GETTING AHEAD WHEN THE JUSTICE SYSTEM PUTS YOU BEHIND

CHERISH L. CRONMILLER
President/CEO Miami Valley Community Action Partnership (Dayton, OH)
MIAMI VALLEY COMMUNITY ACTION PARTNERSHIP
Our mission is to work with local communities to eliminate the causes and conditions of poverty and to promote individual independence and self-sufficiency.
The Community Action Program dates back to 1964, when it was included in the Economic Opportunity Act under President Lyndon Johnson’s War on Poverty.

Since then, more than 1,000 Community Action Agencies (CAAs) have been founded in the United States, serving more than 99% of counties.

The primary source of federal funding for CAAs is the Community Services Block Grant (CSBG).

To find a Community Action Agency or state association near you, please consult our Community Action directory:
Each CAA is governed locally, each provides a different mix of programs and services. The following represent the percentages of Community Action Agencies that deliver these services:

**Community Coordination - 94%**
Citizen participation, neighborhood and community organization, information and referrals

**Emergency Services - 91%**
Food Pantries, energy assistance, homeless shelters, domestic violence

**Education - 89%**
Head Start, youth mentoring, literacy, Adult Basic Education

**Food and Nutrition - 84%**
Meals on Wheels, congregate feeding, food banks

**Family Development - 68%**
Day care, case management, counseling, employment support

**Training/Employment - 63%**
Job readiness, job training, and job creation

**Income Management - 53%**

**Budget Counseling, Transportation - 49%**
Rural transportation systems, on-demand transportation

**Housing - 46%**
Self-help housing, homeownership, rental assistance, Weatherization

**Economic Development - 39%**
Business planning and loans, water and sewer

**Health Care - 29%**
Health Clinics, WIC, prescription assistance
KEEPING PEOPLE BEHIND:

How America's justice system is rigged against the poor
https://www.youtube.com/watch?v=Ry5jTjBhZpA

To Prison for Poverty:
https://www.youtube.com/watch?v=mn_yKqf-kOl

Municipal violations:
https://www.youtube.com/watch?v=0UjpmT5noto
The United States jails a quarter of the world's prisoners, although it contains only 5 percent of the world's population.

About two-thirds of African-American men with low levels of schooling will go to prison during their lifetimes. Most inmates are minority men under age 40 "whose economic opportunities have suffered the most over the last 30 or 40 years. Incarceration in the United States is socially concentrated among very disadvantaged people."

Bruce Western, Harvard sociology professor and the Daniel and Florence Guggenheim Professor of Criminal Justice Policy
Seventy percent of these people in local jails are being held pretrial—meaning they have not yet been convicted of a crime and are legally presumed innocent. One reason that the unconvicted population in the U.S. is so large is because our country largely has a system of money bail, in which the constitutional principle of innocent until proven guilty only really applies to the well off. With money bail, a defendant is required to pay a certain amount of money as a pledged guarantee he will attend future court hearings. If he is unable to come up with the money either personally or through a commercial bail bondsman, he can be incarcerated from his arrest until his case is resolved or dismissed in court.

https://theintercept.com/2016/05/13/too-poor-for-justice/
COMMON COURT FEES:

Pre-conviction
Application fee to obtain public defender —
Jail fee for pretrial incarceration —
Jury fees —
Rental fee for electronic monitoring devices —

Sentencing
Fines, with accompanying surcharges —
Restitution —
Fees for court administrative costs —
Fees for designated funds (e.g. libraries, prison construction, etc.) —
Public defender reimbursement fees —
Prosecution reimbursement fees —

Incarceration
Fees for room and board in jail and prison —
Health care and medication fees —
Probation, parole or other supervision
Probation and parole supervision fees —
Drug testing fees —
Vehicle interlock device fees (DUIs) —
Rental fee for electronic monitoring devices —
Mandatory treatment (includes drug and alcohol,) therapy and class fees —

Poverty penalties
Interest —
Late fees —
Payment plan fees —
Collection fees —

Source: Brennan Center for Justice and NPR
WHY THE FEES?

