

PROP 47



California's Shift to Smart Justice
Invest In Communities, Not Jails





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California's Shift to Smart Justice

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Savings Belong in Our Communities

Passed by 60% of voters in November 2014, Proposition 47 changed six low-level drug and petty theft offenses from felonies to misdemeanors to cut incarceration costs *and invest those savings in our communities.* Together Californians embraced a new vision for community health and safety: one that prioritizes prevention over harsh punishments.

This year, for the first time, the state will calculate Prop 47 savings. We need your help to make sure all the savings go back to communities, just as voters intended. The process has already started and there is a lot of work to do.

In January, the governor released a draft budget that included an estimate of just \$29.3 million in savings – compared to the more than \$100 million that the nonpartisan Legislative Analyst’s Office has calculated and what we know the law has *actually* saved the state.

Help us tell Sacramento not to hide the savings!

Prop 47 savings belong back in our communities. It is important for your lawmakers to hear from you, because they are making budget decisions in April and May. By mid-June, the legislature must pass the final state budget. For the next two months, please take every opportunity to let your representatives hear from you about your continued support for Prop 47 and your expectation that the state will calculate the savings accurately – because our communities depend on it!

For updates on the budget process, please email lalexander@aclusandiego.org.

Using the messaging and templates included in this toolkit, you can:

- *Write an opinion piece for your local newspaper*
- *Post on social media, and tag your local elected officials*
- *Schedule an in-district visit with your legislator*
- *Respond to positive or negative local news coverage by writing a letter-to-the-editor*

Do you think you or a loved one might be eligible to clean up your record? Obtaining your RAP sheet can be the first step in to finding out whether your charges qualify for expungement or Prop 47 reclassification. Included in this packet are the necessary forms and instructions for obtaining your Department of Justice RAP sheet and other useful resources.

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Messaging Guide

Investment in health and education is what really keeps us safe; we want schools, not prisons.

- Prison spending in California has increased by 1,500% over the last 30 years.
- In passing Prop 47, voters overwhelmingly called for a different approach. And yet, prison spending is at a historic high.
- In January, the governor proposed spending another \$250 million to build more jails—*that is not what voters called for.*

The state budget must reflect California's priorities

- When the Department of Finance calculates Prop 47 savings, it will determine how much will be reinvested in our communities.
- In passing Prop 47, voters demanded that we prioritize prevention and programming over punishment. Our elected representatives must not allow Prop 47 savings to remain locked up in prisons at the cost of community-based prevention and rehabilitation programs.
- We demand a fair and transparent process for determining Prop 47 savings, so that we can ensure that all the savings go back to our communities.

**To find out about Prop 47 related events in your area visit:
www.myprop47.org/events**

People with health problems need health care —not prison

- Today, too many people living with mental illness are in jails rather than in community-based services. They need healthcare, not incarceration.
- It's the same for the two-thirds of incarcerated individuals struggling with addiction. They need treatment; wherever possible, that should happen in the community.
- Our jails and prisons cannot continue to be used as a primary healthcare delivery system. It is inadequate, unjust, and not cost-effective.
- People should not have to face criminal charges to access services.
- Most cities and counties need help advancing strategies that stop cycles of crime without overreliance on state prisons. Thirty years of prison growth meant slashed support for local prevention and treatment programs.

Today, Prop 47 is still strongly supported by a majority of Californians. Our elected representatives should heed the call for reform

- Prop 47 represents a move away from the one-size-fits all approach of incarceration to more effective and affordable approaches.
- Voters made it clear they expect less money spent on prisons and more money spent on local crime prevention and treatment programs.
- Prop 47 is about more than reducing overly harsh punishments for petty offenses; it is about investing in the programs and services that can better stop cycles of crime than bloated and costly prisons.
- It is up to us –members of the community – to take a stand and uplift the positive impact Prop 47 is having; it is up to us to push forward a new vision of justice that prioritizes prevention over punishment.

