



# Community

Legal Services

Advocate. Litigate. Educate.

# COMMUNITY LEGAL SERVICES ESTABLISHED IN 1952

## MISSION STATEMENT

- ▶ Community Legal Services is a nonprofit law firm committed to increasing fairness in the civil justice system by advocating, litigating, and educating on behalf of Arizona's most underserved communities.

## VISION STATEMENT

- ▶ Community Legal Services desires to be Arizona's leading legal voice for communities in need, by protecting rights, increasing fairness, and providing access to justice for underserved communities.

# CLS 101

- ▶ Offices in Maricopa, Yavapai, Mohave, La Paz and Yuma Counties
- ▶ Funded through Legal Services Corporation (federal appropriation), state and local grants and private donors.
- ▶ 75 employees
- ▶ Board of Directors consisting of both attorneys, community partner appointments and clients.
- ▶ In 2018, served more than 9500 cases.

# WHAT DO WE DO?

## Advocate, Litigate and Educate

### ▶ Where we help:

- ▶ Housing (evictions, fair housing, foreclosures)
- ▶ Family Law
- ▶ Health and Economic Benefits
- ▶ Consumer Law
- ▶ Employment Law
- ▶ Set Asides
- ▶ Migrant Worker
- ▶ Low Income Tax Program
- ▶ Volunteer Lawyers Program

### ▶ Where we do not help

- ▶ Criminal Cases
- ▶ Traffic
- ▶ Immigration (exceptions apply)

# Setting Aside Your Criminal Record to Build Equity

Presented By:



# Interaction with Criminal Justice System

- ▶ **As of 2016, nearly 1.9 million Arizonans have a criminal record. (The population of Phoenix is 1.6 million) (Survey of State Criminal History Information Systems, 2016, Bureau of Justice Statistics).**
- ▶ Approximately 77 million Americans, or 1 in 3 adults, have a criminal record



# Interaction with the Criminal Justice System and Housing

- Formerly incarcerated people are almost 10 times more likely to be homeless than the general public
- While 203 out of every 10,000 formerly incarcerated people are homeless, nearly three times as many - 570 out of every 10,000 - are housing insecure, meaning they are homeless or living in marginal housing.

# Interaction with the Criminal Justice System and Employment

- ▶ Nationally, unemployment among those who have been formerly incarcerated is 27%.
- ▶ A record of a felony conviction reduces the likelihood of an employer calling the applicant back by about 50 percent
- ▶ According to the American Bar Association, there are 38,000 collateral consequences that accompany a criminal record. Work in certain sectors, like education and healthcare, is often off limits.

# Poverty

- ▶ Evicted Matthew Desmond
- ▶ \$2.00 A Day: Living on Almost Nothing in America by Kathryn Edin and H. Luke Shaefer
- ▶ Survival Math Mitchell S. Jackson
- ▶ Outside the Law: Narratives on Justice in America Susan Richards Shreve and Porter Shreve
- ▶ Doing Justice: A Prosecutor's Thoughts on Crime, Punishment, and the Rule of Law Preet Bharara
- ▶ An American Summer: Love and Death in Chicago Alex Kotlowitz
- ▶ Locking Up Our Own: Crime and Punishment in Black America James Forman
- ▶ The Divide: American Injustice in the Age of the Wealth Gap Matt Taibbi

# Criminal Justice System and Race



# Author of *Just Mercy* and founder of the Equal Justice Initiative

- [Racial Justice](#)
- [Evolution of Slavery](#)
- [Legacy of Lynching](#)
- [Resistance to Civil Rights](#)
- [Presumption of Guilt](#)
- [Children in Prison](#)
- [Mass Incarceration](#)
- [Death Penalty](#)
- [Just Mercy](#)

