



A Project of Legal Services  
For Prisoners with Children

# **East Palo Alto Peace & Justice Community Summit**

## **POLICY RECOMMENDATIONS & BRIEFING PACKET**

## END DISCRIMINATION AGAINST PEOPLE WITH CRIMINAL RECORDS

### ➤ **Adopt a Resolution opposing discrimination in public employment, benefits, and housing services against people with juvenile or adult criminal records.**

The constant discrimination faced by formerly-incarcerated people when seeking employment, public benefits and housing actually increases the likelihood of recidivism. Because most convictions are for non-violent drug offenses increased incarceration simply tears our communities apart rather than making them safer. We believe true public safety happens only when everyone in our community has access to jobs, housing, health care, public services, custody of our children, voting rights – and other civil rights now denied people with felony convictions or a prison record.

We believe all City, County, and State laws should specifically prohibit discrimination based on felony convictions. Discrimination against people with felonies and former prisoners acts as a barrier to the economic and social recovery of our communities. It is well documented that Black and Latino communities have been disproportionately impacted by mass incarceration, which results in discrimination based on a prison record.<sup>1</sup> The California Fair Employment and Housing Act provides protection from discrimination based on race, color, national origin, and ancestry, but does not protect people with felony convictions.<sup>2</sup> The absence of protections for formerly-incarcerated people allows many employers, landlords and public agencies to practice racial discrimination by using a person's criminal record as a way to deny them access to jobs, housing and public benefits. By specifically prohibiting discrimination against formerly incarcerated people the state can effectively close the legal loophole that has allowed numerous agencies to practice institutional racism by excluding people with felonies or arrest records from eligibility for their services or employment. Safe communities can flourish by enforcing and strengthening existing laws that bar discrimination against formerly-incarcerated people of all races.

Draconian mandatory minimum sentences and expanded numbers of crimes considered felonies have resulted in over 13 million people experiencing life-long discrimination because of their past criminal record. A specific legal prohibition against discrimination is necessary and possible as a civil rights protection. The California Supreme Court has specified two factors in determining whether a group of people should receive such protections from the court. When determining if a specific group of people is eligible for civil rights protections, the Court considers whether a person suffers due to (1) immutable traits tied to outdated social stereotypes and (2) the stigma of inferiority and second-class citizenship. A felony conviction is essentially "immutable" because even with the option of a rarely-granted pardon from the Governor, the criminal record always remains.<sup>3</sup> A whole class of Californians has been "relegated to an inferior legal status without regard to the capabilities or characteristics of its individual members."<sup>4</sup> Current laws allow nearly unlimited access to criminal records, which results in blanket denials of access to public services, licenses and employment.

Prior to the 2004 election, Service League voter registration volunteers were not allowed to register people convicted of felonies who were serving time in the San Mateo County Jail. Due to the efforts of All of Us or None, statewide policy has been clarified through the Office of the Secretary of State: all persons serving time in County Jail facilities in California are legally eligible to register to vote and to vote by absentee ballot as long as they are not on parole.

For our communities to be safer, all types of discrimination must stop.

- **In San Mateo County, African American youth (10 to 17 year olds) make up 5 percent of the total youth population but account for 13 percent of all youth arrests and 18 percent of all young prisoners in County facilities.<sup>5</sup>**
- **The Three Strikes incarceration rate for African Americans is almost 28 times higher than for whites in San Mateo County—the greatest disparity of any of California’s large counties.<sup>6</sup>**
- **San Mateo County Sheriff statistics show that the incarceration rate of African-Americans and Latinos is disproportionate to their percentage in the total county population.<sup>7</sup>**

Ethnic Background	Percent of County population	Percent of County inmates (men)	Percent of County inmates (women)
African-American	3.70%	22.5%	24.1%
Latino	16.84%	35.5%	22.5%
Asian-Pacific Islander & Native American	22.96%	13.9%	19.1%
White	45.79%	26.8%	34.1%

- **Nationally, 12 percent of African-American men, 4 percent of Latino men and 1.6 percent of white men in their twenties are in prison or jail.<sup>8</sup>**
- **Over half of all inmates in San Francisco County are African American. African Americans make up roughly 7 percent of the population of San Francisco.<sup>9</sup>**
- **The Equal Employment Opportunity Commission has determined that employers may not inquire into an applicant’s history of criminal arrests as a determining factor in hiring decisions because using such information may have a disproportionate impact on minorities and violates Title VII of the Civil Rights Act of 1964.<sup>10</sup>**
- **Prior to the 2004 election, voter registration volunteers were not allowed to register people serving time in the San Mateo County Jail if they had been convicted of a felony. Due to the efforts of All of Us or None, statewide policy has been clarified through the Office of the Secretary of State: all persons serving time in County Jail facilities in California are legally eligible to register to vote and to vote by absentee ballot as long as they are not on parole.<sup>11</sup>**

