



# CARE

*Community Awareness,  
Response, & Engagement*

*Demystifying*  
**THE DEPARTMENT OF JUSTICE**  
*A Quarterly Series*

**Thank you for joining  
us for today's webinar  
series on reentry.**



# Mission of the California Department of Justice

The Attorney General is the state's top lawyer and law enforcement official, protecting and serving the people and interests of California through a broad range of duties.

The Attorney General's responsibilities include safeguarding Californians from harm and promoting community safety, preserving California's spectacular natural resources, enforcing civil rights laws, and helping victims of identity theft, mortgage-related fraud, illegal business practices, and other consumer crimes.



# Divisions of the Department of Justice

## **Criminal Division**

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Investigates and prosecutes crimes, handles criminal appeals and post-conviction litigation, and represents the state in civil rights actions involving people in state prisons.

## **Public Rights Division**

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Defends civil rights, monitors and regulates law enforcement, protects consumers, ensures that fair housing laws are followed, safeguards the public's right to quality healthcare, promotes environmental justice, and enforces labor laws.

## **Criminal Justice Information Services**

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Provides accurate, timely, and comprehensive criminal history and analysis data to its client agencies, researchers, law enforcement, and the public. Maintains and processes criminal records.

## **Civil Division**

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Provides legal services to state agencies and officials in trial and appellate litigation and defends state statutes and regulations when challenged.



MARCH 31, 2023

# A Proclamation on Second Chance Month, 2023

[BRIEFING ROOM](#) • [PRESIDENTIAL ACTIONS](#)

America has always been a land of second chances, founded on fresh starts, new possibilities, and the belief that every person deserves to be treated with dignity and respect. During Second Chance Month, we recommit to helping people forge the new beginnings they have earned and building a safer and more just society.

I believe in redemption – but for hundreds of thousands of Americans released from State and Federal prisons each year, or the nearly 80 million who have an arrest or conviction record, it is not always easy to come by. A criminal record can prevent them from landing a steady job, a safe place to live, quality health care, or the chance to go to back school. It can keep them from ever getting a loan to buy a home, start a business, or build a future. It can bar them from voting. As a result, three-quarters of formerly incarcerated people remain unemployed a year after their release – and joblessness is a top predictor of recidivism. We are not giving people a real second chance.

Our justice system should instead be based on the simple premise that once someone completes their sentence, they should have the chance to earn a living, build a life, and participate in our democracy as fellow citizens.

Instead of giving people \$25 and a bus ticket when they are released, we have to help them address their underlying needs as they re-enter society. It will keep families whole, build stronger and safer communities, grow our economy, and reduce recidivism long-term.

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“At the Department of Justice, we believe in second chances. We believe that once someone serves their time that they should have the chance to earn a living, go to school, and participate in civil life.”



## Agenda

What is Reentry and Recidivism?

What Does the Reentry Population Look Like?

What are the Trends in Reentry and Recidivism?

What Challenges do People with Criminal Histories Face?

What is DOJ Doing Support Successful Reentry?

# Reentry & Recidivism: Defining Terms

Reentry (noun):

*“Reentry is the process by which a person in correctional confinement prepares for release and transitions back into the community.”*

(Source: National Institutes for Justice, Five Things About Reentry, April 2023).

# Reentry & Recidivism: Defining Terms

Recidivism (noun):

*Recidivism occurs when an individual is arrested or is convicted of a new crime within a specified period of time, usually within three years of release.*

(Source: California Department of Corrections)



# Reentry & Recidivism: By the Numbers

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## California's Prison & Jail Population

### How many California residents are locked up and where?

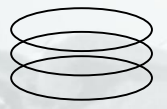
199,000 of California's residents are locked up in various kinds of facilities



**PRISON**  
POLICY INITIATIVE

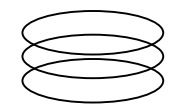
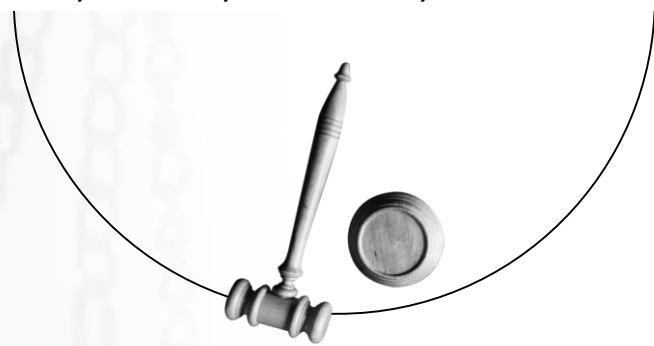
Details may not add to total due to rounding.