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#FacesOf47

Do you have a Prop 47 story to share?
Contact: lalexander@aclusandiego.org.



Susan Burton is a prime example of how burdensome an old felony conviction can be on people trying to turn their lives around. Susan suffered from addiction, but worked hard to get sober in the 90s. Today, she provides the very reentry support and resources that she was unable to access in the fifteen years she spent moving in and out of the criminal justice system.

She started simply, by inviting people recently released from jail to her Los Angeles home. Her program, A New Way of Life Re-Entry Project, has mushroomed, and now has five homes for women reentering after serving their sentences.

Before she was able to reclassify her own felony conviction under Prop 47, though, she was often barred from even entering these prisons and jails to help prepare the women about to be released.

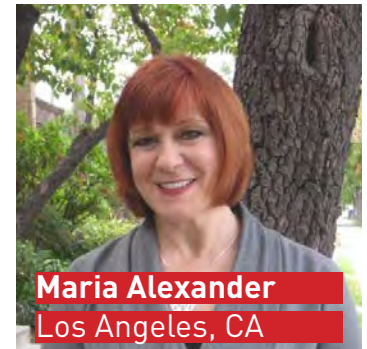
"We need a movement to uphold and implement Proposition 47 and to hold accountable every judge, prosecutor, attorney, jail administrator and probation officer responsible for putting it into practice," said Burton.

As the Executive Director of the Center for Living and Learning in Los Angeles, Maria "Alex" Alexander isn't who most people would think would benefit from Prop 47. But Alexander knows better than most how a felony conviction can hold you back. She not only experienced it, she sees it in her clients every day.

Before becoming the executive director in 2005, Alexander herself had graduated from the Center's apprenticeship program and completed an executive management program. Her apprenticeship began upon completion of residential drug treatment after years of homelessness and incarceration. Until Prop 47, she still carried the burden of old drug convictions. Now, she says, she is finally free of that weight.

"We see people daily who have a minor felony who have not yet applied to reduce it to a misdemeanor under Prop 47. They are excluded from the workforce, even for minimum wage warehouse jobs," said Alexander. "Prop 47 will allow so many more of our clients to not only obtain entry-level positions, but to also advance in their careers."

The Center for Living and Learning serves more than 300 individuals annually transitioning from treatment, incarceration, and welfare with employment, mentoring, and supportive services.



Prop 47 gave Kerry Walls the fresh start he had longed for. Walls struggled with addiction for years, shuttling in and out of prison but never getting real access to the treatment and services he needed. He embodied the stark example of how broken our current criminal justice system is: relapse, lost jobs, and broken homes and relationships.

"I wasn't in jail, but I was still trapped," said Walls. He finally was referred to a psychiatrist, and diagnosed with severe depression, greatly complicated by his addiction.

Once Walls got treatment, he was able to turn his life around. He reached out to the Contra Costa Public Defender's office about cleaning up his record. "I'll never forget the day I got a call from Sheena and Ellen at the Contra Costa Public Defender's office telling me my felony charge had been cleared from my record. These two women—and Prop 47—changed my life."

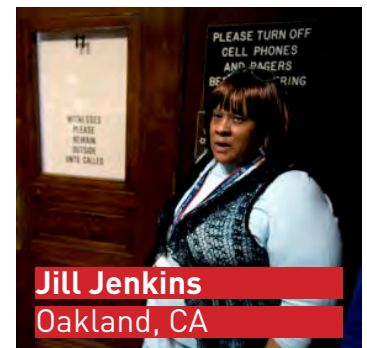
Today Walls is working full-time and training to be a mental health peer counselor and running a sober living home. "I fully accept who I am and I share my story because I want others to know that if I can do it, they can too. Help is out there. You are not alone."

Three years ago, Jill Jenkins was struggling with drug addiction and got caught stealing a turkey sandwich from a CVS in Oakland. Because of prior petty thefts, she was convicted of a felony, creating huge barriers to jobs, housing, education, and more.

