

Jon Wainwright: Hello and welcome to another edition of Policy Change In Practice. I'm Jon Wainwright and today we're sitting down to talk with Liah Burnley, who is with Californians for Safety and Justice. Liah, thank you so much for joining us today.

Liah Burnley: Of course. Thank you for having me.

JW: So let's just start at the beginning, I guess. Could you tell us a little bit about Californians for Safety and Justice, when it was founded, and what the overall the mission of the group is?

LB: Absolutely. Californians for Safety and Justice is a non-profit organization and we actually just celebrated our five-year anniversary this year - which is very exciting for us.

JW: Congratulations.

LB: It's a big success for a non-profit organization to make it to this point. Californians for Safety and Justice, we focus on reducing justice system waste and justice system spending - including spending on incarcerations, spending on supervisions, spending on policing - spending that's not going into the right place and reinvesting those dollars into things that actually help create safe communities and safe neighborhoods.

Such as, spending on rehabilitation services, substance abuse counseling, education, trauma recovery centers, and things like that. Things that are really preventative and stop the cycles of crime in the first place.

JW: Ok. So it sounds like you take a very holistic approach to criminal justice reform. Obviously, it sounds like then, a bunch of stuff is going to fall the umbrella of policies you're working on. What are some of the policies that CSJ has worked on recently to advance those goals?

LB: Absolutely. So, as you said, CSJ really does the big picture look at things and that's because when you do look at crime and incarceration, it is a cycle, and you have to address all of those factors that lend itself to that cycle. So, CSJ, our really big successes in the beginning was doing work around Proposition 47 and its implementation.

So during the record changes and the resentencing petitions, I think CSJ, in doing that work, we learned a lot about the system and a lot about people effected by the system, and so we kind of have branched out into what I like to call our programs. We work with our Crime Survivors for Safety and Justice, which I think of as our sister organization where we're really informed by survivors of crime and what they want. We really feel like survivors of crime are the ones that need to inform criminal justice reform policies, the most affected.

But also, we're also informed by the formerly incarcerated - people who have been significantly impacted by wasteful criminal justice practices. What are the things that the

formerly incarcerated need for rehabilitation and re-entry, and to make sure that they don't have to go back to that system and the cycle of crime is cut off?

We also have local safety solutions and a lot of the statewide policy in criminal justice reform, we really will not be able to see its full potential and measure its full impact until local governments are also on board.

JW: So it sounds like you've got three really distinct groups that help inform your policy choices and what you choose to engage on. I'd like to talk a little bit about what the crime survivors network does, and how they inform the policies - I think that's a really interesting that you guys have in your toolbox there to be going about and figuring out how you can have different information on how you go about changing policy.

LB: Absolutely. And I think our crime survivors chapter is something really unique to the criminal justice world. Where we see victims of crime, typically are presented in the domestic violence sphere and very limited, narrow categories of what we consider victims of crime. And people all over the state aren't being represented in those policies.

So, Crime Survivors for Safety and Justice essentially has established chapters throughout the state with members who are victims of crime, or crime survivors. And we have a pretty broad definition of what is a crime survivor.

To us, a crime survivor is someone who has been impacted by crime. And so, when you think about that, you know, a lot of us have been impacted by crime and a lot of us do not get the care and the healing that we need. So, what we really aim to do with our chapters throughout the state is to build our survivors up and to have a place where they can heal and then they also can be active in the policy advocacy as well.

JW: And then, you also mentioned that you got your name out there, initially, by working on Prop 47 implementation. What were some of the issues that you ran into on the implementation side of the initiative?

LB: So there's some very interesting things that come up. Just as a background, Proposition 47 allowed for people to petition the court for resentencing for certain convictions. So, after AB 109, certain categories of felonies - you serve those instead of in prison, in jail. And if you're serving in jail, the sentences - they're non-violent, non-sexual, non-serious felonies - those probably should be misdemeanors which carry way less adverse consequences, less time.

So, Prop 47 allowed a category of people with those convictions to petition the court to resentence for a misdemeanor and in that process people have to obtain a background check from the DOJ. It's called a rap sheet. And what we learned is that process is very messy, inaccurate, and that's a public safety concern and it's also a privacy concern.