1. The rise of the for-profit prison system
2. Local governments and some state programs rely on tickets and fines to fund their budgets

Shocking Facts About The US Prison System - Animated Infographic

https://www.youtube.com/watch?v=7-VArdoiu8k

A sample of St. Louis County cities' reliance on court-fine revenue

<table>
<thead>
<tr>
<th>City</th>
<th>Share of operating revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Ann</td>
<td>39.6%</td>
</tr>
<tr>
<td>St. John</td>
<td>29.4%</td>
</tr>
<tr>
<td>Ferguson</td>
<td>20.2%</td>
</tr>
<tr>
<td>Florissant</td>
<td>12.8%</td>
</tr>
<tr>
<td>Creve Couer</td>
<td>11.3%</td>
</tr>
<tr>
<td>Maryland Heights</td>
<td>9.1%</td>
</tr>
<tr>
<td>Hazlewood</td>
<td>8.1%</td>
</tr>
<tr>
<td>St. Louis City</td>
<td>2.5%</td>
</tr>
<tr>
<td>University City</td>
<td>2.2%</td>
</tr>
<tr>
<td>St Louis County</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

Source: Quartz and Data Source
BEYOND THE FEES:

- Phone calls
- Commissary
- Vending Machines
- Stamps

Phone calls home from prisons and jails and increasingly common remote video visits typically cost $1 per minute.
Meet ’Em and Plead ’Em
Recommendations vs. reality: Time a public defender should spend on caseload annually

<table>
<thead>
<tr>
<th>Category</th>
<th>Average hours needed</th>
<th>Average hours available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felonies</td>
<td></td>
<td></td>
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<tr>
<td>Misdemeanors</td>
<td></td>
<td></td>
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<tr>
<td>Juvenile</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeals</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Recommendations based on National Advisory Council on Criminal Justice Standards and Goals, 2007
Source: Bureau of Justice Statistics

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CRIMINAL REPRESENTATION

Estimated time each attorney has to spend on a case in...

**New Orleans**
- 7 minutes

**Detroit**
- 32 minutes

**Atlanta**
- 59 minutes

Sources: American Civil Liberties Union, Michigan Campaign for Justice, National Association of Criminal Defense Lawyers

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**Scales of Justice**

National spending on public defense, corrections, and police, in millions

- Police (teal line)
- Corrections (green line)
- Indigent defense (red line)

Source: Justice Policy Institute
CIVIL CASES

Your landlord has decided to evict you and your family has nowhere to go.

You’re in an abusive relationship and need a restraining order and probably a divorce and custody order for your children.

You’re a homeless veteran trying to get VA benefits and navigate the complicated claims process.

You’re being hounded by a collector for a debt you can’t pay who’s threatening to take away all of your income

“You can lose your children, you can lose your home, you can lose your livelihood without having legal help to get you through complicated legal proceedings.”

- Martha Bergmark, executive director of Voices for Civil Justice
CIVIL REPRESENTATION:

There is less than one civil legal attorney—0.64, to be exact—for every 10,000 people living in poverty. Even though nearly 110 million people are poor enough to qualify for free legal assistance because they can’t afford a private attorney, there are less than 7,000 legal aid attorneys throughout the country to help them.
CIVIL REPRESENTATION:

In more than three-fourths of all civil trial cases in the United States, at least one litigant does not have a lawyer.

Figures are even starker when it comes to family law, domestic violence, housing, and small-claims matters—those involving disputes over amounts up to $25,000, depending on the state.

At least one party lacks representation in 70 to 98 percent of these cases.
### WHERE TO START?

<table>
<thead>
<tr>
<th>Service</th>
<th>Little Need</th>
<th>Some Need</th>
<th>Great Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Assistance</td>
<td></td>
<td></td>
<td>325</td>
</tr>
<tr>
<td>Help w/ transportation costs</td>
<td></td>
<td></td>
<td>291</td>
</tr>
<tr>
<td>Dental Care</td>
<td></td>
<td></td>
<td>128</td>
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<tr>
<td>Affordable Car Repairs</td>
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</tr>
<tr>
<td>Resolving Bad Debt</td>
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<td>101</td>
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<tr>
<td>Access to Food</td>
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<td></td>
<td>80</td>
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<tr>
<td>Career Counseling/ Job Search</td>
<td></td>
<td></td>
<td>77</td>
</tr>
<tr>
<td>Computer Training</td>
<td></td>
<td></td>
<td>66</td>
</tr>
<tr>
<td>Affordable family recreation &amp;</td>
<td></td>
<td></td>
<td>69</td>
</tr>
<tr>
<td>community activities</td>
<td></td>
<td></td>
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<tr>
<td>Home Insulation or Weatherization</td>
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<td></td>
<td>84</td>
</tr>
<tr>
<td>Information Start a Business</td>
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<td>64</td>
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<tr>
<td>Credit Counseling</td>
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<td>60</td>
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<tr>
<td>Help to Remove License Suspension</td>
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<tr>
<td>Affordable Legal Services</td>
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<tr>
<td>Learning how to Protect Against</td>
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<tr>
<td>Fraud, Scams or Identity Theft</td>
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<td>Nutrition Education</td>
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<tr>
<td>Mental Health Services</td>
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<td>37</td>
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<tr>
<td>Healthy relationships programs/classes</td>
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<tr>
<td>Youth Tutoring</td>
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<tr>
<td>Finding a Support Group</td>
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<tr>
<td>Summer Lunch Program for Children</td>
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<tr>
<td>Seniors: Household Assistance to</td>
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<tr>
<td>Remain at Home</td>
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<td>Youth Mentoring</td>
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<tr>
<td>Foreclosure Prevention</td>
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<tr>
<td>Seniors: Reducing Loneliness &amp;</td>
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<td>Isolation</td>
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<tr>
<td>Seniors: Home-delivered meals</td>
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<tr>
<td>Mental Health Services for Youth/</td>
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<tr>
<td>Children</td>
<td></td>
<td></td>
<td>18</td>
</tr>
</tbody>
</table>