But Jenkins was determined to turn her life around. She entered and completed a yearlong rehab program and then re-enrolled in college to become a paralegal.

When Proposition 47 passed in November 2014, Jenkins applied to have her felony conviction lowered to a misdemeanor. The judge agreed and changed her sentence.

Today, she helps others get a second chance in her job as a paralegal at the Alameda County Public Defender's office. "I crusaded for the Proposition 47 campaign and voted for it, and now I'm a recipient of it and working to advocate for it for others," Jenkins said. "It's very freeing, and I'm proud of myself. Three years ago, I would have never imagined being in this position at all."



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Social Media Materials



Social media is a great way to demand that our representatives invest all Prop 47 savings back into communities, just as voters intended – and not leave the savings locked up in prison! Help spread the word. Below is sample language to get you started. You can also visit <https://www.facebook.com/sdaclu> or follow us at @SDACLU on twitter for the latest and greatest regarding Prop 47 news.

Sample Tweets:

CA shifts to #SmartJustice. Investment in community-based services & treatment are key to ending mass incarceration #Prop47

#Prop47 is about a new approach to justice, a better approach to community safety. Invest #Prop47 savings in communities!

.@JerryBrownGov, we want more programs & less jails. Voters support prevention over punishment #Prop47

Voters made it clear they expect less \$ spent on prisons and more \$ spent on local crime prevention and treatment programs, @JerryBrownGov

#Prop47 is the new smarter vision for justice in California. Invest savings in our communities – as voters intended! #SmartJustice

I voted for #Prop47 then and I support it still. [Link to current positive news article]

I heart #Prop47 bc...

#Prop47 means more \$ to invest in local health & safety, plus more stability for many California families #SmartJustice

I am one of the #FacesOf47 and I support smart justice in my community.

News Media:

LAist: @LAist

Los Angeles Times: @LATimes

Orange County Register: @ocregister

Sacramento Bee: @SacBee_News

San Diego Union Tribune: @sdut

San Francisco Chronicle: @sfchronicle

San Jose Mercury: @mercnews

SFist: @SFist

The Huffington Post: @HuffingtonPost

The Marshall Project: @MarshallProj

Vice News: @vicenews

Facebook Post:

Voters overwhelmingly embraced a new vision for community health and safety when they passed Prop 47. Investment in health and education is what makes strong dynamic communities. It is time to put an end to our ever-expanding corrections budget and invest *all Prop 47 savings* in our communities. Don't leave a dime of Prop 47 savings locked up in prisons!

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Letter-to-the-Editor Templates

Your state representatives are talking right now about how to calculate Prop 47 savings. They need to hear from you before the state budget is finalized in June! Now more than ever, we need to remind them that Prop 47 isn't just about addressing overly harsh penalties; it's also about investing savings back into the programs and services shown to make our communities healthier and safer.

Responding to both good and bad coverage of Prop 47 in your local paper is a great way to stay engaged and take action to support the law – and call for all Prop 47 savings to be reinvested in our communities. Letters-to-the-editor let you express your personal opinion, so don't be afraid of sharing exactly why fighting for a smarter justice system is meaningful to you and your community! See below for some suggestions, but don't be afraid to add your own flavor.

Just remember:

- 1. Send your letter as soon as possible after an article is published (the same or next day), so that it has the best chance of being printed.**
- 2. Don't forget to keep your letter short (under 150 words).**
- 3. Use your letter to make YOUR point, not that of the author you disagree with; don't repeat others' negative claims.**
- 4. Include your name, city, and phone number when submitting your letter (preferably by email or web form provided by the paper).**

Choose 1:

- By approving Prop 47, 60% of voters made California the first state in the nation to eliminate felony sentencing for low-level drug and petty theft offenses – and require that savings from reduced incarceration be reinvested into our communities.
- Californians are united behind a new vision for community health and safety. Our elected officials must implement the will of the voters.
- Governor Brown must take a second look at the Department of Finance's calculation of Prop 47 savings. Something isn't right.
- The war on drugs has failed. Mass incarceration does not make our communities safer. It only siphons valuable tax dollars away from the programs and services we need.
- Strong communities are the foundation of safe neighborhoods and Prop 47 represents an important opportunity to renew investment in the health and education of our communities.
- The last thing California needs is more jails. California leaders and our governor must heed the voters' call for smarter justice.
- We cannot continue to pour tax dollars into a system that does not rehabilitate, but destabilizes and destroys whole communities.
- The independent and non-partisan Legislative Analyst's Office estimated that Prop 47 would save the state more than \$100 million every year. In January, the Department of Finance chose to massage the numbers and put savings at just \$29.3 million – and keep most of the actual savings stays locked up behind bars.
- Californians who are working hard to turn their lives around deserve a second chance.

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Letter-to-the-Editor Templates (continued)

Choose 1 or 2:

- Prop 47 has allowed thousands of people to clean up their records.
- Investment in proper job placement and training programs and robust mental health and drug counseling services will empower individuals, stabilize families, and strengthen our communities.
- Our communities need support; we cannot incarcerate our way out of the long-standing societal issues we face today. We already tried that. It didn't work.
- It is unwise to lowball the estimate of Prop 47 savings. We cannot continue to throw billions into prisons each year without investing in and addressing underlying issues that bring so many into the criminal justice system.
- Prop 47 actually creates more options for law enforcement – and that's good thing. It is up to our local government agencies to respond to voters and expand access to services that will help make our neighborhoods safer.
- Its time our local law enforcement agencies stop the Prop 47 opposition campaign and begin working to support new approaches to addressing concerns that have long challenged our communities, including addiction, mental illness, and homelessness. They know better than anyone that we can't arrest our way out of those problems.
- The impact of punishment-first policies has fallen most heavily on people of color who routinely receive more extreme punishment for the same offenses.
- Voters made it clear: they expect less money spent on prisons.

Choose 1:

- California is at a crossroads. We can embrace reform and invest in prevention or return to the status quo and watch our jail population continue to balloon at the expense of our community health and safety.
- I urge my representatives to prioritize the prevention programs proven to keep communities safe. They have an opportunity now to stand up and represent California's shift to smart justice.
- We shouldn't invest another dime in jail construction, let alone \$250 million! It's time to change how we invest in California. It's time for fewer jails and more community-based services.
- Investment in programs that rehabilitate, provide support, housing and employment—that is how we can close the chapter on mass incarceration.
- I support an end to the culture of punishment and mass incarceration. It is time to invest in our communities, our young people, and ourselves. Investing Prop 47 savings in the community is a great first step.

Below is contact information for some of the larger papers across the state. To submit your letter to a smaller local paper, simply visit the website to see how they want letters submitted.

LA Times:

<http://www.latimes.com/about/la-letter-to-the-editor-htmlstory.html>

Orange County Register

letters@ocregister.com

Sacramento Bee:

<http://www.sacbee.com/opinion/letters-to-the-editor/submit-letter/>
or email viewpoints@sacbee.com

San Bernardino Sun

opinions@inlandnewspapers.com

San Diego Union Tribune:

letters@sduniontribune.com

San Jose Mercury

letters@mercurynews.com

San Francisco Chronicle

<http://www.sfgate.com/submissions/>

Please contact Lauren Alexander at lalexander@aclusandiego.org, if you have any questions.



APPLICATION AND DECLARATION FOR WAIVER OF RECORD REVIEW PROCESSING FEE

California Penal Code section 11123 allows a person an opportunity to obtain a copy of his or her criminal history record without having to pay the \$25 processing fee. The application for waiver of fee is not to be used to obtain a copy of criminal history information to furnish to a person or agency for purposes such as certification, employment, licensing, immigration, or visa. Any request for waiver of fee shall include a declaration and proof of indigence.

The following items are necessary to insure the processing of your request. Failure to follow the procedures may result in a delay in processing or rejection of your waiver of fee application.