# War on Drugs

## The New Jim Crow by Michelle Alexander



# Changing our Mindset



# Inequalities In the Justice System



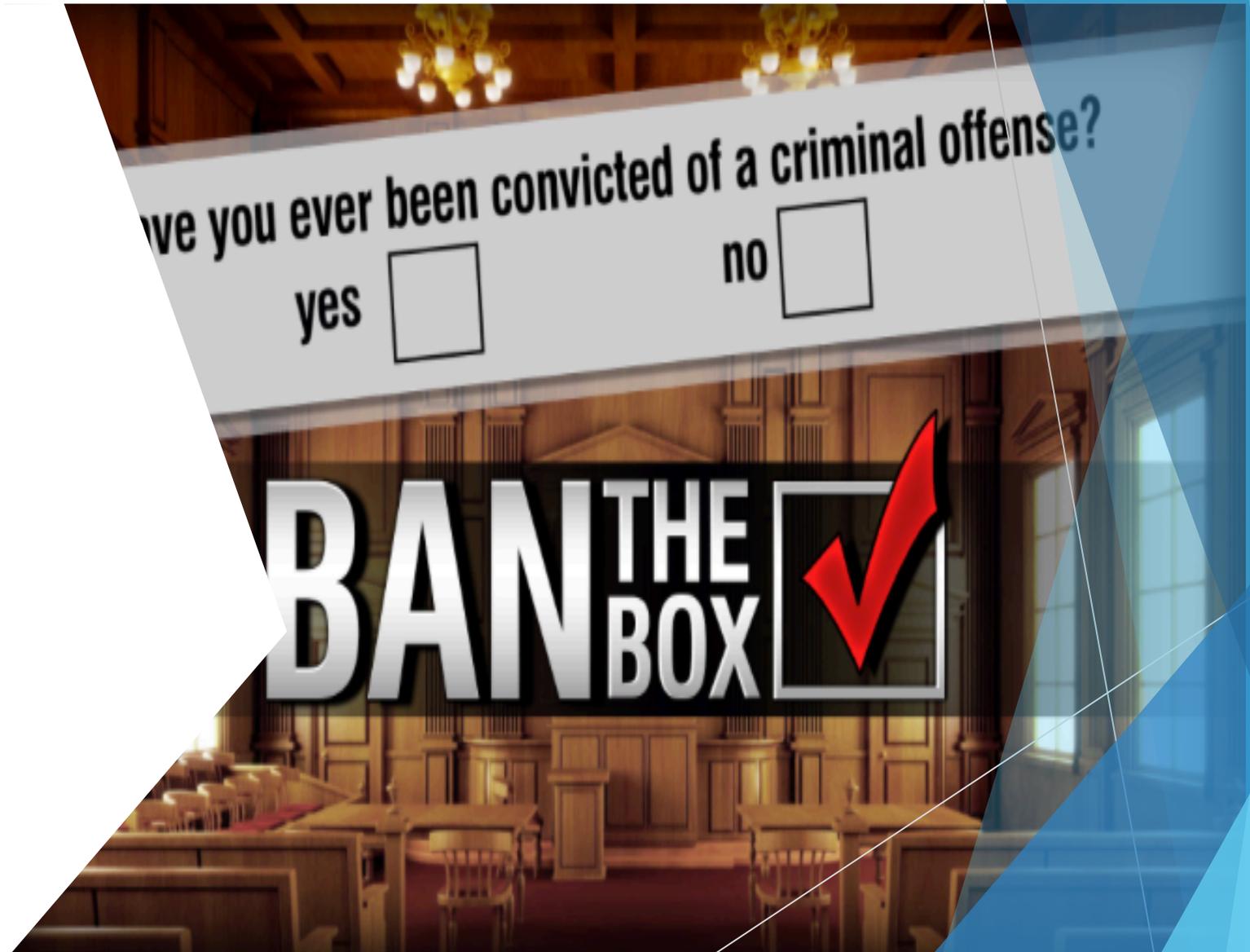
# Race



- 70% of individuals incarcerated are nonwhite
- The average American has a 1 in 20 chance of being imprisoned at some point in his life, but that rate is much higher for Latino men (1 in 6)
- African American men (more than 1 in 3) than for white men (1 in 23).
- Strikingly, 1 in 9 black men under age 25 lives under some form of restrained liberty: in prison, in jail, on probation, or on parole.

# Ban the Box

- ▶ City of Phoenix
- ▶ City of Tempe



# Arizona - Fingerprint Clearance Cards

- ▶ Arizona law requires that employees or volunteers with certain state agencies, licensees, and contractors, engaged in certain types of work, have a fingerprint clearance card.
- ▶ Generally, this means that jobs involving vulnerable adults or children, persons with developmental disabilities, or the handling of sensitive information will require a fingerprint clearance card.
- ▶ There are two levels of fingerprint clearance card: “Level One” and “Standard.”

