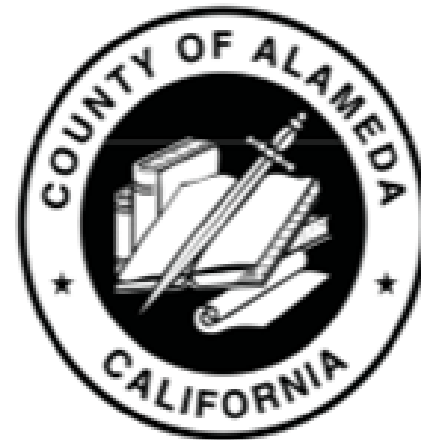




# Prop 47 in Alameda County

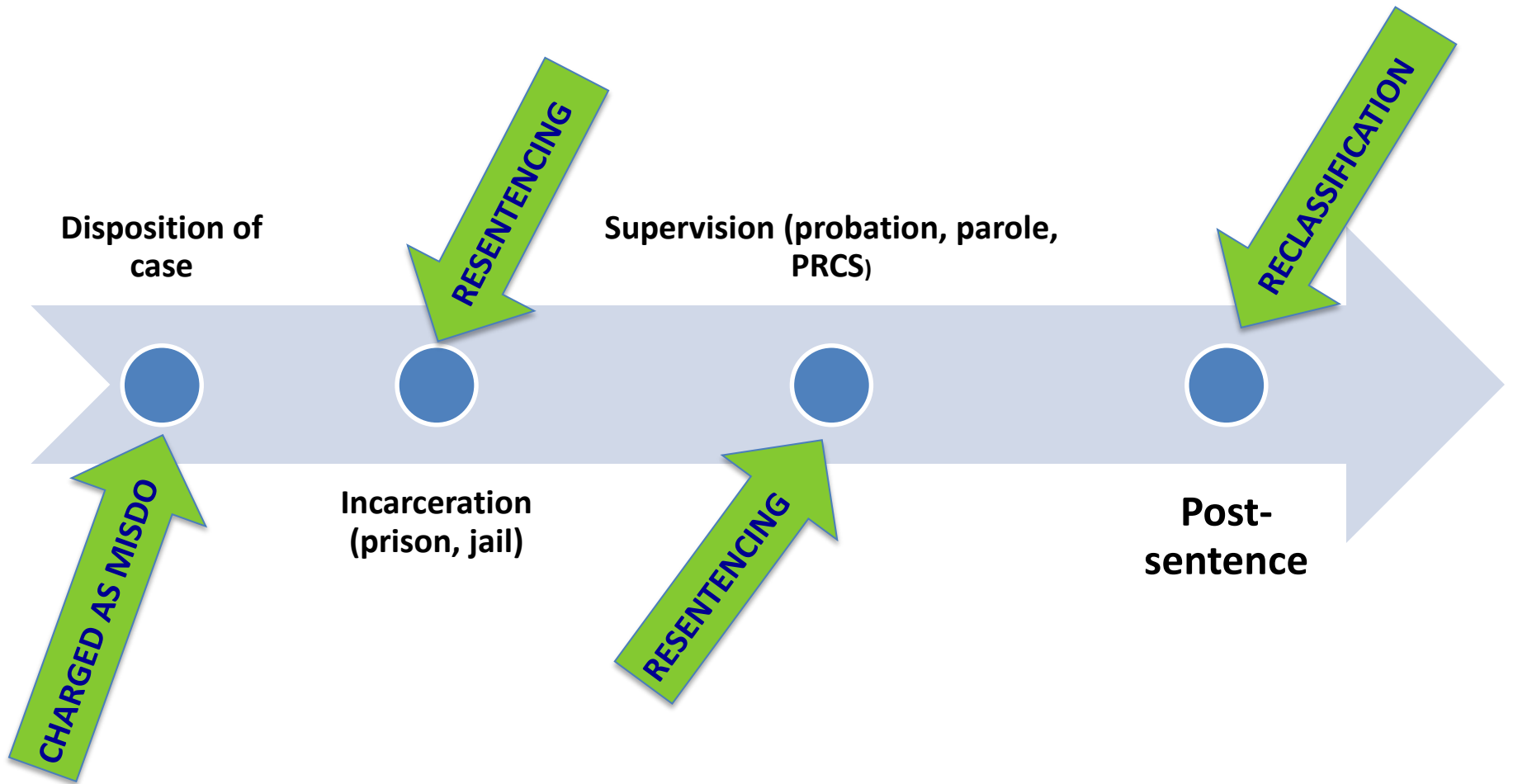




# Proposition 47

- Initiative effective **November 2014**
- Turns some **felonies into misdemeanors**
- **Not all felonies:** Only a handful of lowest-level
  - Simple drug possession
  - Petty theft under \$ 950
  - Shoplifting under \$ 950
  - Forging or writing a bad check under \$ 950
  - Receipt of stolen property under \$ 950
- **Not all people:** Some serious convictions on a record = ineligibility for relief
- **Not the same impact** on all counties
  - Bigger change in counties that were sending people to prison for these felonies
  - Alameda wasn't