<sup>1</sup> U.S. incarceration rates by race, June 30, 2002: Whites: 353 per 100,000; Latinos: 895 per 100,000; Blacks: 2,470 per 100,000

<sup>2</sup> Cal. Govt. Code §12921 (a).

<sup>3</sup> See *Hetherington v. California State Personnel Board*, 82 Cal.App.3d 582, 604 (1978).

<sup>4</sup> See *Sail’er Inn, Inc v. Kirby.*, 5 Cal.3d 1, 18 (19??).

<sup>5</sup> Monique W. Morris, “An Assessment of Disproportionate Minority Confinement in San Mateo County,” *National Council on Crime and Delinquency*, December 2003.

<sup>6</sup> Justice Policy Institute, “3 Strikes locks up Blacks at 13 times the rate of whites,” <http://www.justicepolicy.org/article.php?id=456>, October 2004

<sup>7</sup> San Mateo County Sheriff’s Department, Race Snapshot, November 5, 2004; U.S. Census by Counties, [www.census.gov/statab/www/county.html](http://www.census.gov/statab/www/county.html)

<sup>8</sup> Amy E.Hirsch in *Every Door Closed: Barriers Facing Parents With Criminal Records* by Amy E. Hirsch, Sharon M. Dietrich, Rue Landau, Peter D. Schneider, Irv Ackelsberg, Judith Bernstein-Baker, and Joseph Hohenstein. Jointly published by the Center for Law and Social Policy and Community Legal Services, Inc. of Philadelphia.

<sup>9</sup> Adam Van de Water, *Criminal Justice Offender Profile*. Office of the Legislative Analyst April 2003

<sup>10</sup> EEOC Policy Statement N-915.061. 11B3 September 1990.

<sup>11</sup> Correspondence from Secretary of State Kevin Shelley to Dorsey Nunn and Cassie Pierson, November 5, 2004.

## REJECT THE LIFETIME WELFARE AND FOODSTAMPS BAN

- **Adopt a Resolution that California should comprehensively reject the lifetime welfare and foodstamps ban. State legislators should sponsor comprehensive bills opting out of the welfare and foodstamps ban.**

For the past seven years, California has imposed a life-long ban from receiving welfare or foodstamps on people who were convicted of a drug felony after August 22, 1996.<sup>1</sup> As a result of this policy, thousands of people in need in California who have applied for welfare and foodstamps have been denied. Although San Mateo County could not provide information about welfare and foodstamp denials due to drug felony convictions, Bay Area counties that do track the information show that over 50 percent of people denied benefits due to felony convictions are African American.<sup>2</sup>

The lifetime ban on welfare and food stamps for people convicted of a drug felony harms our community. Former prisoners need support to make the transition from prison. Denying people public benefits like TANF encourages recidivism, breaks up families, and perpetuates a discriminatory system of imprisoning the poor, who are disproportionately people of color. California also loses out economically – the California Legislative Analyst's Office estimated that \$25 million in federal food stamps is lost to California residents each year due to the ban.<sup>3</sup> This is money that would be spent directly in our communities and contribute to the economic development of our neighborhoods.

With the signing of California Assembly Bill 1796 (sponsored by Mark Leno) in October 1996, California joins 31 other states and the District of Columbia that have modified or totally rejected the lifetime welfare and foodstamps ban. As of January 2005, California law will allow people with a conviction for simple possession of drugs to receive foodstamps if they have completed a drug program. This change will allow more people to start receiving foodstamps, but we believe the change doesn't go far enough:

1. Making completion of a drug treatment program a requirement is unfair and unrealistic because there are not enough openings in drug programs.
2. Allowing only people convicted of simple possession to receive foodstamps is unfair because people possessing small amounts of drugs are often arbitrarily charged with additional crimes.
3. People with drug felonies should also be eligible to receive Temporary Aid to Needy Families (TANF), as a means to re-unify families after a prisoner is released back into the community.

