

OCT 20-27, 2018

**NATIONAL
EXPUNGEMENT
WEEK TOOLKIT**

WWW.OFFTHERECORD.US

NATIONAL EXPUNGEMENT WEEK (N.E.W.) TOOLKIT

OCTOBER 20 - 27, 2018



Expungement Event, Los Angeles, CA, March 2018

WE DEDICATE THIS TO ALL WHO HAVE BEEN HARMED BY THE WAR ON DRUGS.

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WHY IS THIS RESOURCE NEEDED?

We created this toolkit to honor the people who have come before us, those who have lost their lives or their liberty, and those who have suffered the collateral consequences of the War on Drugs. Approximately 77 million Americans, or 1 in 3 adults, have a criminal record.¹

There are thousands of barriers to housing, employment, occupational licensing, and educational opportunities for the millions of people with a criminal record in the US. Essentially, having a criminal record in the US disenfranchises people from fully and successfully reentering their communities.

This document is intended to empower you to organize your own record change events that will help reduce, remove, or seal people's criminal records.

Your success will be determined by your collaboration and communication with the communities you intend to serve. This process is complicated, labor intensive, and sometimes expensive, but we cannot allow these challenges to discourage us from the pursuit of justice.

Please use the resources contained within this toolkit to provide your communities with post-conviction relief, voter registration, employment opportunities, health screenings, public benefits, and other essential wraparound services.

Our Hashtags: #OffTheRecord #ReparativeJustice

PRO TIP: Expungement, record sealing, and other post-conviction relief policies are different state to state, sometimes even county by county.



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HOW TO ORGANIZE A RECORD CHANGE CLINIC

THIS RESOURCE IS PRIMARILY FOR:

1. Community-based organizations
2. Faith-based organizations
3. Service providers
4. Government agencies
5. Labor and business organizations
6. Workforce development organizations
7. Legal service providers for immigrants
8. Legal service providers for reentry populations (including those providers that may not offer record clearing legal services)
9. Any organizations or individuals that support reparative justice

PRO TIP: If you are not an attorney and cannot train attorneys and/or legal volunteers, it's best if you work with an experienced legal services provider to change people's records. Providers like this can be found in most communities.

More info on how to find them in *Section 4: WHO SHOULD YOU PARTNER WITH?*

THIS TRAINING INCLUDES:

1. Examples of post-conviction relief remedies
2. Tools to plan and organize a Record Change Clinic
3. Questions to consider when planning your clinic
4. Tips to make your clinic a success

WHERE TO BEGIN?

1. WHY DO YOU WANT TO HAVE THIS EVENT?

a. Understanding why you want to hold the event will help you identify the communities you can serve. Some examples include:

- To build relationships with organizations, local agencies (social/health services), and residents from directly-impacted communities.
- To build people power and increase civic engagement.
- To help repair the harms caused by the failed war on drugs and draconian "tough on crime" policies.

b. Identifying the location of your event is your first priority

- Venue: try and get a free place with WiFi
 1. Community colleges
 2. Law schools
 3. Libraries
 4. Houses of worship
 5. Community centers
- Consider how accessible the location is to the community:
 1. Parking/Public Transportation
 2. Law Enforcement Presence (might be triggering for folks)

2. WHO DO YOU WANT TO SERVE?

- a. **Now you can identify the community you want to serve. That can be based on the services you can provide, the need for these services within a certain community, and the availability of free venues.**

3. WHAT SERVICES DO YOU WANT TO OFFER?

- a. **There are various services that you can offer attendees. For example, in addition to expungements, felony reductions, and other post-conviction remedies, you can invite and partner with organizations that offer free:**

- Health care enrollment
- Social security enrollment
- Immigration services
- Voter registration
- Employment services
- On-site health screenings
- Child care
- Food assistance enrollment
- Veterans' Services

4. WHO SHOULD YOU PARTNER WITH?

- a. **Legal service providers: Remember that you want to offer these post-conviction relief services to people for FREE. Below are some groups you should reach out to locally.**

- Legal Aid Providers**
- American Constitution Society**
- Pro Bono Attorneys
- Private Law Firms
- Public Defenders or District Attorneys' Offices (yes, some DA's have shown a willingness to do this work.)
- Law School Students
- Paralegal Students
- Bar Associations
- Crimmigration Attorneys: to provide post-conviction relief to people who are noncitizens and who have a criminal record.

