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President and CEO*

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March 24, 2023

To Whom It May Concern:

The United CORE Alliance (UCA) is proud to present our 2022 Fiscal year-end data report from our monthly Expungement Clinic to the Cannabis Equity Working Group.

Within this report you will find that there is a causal criminal-legal and economic relationship between the War on Drugs and historically disinvested communities. The UCAs primarily services the greater Sacramento Region thus the data in this report reflects demographic trends from the area.

The City of Sacramento adopted [Resolution 2018-0323](#) to establish its cannabis equity program using arrest rate data and policy recommendations included in a cannabis equity study (see appendix of resolution). The study identified neighborhoods within the City of Sacramento that had disproportionate black arrest rates for cannabis. Data from the UCA's monthly expungement clinic follows these trends as the number of registrants to the clinic are disproportionately Black.

The UCA would like to thank Supervising Attorney Eliana Green of the Hood Incubator and our Legal Coordinator Samantha Sadler for diligently providing these services to the community.

Sincerely,

Khalil J. Ferguson
President & CEO
United CORE Alliance

Our Mission

The United CORE Alliance (UCA) is a 501c3 organization created by social equity advocates. We serve disadvantaged communities adversely impacted by the war on drugs. The UCA creates opportunities for economic mobility through community advocacy, community development, workforce training and expungement services.

Our Purpose

The UCA's purpose is to eliminate the pervasive barriers erected by the war on drugs that prevent underinvested communities from realizing economic mobility. We aim to overcome policies precipitated by historical political and social sanctions that unjustly targeted communities of color. Our organization engages populations and communities most impacted by the War on Drugs to create economic opportunities in emerging cannabis markets, facilitates educational job training, legal support, and provides relevant tools to the constituents to which we serve.

Our Focus Areas

The UCA's focus areas are 1) Increasing diversity in ownership and workforce within the cannabis industry; 2) Restoring the lives of systems impacted individuals from the war on drugs through legal support services; 3) Developing and supporting the small and equity business environment through collaboration and aggregation of resources; and 4) Assist cities with the creation of policies and procedures that promote equity business ownership for minority entrepreneurs.

Background of Cannabis Equity in Sacramento

On November 28, 2017, the City Council authorized staff to create a program to address the negative impacts of disproportionate enforcement of cannabis related regulation in the city of Sacramento before the adoption of Proposition 64 and directed staff to return to City Council with a resolution to establish the program.

According to the Study Cannabis related arrests in the City of Sacramento spiked in 2006 at 1,590 and remained relatively stable until 2010. In 2010, Governor Arnold Schwarzenegger signed California State Senate Bill 1449, which reduced the offense for an ounce or less of cannabis possession.¹⁶ From 2010 to 2011, cannabis arrest rates fell roughly 45% in the city of Sacramento. From 2006 to 2016, the arrest rates citywide dropped by 65%. By 2017, there were less than two hundred cannabis related arrests in the city of Sacramento.

The study also found that Black/African American residents were arrested, where at least one charge was cannabis related, at a rate higher than their citywide population proportion. Black/African American residents make up only 14.65% of the city's population but 47.87% of cannabis related arrests in 2010. White and Asian residents were arrested at a lower rate than their population. Hispanic residents were arrested at a comparable, and slightly lower rate to their population. These trends in arrest rates by race also hold for other years, where Black/African American residents are more likely to be arrested given their population while White, Hispanic and Asian residents are arrested at a lower rate to their population. This finding does not intend to suggest why Black/African American residents were arrested at a higher rate.

Because the study's methodology primarily rested on the calculation of arrest rate data by geography, the recommendations provided delineated neighborhoods by zip code with disproportionate arrest rate statistics among minority populations. It found that the communities with the highest arrest rates disproportionate to their population between 2004 and 2017, based on zip code were: Downtown (95811 and 95814), Land Park (95818), Oak Park (95817), Parkway Meadowview (95823), Del Paso Heights South (95815), Florin Perkins (95826), Fruitridge (95820), and Elder Creek (95824 and 95828).

On August 9, 2018, the City Council adopted [Resolution 2018-0323](#) establishing the Cannabis Opportunity Reinvestment and Equity (CORE) program and adopting a zero-dollar fee and appropriate a funding for business permits for CORE participants.

On March 26, 2019, the City Council awarded the contract to two organizations, to administer the program. Since the CORE program has been implemented 246 Business Operating Permits (BOPs) have been issued with 32 of those permits belonging to CORE businesses (13 percent of total). As of July 28, 2022, the City of Sacramento's Office of Cannabis Management reported a total of 144 pending applications with 41 pending permits (28 percent of total) deriving from CORE businesses.

The United CORE Alliance Board of Directors

Khalil Ferguson – President and CEO

Khalil currently serves as the Deputy Director for the California Equity Policy Council (CEPC) and is also the President for the United CORE Alliance (UCA), which engages populations and communities most harmed by the War on Drugs to create pathways for job placement in emerging markets, facilitates educational opportunities to increase economic mobility, and organizes legal support to formerly incarcerated individuals. Khalil's focus on strategies for combating gentrification and supporting inclusive economic development programs has resulted in appointments to the City of Sacramento's Measure U Tax Oversight Committee and the City Manager's Inclusive Economic Development and Investment Committee.