Sources and data notes: See [www.prisonpolicy.org/reports/correctionalcontrol2023.html](http://www.prisonpolicy.org/reports/correctionalcontrol2023.html)



457,400

Californians Under Some Form of Criminal Supervision  
(including Probation, Parole, Juveniles, and Involuntary Commitment)

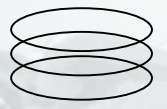


Source: Prison Policy Initiative , Correctional Control 2023



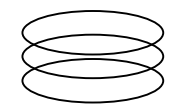
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8,000,000

Californians Have a Criminal Record



Source: California Policy Lab, 1 in 8 Californians with a Criminal Record Potentially Eligible for Full Records Clearance



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# 1 in 5

Californians have a criminal record

Source: Californians for Safety and Justice, Repairing the Road to Redemption

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## Pop Quiz

How Many People are Released from CA Prisons Annually?

A. 15,000

B. 20,000

C. 35,000

D. 40,000



# Pop Quiz

How Many People are Released from California Prisons Annually?

A. 15,000

B. 20,000

**C. 35,000**

D. 40,000

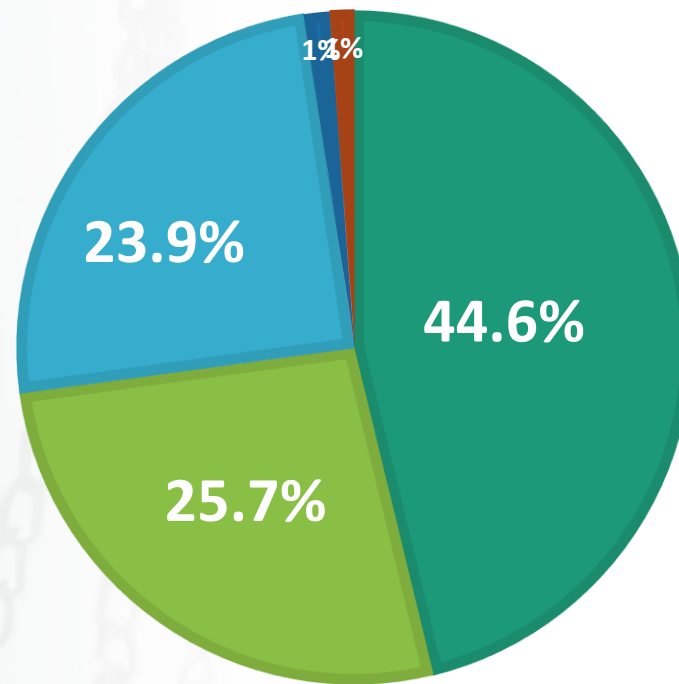
Source: California Department of Corrections and Rehabilitation,  
Recidivism Report for Offenders Released FY 2017-2018

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# Racial Demographics of Individuals Released From California Prisons

■ Latino ■ White ■ Black ■ API ■ Native American



Source: California Department of Corrections and Rehabilitation, Recidivism Report for Offenders Released FY 2017-2018

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# Recidivism Statistics



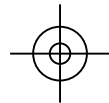
68.9%

Percentage of individuals arrested for a crime within three years of release



44.6%

Percentage of people convicted of a new offense within three years of release





## Felonies v. Misdemeanors

- 20.9 percent were convicted of a felony offense
- 23.7 percent were convicted of a misdemeanor offense



## Type of Offense

- People originally convicted of property crimes had the highest conviction rate after three years (56%)
- People originally convicted of crimes against the person had lowest three-year conviction rate (32.8)

## Age

- Three-year conviction rate for people ages 18 and 19 years old was the highest (67.5 percent).
- People ages 60 and over had the lowest conviction rate of all age groups (17.2 percent)



# “Invisible Punishments”: Collateral Consequences Facing People with a Criminal History

(1) COLLATERAL CONSEQUENCE.—The term “collateral consequence” means a collateral sanction or a disqualification.

