are not on parole or probation. They are over 60 years old; one is in his 70s. They were told about Options while they were in San Quentin. Any plan we come up with should include these people so that they can receive services.

- Per Ms. Hersh, these people are no different than the greater reentry population. There is another practice at Clean Slate that may be able to help them enroll in insurance programs and general assistance.
- This table can work on Ban the Box. Employers can inquire and do background checks, as necessary for public safety, but later in the process so they're not using their criminal history to screen people out. That's the law in Alameda County and the City of Oakland. Ms. Hersh described a case where a client was denied a job with the county because he had a felony. Ms. Hersh recommended this table come up with policies that can change and evaluate the hiring decisions in our county and ensure compliance and best practices for all county agencies.
- Tony Crear said the idea was to have as many people involved as possible, including department heads, to be advocates and have the Strategic Plan adopted by the County. We need the key people in the County who make decisions about money to look at reentry at a whole. The idea is to let people know what's existing and where the gaps are. It was always about inclusion and expanding advocacy at every level and building a large group of advocacy around the County.
- The intent of Eliza's presentation, per Ted Baraan, was to broaden our perspective on who we are talking about in realignment. There are 41,000 people currently on court probation in Alameda County and 13,000 on felony probation. What can we do collectively to have the most impact on the community?
- In past conversations, we've discussed whether Probation should take on the role of facilitator. If we don't get a facilitator, per Charles Eddy, we will continue to have this conversation. The next meeting is April 10th, Mr. Eddy suggested the people at this table take turns facilitating the meetings to move us ahead, in an interim basis, until a permanent position can be brought in.
- Per Marcus Dawal, Deputy Chief John Keene did say that we should continue to provide the site and look at a different body to drive the group. It was important that Probation and county agencies continue to participate, but it would be more productive to be led by a different entity. Probation plays a big role in reentry, but we should not be the driving force behind it. We are all busy, but we all need to take a look at the plan and determine the direction this group will go as far as having a different party as facilitator.
- Neola Crosby's role is not a Reentry Coordinator. She is Probation's Realignment Coordinator. At the moment, there's no money for a reentry coordinator, but we should still move forward with finalizing the plan.
- We did not get this plan adopted by the Board. We had buy in from different agencies, but we didn't take it to the board. There was never complete ownership. We also never hired a reentry coordinator to implement the plan. Per Ms. Waller, we have to do this to make this work.
- Michael Shaw affirmed we need an outside facilitator that will cost money. Public Health created a reentry plan, worked with a foundation and brought in \$100K to make it work. We collaborated with the community to get their voices heard. Foundation money is not always

sustainable over time. This county has to make an investment in this process and it needs to be facilitated outside of this group. Leadership needs to come together and decide to fund it.

- Barbara Bernstein recommended that the next meeting be devoted to discussing the plan and have a facilitator to do that meeting. It will give time for people to read the plan and bring their ideas. Without a plan we can't move forward.
- Ms. Waller also suggested engaging the people in your own agencies and bring their voices back to the next meeting.
- Ted Baraan seconded the motion to devote the entire meeting on April 10th to revising the Strategic Plan. The motion was unanimous. He asked those who are interested in facilitating that meeting to send an email to Teresa LaSalle.
- Terry Waller suggested that we look at the 3 strikers for the next meeting. It was not law at the time the Strategic Plan was written. We need to look at employment practices and see what has and hasn't changed.

**The next One Table Joint Re-Entry Meeting is scheduled at 10 AM
April 10, 2013 at the Probation Center, Room 430**