Khalil's work is guided by an intimate understanding of what inclusive economic development means, and why it is important to help level the playing field and increase market share for entrepreneurs of color. His data and research driven perspective - along with connections to Drug War impacted communities and millennials of color is exactly what the community needs. He can help bring extremely important data, relationships, and resource-oriented solutions to achieving safety through carving equitable pathways into the legal market.

Under Khalil's leadership, the UCA has been instrumental in helping the city of Sacramento in forming its cannabis equity policies. Recently, the city added 10 additional permits specifically for drug war impacted communities. Additionally, Khalil was integral to the establishment of the California Cannabis Equity Grants Program which provided \$30 million in grant funding to jurisdictions throughout the State of California. Through the CEPC, Khalil secured \$60 million in tax relief dollars for Social Equity Entrepreneurs in the Governor's 2023 Adopted Budget. He also serves as the Secretary for the Democratic Party Black Caucus Legislative Committee our current bill package has approximately 20 bills covering the areas of Education Reform and Financing, Public Safety, Drug Policy, Housing Development, Environmental Justice, and Legal Reform.

Khalil holds B.A. degrees in International Relations and Economics from California State University, Sacramento and is currently a student at McGeorge School of Law.

Jimmy Fremgen – Chair of the Board

Born and raised in Northern California, Jimmy is a heart disease survivor, former congressional investigator, and high school history teacher. He has made it his life's work to fight for children, workers, and families looking for a better life.

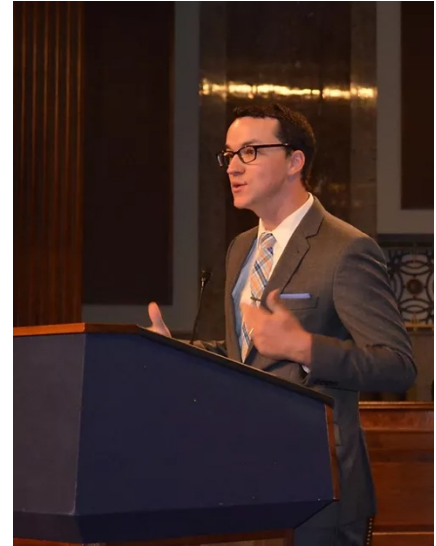
Raised by hard working parents and his Nana, Jimmy and his siblings were taught the value of hard work and community. His parents embodied this value even as the family struggled while his mother wrestled with heart disease. Jimmy shares the same heart disease that took his mother's life at the age of 45.

A proud graduate of California public schools, Jimmy worried about the cost of college tuition and chose community college before transferring to UC Santa Barbara and obtaining his teaching credential at Cal Poly San Luis Obispo.

After college, Jimmy worked as a high school teacher, teaching US History and Government before serving as Advisor to Congressman Elijah E. Cummings and the chief investigative committee of the United States House of Representatives. As a congressional investigator, Jimmy focused on eliminating exploitative behavior by for-profit colleges who boosted profits by ripping off veterans and low-income families. He fought to pass bipartisan anti-gun trafficking laws after the massacre at Sandy Hook Elementary School and was one of the lead staffers during the congressional debate of the Iran Nuclear Agreement.

Coming home to Sacramento, Jimmy worked as one of the leading staff members in the California State Legislature to ensure that the newly legalized cannabis market would include everyone, especially minority communities disproportionately impacted by the failed War on Drugs.

As an advocate for Californians with disabilities, Jimmy increased access to guide dogs for the blind and worked to protect vulnerable residents of long-term care facilities from profit-hungry corporate boards.



Kathleen Finnerty Esq. – Vice Chair of the Board

Kathleen is a respected lawyer both in and out of court. She has represented companies as large as Chanel, Infineon Raceway, and Cash America, as well as smaller and mid-size companies across the country for more than 30 years. Kathleen is AV-rated, a member of the American Inns of Court, and has nearly 100 trials, mediations and arbitrations to her credit. She is our resident business litigation expert, a recognized national expert on ADA defense and is quickly becoming well known for her depth of experience in cannabis regulatory and litigation matters.



After 20 years in world-class law firms and corporate legal departments, Kathleen E. Finnerty opened Finnerty Law Offices, Inc., in 2011 to serve select clients in business litigation and counseling. This new platform provides personalized attention for each client matter, on a more economic scale, with same high caliber legal services. She likes to say, “we design solutions for your business, not ours.” The firm represents businesses in civil litigation across the country. A noted national expert in ADA defense, trade secrets and IP litigation, as well as partnership and corporate disputes, the value Kathleen brings to her clients is based on four core strengths:

EXPERIENCE

She has represented Fortune 100 companies, mid-caps and startups for more than 30 years.

SUCCESS

She keeps every client’s end-goal in focus and develops precise strategies for achieving the client’s desired result.

RESPONSIVENESS

She offers practical advice, in straightforward terms, without delay.