# Good Cause Exception

- ▶ Not all offenses are eligible for a good cause exception. Some examples of ineligible offenses include:
  - ▶ A conviction for child abuse
  - ▶ Sex related crimes
- ▶ The Fingerprint Board shall consider:
  - ▶ The extent of a person's criminal record;
  - ▶ The length of time that that has elapsed since the offense was committed;
  - ▶ The nature of the offense;
  - ▶ Any applicable mitigating circumstances;
  - ▶ The degree to which the person participated in the offense;
  - ▶ The extent of the person's rehabilitation, including completion of probation, payment of restitution, evidence of positive action to change criminal behavior, and personal references attesting to the person's rehabilitation.
- ▶ **You must have a copy of your fingerprint clearance denial letter for your application, so keep your denial letter in a safe place.**

# Fingerprint Clearance Cards, continued

- ▶ There are a long list of convictions that, if shown on an applicant's background, will disqualify the applicant from obtaining the fingerprint clearance card.
- ▶ Not all hope is lost - an applicant can apply for a “good cause exception” with the Arizona Board of Fingerprinting
- ▶ Applicants have one year from the date of their rejection to apply for a “good cause exception.”

# Buying Justice



# Obtaining a Set Aside

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Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_

Representing  Self, without a Lawyer or  Attorney for  State OR  Defendant

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

STATE OF ARIZONA, Plaintiff  
-vs- Case Number: \_\_\_\_\_

DEFENDANT (First, Mi, Last) \_\_\_\_\_  
Date of Birth: \_\_\_\_\_

Applicant is:  Defendant  
 Attorney for Defendant  
 Probation Officer

**APPLICATION TO SET ASIDE  
CONVICTION  
A.R.S. § 13-905**

Note: Includes application to restore firearm rights pursuant to A.R.S. § 13-905(J)

**REQUEST FOR RECONSIDERATION**  
(for applications previously denied)

**SECTION I. CONVICTION(S)**

A Judgment of Guilt was entered in the Superior Court of Arizona in Maricopa County against me, the defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, on the conviction of:

1. Count I: \_\_\_\_\_  
2. Count II: \_\_\_\_\_  
3. Count III: \_\_\_\_\_  
4. Count IV: \_\_\_\_\_

Additional counts continue on a separate page.

© Superior Court of Arizona in Maricopa County ALL RIGHTS RESERVED Page 1 of 5 CRS12f 082719

Case Number: \_\_\_\_\_

**SECTION II. SENTENCE COMPLIANCE**

1.  This is my first felony conviction in this or any other State.  

**OR**

 I have also been convicted of a felony in the following Court(s):  
Court Name: \_\_\_\_\_ in case number \_\_\_\_\_  
Court Name: \_\_\_\_\_ in case number \_\_\_\_\_  
(Attach a separate page for additional cases and convictions)
2. I was sentenced to:  a term of probation  the Department of Corrections
3.  I completed the conditions of probation. The Probation Department's order discharging me from probation is attached to this application, if available.
4.  I have complied with all the required terms of the sentence (including all probation, employment, classes, community service, victim restitution or other court ordered monetary obligations, drug/alcohol testing, or other requirements.)
5.  I have not complied with all terms of my sentence. Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6.  I received a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections AND have attached a copy of that Certificate to this application, if available.



Case Number: \_\_\_\_\_

**SECTION IV. PENDING CASES AND ACTIVE WARRANTS**

1. Are there any open criminal cases against you?  Yes  No

2. Do you have an active warrant?  Yes  No

If yes to either question above, please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SECTION V. OTHER INFORMATION FOR THE COURT**

1. Is there anything you would like the court to take into consideration?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.  Attach any other information you would like the court to consider. List attached documents:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The court may decide on this application without a hearing unless a hearing is requested by you, the prosecutor's office, or the victim. (Check the box below if you are requesting a hearing.)