Even California's partial implementation of the welfare ban is harmful and unnecessary. The 1996 federal welfare act allows states to opt out of the ban. We urge the California legislature to eliminate discrimination against people with drug felonies by restoring their eligibility for cash assistance and foodstamps.

- **From 1996-1999, 37,825 California women became ineligible for TANF and foodstamps for the rest of their lives due to the welfare ban.<sup>4</sup>**
- **24,100 California adults would become eligible for food stamps if the state completely opted out of the ban, including 16,300 parents with children:**

	Single Adult	Adult with Children	Total
Food Stamps	7,500	15,700	23,200
Food Assistance program*	300	600	900
<b>Total</b>	<b>7,800</b>	<b>16,300</b>	<b>24,100</b>

Source: California Legislative Analyst's Office, April 2004, report prepared for Assemblymember Bill Maze. \* Food assistance program serves immigrants excluded from federal aid.

- **Women of color and their families in California are disproportionately impacted by the welfare and food stamps ban due to racially biased drug policies and drug law enforcement.<sup>5</sup>**

	% of Female Prison Sentences for Drugs			% of State Population		
	African American	Latina	Total	African American	Latina	Total
<b>California</b>	29%	25%	54%	7%	31%	38%

From Marc Mauer, Cathy Potler, and Richard Wolf, *Gender and Justice: Women, Drugs, and Sentencing Policy*, The Sentencing Project, 1999, p. 22.

- **Nationally, 30 percent of women in prison were receiving welfare in the month prior to their arrest, and are likely to require public assistance after their release.<sup>6</sup>**
- **Now only 16 states are fully implementing the federal lifetime ban on welfare and foodstamps: Alabama, Alaska, Arizona, Georgia, Indiana, Kansas, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Dakota, Texas, Virginia, West Virginia, Wyoming.<sup>7</sup> California has modified its ban since adoption of AB1796 in 2004.**

<sup>1</sup> "State Implementation of Lifetime Welfare Ban," The Sentencing Project, updated February 2004. <http://www.sentencingproject.org/pdfs/9088smy.pdf>

<sup>2</sup> In San Francisco, 59 percent of people denied welfare due to drug felonies are African American (San Francisco Human Services Agency data, 1998 to September 2004). In Alameda County, 77.8 percent of people denied food stamps due to drug felonies are African American (source: Office of Data Management, Alameda County Social Services Agency, 1998 to present).

<sup>3</sup> Legislative Analyst's Office estimate, 2004.

<sup>4</sup> Patricia Allard, *Life Sentences: Denying Welfare Benefits to Women Convicted of Drug Offenses*, The Sentencing Project, 2002, p. 5.

<sup>5</sup> Allard, p. 2.

<sup>6</sup> Allard, p. 8.

<sup>7</sup> "State Implementation of Lifetime Welfare Ban," The Sentencing Project, 2004.

## IMPLEMENT THE BILL OF RIGHTS FOR CHILDREN OF INCARCERATED PARENTS

- **Develop arrest protocols for law enforcement and regulations for city, county, and state detention centers and prisons that recognize these rights. Pay qualified family members to care for children of incarcerated parents.**

**The Bill of Rights for Children of Incarcerated Parents** was prepared by a partnership of San Francisco groups, led by young people who have incarcerated parents. The Center for Young Women's Development and other youth organizations have demanded that City, County, and State government agencies adopt and implement these demands:

- I have the right to be kept safe and informed at the time of my parent's arrest.
- I have the right to be heard when decisions are made about me.
- I have the right to be considered when decisions are made about my parent.
- I have the right to be well cared for in my parent's absence.
- I have the right to speak with, see and touch my parent.
- I have the right to support as I struggle with my parent's incarceration.
- I have the right not to be judged, blamed or labeled because of my parent's incarceration.
- I have the right to a lifelong relationship with my parent.