# How & When Prop 47 Applies



Prop 47 savings go to counties for schools, victims of crime, and mental health treatment and drug treatment



# Proposition 47

- **Not automatic** – must petition for relief
  - either RESENTENCING or RECLASSIFICATION
- People currently under sentence (prison, probation, parole)
  - Petition for resentencing **TOP PRIORITY**
- People **finished with sentence**: Application for reclassification

# Prop 47 vs. Felony Reduction

- Prop 47 limits gun rights – may not be best remedy for all
  - Traditional Penal Code section 17(b) is ideal for non-prison cases
  - Important for folks with guard cards
- Health & Safety Code section 11350(a) = crack cocaine = only non-wobbler = **Top Priority for Prop 47**

# Prison vs. Jail vs. Local Prison

## Prison

- STATE FACILITY
- For felonies (when offense or person is ineligible for Realignment)
- AKA San Quentin, Reception Center, Chowchilla, Pelican Bay, etc., the pen
- UPON RELEASE: PAROLE
- UPON VIOLATION: PRCS
- Clean Slate Remedies:
  - Certificate of Rehabilitation/Pardon, Prop 47 + 1203.4a

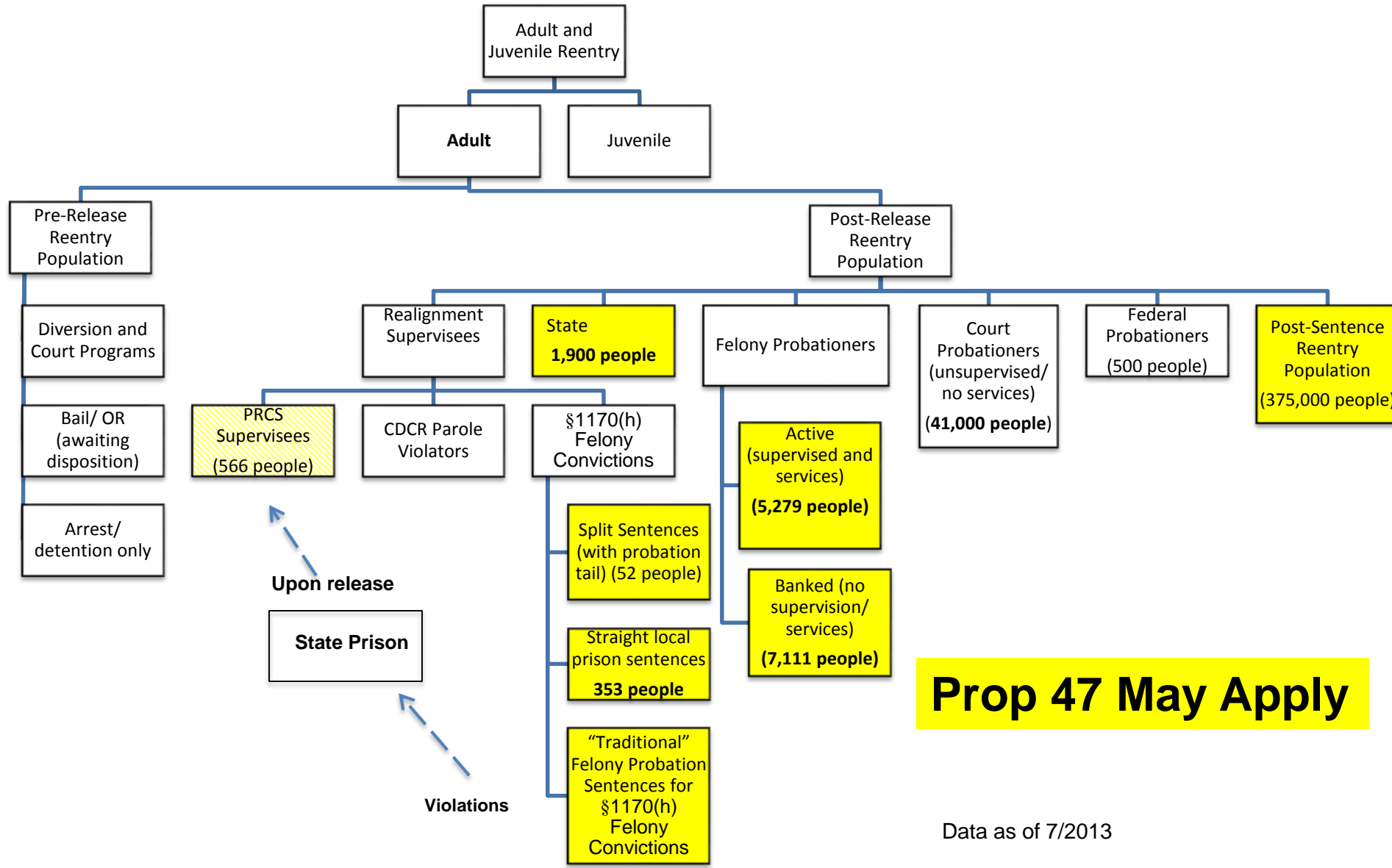
## Jail

- COUNTY FACILITY
- For felonies or misdemeanors
- AKA Santa Rita, North County, Glenn Dwyer, Lock Up, city jails, drunk tank
- UPON RELEASE: TRADITIONAL PROBATION
  - *Felony probation, formal probation, court probation, supervised probation, unsupervised probation*
- UPON VIOLATION: Prison or PRCS
- Clean Slate Remedies:
  - PC §§ 1203.3, (early termination of probation), 1203.4, 1203.4a (“expungement”), 17(b) (felony reduction), Prop 47

## Local Prison

- COUNTY FACILITY **(Realignment)**
- For certain low-level felonies
- AKA Santa Rita
- Realignment Population
- PRCS
- PC section 1170(h) sentences
  - (1) Straight
  - (2) Split (with a tail)
- UPON RELEASE & VIOLATION: PRCS
- Clean Slate Remedies
  - PC § 1203.41, Prop 47

# Alameda County Reentry Population



**Prop 47 May Apply**

Data as of 7/2013



# PROP 47

## Numbers in Alameda County

- Local Prison / State Prison
  - Released to date: 102
- County Jail
  - Motions filed: 300 +
- Probationers
  - Approximately 5,500
- Post-Sentence
  - ????? **OUTREACH NEEDED**

# Proposition 47 & Collateral Consequences

- Can reduce felony **court fines and fees**
- **For Immigrants:** Big potential impact with new Penal Code section 18.5
  - Misdos are now 364 days
  - Deferred Action for Parental Accountability (DAPA) and Deferred Action for Childhood Arrivals (DACA) are barred to immigrants with a felony conviction
  - Prop 47 reclassification could = temporary relief from removal
