

HOW TO ORGANIZE

A RECORD CHANGE CLINIC

A Toolkit for Organizations Seeking to Provide
Proposition 47 and Other Record Change Services



CALIFORNIANS
FOR SAFETY AND JUSTICE

safeandjust.org

Acknowledgements

Californians for Safety and Justice would like to thank the community organizers and legal service providers who provide access to legal remedies that allow individuals to reduce or expunge certain criminal convictions. The members, attorneys, organizers, leaders and visionaries from the following organizations and partnerships¹ contributed their expertise and insight to this toolkit and made it possible to provide this information:

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- Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (LCCR)
- Legal Aid Foundation of Los Angeles (LAFLA)
- Legal Services for Prisoners with Children/All of Us or None (LSPC)
- Los Angeles County Public Defender’s Office
- Neighborhood Legal Services of Los Angeles County (NLSLA)
- San José State University Record Clearance Project
- Starting Over, Inc.
- Watsonville Law Center

About Californians for Safety and Justice

Californians for Safety and Justice (CSJ) is a nonprofit project of the Tides Center working to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars. As part of that work, we support innovative efforts to increase safety and reduce costs by providing toolkits, trainings and peer-to-peer learning, and developing collaborative partnerships. Californians for Safety and Justice is also working across the state to effectively implement Proposition 47. Learn more at: safeandjust.org or MyProp47.org. For information in Spanish, visit MiProp47.org.

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I. ABOUT THE TOOLKIT

This toolkit is primarily for:

- Community-based organizations
- Churches and faith-based organizations
- Service providers
- Government agencies
- Labor and business organizations
- Workforce development organizations
- Legal service providers for immigrants
- Legal service providers for reentry populations (including those providers who may not offer record clearing legal services)
- Any organizations that support smart justice strategies

The toolkit:

- Explains Proposition 47
- Provides tools to plan and organize a Record Change Clinic
- Poses questions to consider when planning your clinic
- Offers templates to use at your clinic
- The Appendix is available at: MyProp47.org/resources.

II. OVERVIEW OF PROPOSITION 47 AND WHY THIS TOOLKIT IS NEEDED NOW

The Collateral Consequences of Criminal Convictions

After someone is arrested and/or convicted of a crime, they have a criminal record — regardless of their punishment or whether the offense was a low-level misdemeanor or a felony. In some circumstances, a criminal record can be viewed by judges and law enforcement officials who may encounter the individual in the future, as well as by employers and other entities that may consider one’s criminal history for the appropriateness of certain jobs, housing, services, etc.

A criminal record has far-reaching effects on an individual’s ability to rebuild their life after serving their sentence. Even a low-level, nonviolent conviction can create barriers to employment, housing, education loans and more, as well as create consequences in other areas such as immigration.

In California there are more than 4,800 different restrictions placed on someone with a criminal record. More than half of these (58%) are employment-related, and 73% of the restrictions are lifetime bans.²

While these restrictions may have been rooted in attempting to achieve public safety goals, some public safety issues can be created when imposing severe restrictions. When an individual is prevented from furthering their education, finding gainful employment or accessing stable housing and other reentry services, achieving stability in one’s life is nearly impossible. Helping individuals leaving the criminal justice system gain stability and become productive and contributing members of our communities is very important to advancing safety. This is why legal service providers around the state are working to identify legal solutions that enable people to remove convictions from their records so they can successfully rebuild their lives after incarceration. Proposition 47 provides an important way for people to accomplish that goal.

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This work has taught me about the power and possibility of human transformation. And our community partners leading criminal justice reform efforts have taught me how, by working together, we can make our systems more just.

ELIZA HERSH, DIRECTOR, CLEAN SLATE PRACTICE,
EAST BAY COMMUNITY LAW CENTER

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About Proposition 47

In November 2014, California voters passed Proposition 47, a ballot measure that changed six low-level, nonviolent offenses from potential felonies to misdemeanors. These included simple drug possession and theft offenses under \$950 in value.³

OFFENSES ELIGIBLE FOR PROPOSITION 47 RELIEF:

- Simple drug possession
- Petty theft under \$950
- Shoplifting under \$950
- Forgery under \$950
- Writing a bad check under \$950
- Receipt of stolen property under \$950

RECORD CHANGE, REDUCTION, EXPUNGEMENT and CLEAN SLATE PRACTICE

“Reclassification” under Prop. 47 (also called “Record Change”) allows people with certain low-level, nonviolent felonies to change those convictions to misdemeanors. A person is not excluded if they served a prison sentence.

“Reduction” under Penal Code 17(b) is another law that allows people to reduce some felony convictions to misdemeanors. A case is not eligible if the person was sentenced to prison for the case, even if no prison time was actually served. There are many convictions that are eligible for a Penal Code 17(b) reduction that are not eligible for Prop. 47 reclassification and vice versa.

“Expungement”, also known as “set aside and dismissal” in California, allows people to seek specific types of dismissals of their prior cases. This dismissal does not completely remove a conviction from someone’s record, but it provides certain specific protections, particularly for employment. There are limitations for those who served a prison sentence for some very serious sex offenses, but the convictions eligible for expungement are broader than those eligible for Prop. 47 reclassification.