When things are being misreported or not accurate on your background sheet, that can keep you from obtaining employment, housing, education, all of the things that you need

to be successfully rehabilitated and hold you down. So that was one of the things that we learned from Prop. 47 and I think our Second Chances program was born out of this.

You see a lot of people who are being released from incarceration. California is reducing its incarceration and just learning about all of the barriers that you have after you are incarcerated to try to successfully be a part of the community again, it is incredibly hard. And you have served your time, and you're trying to prove that, "I can be a contributing member of society," but there are all of these systemic and legal barriers in your way.

So not only are we dealing with this whole messy background check process, you also have all of these barriers because you have this scarlet letter, of having been incarcerated, on you. That affects entire communities, it affects families. And so, we're at this point when we've got to do something to help people who really are trying their hardest to get back on their feet and pull themselves up by those bootstraps. We need to make sure those bootstraps are actually there.

JW: Yeah. So it sounds like then that one of the bills from the last session that would've fit into that wheelhouse was, Assembly member McCarty, here from Sacramento, ran a "ban the box" bill through the Legislature last year. Was that something that CSJ was involved on, promoting or working on?

LB: We were very supportive of that bill. The National Employment Law Project was one of the sponsors of the bill and what that bill does, I would call that Ban the Box 2.0.

JW: Okay.

LB: Ban the Box 1 was that you can't ask about the conviction history and records on the application. This bill this year says that employers, both private and public, cannot ask about a person's criminal record history until a conditional offer is made. So that's great. That means employers are interviewing and not discriminating based on this person's background, right? And then after the conditional offer is made, they can go ahead and do the background test. But that person has already proven their worthiness. They don't have to overcome that stereotype, per se.

JW: Okay, yeah.

LB: I think one of the interesting things where that's going to take us, where that may take us is that employers will be ready to onboard a person, start training a person they've made a conditional offer to, and if our background check process isn't quick and accurate, that can cause a lot of problems in the employment process.

Right now I think there's a mutually beneficial interest between employers and small business owners and people who are formerly incarcerated and the whole criminal justice reform world to try to reform background check processes, occupational license check process, and make sure that people who can and are trying to be gainfully

employed and seek professional employment are able to actually do so and employers are actually able to employ them without bumps in the road.

JW: So it sounds like we've got follow-up legislation coming next year.

LB: Oh you can look forward to it.

JW: And then, I just want to back track a little bit, because you did mention that there are a lot of issues with these background check sheets that are maintained on the formerly incarcerated. And it sounds like there are issues there and that led to the development of your Second Chances program, but were there any policy changes that you pursued to try to address some of those issues, or is that something that's a little tougher to get at through the legislative process?

LB: Yeah, absolutely. Last year, Californians for Safety and Justice sponsored AB 1115 with Assembly Member Jones-Sawyer and that bill allowed for people who could, who served their sentences in jail instead of prison, because of Prop 47 and realignment, to petition the court to dismiss those convictions or expunge their convictions after being released after successfully being out and working towards rehabilitation for two years with no new offenses.

That bill will restore privileges to an estimated hundreds of thousands of individuals with records in California.

JW: Oh, wow.

LB: And privileges, we're talking from political to jury duty to being able to apply for tuition assistance and housing and certain employment opportunities that they may not have had coming to them. So, we've definitely made some movement on that front, but there's more to be done. California does not have, actually California is behind, we don't have an actual expungement process.

We allow records to be dismissed, but they're still there. We have a Certificate of Rehabilitation program, but it's very hard to get a Certificate of Rehabilitation and your record is still there. People have criminal records from things that they have done when they were very young, just one bad mistake and you really have no way to clean your slate in California.

You can be a 28 year-old who did something when you were 18 and want to get an occupational license to do a skill that you're really good at, and you cannot do so because that past mistake is holding you back.

Something that I live by is that each of us is worth more than the worst thing that we've ever done. And I think that the State of California, and myself personally, and everyone should strongly value redemption and forgiveness and allowing a person to overcome

some of the things that they've done in the past. So, through AB 1115 and other work CSJ has done, we have really tried to make that become a reality.

JW: It sounds like you've got plenty of work to keep you busy then. Thank you so much for taking the time to come and chat with us today for a little bit about the work you do with CSJ.

LB: Absolutely. Thank you.