We are asking City and County governments to implement this Bill of Rights fully, starting with the development of arrest protocols for law enforcement and regulations for city, county, and state detention centers and prisons that recognize these rights. There are many additional suggestions for next steps included in **The Bill of Rights for Children of Incarcerated Parents**, including:

1. Rely on the arrested parent as the first-source of information about the number of minor children in their care and the presence of possible caretakers for those children in the community. Efforts should be made to avoid leaving children alone and to involving the child welfare system unnecessarily.
2. Allow minor children to voice their concerns during the court proceedings for their parent. Allowing youth to comment on the effects of their parent's incarceration will educate the court's officers and alleviate the sense of isolation experienced by many youth. By considering the impact that sentencing a parent has on their family, the court can protect children from "doing time" for a parent's crime.
3. Subsidize guardianship instead of foster care. If more services and financial support were offered to friends and family members of prisoners with children, it would be more feasible for them to take on the role of guardian. Under guardianship agreements, a guardian acquires many of the legal rights and responsibilities of a parent, but biological parents do not permanently lose their rights and the opportunity to reunite with their children upon release.
4. Provide access to therapists, counselors and mentors who are trained to address the unique needs of children of incarcerated parents. The additional anxiety created by a parent's incarceration can result in mistrust of authority, low performance in institutional settings and difficulty in forming trusting relationships. Healthy communities require addressing the needs of at-risk youth.

- **About 1.5 million children have parents who are currently incarcerated.<sup>1</sup>**
- **Each year approximately 400,000 mothers and fathers finish serving prison or jail sentences and return home eager to rebuild their families and their lives.<sup>2</sup>**
- **Sixty-five percent of women in state prison are mothers, and nearly two-thirds of these mothers lived with their children before they were arrested and incarcerated.<sup>3</sup>**
- **Fifty-five percent of men in state prison are fathers, and nearly half of these fathers lived with their children before incarceration.<sup>4</sup>**
- **More than 10 million children in the United States have parents who were imprisoned at some point in their children's lives.<sup>5</sup>**
- **In 1999 Black children (7.0%) were nearly 9 times more likely to have a parent in prison than white children (0.8%). Hispanic children (2.6%) were 3 times as likely as white children to have an inmate parent.<sup>6</sup>**
- **Children of prisoners are five times more likely than other children to end up in prison.<sup>7</sup>**
- **In California 195,000 children have a parent in State prison.<sup>8</sup>**

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<sup>1</sup> Amy E.Hirsch in *Every Door Closed: Barriers Facing Parents With Criminal Records* by Amy E. Hirsch, Sharon M. Dietrich, Rue Landau, Peter D. Schneider, Irv Ackelsberg, Judith Bernstein-Baker, and Joseph Hohenstein. Jointly published by the Center for Law and Social Policy and Community Legal Services, Inc. of Philadelphia.

<sup>2</sup> IBID.

<sup>3</sup> IBID

<sup>4</sup> IBID

<sup>5</sup> IBID

<sup>6</sup> Christopher J. Mumola. *Incarcerated Parents and Their Children*, U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics August 2000.

<sup>7</sup> Simons Charlene Wear, PHD, *Children of Incarcerated Parents*. California Research Bureau March 2000 P.6

<sup>8</sup> IBID, P.2.

## SHUT DOWN CALIFORNIA YOUTH AUTHORITY

- **Close all CYA facilities. Fund community-based diversion programs, services, and transitional housing for youth. Eliminate the gang databases used in prison and by city/county law enforcement.**

The California Youth Authority (CYA) is a failed system. Over 90 percent of the young people in CYA return to the California correctional system at some point in their lives. Unlike the adult system, the Youth Authority's stated goal is not to punish the young people in its care, but to rehabilitate them in preparation for life on the outside. Inside CYA, too much money has been spent on punishment and supervision and not enough on re-entry preparation and education. A lack of training and accountability among CYA correctional staff has created a culture of brutality in which young prisoners are regularly subjected to beatings, attack dog assaults and isolation cells. A number of youth have died while in CYA custody.

We believe a major overhaul of California's juvenile justice system is necessary. State and county officials should shift the millions of dollars spent by law enforcement on surveillance and harassment of poor and working class youth into more education, job, and drug rehabilitation programs. The gang databases now used by police departments, prisons and prosecutors should be eliminated and destroyed. Pouring scarce resources into gang databases does nothing but criminalize young people for their associations and takes money away from prevention and violence intervention projects.

Young people in trouble should not be warehoused and locked away far from family, friends and support networks. Youth need community-based programs, including financial support to complete their education or receive jobs skills training. They need access to mental health counseling and drug treatment. Young parents should have access to parenting classes, legal services, and support groups. Proposition 36 should be fully-funded and extended to include young people under 18, so they have the option of treatment rather than incarceration. It's crucial for young people leaving the juvenile justice system to have a bridge back into their communities, including transitional housing, employment assistance, and full access to public assistance, health care, and foodstamp benefits.