“Clean Slate Practice/Reentry Legal Services” refers to a practice of law in which attorneys draw from all legal remedies available to assist individuals with both legal and civil issues in order to help them overcome the barriers that flow from incarceration, also defined as the “collateral consequences of incarceration”.

Because the law is retroactive, people with prior, eligible convictions on their criminal records can petition the California courts where they were convicted to change the charges to misdemeanors. (However, if someone also has a prior conviction for a serious crime such as murder, rape or child molestation, or is on the sex offender registry, they are disqualified from benefiting from Prop. 47.⁴) Tens of thousands of people have successfully petitioned California courts to change their records.

Why This Toolkit Is Needed Now

In California, as many as one million individuals may be eligible to change their records under Prop. 47. This number does not reflect those who are eligible for other legal remedies related to record change.

Changing one’s record and then trying to remove the barriers resulting from a criminal conviction is challenging, but there is urgency now because **Prop. 47 retroactive relief expires on November 4, 2017**. Anyone who wishes to retroactively reduce an old Prop. 47-eligible felony conviction to a misdemeanor must apply before that date.

Moreover, the attorneys and organizations that provide record change services continue to face longstanding challenges:

Legal service providers, such as legal aid offices, law school clinics and neighborhood legal clinics are severely underfunded, despite high demand. They experience a high volume of legal and administrative work, and are not present in every county in California.

Public defenders focus primarily on individuals who are currently involved in the criminal justice system (i.e., someone serving a sentence or under supervision by county probation or state parole). Many public defender offices provide expungement services, but they, too, are severely underfunded, with limited resources, staff and attorneys.

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It’s my community, so it’s my responsibility.

EUNISSES HERNANDEZ, CRIMINAL JUSTICE POLICY ASSOCIATE, DRUG POLICY ALLIANCE — CALIFORNIA

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Compounding these funding challenges is the fact that it is difficult to reach everyone who is eligible to change their record. Many individuals are unaware of their legal options, have limited transportation, live in areas where legal services are not readily available or may simply fear getting involved with the criminal justice system again. Noncitizens can be especially hesitant to access these services for fear of immigration consequences.

Despite these barriers, service providers and community-based and faith-based organizations are uniquely positioned to serve the hard-to-reach populations that are eligible for Prop. 47 and clean slate relief. This toolkit outlines how Record Change Clinics, even small ones, can make great strides in helping individuals reduce the collateral consequences of old convictions and help people to rebuild their lives.

III. PLANNING YOUR RECORD CHANGE CLINIC

A. Who Will Come to Your Record Change Clinic and How Will You Organize Your Event?

Identifying the Population You Will Serve

Identifying attendees and conducting outreach for a Record Change Clinic is becoming easier as more community groups educate their members about Prop. 47. Some groups will invite only members of a particular organization or church; others will open the event to an entire neighborhood or city. People with Prop. 47-eligible convictions may also be eligible for other record change remedies. Finding volunteer attorneys who are experienced in providing the full range of clean slate services is advisable.

For clinics that will only provide Prop. 47 services, it is critical that you provide a referral sheet of local clinics, organizations and public defenders that can help attendees access additional record change services that they may need. Determine which services you will provide before outreach begins so that community members can anticipate what they will get from your event. Details regarding services and referral sheets are provided in Sections B and D.

Outreach is most effective when led by community organizations or groups come into contact with Prop. 47-and clean slate-eligible individuals, such as:

- Reentry programs
- Support groups for families of prisoners
- Places of worship
- Drug and alcohol treatment programs
- Homeless shelters
- Veterans' groups
- Other community service organizations

Determining Clinic Frequency

One of the first factors to consider is whether your clinic will be a one-time or recurring clinic. The answers to these questions depend on your organization's capacity and interest, and will help you decide your clinic structure and size.

One-Time Event:

Many organizations opt to hold a one-time event. This might be the best option if you are holding a clinic for the clients of a particular organization or a similar discrete population of people such as a specific neighborhood, or if your organization has received a one-time funding opportunity.

If your goal is to reach a discrete group of people that is limited in size, a one-time event may be whatever size is appropriate for your organization's goals. One-time clinics aimed at reaching larger populations tend to be longer (4–6 hours) and larger, serving more people (50 or more) with more volunteers. As a result, the costs and planning effort for a one-time event tend to be greater.

Whatever the size, the goal of a one-time event is efficiency. It will rely more on already-trained attorneys and nonlegal volunteers from a partner organization.

Recurring Clinics:

Some organizations choose to hold recurring clinics. This is a better option if you have a stable pool of potential volunteers, access to an appropriate space with the necessary infrastructure, and are trying to reach a larger or more general population. It is also a good option if you do not have the substantial resources for a single large event, but can devote a smaller level of resources over a longer period of time. Details regarding resources and infrastructure needs are provided in Section D.

Because the clinics are recurring, fewer resources are devoted to any individual date. Rather, the focus is on developing a sustainable effort that can be repeated without placing an unmanageable strain on the organization. Recurring clinics are usually shorter (2–3 hours) and serve fewer people with fewer volunteers at any one time. More effort can be invested in training your organization's volunteers over time, which can result in less reliance on volunteer attorneys from other organizations.