(2) COLLATERAL SANCTION.—The term “collateral sanction”— (A) means a penalty, disability, or disadvantage, however denominated, that is imposed by law as a result of an individual’s conviction for a felony, misdemeanor, or other offense, but not as part of the judgment of the court; and (B) does not include a term of imprisonment, probation, parole, supervised release, fine, assessment, forfeiture, restitution, or the costs of prosecution.

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# Pop Quiz

**How Many Legal Barriers Do People with Criminal Histories Face?**

- A. 5,000
- B. 10,000
- C. 20,000
- D. 30,000
- E. 40,000

Source: Council of State Governments, “The National Inventory of the Collateral Consequences of Conviction,” <https://niccc.csgjusticecenter.org/about/> (last accessed May 16, 2023)



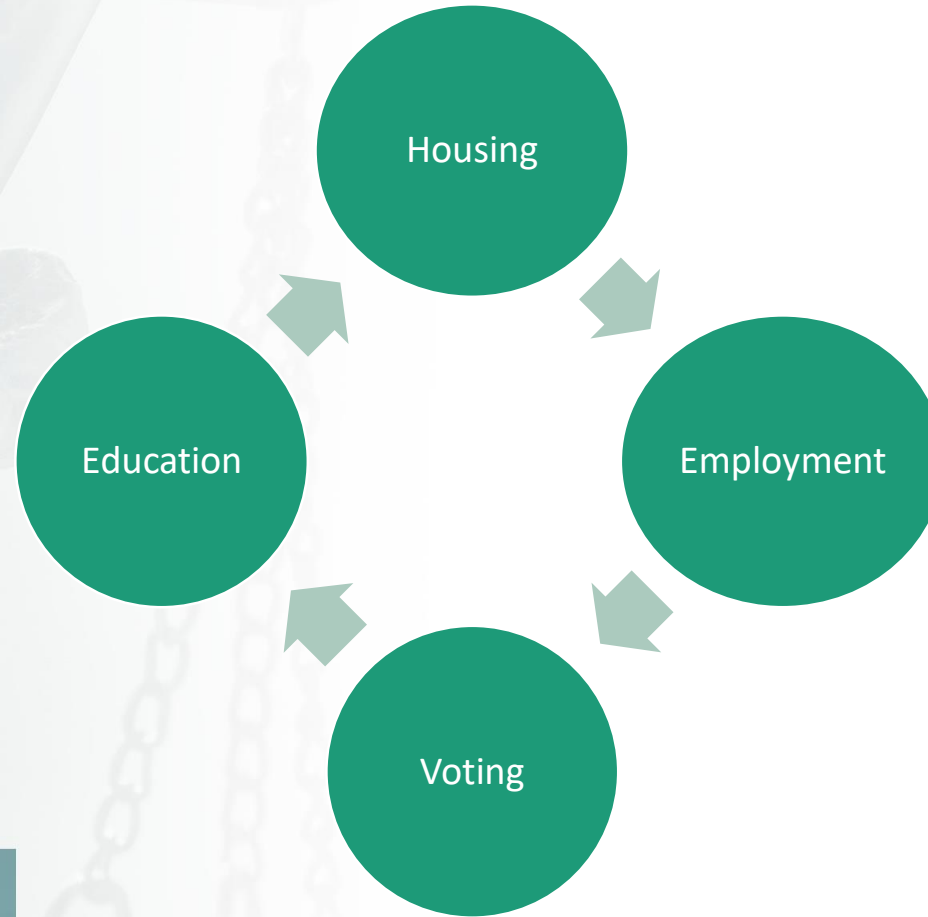
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Source: Council of State Governments, “The National Inventory of the Collateral Consequences of Conviction,” <https://niccc.csgjusticecenter.org/about/> (last accessed May 16, 2023)

# Barriers to Reentry



# Housing Barriers

- Formerly Incarcerated People are 10 times more likely to be homeless than non-formerly incarcerated people
- According to a 2018 study by California Health Policy Strategies, seventy percent of unsheltered homeless people in California reported a [history of incarceration](#)
- In one [study](#) by TransUnion, 90 percent of landlords surveyed reported screening the criminal history of prospective tenants.
- A 2020 Los Angeles Times investigation found that local [crime-free housing policies](#) in California disproportionately put Black and Latino residents at risk of eviction and community displacement