California Youth Authority has demonstrated its inability to treat the young people in its care with the respect and dignity they deserve. Before it does more damage to our youth, the State of California must shut down the CYA.



- **On February 2, 2004, San Mateo County became the second California county to boycott the California Youth Authority after accounts of brutality and 4 deaths were publicized. At that time, 54 young people from San Mateo county were locked up in CYA facilities.<sup>1</sup>**
- **The state's cost for a young person's one-year stay at the California Youth Authority is greater than the cost for an entire high school education.<sup>2</sup>**
- **California spends \$48,400 annually to incarcerate a young person in CYA. California spends about \$6,500 annually on education per student for public education.<sup>3</sup>**
- **Over 90 percent of the young people locked up in the California Youth Authority return to the California correctional system at some point in their lives.<sup>4</sup>**
- **The CYA estimates that 45 percent of young men and 65 percent of young women in its care in 2000 had mental health problems. Yet mental health programs for youth in CYA remain underfunded.<sup>5</sup>**
- **80 percent of the young people locked up in CYA who participated in a post-secondary college program did not return to prison after release.<sup>6</sup>**

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<sup>1</sup> *San Jose Mercury News*, February 2, 2004.

<sup>2</sup> *California: The State of Our Children*, Report Card Supplement 1996, [www.childrennow.org](http://www.childrennow.org).

<sup>3</sup> Ibid.

<sup>4</sup> Michele Byrnes, Daniel Macallair, Andrea D. Shorter, *Aftercare as Afterthought: Reentry and the California Youth Authority* California Community Reentry Project August 2002 P. iii Ibid.

<sup>5</sup> Jacqueline Sullivan *Aftercare as Afterthought: Reentry and the California Youth Authority* Press Release August 2002 <http://www.cj.org/pubs/aftercare/aftercareexec.html>

<sup>6</sup> Ibid.

## BAN THE BOX ON APPLICATIONS FOR PUBLIC EMPLOYMENT

- **Eliminate the box requiring disclosure of past convictions on all applications for public employment and companies with government contracts.**

The California Supreme Court has characterized employment as a fundamental interest under the California Constitution.<sup>1</sup> California's Little Hoover Commission estimates that 70 to 90% of formerly-incarcerated people are unemployed.<sup>2</sup> Public entities, including City and County government, should lead the way in employing qualified people coming out of prison. In San Mateo County and cities in the region, a job applicant is required to disclose past convictions even before taking a civil service examination or qualifying for an interview. The employment application for San Mateo County requires an applicant to answer yes or no to the statement, "Have you ever been convicted of a felony or misdemeanor or been on parole or probation?" If an applicant answers yes, he or she must list all convictions since his or her 18<sup>th</sup> birthday, including offense, date and place of conviction, sentence, and date of release from custody and/or from probation or parole. Even if the applicant has received a Governor's pardon, he or she is required to answer yes and provide this information. These requirements unfairly discriminate against people with past convictions and discourage people from applying for public employment. Disclosure of past violations of the law should only be required when they are specifically job-related.

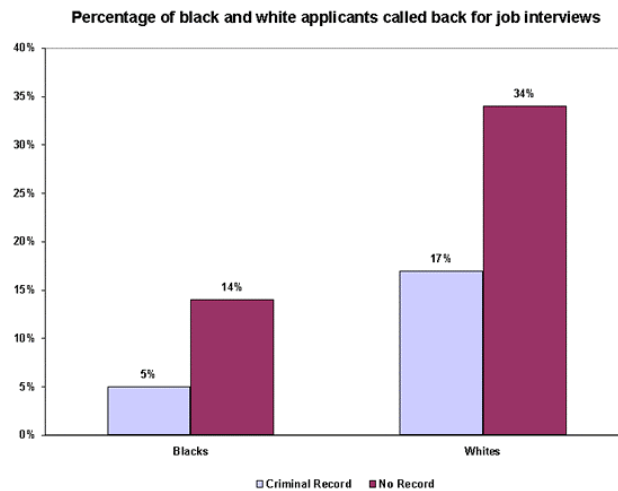
Several state and federal laws<sup>3</sup> forbid discrimination against people with disabilities, and people in recovery from drug and alcohol abuse are covered by the laws' definitions of disability in the state of California. Many felony convictions for non-violent drug offenses are the result of past drug or alcohol abuse. Therefore, requiring disclosure of these felonies is a violation of laws prohibiting discrimination against people with disabilities. Recent changes to state law<sup>4</sup> that require sealing of criminal records following successful completion of a Proposition 36 drug diversion program reinforce this concept.