Determining Clinic Structure

There are different ways you can structure a clinic to best utilize your resources. Whichever structure you choose, **it is necessary for a licensed attorney to review each clinic attendee's file to determine eligibility for relief.**

Structure 1: Attorneys Complete All Work

If you have a sufficient number of trained volunteer attorneys, the simplest structure is to have volunteer attorneys work with the clinic attendees from beginning to end, i.e., once an individual arrives for the clinic and signs in, an attorney will review their record, determine eligibility and prepare the necessary court forms.

Structure 2: Attorneys Screen and Volunteers Complete Court Forms

If you do not have sufficient attorneys, another option is for an attorney to review the clinic attendee's record to determine eligibility and indicate accordingly on an internal intake form. A nonlegal volunteer will then complete the required court forms based on the attorney's analysis. Details regarding all necessary forms, including a sample intake packet, are provided in Section D.

Determining Clinic Size

The success of a clinic hinges on having the right number of attendees — too few wastes time and money, and too many makes for a chaotic and stressful experience. The length and size of your clinic can vary considerably. A small recurring clinic may have as few as five volunteers, one attorney, and a handful of clients. A large one-time event may have as many as 20–25 attorneys, several support volunteers and 100 or more attendees.

The number of attendees you aim for will depend on the clinic structure you select, the number of attorney and non-attorney volunteers that you have available, the length of time of your clinic, and whether your clinic will provide Prop. 47 assistance only or Prop. 47 and other services such as expungement. See Section B for a detailed discussion of issues to consider when deciding what services to offer at your clinic.

Guidelines are included below that may be helpful in determining how many attendees your clinic can reasonably serve. If you have a preset goal of the number of individuals you need to serve, you can use the guidelines to determine how many attorneys and volunteers you are likely to need. Be sure to build some flexibility into your planning, to account for registration time, moving attendees between stations and breaks for volunteers.

Prop. 47–Only Clinics

If your clinic is providing Prop. 47 services only, you will be able to serve more people with fewer resources, because the process required for Prop. 47 is relatively simple.

For Structure 1, where attorneys perform all the substantive work, you should estimate that an attorney can work with each attendee for an average of 30 minutes. If you have 10 attorneys and have a two-hour clinic, you can accommodate approximately 40 attendees.

For Structure 2, where attorneys complete the screening but volunteers complete the forms, you should estimate that an average appointment will require 15 minutes with an attorney for the legal consultation, and 20–30 minutes with a volunteer to complete the necessary forms. The total amount of time for each attendee is longer, but the time spent with the attorney is shorter, requiring fewer attorneys to assist the same number of people.

Clinics Offering Prop. 47 and Clean Slate Services

If your clinic is going to offer Prop. 47 and clean slate services such as expungement, you will need considerably more resources to assist attendees. You will also need a volunteer pool of both attorneys and non-attorneys, and will need to add time before the clinic for preparation and training. See the discussions in Sections B and C for more information about the logistics involved.

For Structure 1, you should estimate that an attorney can work with each clinic attendee for an average of one hour in order to provide consultation regarding both Prop. 47 and clean slate services.

For Structure 2, on average, an attendee will spend 20 minutes with an attorney and one hour with a volunteer.

Organizing Client Registration and Attendance

There are several things to consider regarding attendance to ensure attendees have clinic information, arrive prepared and your clinic is prepared to serve the individuals who attend.

Preregistration vs. Walk-In

Many clinics opt to require attendees to preregister. This provides greater control and predictability regarding the number of attendees. It also gives you an opportunity to speak with attendees beforehand, answer questions, ensure they have their Record of Arrests and Prosecutions (RAP) sheets and confirm their attendance. See Section C and Appendix F for information regarding RAP sheets.

Preregistration will require additional infrastructure and resources. You will need a phone number that potential attendees can call to register. Staff or volunteers can answer calls, return messages promptly in the weeks leading up to the event to take client information and transfer to an internal tracking system.

An electronic means of registration, such as email, a website, or online tools such as Eventbrite, can be an option. Note that many clients do not have regular access to the Internet, so if using electronic registration, make accommodations for individuals who don't have access.

If you choose to preregister attendees, you should have a plan for how your clinic will handle people who come without having registered. As word of your clinic spreads, people may arrive who did not register. Decide ahead of time whether you plan to still assist them, refer them to another clinic or offer an alternative.

“Walk-in” clinics do not require preregistration and eliminate the need for that infrastructure. However, attendance will be less predictable, and many attendees may arrive without the necessary information and documents.

Scheduling Appointments in Blocks

If you are holding a large or long clinic, having attendees preregister using “appointment time blocks” will be an effective tool for crowd and workload management. With appointment time blocks, each client is given a one- or two-hour window when they should arrive at the clinic. This helps you avoid having a rush of clients at the very beginning of the event, and have a steadier flow of people arriving throughout the clinic.

For example, for a clinic scheduled from 10 am to 2 pm, you could have attendees select either **10 am to noon** or **noon to 2 pm** as the window of time within which to arrive. Keep in mind that most clients will arrive at the beginning of the window, so you will likely have waves of people arriving at the beginning of each block. Therefore it is important to explain to attendees that preregistration is for a “time block” within which they will be served, not a specific appointment or reservation time.

Even if you schedule attendees to arrive during time blocks, attendees may still arrive outside of their time blocks. While preplanning can help with flow management, plan to be flexible and accommodate people as they come in.