# Employment Barriers

- A [2018 report by the Prison Policy Initiative](#) found more than a quarter of all formerly incarcerated people are unemployed, including 44% of Black women and 35% of Black men
- Applicants with a criminal record are [50 percent](#) less likely to receive a callback or job offer than applicants without criminal records
- According to a [2022 study by Rand Corp.](#), more than half of unemployed men in their 30s had been arrested at least once

# Education

- According to the U.S. Department of Justice, 18.4 percent of the general population do not have a high school diploma; among the incarcerated population, the rate is more than double that at 41.3 percent.
- According to the [Prison Policy Initiative](#), people who have been to prison are **more likely to have GEDs** than they are to have traditional high school diplomas.
  - three-quarters of those GED certificates are earned in prison.
- While [two to three percent](#) of the general population have an Intellectual or Developmental Disability (IDD), a [report](#) from the U.S. Department of Justice states that 38% of people in state and federal prison have at least one disability, with 23% reporting a cognitive disability



# Voting

- California law permits people with criminal histories to vote. Nevertheless, people reentering society often have difficulties exercising their right to vote.

# How does DOJ Support Successful Reentry?

- Convening Community Based Reentry Leaders as Part of the Reentry Roundtable
- Enforcing Fair Housing Laws & Supporting Innovating Housing Programs
- Ensuring that People with Criminal Histories Have the Right to Vote
- Protecting the Consumer Rights of People with Criminal Histories
- Combatting Employment Discrimination by Maintaining, Clearing, and Sealing Criminal Records

# The California Reentry Roundtable

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# Combatting Housing Barriers & Enforcing the Fair Housing Act

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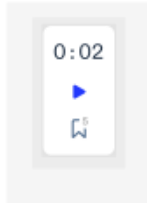


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**ROB BONTA**  
*Attorney General*



## Attorney General Rob Bonta Announces Guidance to Prevent Discriminatory Housing Practices

Press Release / Attorney General Rob Bonta Announces Guidance to Prevent Dis...

Friday, April 21, 2023

Contact: (916) 210-6000, [agpressooffice@doj.ca.gov](mailto:agpressooffice@doj.ca.gov)

*Local municipalities put on notice regarding the adverse effects of Crime-Free Housing policies and urged to comply with federal and state fair housing laws*

**OAKLAND** – California Attorney General Rob Bonta today announced statewide guidance to address Crime-Free Housing policies that disproportionately discriminate against people of color, survivors of domestic violence, people with disabilities, and justice-involved individuals. Crime-Free Housing policies can compound the impact of racial and ethnic disparities in the criminal justice system by replicating those inequalities in the housing system. The California Department of Justice will provide the guidance issued



# Crime-Free Housing Ordinances & The Fair Housing Act

- Use of criminal history in housing is illegal if
  - It is used to intentionally discriminate on the basis of race, sex, color, disability, national origin or other protected classes or it is selectively enforced based on the aforementioned;
  - It produces a disparate impact on the basis of race, sex, color, national origin, disability or other protected category and there is no legally sufficient justification for the disparity.

## Supporting Transitional Housing Programs


AG Bonta visits the Amity Foundation's Male Community Reentry Program in Los Angeles, May 2023

A 2021 study by the Stanford Public Policy school found that participating in the program for at least 7 months reduced the recidivism rate by 13 percentage points (i.e., 31 percent)



# Protecting the Right to Vote

Rob Bonta, Attorney General

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT John D. Marsh, Chief</p> 	<h2>INFORMATION BULLETIN</h2>	
<p><i>Subject:</i></p> <p><b>Access to Voting for Eligible Persons Under the Supervision of Probation Departments</b></p>	<p><i>No.</i></p> <p>2022-DLE-15</p> <p><i>Date:</i></p> <p>10/11/2022</p>	<p><i>Contact for information:</i></p> <p>John D. Marsh, Chief Division of Law Enforcement (916) 210-6300</p>

### TO: ALL PROBATION DEPARTMENTS

The purpose of this Information Bulletin is to remind probation departments of their legal obligations under existing state laws and the California Constitution regarding voting access to persons who are currently under the supervision of probation departments.

Probation officers have specific obligations to ensure that persons with a criminal history who are under their supervision are provided information regarding their eligibility to vote. Given that this year's Election Day is **November 8, 2022**, and in light of recent statutory and constitutional changes to the eligibility to vote for persons with a criminal history, this bulletin reminds probation departments of these obligations and provides a template letter to help convey information regarding voting rights to eligible voters under their supervision.