- **Little Need**
- **Some Need**
- **Great Need**
WHERE TO FIND OR HOW TO CONDUCT NEEDS ASSESSMENTS:

American Bar Association:


Example:

In April 2007, the Alabama Supreme Court issued an order creating the Alabama Access to Justice Commission to serve as a coordinating entity for the legally underserved, the legal community, social service providers and the private and public sectors. The 19-member commission is comprised of citizens representing the legal profession, educational administration, religious community, military, business sector, advocacy groups representing low-income Alabamians, and volunteers. The commission is charged with the evaluation of programs currently in place to meet the legal needs of Alabama’s poor in order to explore ways to increase legal assistance and maximize and expand the resources available for providing civil legal services. This needs analysis indicates the necessity for this type of approach in the provision of legal services to the state’s legally underserved population.

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ATJReports/Ls_AL_clns_2013.authcheckdam.pdf
SURVEY MONKEY

Ex: https://www.surveymonkey.com/r/XBKVLQ8

https://www.surveymonkey.com/r/LASRV

What information are you seeking?
What do you want to know?

Keep it simple!

Don’t make people go through unnecessary questions. (One survey for customers, another for service providers...)

TOOLKITS BY COMMUNITY ACTION PARTNERSHIP

https://www.communitycommons.org/groups/community-action-partnership/

Why do we do Needs Assessments?

- To assess gaps in services & identify resources to address needs
- To determine if a particular program is needed
- To support organizational strategic planning
- To develop program priorities
- To support the need for funding
- To assist with program evaluation

A product of the New York State Community Action Association
How do we get the answers?

- Surveys
- Focus Groups
- Statistical Information
- Agency Data
- Community Forums
- Key Informant Interviews
NOW, WHAT TO DO WITH THE INFORMATION:

Consider forming a task force composed of:

1. LOW-INCOME PEOPLE!
2. Social Service agencies (Your Community Action Agency!)
3. Bar Association (Pro Bono sector?)
4. Legal Services
5. Prosecutors, District attorneys, public defenders and judges
6. Mayors/Trustees/Commissioners
7. Police
8. Pro bono clinic programs
9. Law School clinical
10. Journalists
11. Civic leaders (Urban League, NAACP, LGBTQAI Organizations)
12. Shelters, Foodbanks, Soup kitchens
POSSIBLE GOALS:

Based on the Access to Justice Index:

- **DEDICATE A COURT EMPLOYEE TO HELP PEOPLE WITHOUT LAWYERS.** Dedicate a court employee or court office to design and advance initiatives to enhance access to courts for self-represented litigants?

- **FUND A SELF-HELP CENTER.** Fund a court-based “self-help center” in the past 12 months to help self-represented litigants?

- Require court written materials intended for the public to be a) in plain English, or b) at a designated reading level?

- **DESIGNATE RESPONSIBILITY FOR PLAIN ENGLISH IN COURTROOM.** Designate a court employee responsible for encouraging judges to use plain English when communicating with self-represented litigants?

- **MAKE ELECTRONIC FILING ACCESSIBLE.** Require that electronic filing systems be accessible to self-represented litigants?
POSSIBLE GOALS:

Based on the Access to Justice Index:

- **WAIVE CIVIL FILING FEES.** Permit courts to grant a waiver of civil filing fees for people who meet a designated financial eligibility standard (aka “in forma pauperis” standard)?

- **LIST ON WEB PAGE FORMS FOR [X CASE TYPE].** List on a single page of the state judiciary website all court forms necessary to fulfill the minimum filing obligations for [X CASE]

- **RECOGNIZE A RIGHT TO COUNSEL IN HOUSING CASES.** Require the appointment of counsel at public expense for indigent parties in any type of housing proceeding (e.g., eviction, foreclosure, discrimination, etc.)?