- b. **Social and Health Services: Providing auxiliary health and social services and enrollment can be tremendously impactful for attendees. Below are some agencies and groups you should reach out to locally.**

- Departments of Health
- Departments of Social Services
- Departments of Mental Health
- Community-based health centers
- Substance use treatment programs

c. Employment and Reentry Services: Providing employment and reentry services can be extremely beneficial for people impacted by the criminal justice system and incarceration. Below are some organizations and agencies you should reach out to locally.

- Reentry programs
- Support groups for families of people in prison
- Worksource centers
- Employment agencies
- Community colleges
- Companies that are hiring

d. If you want to host these on a recurring basis, it's best to partner with organizations that can commit to supporting each of the events.

e. If you want to host them in different areas each time, it is important that you build relationships with organizations and agencies that can move from place to place and/or with organizations already working in those communities.

f. Additional groups:

- Community college counselors
- Youth groups
- Housing advocates
- Homeless advocates
- City and other government agencies
(Public Health, Behavioral and Mental Health, Children Youth and Family, Public Works, etc.)

5. HOW TO SECURE FUNDING?

a. You will encounter things that you will need to pay for. Here are some common needs:

- Food for volunteers (often breakfast and lunch)
- Water for volunteers and attendees
- Rental copiers/printers
- WiFi hotspots
- Venue: Reach out to local nonprofits, churches, community colleges, and universities, to locate a free venue whenever possible.
- Tables, chairs, and tents
- State/county filing fees
(fee waivers or subsidies are often available)
- Mobile notary (if necessary)
- Applicant fines (Applicants may have outstanding fines that prevent them from accessing relief. It's best to pay these only if necessary/possible after everything else is covered.)

PRO TIP: The best way to figure out how much you need to spend is to set a number of people you can serve for the day. For example, having a larger clinic will require you to rent more copiers, and other supplies and get more volunteers to ensure you can serve all of your attendees and avoid bottlenecks in the process.

- Live Scans: Each state has its own Department of Justice. Find your local DOJ and reach out to them to find out what their live scanning process is and how much it would cost per person. Ask your DOJ about same day fee waivers for this process. These usually require you to partner with local or state/federal legislators because they are the only ones generally granted access to same-day fee waivers.
 1. Example: [California DOJ Fingerprint website](#)
 2. Example: [Ohio DOJ Fingerprint website](#)

b. Fundraising: these are common sources of funding for record change clinics

- Cannabis companies
- Ancillary cannabis businesses (i.e. consulting firms, law firms, marketing companies, and software and other service providers)
- Other local businesses
- Foundations
- Individual donors
- Look for in-kind donations (office supplies, food/refreshments, event space, printing services, tables/chairs/tents) as much as possible

6. OUTREACH/PROMOTION:

a. Outreach should be done as soon as possible to ensure you can create a good pool of attendees.

b. Outreach is most effective when led by community-based/grassroots organizations or groups that come into contact with people who have been impacted by the criminal justice system:

- Reentry programs
- Support groups for families of people in prison
- Places of worship
- Substance use treatment programs
- Homeless shelters
- Veterans' groups
- Community-based organizations
- Public defender's offices
- Syringe access programs/harm reduction programs
- Community centers
- Criminal justice reform groups

c. Tailor your materials to your target audience. (i.e. bilingual, culturally competent, and welcoming) Here are the print and outreach materials you will likely need:

- Press Release (this and other media materials should be bilingual, if possible)
- Sponsorship Deck
- Shareable Graphics
- Print & Digital Flyers
- T-Shirts
- Banners