Hearing requested?  Yes  No

## You may use the forms on this page if the following factors apply to your situation :

- You may use the forms and instructions in this packet if...
  - Your case was handled in the Superior Court of Arizona in Maricopa County or a Federal District Court, **AND**
  - You have read the restoration of rights statutes (A.R.S. § 13-905 and those that follow), and you are eligible under the statutes **OR**
  - You are asking the Court to reconsider a denial of a previous application.
- **DO NOT USE THE FORMS** in this packet if:
  - Your conviction was from a justice, city or magistrate court. Contact that court for further information.
  - You were convicted of a misdemeanor. A misdemeanor conviction does not take away your civil rights; therefore, this process may not apply.
  - You were convicted of a "dangerous offense" under A.R.S. § 13-704, and wish to restore your gun rights.
  - You were convicted of a "serious offense" as defined under A.R.S. § 13-706 and wish to restore your gun rights; and it has not been **ten years** from the date of your absolute discharge from imprisonment or discharge from probation.
  - You were convicted of any other felony offense and wish to restore your gun rights; and it has not been **two years** from the date of your absolute discharge from imprisonment or discharge from probation.

[https://superiorcourt.maricopa.gov/llrc/crim\\_crrr/](https://superiorcourt.maricopa.gov/llrc/crim_crrr/)

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_



Representing  Self, without a Lawyer or  Attorney for  State OR  Defendant

### SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

STATE OF ARIZONA, Plaintiff  
-vs-

Case Number: \_\_\_\_\_

DEFENDANT (First, MI, Last)  
\_\_\_\_\_

APPLICATION UPON DISCHARGE TO:  
(check all that apply)  
 RESTORE CIVIL RIGHTS  
 RESTORE FIREARM RIGHTS  
A.R.S. §§ 13-905, 13-906, 13-907, 13-908, and 13-910

Date of Birth: \_\_\_\_\_

REQUEST FOR RECONSIDERATION  
(for applications previously denied)  
 Civil Rights  Firearm Rights

Applicant is:  Defendant  
 Attorney for Defendant  
 Probation Officer  
 Guardian

#### SECTION I: CONVICTION(S)

A Judgment of Guilt was entered against me, the Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, on the conviction of:

- 1. Count I: \_\_\_\_\_
- 2. Count II: \_\_\_\_\_
- 3. Count III: \_\_\_\_\_
- 4. Count IV: \_\_\_\_\_

Additional counts continue on a separate page.