APPOINTMENTS:

To account for “no shows”, schedule slightly more appointments than your maximum number of appointment slots. For example, for a four-hour clinic with six volunteer attorneys that typically could handle 50 attendees, schedule 60 appointments to increase the likelihood that 50 attendees will be served (even if all 60 show up, the additional number will be manageable).

Language Access

Prior to conducting a Prop. 47 Record Change Clinic, it is critical to assess the target population’s language needs (including sign language). This will help determine the appropriate number of bilingual attorneys (or attorneys with volunteer translators) who are trained in Prop. 47 and clean slate remedies and bilingual volunteers for administrative support.

“Crimmigration” Experts

Attorneys knowledgeable about both criminal and immigration issues (sometimes called *crimmigration*) should be present to answer related questions. See our separate toolkit, “A Guide for Legal Service Providers with Immigrant Clients on Proposition 47 and Post-Conviction Legal Options”, available at MyProp47.org/resources.

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These clinics may be the only time noncitizens feel comfortable talking about their legal issues. You can’t tell them to go home, that no one here can help you.

ROSE CAHN, SOROS JUSTICE FELLOW, LAWYERS’ COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA

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RAP Sheets

When scheduling clinic attendees, make sure that they have or will obtain their RAP sheet, or other court documents containing their criminal record history, before the date of the clinic (unless you are hosting a RAP sheet event). See Section C and Appendix F for information regarding RAP sheets.

Volunteers

Both legal and non-legal volunteers will be critical to your event. Legal volunteers will provide legal consultation and assistance in completing the legal forms. Non-legal volunteers will help with outreach, registration, set-up, day-of management and follow-up. Volunteer attorneys should be supervised by attorneys experienced in Prop. 47 and clean slate services. Non-legal volunteers should be supervised by a member of the hosting organization familiar with the clinic set-up and logistics. See Section C for information regarding volunteer recruitment.

B. What Type of Services (Legal or Otherwise) Will You Provide at Your Record Change Clinic?

Below are examples of different types of record change clinics to consider. Depending on your volunteer partners and the population you will serve, you may want to expand your event to include more than Proposition 47 relief, as described in Models 2 and 3 below.

Model 1: Providing Proposition 47 Relief Only

At a Prop. 47–Only Record Change Clinic, volunteer attorneys review RAP sheets to determine which offenses are eligible for Prop. 47 relief and which might be eligible for other legal relief.

For attendees with Prop. 47–eligible offenses, the volunteer attorney will:

- Complete the Prop. 47 Petition(s)
- Complete the Proof(s) of Service
- Submit the Prop. 47 Petition(s) to the appropriate court(s)

Note: Attendees with theft-related cases may need help gathering the necessary documents to show the dollar amounts in their convictions. In these cases, it may not be possible to complete the Prop. 47 Petition at the clinic. Be sure to provide resources or follow-up referrals for these individuals.

For attendees with offenses that are not eligible for Prop. 47, the volunteer attorney will:

- Provide consultation regarding expungement or other clean slate remedies
- Refer the individual to, or provide a list of, upcoming clean slate clinics for assistance with those convictions

Model 2: Providing Proposition 47 Relief and Clean Slate Services

Offering clean slate services requires significant additional planning and resources, and requires that volunteer attorneys spend additional time with each attendee.

At a clean slate clinic, volunteer attorneys consult with attendees and review their RAP sheets to determine which convictions are eligible for Prop. 47 relief and which convictions are eligible for clean slate relief such as the following:

- Expungement of a Conviction Record (Petition for Dismissal under Penal Code §§ 1203.4, 1203.4a, 1203.41, 1203.49)
- Reduction of a Felony Conviction to Misdemeanor (Petition for Dismissal under Penal Code § 17(b))

- Reduction of a Misdemeanor Conviction to Infraction (Petition for Dismissal under Penal Code § 17(d)(2))
- Early Termination of Probation (Penal Code § 1203.3)
- Dismissal for Cause of a Drug Possession Conviction Subsequent to Completion of a Deferred Entry of Judgment Program (Penal Code § 1203.43)
- Certificate of Rehabilitation (Penal Code § 4852.01 et seq)
- Seal and Destroy an Arrest Record (Penal Code § 851.8)
- Sealing of Successful Drug Diversion (Penal Code § 851.90)*
- Record of Arrest and Release (Penal Code § 849.5)*
- Redressing Identity Theft Issues on a Record (Penal Code § 530.6)

(See Appendix D for a sample of each of these forms except those marked *, which require a motion.)

For each conviction eligible for any type of relief, whether Prop. 47 or any of the clean slate remedies listed above, the volunteer attorney will:

- Complete the appropriate court form(s)
- Complete the Proof(s) of Service
- Submit the forms to the appropriate court(s)

Note: Some forms may require additional documentation, declarations or letters of support. In these cases, it may not be possible to complete the court forms at the clinic. Be sure to provide resources or follow-up referrals for these individuals.

