

Strategizing for Reform: State Campaign Successes

hosted by The Sentencing Project

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Presenters

- Patty Berger, Second Chance Coalition and Let's Start, Missouri
- Rev. Charles Boyer, AME Minister's Coalition 4 Redemption, New Jersey
- Ed Monahan, Department of Public Advocacy, Kentucky
- Nicole D. Porter, The Sentencing Project

Patty Berger
Second Chance Coalition and Let's Start,
Missouri

Missouri's "Ban the Box"

Fair Chance Hiring Executive Order

- In 2014, members of the Empower Missouri Criminal Justice Task Force told us that formerly incarcerated and convicted people have few chances to be called back for an interview if they check the box admitting their criminal history on a job application.
- We began researching ways to improve employment opportunities – which led to conversations with The Sentencing Project and the National Employment Law Project.

Persistence!

In 2015, we were able to secure a sponsor who tried to get a Fair Chance Hiring Bill passed in the General Assembly – Senate Bill 44, the bill died along with other unpassed bills in May 2015.

Empower Missouri convened the Second Chance Coalition in July 2015.

- The Sentencing Project from Washington DC
- The National Employment Law Project from New York
- The Missouri Catholic Conference
- Saints Joachim and Ann Care Services
- Employment Connection
- Catholic Charities
- Metropolitan Congregations United
- Center for Women in Transition
- Let's Start
- Alpha House
- Criminal Justice Ministry



A constant flow of information

- When Pres. Obama mentioned Fair Chance Hiring in the State of the Union address, we shared those remarks with the governor's office.
- When 42 philanthropies, including the Deaconess Foundation, instituted Fair Chance Hiring, we sent their press releases to the governor.
- When the U.S. Conference of Catholic Bishops endorsed Fair Chance Hiring through a federal bill, we passed their letter on to the governor's staff.
- Patty Berger and Eric Schulz, both formerly incarcerated persons who work with other returning citizens, met with the Governor's staff to tell their stories.
- When the governor of Oklahoma issued an executive order implementing Fair Chance Hiring in state employment, we took a copy to the governor.
- We began collecting endorsements from organizations for Fair Chance Hiring in Missouri, and endorsers sent letters of support to our governor.

A big step forward – 51,000 jobs

On April 11, Governor Jay Nixon signed an executive order opening 51,000 Missouri state jobs to Fair Chance Hiring. Patty Berger and Eric Schulz, are on the left, then Jeanette Mott Oxford, Empower Missouri Executive Director, Gov. Jay Nixon, Pat Dougherty, STL Chapter and Second Chance coalition leader, and Sen. Jamilah Nasheed (bill sponsor).



Celebration and...what's next?

The Criminal Justice Task Force celebrated this important step forward, but the job is still not finished. We must convince more employers to implement fair chance hiring.....and perhaps it will be a state law too someday.



Rev. Charles Boyer
AME Minister's Coalition 4 Redemption &
Justice, New Jersey

Built A Diverse Coalition

- AME Church
- The Sentencing Project
- United Universalists
- Rabbis and Imams
- Drug Policy Alliance, ACLU, various social justice organizations
- Found a sponsor that already introduced the bill

Taking Action

- Put it in front of every legislator & Social Justice Organization
- Spoke to both the Senate majority and Minority Leaders and got support

Current Status: Success

- Passed the Senate with FULL Bipartisan Support
- 36 to 0

Next Steps

- Currently working on the Assembly
- Timing is everything!

Ed Monahan,
Department of Public Advocacy, Kentucky



<http://kysmartoncrime.com/>

Kentucky Smart on Crime is a broad based coalition working for common sense justice reforms that enhance public safety, strengthen communities and promote cost effective sentencing alternatives.



KY CRIMINAL JUSTICE POLICY ASSESSMENT COUNCIL

Mission Statement : The Council will assess Kentucky’s criminal justice system seeking changes that improve public safety and enhance the administration of criminal justice. The Council shall review existing research, best practices, and data-driven evidence to formulate a path forward for Kentucky that builds a smarter, stronger and fairer criminal justice system that reduces incarcerations and continues to keep communities safe. The Council will recommend to the Governor a plan for legislative and policy changes to propose to the 2017 General Assembly.

The scope of the council’s assessment will include, but not be limited to:

- addressing the unsustainable, growing adult corrections population;
- options for revising and updating the Penal Code, with a view toward simplification and clarification;
- addressing issues of workforce development to remove barriers to successful re-entry;
- propose strategies for reducing recidivism;
- reforms in probation and parole;
- drug policy; and
- strategies to keep people from entering the criminal justice system.

Expungement: 2016's House Bill 40

- Result of years of efforts
- Makes significant changes to existing misdemeanor law
- Makes a list of certain Class D felonies eligible for expungement

How did HB 40 pass?

- Years of effort by Representative Darryl Owens
- KY Chamber of Commerce, Greater Louisville I, Commerce Lexington
- Governor Matt Bevin
- KY Smart on Crime Coalition: ACLU, Catholic Conference, Council of Churches, KACDL, Bluegrass Institute, KYA, KY Center for Economic Progress
- Key testimony from former felons
- Bipartisan House Support and Senate support led by Senate President Robert Stivers and Senator Whitney Westerfield

Changes Expungement Eligibility

Misdemeanor

- No limit to the number of misdemeanors you can expunge
- Felonies and other ineligible convictions no longer block misdemeanor expungement
- No 5 year “look-back” period

Felony Changes

- Can only receive felony expungement once, unless multiple eligible felonies in a series
(in one case or arising from the same incident)
 - AOC will preserve records for this purpose
 - Can still apply again if denied
 - “Same incident” is undefined
- Ineligible felonies do not block expungement of misdemeanors or eligible Class D felonies

Common Eligible Felonies

- About 70% of charges covered
- Possession of a controlled substance
- Criminal possession of a forged instrument
- Theft by unlawful taking
- Criminal mischief
- Receiving stolen property
- Burglary 3rd degree
- Tampering with physical evidence
- Forgery 2nd degree
- Flagrant non-support
- Drug trafficking
- Wanton endangerment
- Promoting contraband
- Fleeing or evading police
- Assault 3rd degree
- Felony DUI (4th DUI)
- Drug Paraphernalia (2nd Offense)(pre-2011)

Expungement process

- Anyone applying for expungement needs a Certificate of Eligibility (even if acquitted)
 - [Courts.ky.gov/expungement](https://courts.ky.gov/expungement) or through the mail
 - \$40 online or money order
 - Can take months to receive
 - Packet is a combined criminal background check from AOC and KSP
 - Includes eligibility determination made by KSP
- If certificate says ineligible, still may apply
 - Errors under new law

Possible Future Changes

- Lower fee for felonies
- Make fees waivable explicitly
- Expand list of felonies
- Eliminate certification requirement for acquittals
- Clarify various clauses
 - (ex. Single Incident, Enhancement Period, fees in misdemeanor cases)

Nicole D. Porter,
The Sentencing Project

State Highlights

- Sentencing Reform: Delaware, Michigan, Minnesota, and others
- Racial Disparity: Washington and New Jersey
- Probation/Parole: Maryland and New Hampshire
- Collateral Consequences: Alabama, California, Maryland, and Virginia

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