### I. WHO IS ELIGIBLE TO VOTE?

The right to vote is fundamental and guaranteed to all eligible citizens in the California Constitution. Among those Californians who are entitled to exercise this crucial right are persons with a criminal history (i.e., past convictions), as well as eligible persons currently incarcerated in California's local detention facilities,<sup>1</sup> subject to certain exceptions.

#### A. Eligibility Requirements

Under California law, a person is eligible to vote if they:

- Are a United States citizen;
- Are a California resident;
- Are at least 18 years old by Election Day (which, this year, is **November 8, 2022**);
- Are not currently serving a state or federal prison term; and
- Have not been declared mentally incompetent by a Court.<sup>2</sup>

(Cal. Const., Art., II, §§ 2, 4; Elec. Code, § 2101.)

<sup>1</sup> "Local detention facility" means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors. (Cal. Code Regs. tit. 15, § 1006.)

<sup>2</sup> For information regarding this requirement, see [Voting Rights: Persons Subject to Conservatorship](#).

# When Can People with Criminal Histories Vote?

- An individual can vote in the State of California if:
  - They are at least 18 years old
  - They are a U.S. Citizen
  - They are a California resident
  - They are not currently incarcerated in a state or federal prison
  - They have not been declared mentally incompetent by a court



5/17/23, 12:28 AM

Attorney General Becerra Announces Criminal Charges Against Four Individuals Behind Cyber Exploitation Website | State of California - De...



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Expanding  
Opportunities

&

Protecting the  
Consumer Rights of  
People with  
Criminal Histories



**ROB BONTA**

*Attorney General*

1:54



## Attorney General Becerra Announces Criminal Charges Against Four Individuals Behind Cyber Exploitation Website

Press Release / Attorney General Becerra Announces Criminal Charges Against ...

Wednesday, May 16, 2018

Contact: (916) 210-6000, [agpressooffice@doj.ca.gov](mailto:agpressooffice@doj.ca.gov)

**SACRAMENTO** — California Attorney General Xavier Becerra today announced charges of

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# Record Relief: Expanding Employment and Housing Opportunities

- DOJ is statutorily required to maintain a comprehensive criminal record repository for the state of California
- Law enforcement agencies and courts submit arrest and disposition data, which is then combined into what is known as a “RAP” sheet
- Record correction, expungement, or sealing can expand the employment and housing prospects of people with a criminal record.



## Removing Employment Through

Processing sealing orders, as well as other updates to criminal history records, is a top priority for the DOJ and we strive to process record updates in a timely manner

# Criminal Record Management and Sealing

- Record Quality Services
- Record Sealing and Dismissals

# Record Quality Services

- ❖ Processes Record Reviews for applicants requesting copies of their own state summary criminal history record
- ❖ Processes formal record challenges known as Claims of Alleged Inaccuracy or Incompleteness
- ❖ Processes formal requests from applicants for an Administrative Hearing