Criminal records should be sealed upon successful completion of all diversion programs, as well as when expungement petitions and certificates of rehabilitation are granted. Sealing a record is the only way a formerly-incarcerated person will truly be "released from all penalties" as required by current law. Sealing a record should guarantee no public access to a person's record. Language on employment applications should clearly explain an applicant's right to non-disclosure after expungement or being granted a certificate of rehabilitation.

Requiring disclosure of past felonies provides cover for outright racial discrimination, because disproportionate numbers of people in Black and Latino communities have felony convictions. This results in continuing marginal employment rates and further impoverishment of these communities.

By taking the lead in employing formerly-incarcerated people, public agencies can play an important role in improving public safety in our communities.

- **An estimated 70 to 80% of ex-prisoners in California are unemployed.<sup>5</sup>**
- **An unemployed ex-prisoner is three times more likely to return to prison.<sup>6</sup>**
- **Inmates who secure employment before release return to prison at a lower rate (27.6%) than those who did not (51.8%).<sup>7</sup>**
- **People with felony records are twice as likely to be denied employment than applicants without felony records.<sup>8</sup>**



- **Over 60% of employers surveyed in a UC Berkeley study said they would definitely or probably not consider hiring an ex-prisoner.<sup>9</sup>**
- **Crime rates and unemployment are closely tied. A study of 398 prisoners showed that people employed prior to incarceration were less likely to have committed predatory acts (46%) and drug crimes (65%).<sup>10</sup>**
- **The employment application for San Mateo County requires an applicant to answer yes or no to the statement, "Have you ever been convicted of a felony or misdemeanor or been on parole or probation?" Even if the applicant has received a pardon from the Governor, he or she is required to answer yes. Applicants are also required to list all convictions since their 18<sup>th</sup> birthday, including offense, date and place of conviction, sentence, and date of release from custody and/or from probation or parole.**

<sup>1</sup> See Hetherington v. California State Personnel Board, 82 Cal.App.3d 582, 602 (1978).

<sup>2</sup> *Back to the Community: Safe and Sound Parole Policies*, Little Hoover Commission, 2003,

<sup>3</sup> Rehabilitation Act, Americans with Disabilities Act, California Fair Employment and Housing Act, Unruh Civil Rights Act, and Government Code (§19702 and California Civil Code §51.5)

<sup>4</sup> See Cal. Penal Code §851.90.

<sup>5</sup> *Back to the Community: Safe and Sound Parole Policies*, Little Hoover Commission, p.39

<sup>6</sup> Eisenburg, M (1990). Project Rio Twelve Month Follow-up, March 1989 Intakes: Pardons and Paroles Division. Austin, Tx.: Texas Department of Criminal Justice.

<sup>7</sup> Harer, M. (1994) *Recidivism Among Federal Prisoners Released in 1987*. Federal Bureau of Prisons, Office of Research and Evaluation. p.28.

<sup>8</sup> Pager, Devah. "The mark of a criminal Record." Dept of Sociology. University of Wisconsin, Madison. 2002 p. 958

<sup>9</sup> Holzer J. Harry, Raphael, Steven, Stoll, Micheal. *Will Employers Hire Ex-offenders? Employer Checks, Background Checks, and their Determinates*. Berkeley Program on Housing and Urban Policy, University of California, Berkeley 2001 p.38

<sup>10</sup> Rossman, S., Sridharen, S., & Buck, J. (1998 July). "The Impact of the Opportunity to Succeed Program on Employment Success," *National Institute of Justice Journal*, 236. Washington, D.C.

## INCREASE SUPPORT SERVICES FOR PEOPLE COMING OUT OF PRISON

- **Each individual returning to our community should have services guaranteed, including immediate access to identification documents, housing, job training, drug & alcohol treatment, and public assistance.**

Each year California releases over 125,000 prisoners.<sup>1</sup> Once on the outside many formerly-incarcerated people find it very difficult to secure the most basic necessities of independent living—a job, permanent housing, and access to public resources and assistance. California should institute policies allowing prison ID cards to be exchanged for State of California identification at no cost when a person is released from prison.

Much has been written about the high rate of parolee recidivism in California. (Sixty-four percent of parolees in California are returned to prison.) But little has been done to make sure that all parolees coming out of state prisons have the support they need to become an asset to their communities and avoid recidivism.<sup>2</sup> We urge state legislators to establish a voucher system where service dollars would be guaranteed for each person returning to the community from prison.