- **RECOGNIZE A RIGHT TO COUNSEL IN ABUSE/NEGLECT CASES.** Require the appointment of counsel at public expense to indigent accused parents in abuse/neglect/dependency proceedings?

- **REQUIRE INTERPRETERS AT CLERKS’ COUNTERS.** Require that clerks’ counters in areas in which a significant number of people speak languages other than English have present during all hours of operation either certified interpreters (where available) or bilingual staff fluent in commonly spoken languages?
POSSIBLE GOALS:

Based on the Access to Justice Index:

- EXPLAIN ON WEBSITE HOW TO REQUEST ACCOMMODATION. Explain on the judiciary website how to request an accommodation because of a disability?

- RECOGNIZE A RIGHT TO COUNSEL IN GUARDIANSHIP CASES. Provide counsel at public expense to an indigent proposed ward for all proceedings involving guardianship due to a mental impairment or psychiatric disability?
SAFE SURRENDER PROGRAM:

4,587 individuals voluntarily and peacefully turned themselves in at Fugitive Safe Surrender, to resolve an estimated total of approximately 10,000 nonviolent criminal and civil warrants between Wednesday, November 6 and Saturday, November 9, 2013 at Evangelismos Church in Jersey City.

The event in Jersey City also had the third-highest turnout of the 26 Fugitive Safe Surrender events held nationwide since 2005, surpassed only by those held in the much larger cities of Cleveland (where 7,200 fugitives surrendered in 2010) and Detroit (where 6,578 surrendered in 2008).

~ 63 percent were wanted for traffic warrants
~ 33 percent were wanted for misdemeanor criminal warrants
~ 4 percent were wanted for child support, family court, or probation warrants.
SAFE SURRENDER PROGRAM:

Each person who surrenders represents an estimated savings of $500 to local governments. This very conservative estimate is based on the police and jail costs involved in processing someone wanted on a municipal traffic warrant.

Additional economic benefits follow when the former fugitives become eligible to apply for driver’s license reinstatement, and the employment and other opportunities that come with having a state issued identification and privilege to drive.

Still greater intangible benefits result when individuals are free to stop hiding from the law and to become contributing members of their families and society.

One success story from this Fugitive Safe Surrender event is that of Dessaix Maurissette, 25, a Jersey City resident who was wanted on multiple warrants for which he owed more than $2,000 due to traffic violations. Mr. Maurissette said he had paid surcharges but struggled to pay the total amount owed in multiple municipalities. Mr. Maurissette said, “I realized it’s time to plan for my future, and to stop being held back by expensive mistakes made when I was younger. I plan to get married and start a family someday. I realized I can no longer live with the fear that I might get pulled over and taken to jail while trying to drive my wife to deliver a baby, or driving to pick up diapers. Fugitive Safe Surrender gave me my future. I was able to resolve my matters with a single, $100 payment, clear my warrants, and finally breathe as a free person.”
TYPES OF CASES THAT KEEP PEOPLE BEHIND:

FAMILY LAW
  Divorce
  Custody
  Child Support
  Spousal Support
  Domestic Violence
  Permanent Neglect of a Child
  Temporary Neglect of a Child

CONSUMER CREDIT
  Collection

HOUSING
  Landlord/Tenant
  Foreclosure
  Federally Subsidized Housing
  Public Housing

HEALTHCARE AND BENEFITS APPEALS
  Medicaid appeals
  Food Stamps appeals
  TANF appeals
  Unemployment Compensation appeals
LEGAL BARRIERS TO EMPLOYMENT:

- criminal or arrest records
- poor or inaccurate credit reports
- child support arrears and suspended drivers’ licenses
- domestic violence
- prior homelessness or lack of stable housing
- In 2012, 600,000 job applicants received inaccurate FBI background checks

(http://www.cnn.com/2013/09/02/opinion/neighly-fbi-background-checks/)
REMOVING BARRIERS:

- Strongly support and advocate for alternatives to incarceration, such as diversion programs for individuals with mental health and substance abuse challenges.
REMOVING BARRIERS:

- Securing the restoration of driver’s licenses
- Overcoming problems associated with arrest or conviction records, including record sealing, improper employer inquiries, mistaken identities or other inaccuracies
- Providing information about credit records, correcting inaccuracies, and advising how to respond to prospective employer inquiries
- Advocating for individuals whose child support payments are set unreasonably high or have become overdue, particularly when the individual is threatened with incarceration or loss of a driver’s license
- Securing protection or resolving problems associated with domestic violence, child custody disputes, and child support
- Improving and stabilizing housing and addressing health problems affecting family members, including those caused by dangerous living conditions
- Recovering unpaid wages and remedying other forms of workplace mistreatment
PROGRAMS OUT THERE:

The University of Akron School of Law’s Reentry Clinic

Approximately 100 law students are trained to provide service through the clinic each year

FOUR REENTRY CLINICS

1. Certificate of Qualification for Employment (CQE)
2. Expungement Clinic
3. Clemency Project
4. Human Trafficking Clinic

https://www.uakron.edu/law/curriculum/reentry.dot

Google search:
- re-entry clinics
- Volunteer lawyer
- Civil representation
- Look at local court websites for upcoming programs
- Call local courts and ask to speak with Clerk of Court

Directory of Pro Bono Programs
https://www.americanbar.org/directories/probono-directory/pb_directory_map.html

Legal Services Corporation Grantees:
https://www.lsc.gov/grants-grantee-resources/our-grantees
PROGRAMS OUT THERE:

Examples:

Volunteer Lawyers: https://www.onvlp.org/about-us/about-the-volunteer-lawyers-project/

Driver's License Clinic:  


A model Sample Letter you can send along with the Action Alert to help your grass roots supporters write to their elected officials urging them to support legislation that creates certificates of rehabilitation to restore the rights of people with criminal records who have paid their debt society.

https://lac.org/toolkits/certificates/certificates.htm
MIAMI VALLEY
COMMUNITY ACTION PARTNERSHIP
EMPLOYMENT LEGAL CLINIC:

Statistics for the legal clinic (05/09/2017-08/15/2018):
Total clients seeking assistance = 362 (Until we slowed/closed intake)
160 open cases | 202 closed cases

- License Reinstatement – 323
- Certificate of Qualification for Employment (CQE) - 13
- Driving Privileges- 10
- Record Sealing – 6
- Employment- 4
- Landlord/Tenant- 4
- Real Estate- 1
- Judgment– 1
Sources *(last accessed 8.24.18)*:

- In September 2015, the Ella Baker Center, Forward Together, Research Action Design, and 20 other organizations across the country launched *Who Pays? The True Cost of Incarceration on Families*. The report proves that the costs of locking up millions of people in jail cells is much deeper than we think – when we lock up individuals we also break apart their families and communities. [http://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families](http://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families)


- The Justice Index scores and ranks the 50 states, District of Columbia, and Puerto Rico on their adoption of selected best practices for ensuring access to justice, creating incentives for state officials to replicate those practices [http://justiceindex.org/](http://justiceindex.org/)


- Breaking Barriers to Employment: The Pivotal Role of Legal Services [https://talkpoverty.org/2014/08/05/breaking-barriers-employment-pivotal-role-legal-services/](https://talkpoverty.org/2014/08/05/breaking-barriers-employment-pivotal-role-legal-services/)

Sources (last accessed 8.24.18):

- As Court Fees Rise, The Poor Are Paying The Price http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor
- How Driver’s License Suspensions Unfairly Target The Poor http://www.npr.org/2015/01/05/372691918/how-drivers-license-suspensions-unfairly-target-the-poor
  - Part of a Special Series, Guilty and Charged: http://www.npr.org/series/313986316/guilty-and-charged


- Financialized Courts; *The Disparate Impact of the Municipal Fine Based Justice System* https://systemicjustice.files.wordpress.com/2014/10/financialized-courts-white-paper.pdf

- Forgiving vs. Forgetting; For offenders seeking a new life, a new redemption tool. https://www.themarshallproject.org/2015/03/17/forgiving-vs-forgetting
Video Sources (last accessed 8.24.18):

Indigent Defense, 50 Years After Gideon v. Wainwright
https://www.youtube.com/watch?time_continue=1&v=tj-9BvUq2ww

How America's justice system is rigged against the poor
https://www.youtube.com/watch?v=Ry5jTjBhZpA

To Prison for Poverty:
https://www.youtube.com/watch?v=mn_yKqf-kOl

Municipal violations:
https://www.youtube.com/watch?v=0UjpmT5n0to

Shocking Facts About The US Prison System - Animated Infographic
https://www.youtube.com/watch?v=7-VArOiu8k

Mass Incarceration, Visualized
https://www.youtube.com/watch?v=u51_pzax4M0

Is the Criminal Justice System Broken?
https://www.youtube.com/watch?v=Gc8OHFjDR9A