# BCIA 8706 Claim Form



STATE OF CALIFORNIA BCIA 8706 (Rev. 10/2018)		DEPARTMENT OF JUSTICE PAGE 1 of 2	
<b>CLAIM OF ALLEGED INACCURACY OR INCOMPLETENESS</b> (Examination of Records Pursuant to Penal Code Sections 11120-11127)			
To challenge the accuracy and/or completeness of your record, you <b>must</b> first complete a record review. For information on requesting a copy of your California state summary criminal history record, go to <a href="https://oag.ca.gov/fingerprints/record-review">https://oag.ca.gov/fingerprints/record-review</a> . Please be advised, the Bureau of Criminal Information and Analysis (BCIA) must complete its research regarding your record challenge as requested by submission of this claim form. If you wish to request an administrative hearing, please contact the Record Quality Services Program at <a href="mailto:RecordReview@doj.ca.gov">RecordReview@doj.ca.gov</a> .			
<b>Applicant Information</b> (Please print or type all information requested on this form. Failure to do so may result in processing delays and/or return of the claim form.)			
LAST NAME:		FIRST NAME:	MIDDLE INITIAL:
ADDRESS:	APT/UNIT:	CITY:	STATE: ZIP CODE:
E-MAIL ADDRESS:		PHONE NUMBER:	CII NUMBER (SID):
<b>Reason for Dispute</b> (Check the box that is applicable to your dispute and explain the reason for your claim in the spaces provided below. If the reason is not listed, check "Other." If you have more than two disputes, please use another page.)			
<b>Dispute One</b>			
DATE OF ARREST: _____			
<input type="checkbox"/> Incorrect Disposition	<input type="checkbox"/> Offense Dismissed Per 1203.4 PC	<input type="checkbox"/> Sealed Entry	<input type="checkbox"/> Other
<input type="checkbox"/> Missing Disposition	<input type="checkbox"/> Offense Reduced to Misdemeanor Per 17(B) PC	<input type="checkbox"/> Wrong Conviction Type	
<input type="checkbox"/> Not Arrested	<input type="checkbox"/> Remove Entry	<input type="checkbox"/> Wrong Personal Descriptor Information	
Brief Explanation of Claim: _____			
_____			
_____			
<b>Dispute Two</b>			
DATE OF ARREST: _____			
<input type="checkbox"/> Incorrect Disposition	<input type="checkbox"/> Offense Dismissed Per 1203.4 PC	<input type="checkbox"/> Sealed Entry	<input type="checkbox"/> Other
<input type="checkbox"/> Missing Disposition	<input type="checkbox"/> Offense Reduced to Misdemeanor Per 17(B) PC	<input type="checkbox"/> Wrong Conviction Type	
<input type="checkbox"/> Not Arrested	<input type="checkbox"/> Remove Entry	<input type="checkbox"/> Wrong Personal Descriptor Information	
Brief Explanation of Claim: _____			
_____			
_____			
<b>Declaration</b> (The claim form must be signed and dated by the applicant. If you elect to designate a person or attorney to correspond on your behalf, please provide their full name in the space provided below.)			
By signing below, I declare that I have examined a copy of my California State Summary Criminal History Record as contained in the files of the Department of Justice, Bureau of Criminal Information and Analysis, and wish to take exception to its accuracy and/or completeness. I declare under penalty of perjury that the information I have provided on this form is true and correct to the best of my ability.			
_____ Signature of Applicant		_____ Date	
I hereby administer to the following person to correspond with the Department of Justice on my behalf and authorize the person to receive a copy of the Department's findings concerning this matter: _____			
Name of Designee/Attorney (if applicable)			

- \*\*\*PLEASE READ AND FOLLOW THESE IMPORTANT PROCESSING INSTRUCTIONS\*\*\***
- Failure to complete and sign the form correctly may result in processing delays or the return of the claim form.
  - Attach copies of any official document or court orders that would verify your claim. You may attach additional sheets if necessary.
  - If an attorney is submitting the claim on your behalf it must be signed and dated by you the applicant.
  - Mail the completed form to the Record Quality Services Program to the address below:

Bureau of Criminal Information and Analysis  
Record Quality Services Program  
P.O. Box 903417  
Sacramento, CA 94203-4170

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# Record Sealing and Dismissal

- Records may be sealed via court order or automatic legal processes conducted by the Department of Justice
- Recent legislation has expanded the number of people eligible for “record relief” and makes the relief process automatic

# Record Expungement and Sealing

- 1203.4 Record Expungement
  - Convicted of a misdemeanor or a felony, and not sentenced to state prison
  - Served a sentence in state prison for a crime that could be served in jail following Realignment
  - Completed the terms of your sentence
  - Not currently charged with a crime
  - Not currently on probation
  - Not currently incarcerated
- Petition approved by judge, and, upon notification, records are updated by the California Department of Justice



# Recent Sealing Legislation

## Cannabis Conviction Relief:

- AB 1793 (Bonta, 2018) Allows those with prior California cannabis convictions to have those convictions automatically dismissed or re-designated under today's laws.
- AB 1706 (Bonta, 2022) Gave courts a deadline of March 1 to update case records and transmit them to the state Department of Justice, which maintains California's criminal history database and responds to background checks.


## Criminal Records: Automatic Relief

**AB 1076 (Ting, 2019)** uses technology to automate arrest and conviction relief for those already entitled to record clearance under existing law.