- ❑ Social & Mainstream Media Outreach:
 1. Create Facebook events and tag your partner organizations
 2. Use **NORML Action Network** (they have been kind enough to offer the use of this network)
 3. Radio, TV news, newspapers, local magazines, and bloggers
 4. Email Listservs
 - a. Local cannabis companies
 - b. NORML can send emails to people within a 100 mile radius of your event
 - c. If the Drug Policy Alliance or Students for a Sensible Drug Policy have chapters in your area, they will likely email their list about your event if you ask them.
 - d. Local legal listservs
 - e. Public defenders' listservs

7. REGISTRATION/APPOINTMENTS:

a. **Have your attendees make appointments and register for the event. This makes it easier to estimate how much you will need to spend and how many volunteers you will need.**

- ❑ It is also important that you discuss very early on with the legal services provider what your event capacity will be. You do not want to overburden your volunteers, and you may have time and space constraints. Your legal service providers can let you know, on average, how long they will need per person/appointment.
- ❑ BUT always plan for an overflow of attendees and develop procedures to address them, such as:
 1. Serve them if you have the capacity.
 2. Register them for another clinic.
 3. Record their names and information and refer them to other community-based, or free to low-cost legal service providers that have proven to have positive impacts on the people they serve. You don't want people to get overcharged or fall through the cracks. It's best to reach out to existing legal clinics before you hold your event and ask if you can refer overflow attendees/walk-ins to their services.
- ❑ The best thing to do for registration is to have several options to register people:
 1. Create a **Google Registration Form**.
 - a. You can share that link on:
 1. Facebook
 2. Flyer
 3. Other social media platforms
 2. Provide a phone number that people can call to register
 - a. Include this number on all of your materials
 - b. It helps if you have someone checking and returning calls daily
 - c. People will have a lot of questions, so make sure to have information on the event and some FAQ's for the person who is returning the calls and registering people for the event.

PRO TIP: Schedule people who have the most convictions on their record towards the beginning of your event.

Some FAQ's:

1. What documents do I need to bring?
2. What is the cost?
3. How do I qualify?
4. What services do you offer?

- Decide who will be the individual, agency, or organization responsible for the registration list and registration process on the day of the event.
- Find out from the legal service provider at your clinic what documents or identification your attendees will need to bring.
- Schedule more people than you can serve because you can expect that a significant percentage of people who have registered will not show up, but don't go overboard.
- The post-conviction relief process can take a long time, depending on how many cases the applicant has and the complexity of the relief being provided, so you should **schedule people who have the most convictions on their record to attend at the beginning of your event.**
- Do not give each attendee an exact appointment time because, if you are running behind, attendees could get upset and tell you that they had an appointment time and that's when they expected to be served. It's best to assign people into groups (i.e. Groups A, B, & C) and tell people in each group to be there by a certain time in order to be served.
 1. Example: Group A is scheduled to come in at 10:00 am,
Group B is scheduled to come in at 11:00 am, etc.
- With appointment grouping, each client is thus given a one- or two-hour window when they should arrive at the clinic. This will help you avoid having a rush of clients at the very beginning of the event, and you will have a steadier flow of people arriving throughout the clinic.

8. DON'T FORGET TO ADD ON WRAPAROUND RESOURCES WHENEVER POSSIBLE BY FINDING ORGANIZATIONS IN YOUR AREA THAT ALREADY PROVIDE THEM:

- Voter registration and GOTV
- Provide information on voter registration purges - and the ability to check if an applicant's registration is up to date - You can use www.dontgetpurged.org to find out.
- Provide information on voting with a criminal record or criminal status in your state:
 1. Can people vote if in jail? Can they vote if in prison? Can they vote on parole? Can they vote on parole? Can they vote pre-trial?
 2. Is voter registration removed by a criminal conviction or an arrest/do they have to re-register after leaving jail/prison/parole/probation?
 3. See www.restoreyourvote.org and/or local criminal justice reform organizations for this information.
 4. Preferably have handouts with this information that can be taken home/given out.
- Employers (if job fair is possible) or resume workshops
- Other public benefits (SNAP, Social Security, Medicaid, on-site health screenings, HIV testing, etc.)
- Housing and tenants' rights information
- Education (voter education, cannabis education, social equity education --- but **no cannabis should be on the premises** because of the legal risk that presents to applicants)
- Immigration services
- Child care
- Veterans services

9. PREPARATION: HOW TO ENSURE YOUR EVENT IS A SUCCESS:

Before the clinic, make sure everything is in order. Check and double check.