Note: While there are no filing fees for Prop. 47 Petitions, there are fees when filing for expungements or other clean slate relief. An individual who cannot afford the filing fee or other court costs may qualify to have these fees and costs waived by the court. Details and court forms regarding fee waivers are provided by the California Courts Self-Help Center at <http://www.courts.ca.gov/selfhelp-feewaiver.htm>.⁵

Model 3: Providing Proposition 47 Relief, Clean Slate Services and Additional, Nonlegal Reentry Services

Adding reentry services to a clinic – whether the clinic provides Prop. 47-only services (Model 1) or clean slate relief (Model 2) – requires significant additional planning and resources, and partnering with community-based organizations.

In this clinic model, the organization sponsoring the legal clinic should partner with government agencies and local reentry service providers⁶ (housing, employment training, health care, substance abuse and behavioral health treatment, voter registration, DMV, SSI, etc.) to provide enrollment and other

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As a community organizer, I know how important it is to meet people where they are; that’s why we try to cover as much as we can. But the most important thing to do is engage folks in a humanizing and uplifting way. System-impacted people have been forced to endure degrading conditions. At your clinic, put a little love in your heart and smile; for many, this kind of treatment is long overdue.

JOHN JONES, OUTREACH COORDINATOR, ELLA BAKER CENTER FOR HUMAN RIGHTS

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specific services. It is critical that service providers not simply distribute brochures or offer referrals at the clinic, but actually provide enrollment services at the clinic.

When planning your Record Change Clinic, it is important to understand that many attendees may have questions or issues that cannot be solved by simply changing their criminal records. This action may be an important first step toward your attendee getting back on track, but it may just be the first step on a very long road.

To the extent possible, try to provide additional services that may help your attendee address concerns such as employment, housing, education, financial security and immigration. Organizers, community-based organizations and legal service providers throughout the state incorporate additional services to their Record Change Clinics to help people get closer to their personal goals. Below are some of the most effective services you can incorporate to your clinic:

- **Traffic Amnesty Workshop.** For many people, the accumulation of traffic tickets has led to the loss of a driver’s license, which in turn can make transportation to some jobs difficult or impossible. In 2015, Governor Jerry Brown signed into law an amnesty program that allows for a reduction in fines for driving infractions and reinstatement of a driver’s license. For more details and county-specific information, visit: <http://www.courts.ca.gov/trafficamnesty.htm>.

- **Job Readiness Workshop.** Most attendees are hoping to change their criminal records in order to increase their employment opportunities. For some, this may include résumé workshops, mock interviews and other job readiness training.
- **Healthcare and Wellness Services.** People who are not well cannot get to work. When hosting a Record Change Clinic, consider offering blood pressure screening, Affordable Care Act enrollment and mental health services/wellness counselors.
- **Immigration Services.** Noncitizens stand to benefit greatly from Prop. 47 and other record change services. A criminal conviction can be the cause for deporting a noncitizen. Consider having immigration services providers on hand to help any noncitizens who may attend in addition to having bilingual volunteers and crimmigration experts at your event.
- **Voter Registration.** Many people are unsure of the voting laws for those with criminal records or on probation. Consider having a voter registration table at your event to educate your attendees and register them to vote if they are eligible.
- **Free meals/child care services.** Discussing one's criminal record and meeting with an attorney can feel intimidating. Consider creating a family-friendly environment with activities for children (e.g., child care, face painting, games and/or a bouncy-house) and a free meal.
- **Invite a local organization to discuss opportunities for civic engagement.** When individuals are able to get what they need, they are eager to tackle other areas in their lives. Becoming a member of a local community-based organization can strengthen a person's desire to do more for themselves and may lead to leadership opportunities in their own community.

Consider inviting these other organizations to help you in providing the services above:

- 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.)

If you are not able to provide additional reentry services, you should at a minimum provide a list of local organizations that can serve the individual's holistic needs, including organizations that offer free immigration services, housing advocacy, health enrollment and additional legal services.

Clinic Alternative — Providing Record Change Services Remotely

While in-person clinics are preferable, organizations may need to consider alternatives because reentry clinics can involve significant cost, legal expertise and logistics.

One alternative would be to direct funds to hosting RAP sheet events where the hosting organization receives the RAP sheets. If the individual is unable to attend a Record Change Clinic in person, he or she is offered the Prop. 47 (or Prop. 47 and clean slate) services via phone or Skype. The RAP sheets can be distributed among a pre-recruited group of attorneys who can process the Prop. 47 Petitions and provide the full array of clean slate services at a time convenient for both the attendee and the volunteer attorney. For attendees in remote areas, phone or Skype meetings can take the place of in-person appointments with the right planning and execution. Legal service providers' time can be spent offering advice to pro bono attorneys rather than providing direct services.

C. How Will You Provide Legal Services at Your Record Change Clinic?

Recruiting Your Legal Volunteers

For your Record Change Clinic, you will need to recruit legal volunteers to review criminal records and complete the legal forms. The best sources for volunteers is the Public Defender's Office in your county, attorneys from any legal clinics in your county and local law schools.⁷ Additionally, attorneys with local law firms may be willing to volunteer at your clinic.

Training for your legal volunteers: If you are providing Prop. 47 services only, trainings are available for your legal volunteers who may not have experience with Prop. 47 paperwork. Visit [MyProp47.org/resources](https://www.myprop47.org/resources) to view a recorded webinar training on processing Prop. 47 legal paperwork at a community clinic.