**SB 731 (Durazo, 2022)** expands on the provisions of AB 1076 by extending its above-described criminal record relief.

# Removing Employment and Educational Barriers: Eliminating Sentencing Enhancement Guidance

Rob Bonta, Attorney General

<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief/CIO</p> 	<p><b>INFORMATION BULLETIN</b></p>			
<p><i>Subject:</i> Senate Bill (SB) 483 Sentencing: resentencing to remove sentencing enhancements.</p>	<table><tr><td><p><i>No.:</i> 22-04-CJIS</p></td><td rowspan="2"><p><i>Contact for information:</i> <a href="mailto:ElectronicDispositionReporting@doj.ca.gov">ElectronicDispositionReporting@doj.ca.gov</a></p></td></tr><tr><td><p><i>Date:</i> 05-04-2022</p></td></tr></table>	<p><i>No.:</i> 22-04-CJIS</p>	<p><i>Contact for information:</i> <a href="mailto:ElectronicDispositionReporting@doj.ca.gov">ElectronicDispositionReporting@doj.ca.gov</a></p>	<p><i>Date:</i> 05-04-2022</p>
<p><i>No.:</i> 22-04-CJIS</p>	<p><i>Contact for information:</i> <a href="mailto:ElectronicDispositionReporting@doj.ca.gov">ElectronicDispositionReporting@doj.ca.gov</a></p>			
<p><i>Date:</i> 05-04-2022</p>				

**TO: SECRETARY OF THE DEPARTMENT OF CORRECTIONS AND REHABILITATION, ALL COUNTY CORRECTIONAL ADMINISTRATORS, PRESIDING JUDGES AND COURT EXECUTIVE OFFICERS**

The California Department of Justice (DOJ) appreciates the efforts state and county corrections agencies and county superior courts have taken thus far to implement Resentencing to Remove Sentencing Enhancements pursuant to Senate Bill (SB) 483 (Stats. 2021, ch. 728, Penal Code (PC) Secs. 1171 and 1171.1). The California Legislature previously eliminated sentencing enhancements for certain crimes related to controlled substances (SB 180 (Stats. 2017, ch. 677, Health and Safety Code Sec. 11370.2)) and prior prison or jail felony terms (SB 136 (Stats. 2019, ch. 590, PC Sec. 667.5).) However, SB 180 and SB 136 only applied prospectively. Effective January 1, 2022, SB 483 retroactively applies SB 180 and SB 136, thus repealing the sentence enhancements for prior convictions of specified crimes related to controlled substances (PC 1171) and prior prison or county jail felony terms (PC 1171.1). Accordingly, the efforts of the state and county corrections agencies and county superior courts are essential to ensuring SB 483 is implemented and that individuals currently serving a prison or jail term for the repealed sentence enhancements are identified and resentenced. (See SB 483, Sec. 1.)

**Responsibility of Secretary of the Department of Corrections and Rehabilitation and the county correctional administrator**

Pursuant to PC 1171(b), "The Secretary of the Department of Corrections and Rehabilitation and the county correctional administrator of each county shall identify those persons in their custody currently serving a term for a judgment that includes an enhancement described in [PC 1171] subdivision (a) [controlled substances] and shall provide the name of each person, along with the person's date of birth and the relevant case number or docket number, to the sentencing court that imposed the enhancement."

Pursuant to PC 1171.1(b), "The Secretary of the Department of Corrections and Rehabilitation and the county correctional administrator of each county shall identify those persons in their custody currently serving a term for a judgment that includes an enhancement described in [PC 1171.1] subdivision (a) [prior prison or county jail felony terms] and shall provide the name of each person, along with the person's date of birth and the relevant case number or docket number, to the sentencing court that imposed the enhancement."

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# Ban the Box

- The Fair Chance Act when into effect on January 1, 2018
- This law generally prohibits employers with five or more employees from asking a job candidate about conviction history before making a conditional job offer, among other requirements.



# Thank You

Priscilla Ocen  
Special Assistant Attorney General

E-mail: [priscilla.ocen@doj.ca.gov](mailto:priscilla.ocen@doj.ca.gov)

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# Info for the upcoming Demystifying the DOJ webinars:

The Demystifying the DOJ series take place quarterly on the third Wednesday of the month from 10 AM – 11 AM (dates and times are subject to change). Please register for our upcoming presentations:

Topics include:

1. Third quarter: Office of Gun Violence Prevention (August 16<sup>th</sup>)
2. Fourth quarter: Housing (November 15<sup>th</sup>)

Registration information for upcoming presentations will be available on our website at [oag.ca.gov/care](https://oag.ca.gov/care) in the coming months – please save the dates!