- Prop 47 should be applied to juvenile cases, prospectively & retroactively

# Barriers to Employment & Prop 47



- Big impact on employment? Only when implemented with other clean slate remedies
- 75% of employers conduct background screenings
  - Background checks report FELONIES AND MISDEMEANORS → job denials
  - 1203.4/1203.41/1203.4a allow (some) job applicants to check the “no convictions” box on (some) job applications
- 51.6% error rate on background checks
  - Question re accurate reporting of Prop 47 relief
  - Job applicants should always request copies of their background checks, private or public

We Only Have 3 Years  
**BUT WE HAVE 3 YEARS**



# Prop 47 & Civil Engagement

- Jury Service
- Voting Rights

**ENFRANCHISE!**



# Issue Spotting For Legal Services

- Have you ever sustained a **conviction**?
- Have you been **denied a job or license** because of a criminal record?
- Are you looking to **start a new certification or education program** and have had contact with the criminal justice system?
- Do you have **DMV issues**?
- Do you have **court-related debt**?

# Advice for ALL

- Always request a copy of every background check that is run on you, private or public employers
- Report job postings you see that rule out anyone with any criminal conviction
- Report job postings that require applicant to submit a DMV driving record
- Don't assume your criminal record will be a barrier to your career goals BUT
- Don't start a new career path without talking to a lawyer

# Alameda County Clean Slate Clinic

A partnership of the East Bay Community Law Center  
and Alameda County Public Defender's Office



EAST BAY  
COMMUNITY  
LAW CENTER

For more  
information  
contact:

EBCLC  
(510) 548-4040  
or visit website  
at  
[www.ebclc.org](http://www.ebclc.org)

Joint walk-in clinics with the  
Public Defender and EBCLC

**Wednesdays** 2-4pm in **Hayward**  
Hayward Public Defender's Office  
24085 Amador St. 2<sup>nd</sup> Floor,  
Hayward

**Thursdays** 9-11am in **Oakland**  
Oakland Public Defender's Office  
545 4<sup>th</sup> St., Oakland



For more  
information  
contact:

Public Defender  
Office  
(510) 272-6600  
or visit website  
at  
[www.acgov.org/  
defender](http://www.acgov.org/defender)



# THANK YOU

Lindsay Horstman

Assistant Public Defender

Clean Slate Program

[Lindsay.Horstman@acgov.org](mailto:Lindsay.Horstman@acgov.org)

Eliza Hersh

EBCLC

Clean Slate Practice

[ehersh@ebclc.org](mailto:ehersh@ebclc.org)

Jody Nunez

Senior Assistant Public Defender

Prop 47

[Jody.Nunez@acgov.org](mailto:Jody.Nunez@acgov.org)