According to the Little Hoover Commission only 50 percent of California parolees receive the re-entry services and support that they need upon release.<sup>3</sup> All too often the only things a new parolee can count on are a bus ticket and \$200 gate money. Under-funded agencies cannot guarantee them housing, a job, drug treatment, training, education, or public assistance. Parole violations for minor infractions of regulations have contributed to the high recidivism rate. We advocate that the emphasis in parole supervision should change from punishment to assistance. Instead of spending 88% of our parole dollars on tracking down, and re-incarcerating parolees for “technical violations,” the state should be spending more money on providing services and support. This will not only save money it will save lives.<sup>4</sup>

In addition, the state should support re-entry by preventing unnecessary disclosure of criminal records. Past criminal records should not be the basis for denying professional licenses. The state should centralize the expungement process so all offenses committed anywhere in the state can be expunged at one time. This would be similar to the current process for applying for a certificate of rehabilitation, which is granted in the county of residence. Each county should be required to provide language-appropriate expungement services free-of-charge, including free copies of necessary supporting documents. Expungement procedures should be strengthened to guarantee that expunged or sealed offenses are not disclosed to the public. Record of expunged offenses should be ERASED from any databases accessible to the public. After the 7 or 10-year period free of convictions (required by current law), certificates of rehabilitation, full pardons, and restoration of all rights should automatically and simultaneously be granted. Certificates of rehabilitation should be revised so a person’s criminal convictions are not disclosed on the certificate. Criminal convictions should be the sole reason for denial of a certificate of rehabilitation, not bad credit or traffic tickets.

- **The California Department of Corrections spends 12% of its parole budget on assistance and services and 88% on supervision.<sup>5</sup>**
- **The Parole & Community Services Division is only 10% of the overall California Department of Corrections budget.<sup>6</sup>**
- **According to a California Youth Authority study done in 1997, parolees with either a high school diploma, a GED or a high school proficiency certificate were four times more likely to succeed on parole.<sup>7</sup>**
- **Students incarcerated in state or federal prisons are ineligible for federal Pell grants and are denied federal financial aid if their convicted of a drug crime.<sup>8</sup>**
- **Since 1991, not a single pardon has been granted by California's Governors to anyone who has been granted a certificate of rehabilitation.**
- **AB 230 (Mark Leno, D, San Francisco) authorizes the parole authority to order intermediate sanctions against parole violators rather than revoking their parole and sending them back to prison. These sanctions could include community service, counseling, rehabilitation programs including substance abuse, and home detention.**

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<sup>1</sup> Nieto, Marcus. *Adult Parole and Probation in California*. California Research Bureau, September 2003 P.1.

<sup>2</sup> Nieto, Marcus. *Adult Parole and Probation in California*. California Research Bureau, September 2003 P.1.

<sup>3</sup> *Back to the Community: Safe and Sound Parole Policies*. The Little Hoover Commission, November 2003 P. 55.

<sup>4</sup> *Back to the Community: Safe and Sound Parole Policies*. The Little Hoover Commission, November 2003 P. 56.

<sup>5</sup> *Back to the Community: Safe and Sound Parole Policies*. The Little Hoover Commission November 2003 p.56  
<http://www.lhc.ca.gov/lhcdir/report172.html>

<sup>6</sup> Department of Corrections Budget 2002-03 State of California, Department of Finance 2002-03

<sup>7</sup> State of California, Department of Youth Authority, "No Diploma, No Parole" Diploma Policy Formalizes Education Commitment," CYA Today Special Edition. Sacramento Ca Sept. 1999

<sup>8</sup> *Aftercare as Afterthought: Reentry and the California Youth Authority*. Center on Juvenile and Criminal Justice. August 2002 P.13 (Note: Applicants for federal aid can regain their eligibility by completing a drug treatment program)

**This *Briefing Packet* was prepared by All of Us or None, DataCenter, and East Bay Community Law Center. It is available online at:  
[www.datacenter.org/reports/auonsummit3briefpac.pdf](http://www.datacenter.org/reports/auonsummit3briefpac.pdf)**

**The Peace & Justice Community Summits are organized by All of Us or None (an organizing initiative for former prisoners, prisoners, and our families), California Coalition for Women Prisoners, Family Advocacy Network, and other allies.**

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