If you wish to provide additional services, such as clean slate or reentry services, it is best to have trained attorneys provide those services, as the nuances in the law are quite complicated and an untrained attorney may provide incorrect legal information.⁸

Other Considerations for Your Legal Volunteers:

- If your volunteer attorneys have never done Prop. 47 or record change work, ensure that they receive their training a few weeks before the clinic.
- If possible, consider a clinic rehearsal/simulated clinic as part of the training for your legal volunteers. This requires advance preparation, but may help to identify and resolve any issues before the day of your event.
- You want to make the training for your volunteer attorneys as easy as possible: bring the training to them, remind them there is no takeaway work after the clinic, and offer limited shifts.
- Provide a Power Point training, practice exercises and homework before the clinic.
- Consider local law and undergraduate students for administrative support.
- Do a walk-through of the event and discuss “what-to-expect”.

Determining How You Will Handle RAP Sheet Collection and/or Screening

A critical step in offering Prop. 47 and/or clean slate services at your event is for attendees to have their criminal record documents (RAP sheets or Court Dockets) prior to the Record Change Clinic in order to complete the record change process.

When organizing your Record Change Clinic, there are two ways for you to ensure that attendees come to the event with their RAP sheets: (1) conduct outreach and direct attendees to obtain their RAP sheets on their own, or (2) organize a RAP sheet event prior to the Record Change Clinic.

Important step-by-step instructions for both of these methods in obtaining RAP sheets are provided in Appendix F.

WHAT IS A RAP SHEET AND WHERE DOES IT COME FROM?

A “RAP sheet” — a Record of Arrests and Prosecutions — is a list of all arrests and convictions. There are typically two types of RAP sheets: (1) a Department of Justice (DOJ) RAP sheet, (also called a statewide RAP or CII) and (2) the county RAP sheet or “Court Docket.” A DOJ RAP sheet will show all felony and misdemeanor crimes in California for which a person has been arrested and convicted, as well as arrests that did not lead to convictions. A county RAP sheet or Court Docket will show all felony and misdemeanor convictions and arrests within that county only.

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Many law firms have pro bono programs that could provide volunteer attorneys and even funding for RAP sheet events.

**NORA CREGAN, PRO BONO ATTORNEY NETWORK
ADVISOR TO CALIFORNIANS FOR SAFETY AND
JUSTICE**

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D. Where Should You Hold Your Record Change Clinic, What Will You Need and What Will the Day of the Event Look Like?

Determining Location, Equipment and Supply Needs, and Physical Layout

Location: Community organizations or churches may offer space to hold your clinic. Some community colleges or other public buildings may also provide space. The space must be large enough to provide a comfortable and organized waiting area with seating for attendees, and multiple stations for volunteer attorney consultations. It is important that the space be large enough for clients to have confidentiality when speaking with volunteer attorneys.

Parking/Public Transportation: Choose the location of your event carefully, considering whether free parking is available for attendees and/or whether it is easily accessible by public transportation.

Equipment and Stations: Below is a list of equipment and stations to consider having on-site in order to provide an organized flow to your event. See Appendix G for a checklist of the staffing, equipment and supplies described below.

Equipment:

- Laptops and WiFi: Most volunteers and volunteer attorneys will bring their own laptops; some may also have their own WiFi JetPacks, which provide a WiFi Hot Spot. WiFi is necessary so that volunteer attorneys can look up certain codes or other information online. If WiFi is not available, volunteer attorneys or staff may be able to use their personal smartphones or tablets for online access, although this is not recommended.
- Copy Machines: You will need to make multiple copies of the legal forms to file with the court(s) and send to the prosecutor(s), and for the client's records.
- Printers: If forms are going to be completed electronically, laptops will need to be connected to printers through a network.
- Electrical and Networking Cables: These should be provided and set up by the clinic sponsor and/or clinic location.
- Food: For clinics longer than four hours, food should be provided for all volunteers and attendees. Water should be provided for all clinics.
- Live Scan Machine: If possible, it is highly recommended to have a Live Scan provider at your event. Even with outreach

and advertising that tells attendees they must have their RAP sheets, some may still arrive without their documents. Attendees will not be able to receive their RAP sheets immediately, but providing them with a tangible service and benefit is more likely to keep them actively involved in pursuing help than if they simply were turned away from your event. See Appendix F for more information on securing a Live Scan provider, fee waivers and group discounts.

Stations:

- Registration Station: A table and two chairs should be at the entrance to the Record Change Clinic for volunteers to check in attendees as they arrive.
- Volunteer Attorney and/or Forms Stations: For privacy, one table and three chairs (in case a participant brings a family member or translator) should be provided for each Volunteer Attorney Station.
 - Each station must have an electrical power strip, for volunteer attorneys to connect laptop, printers, etc.
 - Each station must have sufficient pens, highlighters, post-it note pads, white-out tape and paper clips. (No staplers, since forms will need to be copied.)
 - All necessary Prop. 47 forms should be loaded onto several thumb drives so that documents can be loaded quickly onto laptops.
 - Note:** If offering clean slate services in addition to Prop. 47, all other necessary court forms should also be provided.
 - One printer should be provided for every three volunteer attorneys, on a table in close proximity to those attorneys. Printer drivers and IT setup should be confirmed a day in advance.
 - Although all volunteer attorneys will have received training, it is still wise to provide reference materials. These include a list of eligible offenses, excluded offenses and access to the California Penal Code.
 - Note:** If you opt for a structure where nonlegal volunteers are completing forms, these materials will be needed for the Form Stations.
- Copy/Mailing Station: The clinic sponsor must provide one to two business-grade copiers for every 50 attendees. A separate table with sufficient copy paper, spare toner and electrical power should be designated for the Copy Station, with space on that table available (or an additional table) to provide a work space as well as space for sorting boxes for the completed court forms and 9x12 envelopes (about five per client).