- You and your volunteers should have a clear outline of the clinic process. You should have a step-by-step process developed by your legal service provider. For example:
 1. Registration/Check-in
 2. Record review
 3. Filling out of forms
 4. Copies
 5. Check-out
- Ensure that your registration/check-in process is solid! You do not want a bottleneck to form there.
- Try to set up all tables, tents, chairs, etc. the day before the event.
- Make sure that WiFi works in your venue the day before the event.
- Confirm that the databases you may need to access (court case databases, public defenders databases, etc.) are not going to be worked on, updated, or closed during the time of your clinic.
- Give your volunteer attorneys the best head start possible by asking attendees to obtain their court records **before the event** and drop them off at a predetermined location so that they can be reviewed by legal volunteers before the event.
 1. Example: we have attendees deliver their court cases to one of the participating organizations. The coalition picks a day before the event to bring the legal volunteers together to help review court cases for eligibility. We host a "record review party" and feed the volunteers while they review court case documents for your attendees. This saves a ton of time the day of the event.
- If you want to take pictures or videos, or if the media wants to come, make sure that you have attendees sign a release form. For people who do not want to be photographed or recorded, have them let you know so that they don't get filmed or interviewed. It is important to document stories from the people you help - in order to receive future funding and record your impact - but you must empower the person taking the risk to be filmed or interviewed. You should prep them by giving them a quick media training beforehand. Try to identify the people willing to speak on camera early so that you can make them feel comfortable doing it.
- Map out the event space and create a location map to reference when setting up during the day of the clinic.
- Hire or recruit volunteer translators for the day of the event.
- Make sure attendees, volunteers, and vendors know where to park and what time you need them in their respective roles.
- Order food and water for volunteers and service providers. If you can, buy snack foods (granola bars, fruit, water) for your attendees. If they have to wait to be served, this will make them much happier.
- Make sure you have enough reams of paper and other relevant office supplies.
- Ensure your close-out steps are solid. You want to be able to capture the contact info of everybody that was served for follow up and future outreach.
- Train all the volunteers in their various roles: runner for copies, check-in/registration, food set-up/clean-up, translators.
- Set up a system to track how many cases and people you serve for future fundraising purposes and research.
- Make a contingency plan for immigration ICE raids and law enforcement presence. It's better to have these events on property where ICE cannot raid, like schools, churches, and colleges.

10. THE DAY OF THE EVENT:

- Eat breakfast.
- Keep attendees up to date with wait times and any other relevant information so that they remain calm and patient.
- Put your strongest volunteers at the check-in and check-out table.
- Wear comfortable shoes.
- Make sure:
 1. Your copiers and WiFi are running well before your event starts.
 2. Food and drinks are ready to go on time for your volunteers.
 3. Copiers are running smoothly.
 4. All service providers have access to WiFi if they need it.
 5. You have enough time to set up the venue: tables, chairs, tents, WiFi, copiers, and anything else you need.
 6. Your referral process for overflow and walk-ins is established.
 7. You can communicate with all points of your clinic process (i.e. through cell phones or walkie talkies).

Now you're ready to host a record change clinic.

APPENDIX: LINKS & GLOSSARY

GLOSSARY:

Post-Conviction Relief: Federal or state procedure whereby a person convicted of an offense can request that a conviction or sentence be dismissed, reduced, or vacated.

Examples include: Expungements, certificates of rehabilitation, record sealing, felony reductions. Options and availability vary, state by state.

Live Scan: Also known as a criminal record or criminal history record. Live Scan is a way to take inkless fingerprints, which are then digitalized and transmitted directly to a state's Department of Justice (DOJ). The DOJ then checks the fingerprints against known criminal history records.

SPECIAL LINKS:

[50-State Comparison: Judicial Expungement, Sealing, and Set-aside](#)

[Find Legal Aid](#)

[The Rights Restoration Project](#)



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