CATEGORY	COMMENT	ENTER APPLICANT INFORMATION
1) Reason for Application	Examples of explanation: personal use, verify accuracy of record, update FBI record, prison visit, or to fill out an application.	
2) Name of Applicant & Personal Descriptors	Name, date of birth, and sex are Mandatory fields and must be provided. All others are optional.	
3) Applicant Address	This is a mandatory field and must be completed.	
4) Daytime Telephone Number	A telephone number is useful in helping resolve problems, which could result in a delay in the processing of your request.	
5) Designee	This is an Optional field if the applicant designates an individual.	

Mail this application with your proof of indigence to:

California Department of Justice
Bureau of Criminal Information and Analysis
Record Review Unit
PO Box 903417
Sacramento, CA 94203-4170

If you have any questions regarding your record review, please contact the Record Review Unit at (916) 227-3835.

DECLARATION

I, the undersigned, declare that I am unable to pay the fee to obtain a copy of my California state summary criminal history record without impairing my obligation to meet the common necessities of life.

I declare under the penalty of perjury that the forgoing is true and correct and was signed at _____, California, on _____, 20_____.

Attached is verification of proof of indigence as required by Penal Code section 11123.

X

DECLARANT



REQUEST FOR LIVE SCAN SERVICE (Record Review or Foreign Adoption)

Applicant Submission

_____ Type of Application (Check One Only) Record Review Foreign Adoption

ORI (Code assigned by DOJ) _____

Reason for Application _____

Contributing Agency Information:

Agency Authorized to Receive Criminal Record Information _____

Mail Code (five-digit code assigned by DOJ) _____

Street Address or P.O. Box _____

Contact Name (mandatory for all school submissions) _____

City _____ State _____ ZIP Code _____

Contact Telephone Number _____

Applicant Information:

Last Name _____

First Name _____ Middle Initial _____ Suffix _____

Other Name (AKA or Alias) _____
Last _____

First _____ Suffix _____

Date of Birth _____ Sex Male Female

Driver's License Number _____

Height _____ Weight _____ Eye Color _____ Hair Color _____

Misc. Number (Other Identification Number) _____

Place of Birth (State or Country) _____ Social Security Number _____

Telephone Number _____

Street Address or P.O. Box _____

City _____ State _____ ZIP Code _____

Level of Service: DOJ Only

If re-submission, list original ATI number (Must provide proof of rejection): _____
Original ATI Number

Foreign Government Embassy: (Mandatory for Foreign Adoption requests pursuant to Penal Code section 11105(c)(12))

Designee -- Do not include Employer: (Optional for individual designated by applicant to Penal Code section 11124)

Designee or Embassy Name _____

Street Address or P.O. Box _____

City _____ State _____ Country _____ ZIP Code _____ Telephone Number _____

Live Scan Transaction Completed By:

Name of Operator _____

Date _____

Transmitting Agency _____ LSID _____

ATI Number _____

Amount Collected/Billed _____



REQUEST FOR LIVE SCAN SERVICE (Record Review or Foreign Adoption)

Privacy Notice

Collection and Use of Personal Information. The Record Review Unit in the Department of Justice collects the information requested on this form as authorized by Penal Codes 11121 and 11105(C)(12). The Record Review Unit uses this information to process applications pertaining to Live Scan service for record review or foreign adoption. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at: <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided.

Access to Your Information. You may review the records maintained by the Record Review Unit in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process applications pertaining to Live Scan service for record review or foreign adoption, we may need to share the information you give us with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- In response to a Public Records Act request, as allowed by the Information Practices Act;
- To another government agency as required by state or federal law;
- In response to a court or administrative order, a subpoena, or a search warrant.

Contact Information. For questions about this notice or access to your records, you may contact the Record Review Unit via telephone at (916) 227-3835 or by mail at:

Department of Justice
Bureau of Criminal Information & Analysis
Record Review Unit
P.O. Box 903417
Sacramento, CA 94203-4170