- Volunteers at the Copy/Mailing Station should also be sure clients know what they need to do with the copies they receive. Particularly if the clients will be filing the petitions themselves, they should receive clear instructions. Important details regarding filing and service are provided in Appendix N.

Important Documents for Volunteer Attorneys: Prior to the clinic, all volunteer attorneys should receive an email with all of the necessary documents and drivers to be loaded onto the laptops they will be using at the clinic. These documents should include:

- The printer driver for the printers to be used at the clinic.
- If possible, a fillable PDF of the Prop. 47 Petition for each California county.
 - A directory of Prop. 47 court forms by county is available at safeandjust.org/county-map.
- A hard copy of county forms in case of technical failure. Consider having forms for each county or the surrounding counties.
- If offering clean slate services in addition to Prop. 47 assistance, all other necessary court forms should also be provided. See Appendix D for a sample of the court forms listed in Clinic Model 2, described in Section III.B.
- The list of the names and addresses of the courthouses and prosecutors' offices in each county. A statewide directory of courthouses, Public Defender and District Attorney offices is available at safeandjust.org/county-map.
- The list of Prop. 47-eligible offenses and excluding offenses. See Appendices B and C.
- A copy of the training materials for offering Prop. 47 services, available at MyProp47.org/resources.
- A blank worksheet for identifying further clean slate remedies available to the client. See Appendix H for a sample worksheet.
- A spreadsheet of all clients expected so that the attorney can make notes of the services provided and follow-up needed.
- Disclaimer and release forms for attendees. A sample is provided in Appendix I.

Informational Takeaway Materials for Attendees: Provide materials for attendees to take home, such as the following:

- **A Next Steps** flyer explaining the court filing process to the attendee and what to expect. A sample is attached as Appendix J.
- **List of Upcoming Clinics** (in your area). Attached as Appendix K is the list of recurring clinics in Los Angeles County that can be used as a template or sample. A list of statewide Prop. 47 Record Change Clinics and resource fairs can be found at: Myprop47.org/events.
- **How To Reclassify Your Felony Flow Chart** (front/back in English/Spanish). Attached as Appendix L is a copy of the Reclassification Infographic. This infographic and additional Prop. 47 resources are available online at MyProp47.org/resources.
- **A Resources List** directing people to local legal services organizations and community-based advocacy groups that can serve the individual's holistic needs, including organizations that offer free immigration services, housing advocacy and additional legal services.

Setting Up for Your Record Change Clinic

Clinic Stations: All stations should be set up with tech, documents and office supplies at least one hour before the volunteers arrive. Ideally, tech setup should be completed and tested the night before. On the day of the clinic, volunteers should be able to simply plug their laptops into the existing station setup.

Volunteers: Attorney volunteers should arrive at least one hour before their shifts. The supervising attorney for each group should orient the volunteers to the procedures for the day and assign them stations. Volunteer attorneys should confirm that they have all necessary documents loaded onto their computers, and that they can print from their stations before any attendee arrives.

Nonlegal volunteers should arrive at least a half-hour before their shifts. Their supervisors should assign them roles (registration, traffic flow coordinator, runner, copy/mail staffer) and orient them to the procedures for the day. If you are opting for a structure in which nonlegal volunteers will be more involved in providing services, such as completing forms, these volunteers should arrive earlier and receive an orientation more in line with the attorney orientation described above.

Traffic Flow: A volunteer should be assigned to manage traffic flow from registration to the waiting area and from the waiting area to available attorneys. (See “Greeting Your Attendees,” below.) If your clinic structure will have clients moving between different stations (e.g., from an attorney to a nonlegal volunteer who will complete forms), a volunteer should be assigned to manage the flow of attendees between the two stations.

Intake Packets: Consider using an Intake Packet to help track services and attendees and to make attorney appointment times more efficient. See Appendix M for sample Forms.

Signage: If your clinic location is difficult to find, consider signage on the street. Also, include signage at each station so that attendees do not get confused or lost through the process.

Reference materials for attorneys at each station: Although all volunteer attorneys will have received training, it is still wise to provide reference materials. These include a list of eligible offenses and excluded offenses, and access to the California Penal Code.

The Day of the Clinic — Serving Your Attendees

Greeting Your Attendees: As attendees arrive, rather than simply checking off their names on the appointment list, write their names on a fresh list, in the order that they arrive. As an attorney becomes available for consultation, they can simply call the next name on the list and then cross the name off the list. Depending on the location of your event and/or other considerations, attendees may not want to have their names called from a list. Consider giving out numbers instead where confidentiality is needed. Determine whether the attendee needs an interpreter or any other accommodations for their attorney appointment.

The Attorney Appointments: The following provides a sample flow for a clinic that is only providing Prop. 47 services.