Case Number: \_\_\_\_\_

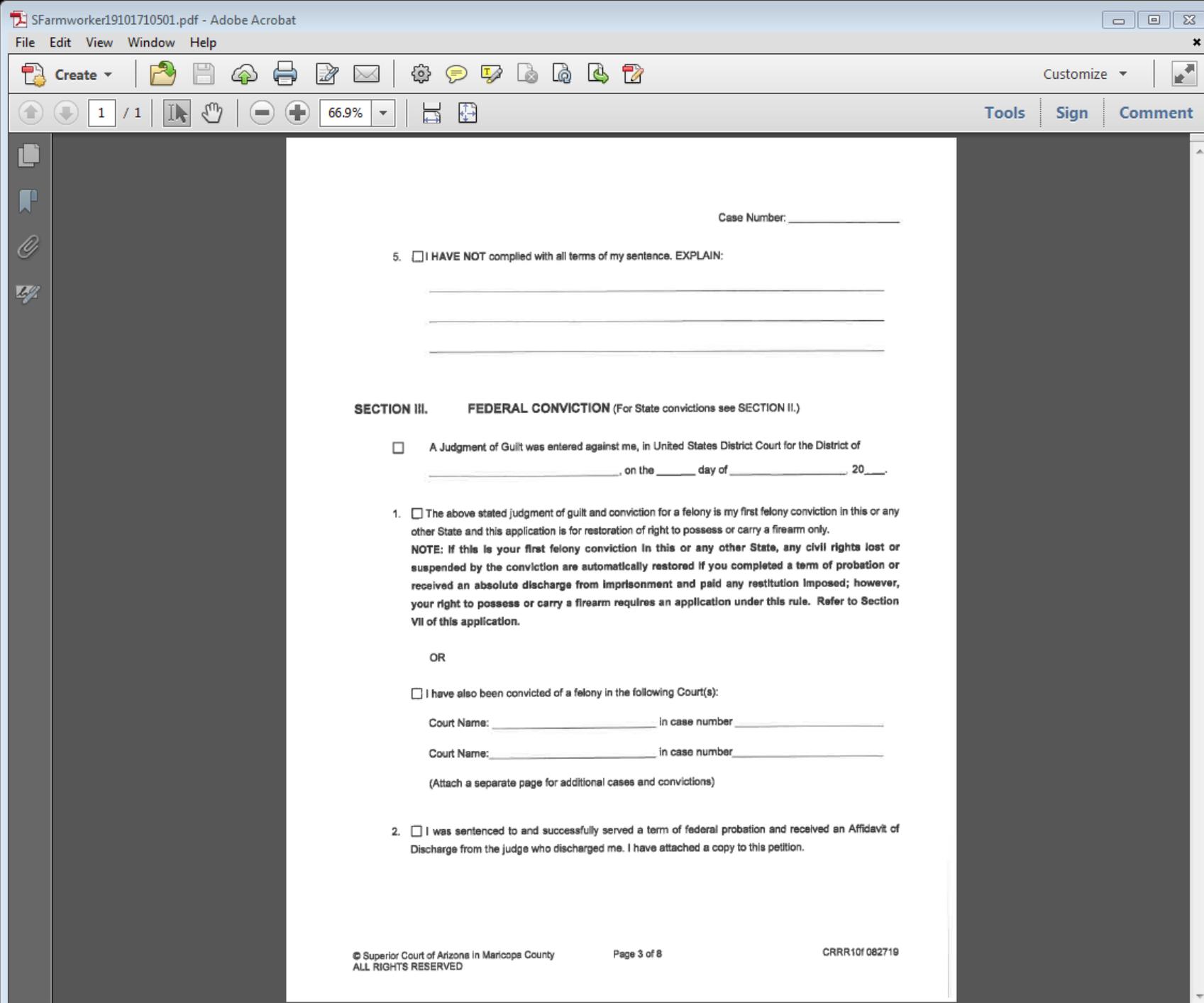
**SECTION II: STATE CONVICTION:** (For federal convictions, see SECTION III.)

- A Judgment of Guilt was entered against me in the Superior Court of Arizona in Maricopa County.
- 1.  The above stated judgment of guilt and conviction for a felony is my first felony conviction in this or any other State and this application is for restoration of right to possess or carry firearm only.  
**NOTE: If this is your first felony conviction in this or any other State, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid any restitution imposed; however, your right to possess or carry a firearm requires an application under this rule. Refer to Section VII of this application.**

OR

- I have also been convicted of a felony in the following Court(s):  
Court Name: \_\_\_\_\_ in case number \_\_\_\_\_  
Court Name: \_\_\_\_\_ in case number \_\_\_\_\_  
(Attach a separate page for additional cases and convictions)

- 2.  I completed the conditions of probation. The Probation Department's order discharging me from probation is in the court file or attached to this form.
- 3.  I received a *Certificate of Absolute Discharge from Imprisonment* from the Arizona Department of Corrections on a date two (2) or more years before today's date, AND have attached a copy of Certificate in this petition.
- 4.  I have complied with all required terms of probation (including all employment, classes, community restitution, victim restitution or other court ordered monetary obligations, drug/alcohol testing, or other requirements.)



Case Number: \_\_\_\_\_

5.  I HAVE NOT complied with all terms of my sentence. EXPLAIN:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION III. FEDERAL CONVICTION** (For State convictions see SECTION II.)

A Judgment of Guilt was entered against me, in United States District Court for the District of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1.  The above stated judgment of guilt and conviction for a felony is my first felony conviction in this or any other State and this application is for restoration of right to possess or carry a firearm only.

**NOTE: If this is your first felony conviction in this or any other State, any civil rights lost or suspended by the conviction are automatically restored if you completed a term of probation or received an absolute discharge from imprisonment and paid any restitution imposed; however, your right to possess or carry a firearm requires an application under this rule. Refer to Section VII of this application.**

OR

I have also been convicted of a felony in the following Court(s):

Court Name: \_\_\_\_\_ in case number \_\_\_\_\_

Court Name: \_\_\_\_\_ in case number \_\_\_\_\_

(Attach a separate page for additional cases and convictions)

2.  I was sentenced to and successfully served a term of federal probation and received an Affidavit of Discharge from the judge who discharged me. I have attached a copy to this petition.

