



County of Santa Clara  
Board of Supervisors  
Supervisorial District Three  
Supervisor Otto Lee

105810

**DATE:** May 12, 2021

**TO:** Board of Supervisors

**FROM:** Otto Lee, Supervisor

**SUBJECT:** Budget Inventory Item 96 SJSU Research Foundation

**RECOMMENDED ACTION**

Approve Inventory Item No. 96 to provide a grant to SJSU Research Foundation in the amount of \$25,000 relating to providing legal assistance services and provide peer mentoring to help people navigate the legal system, and refer item for final consideration and approval on June 17, 2021. (Lee)

**FISCAL IMPLICATIONS**

There is a one-time cost of \$25,000.

**REASONS FOR RECOMMENDATION**

The SJSU Record Clearance Project assists its clients in moving beyond past convictions in two programs: (1) legal assistance to people seeking to clear convictions from their records, and (2) service navigation by peer mentors to help people move from custody to new lives.

The County has funded the service navigation work. However, the legal assistance work needs support and is the basis of this request.

The RCP works for racial justice in repairing – to the extent possible – some of the harm of a biased criminal law system. The harm is amplified by the pandemic, which has sown physical and economic devastation disproportionately among low-income people of color.

People of color are disproportionately stopped by police, held in custody pretrial, charged with more serious crimes, offered less favorable pleas, and sentenced more severely than others. People with records are almost five times more likely than the general public to be unemployed. Helping people enforce available legal remedies to eliminate the barriers that hold them back amplifies the benefit toward racial justice.

**CHILD IMPACT**

The recommended action will have a positive impact on children and youth. The RCP

positively affects youth when parents are better able to support their families through improved employment and other opportunities. Of RCP clients, 47% are between ages 20 and 50. Consequently a large fraction likely have children under 18 who are affected by increased household income and other advantages that record clearance provides.

### **SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

### **BACKGROUND**

Since 2010, the Record Clearance Project (RCP) has provided free legal assistance to over 15,600 people while teaching more than 650 students to assist the community by (a) preparing expungement petitions for court, (b) providing brief legal services interviews to inform clients of their individual next steps in clearing their records, and (c) giving interactive legal rights presentations regarding expungement law and the employment rights of people with convictions to people in the community and in Elmwood jail. The RCP has a 99% success rate in court on the 1,700 expungement petitions the RCP has prepared.

Of the clients for whom the RCP has provided representation in court and brief legal services, 72% are people of color (48% Latinx, 17% African American and 7% Asian); 42% are women. The RCP serves a population that is excluded from access to existing legal rights since they do not meet the income requirements for County-funded record clearance services provided by the Public Defender's office, yet still cannot afford an attorney. Additionally, approximately 88% of people with convictions lack the most basic information regarding record clearance and employment rights associated with it. Since the RCP is not associated with the criminal law system, it is particularly accessible to those with trauma.

Service providers are SJSU students who, as part of their education, elect to enroll in three credit-bearing courses. Two SJSU faculty who are licensed attorneys train and supervise them. Funding is required for former RCP student staff member can do the administrative work necessary to enable these legal services.

Of RCP students, 87% are people of color; 54% are women. At least two-thirds of RCP students are the first in their families to attend college. They contribute non-English language abilities to the program. RCP leverages its services by engaging pro bono attorneys in providing services; RCP is an official pro bono program of Stanford Law School. The RCP is recognized as a state and national authority on California expungement law. Over 60 government offices and community organizations have referred people to the RCP for record clearance assistance.

Website: <https://www.sjsu.edu/justicestudies/projects-and-events/rcp/index.html>

### **CONSEQUENCES OF NEGATIVE ACTION**

RCP will be limited in the legal assistance work that they will be able provide to the community.

## STEPS FOLLOWING APPROVAL

### REPORTING REQUIREMENT

County staff will contact grantee to execute agreement and distribute funds.

Grantee shall submit proof of compliance with Board direction within five (5) business days after the funds are expended by Grantee or within 30 days after funds are disbursed to Grantee, whichever comes first. If Grant funds are not expended within 30 days, Grantee shall provide an explanation to the District 3 office and the Clerk of the Board of Supervisors, including an estimated date for the expenditure. In this case, proof of compliance shall be submitted when the Grant funds are ultimately expended.

Grantee will also submit a year-end report to the District 3 office, of no more than four pages, double spaced, with one-inch margins showing that they have met their deliverables by 11:59 pm on December 31, 2021.