Your legal volunteers should begin with greeting the attendee and explaining what will and will not be accomplished during the clinic. The attorney should then review the attendee’s RAP sheet, or the prescreening worksheet if the RAP sheet was reviewed prior to the clinic.

If the attorney is completing the court forms, they should use the fillable PDF forms on their computer to complete an application for each Prop. 47-eligible conviction on the

attendee’s RAP sheet, the Proof of Service, and then print the completed forms. If a tech failure occurs, the attorney will need to use paper copies and fill out each form individually. The attendee should sign the petition form, **but not the Proof of Service**. If a different volunteer will be completing the forms, the attorney should complete a worksheet indicating which cases are eligible for Prop. 47, and the necessary information.

The attorney should also review the remainder of the RAP sheet and fill out the worksheet identifying any clean slate remedies that may be available to the attendee. The attorney should explain that, because of time constraints, the clinic cannot provide these services on a same-day basis. The attorney should then tell the attendee that they will receive a flyer explaining what to do next to take advantage of any non-Prop. 47 remedies.

The attorney should make notes in the attendee spreadsheet, stating the number of Prop. 47 applications completed, the additional services the attendee needs, and whether the attorney is willing to represent the attendee if the individual pursues clean slate remedies.

If the attorney is completing the petition forms, a volunteer should escort the attendee to a supervisor, who will check the forms packet to ensure there are no errors or omissions. **The supervisor should sign the Proof of Service form for each case.**

Forms Volunteers: If a different volunteer is completing the petition forms, then once the attorney is finished, a volunteer should escort the attendee to a forms volunteer. The forms volunteer will complete the Prop. 47 Petition and Proof of Service forms using either the fillable PDF on their computer or paper forms.

Once the forms volunteer has finished, a volunteer should escort the attendee to a supervisor who will review the petition packets and sign the Proof of Service forms as described above.

Copy/Mailing Station: Once the attendee’s packet has been reviewed by a supervisor, the attendee should proceed to the copy/ mailing station. The volunteers should make a copy of the packet for the attendee and offer them the Next Steps flyer. The volunteer should then separate the Prop. 47 applications by courthouse, and deposit them in the appropriate sorting bins.

Serving and Mailing Applications: Volunteers should make three photocopies of each completed court form:

- One copy for the attendee to keep
- One copy to serve on the prosecutor by mail (for expungement petitions, this copy should **not** include fee waivers)
- One copy for the sponsoring organization (optional, but a good idea if the organization has capacity to hold the documents for tracking and follow-up purposes)
- The **original** gets served on the appropriate court

If your clinic is handling service, you will keep the service copy to send to the prosecutor at the end of the day. If your clinic is also handling filing, you will keep the originals to file with the court.

Service must be taken care of immediately following the end of the clinic. Filing should be completed as soon as possible, if not immediately along with service.

Important details regarding filing and service are provided in Appendix N.

Following Up After the Clinic

Following Up with Attendees: Many volunteer attorneys will be willing to perform the clean slate services their attendees need after the Record Change Clinic. The sponsoring organization should ensure that those attorneys follow through with their commitments. Other attendees should be given a phone number or email address to which they can address questions regarding follow-up.

Clinic Support: After a Prop. 47 clinic, it is likely that some attendees will want to attend local expungement clinics for follow-up clean slate services. To the extent possible, the sponsoring organization should provide support to the legal service organizations operating those clinics to avoid overwhelming them. Such support might include recruiting pro bono attorneys to supplement staffing or recruiting pro bono attorneys to accept direct representation of attendees without the need for them to attend another clinic.

MEASURING YOUR SUCCESS

Funders and sponsors will want to know about the success of the clinic. After the event, the sponsoring organization should use registration documents, Eventbrite reports, attorney notes and copies of all court forms to determine how many attendees were served, how many petitions/forms were filed for each type of relief (Prop. 47, expungement, etc.), and what follow-up services are necessary.

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Comprehensive reentry services are critical because when we fail to ensure that people have a real opportunity for employment and rejoin their community, it is not just a burden on that person but on everyone. We are hurting their families, our communities, and ourselves, by losing productive community members.

CT TURNEY, SENIOR STAFF ATTORNEY, A NEW WAY OF LIFE REENTRY PROJECT

”

IV. ENDNOTES

¹ A detailed description of each organization is included in Appendix A.

² *Rehabilitating Corrections in California: The Health Impacts of Proposition 47*. Human Impact Partners (September 2014). Available at: prop47impacts.org.

³ Proposition 47 amends various provisions of the Penal and Health and Safety Codes to reduce personal possession drug offenses and thefts involving less than \$950 from a straight felony or a “wobbler”, to a straight misdemeanor. A complete list of Prop. 47 offenses is provided in Appendix B.

⁴ A table of disqualifying prior convictions that will exempt an individual from getting their record reclassified is provided in Appendix C.

⁵ The *Request to Waive Court Fees* (Form FW-001) and instructions are provided in Appendix E.

⁶ A county directory of reentry legal service providers is available at: ebclc.org/reentry-legal-services.

⁷ A statewide directory of Public Defender Offices and organizations that provide free Prop. 47 and clean slate services is available at: safeandjust.org/county-map.

⁸ To request information regarding attorneys in your area who are trained to provide these services, email: cleanslate@ebclc.org.



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