Case Number: \_\_\_\_\_

- 3.  I was sentenced to and successfully served a federal prison term. I have attached a copy of the Federal Bureau of Prisons a Certificate of Absolute Discharge, or other official documentation provided by the Bureau of Prisons that indicates successful discharge from Imprisonment on a date two (2) or more years before today's date.
- 4.  I have complied with all required terms of probation (including all employment, classes, community restitution, victim restitution or other court ordered monetary obligations, drug/alcohol testing, or other requirements.)
- 5.  I HAVE NOT complied with all terms of probation. EXPLAIN:

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**SECTION IV. VICTIM RESTITUTION AND COURT ORDERED MONETARY OBLIGATIONS**

- 1. Have you paid victim restitution in full?  YES  NO  
IF NO, a restoration of rights will be denied without a showing of extraordinary circumstances. If you believe you have extraordinary circumstances explain below. (Attach documentation you think is relevant for the court's consideration.)

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Case Number: \_\_\_\_\_

2. Have you paid all other court-ordered monetary obligations in this case (criminal fines and fees) in full?  
 YES  NO If no, please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For a State case, in some circumstances you may be eligible to apply to the court to mitigate the amount owed or convert monies owed to community restitution. (This does not apply for Federal convictions).

**SECTION V. PRIOR RESTORATION OF RIGHTS**

1. Have you previously applied to have your rights restored?  Yes  No  
 If yes, what was the date of your last application? \_\_\_\_\_

2. Have you been granted the restoration of your rights previously?  Yes  No

3. Have you been denied the restoration of your rights previously?  Yes  No

**SECTION VI. PENDING CASES AND ACTIVE WARRANTS**

1. Are there any open criminal cases against you?  Yes  No

2. Do you have an active warrant?  Yes  No  
 If yes to either question above, please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Case Number: \_\_\_\_\_

**SECTION VII. RESTORATION OF FIREARM RIGHTS**

**NOTE: Arizona Revised Statutes require:** If the person was convicted of an offense which would be a dangerous offense under section 13-704, the person may not file for the restoration of the right to possess or carry a firearm. If the person was convicted of an offense which would be a serious offense as defined in section 13-706, the person may not file for the restoration of the right to possess or carry a firearm for ten (10) years from the date of the person's absolute discharge from imprisonment or discharge from probation. If the person was convicted of any other felony offense, the person may not file for the restoration of the right to possess or carry a firearm for two (2) years from the date of the person's absolute discharge from imprisonment or discharge from probation.

1.  I was convicted of a felony offense not listed in A.R.S. §§ 13-704 or 13-706 and it has been two years since absolute discharge from imprisonment or probation.
2.  I was convicted of a serious offense as defined in A.R.S. § 13-706 and it has been ten years since absolute discharge from imprisonment or probation.
3.  I was convicted of a dangerous offense as defined in A.R.S. § 13-704. (If yes, you are not eligible to file for restoration of the right to possess or carry a firearm.)

If you are requesting that your civil right to possess a firearm be restored, please write your reasons for the request below:

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I understand that even if I am granted the right to possess a firearm under Arizona law, it may not give me the right to possess a firearm under federal law.

Case Number: \_\_\_\_\_

**SECTION VIII. OTHER INFORMATION FOR THE COURT**

Is there anything you would like the Court to take into consideration?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attached is other pertinent documentation. List attached documents:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The Court may decide on this application without a hearing unless a hearing is requested by you, the prosecutor's office, or the victim. *(Check the box below if you are requesting a hearing.)*

Hearing requested?     Yes     No



# Background Checks

- ▶ Denied a job because of false information
  - ▶ Get a copy of the report
  - ▶ See what it is wrong
  - ▶ Get documentation
    - ▶ Criminal
    - ▶ Credit
    - ▶ Social security

Contact reporting agency

Contact an attorney

It depends...



# HOW DOES COMMUNITY LEGAL SERVICES HELP??

- ▶ **Advocate** - assist those with criminal records
- ▶ **Educate** - outreach to those with criminal records and presentations to community partners
- ▶ **Litigate** - file applications to set aside and good cause exceptions