RESPECT

She is an “AV” Peer Rated lawyer in the Martindale-Hubbell Law Directory, Best Lawyers in America, Best Lawyers – U.S. News and Review and Best Lawyers Sacramento. “We have the expertise to aggressively and cost-effectively assert and defend our clients’ interests in a broad spectrum of business cases,” she says.

Ayoka Nurse Ph.D.

Dr. Ayoka Nurse is a Bay Area native born and raised in Richmond, California. As a Policy Analyst and the owner of Global Reach Strategies, Mrs. Nurse has over 25 years of professional experience.

Her career began as a journalist, first as an entertainment reporter for Pacific News Service with several published articles in local and national newspapers, including the San Francisco Examiner. She is the co-founder of Youth Radio, a national media organization, an Assistant Editor for Gavin music trade magazine with feature stories airing on National Public Radio, Public Radio International, and local stations KPFA-Berkeley, KGO, and KMEL- San Francisco. Cannabis experience includes providing policy research, analysis, and industry strategies for several entities in the United States and globally.



After gaining recognition and winning several awards for both print and radio journalism, she realized that the theme of most of her work was related to public policy, popular culture, and its impact on social constructs. This realization drives her to explore cannabis policy formation, implementation, and how it affects communities adversely impacted by the failed 'war on drugs.'

Dr. Nurse has a Ph.D. in Public Policy and Administration focusing on law and policy, a Baccalaureate in Political Science, and a Master's in Public Administration. Currently, Dr. Nurse is the Chair of the Economic Development Committee and the Cannabis Sub-Committee for Richmond, California.

Tara Crawford



Impactful, compassionate, loving, & hardworking are all words to describe Tara Crawford. As a native of Sacramento California, Tara believes that persistence coupled with faith and education will enable great success. Tara earned a Bachelor of Arts in Communications Media from Alabama Agricultural and Mechanical University as well as a Masters of Arts in Higher Education Leadership from Sacramento State. Throughout her career she managed several million-dollar budgets for top corporations, public entities and non-profits requiring adherence to fiscal guidelines, compliance with laws and policies as well audit preparation. Tara has also skillfully composed, and published several educational articles, memoirs, newsletters, and other public facing documents through

a wide array of national media outlets including JET magazine, ESPN, The Florida Sun, and The Birmingham Times. Most significantly, Tara has also demonstrated an ability to successfully develop and sustain relationships with individuals from various professional and socio-economic backgrounds, including but not limited to, corporate executives, various community members and University Board partners. A peering into Tara's career reveals an unwavering sense of commitment to the development, and upward mobility of her community. Most recently, Tara has embarked upon the field of entrepreneurship and is in the process of launching a cannabis delivery service. Above all, she believes in the power of connection and strongly desires to utilize her experiences to help others reach their fullest potential.

Sheridon Evans

Sheridon Evans has a B.A in Political Science and is a Certified Project Manager Professional (PMP). He has several years of experience in sustainable residential development, renewable energy, and commercial development. Sheridan has managed residential, commercial, mixed-use, and tenant improvement projects. While working as an Associate Government Program Analyst (AGPA) at the State Water Resources Control Board he was responsible for overseeing new “grow” developments around the emerging cannabis industry. He monitored applicant’s compliance with both Regional and State regulations. While at the Waterboard, he was the project lead on the creation of Emergency Drought Regulations of the Upper Russian River and Lower Russian River. He has a passion for the intertwining of skilled labor and public policy.



Gabriel Garcia Esq. – Legal Counsel

For the last 15 years, Mr. García has been a trusted legal advisor to leading brands in the rapidly growing health and wellness industries. An expert in corporate, regulatory, and tax issues, he also counsels boards of directors, charitable foundations, and nonprofit corporations, including the California Hispanic Chambers of Commerce and the United Core Alliance. Prior to launching DJR García, he served as General Counsel for Natura, a vertically-integrated cannabis campus in Sacramento, where he lead efforts to acquire the 21 licenses that comprising Natura’s commercial cannabis activities.

Mr. García’s other experience includes positions as commercial counsel for Abbott Laboratories, legal consultant for the healthcare consulting firm BDC Advisors, and a federal clerkship with the United States Tax Court. His insight on wellness innovation is routinely solicited from the press and national healthcare organizations and has earned him multiple awards from legal publishing houses such as the Theodore Tannenwald Jr. Foundation.



Expungement Clinic Background

In April 2020, UCA began its first outreach program, The Oak Park Monthly Expungement Clinic. Through our clinic, we provide pro-bono expungement support through our network of volunteers from the legal profession. The UCA collects data through the Expungement Clinic registration forms. The organization uses an online form (Google Form) to register prospective clients for the monthly clinics. Google forms are readily available, mobile friendly, and easy to read no matter the electronic device a prospective client is using.

The UCA's Expungement Clinic Program received 142 respondents to our community outreach survey. The data collected from this survey supports the expungement data developed by the UCA and Justice2Jobs Coalition. Data trends from fiscal year 2021 shows that the Black population was over-represented in the data, making up approximately 62.7 percent of the participants.

When the UCA launched our expungement clinic program we were referring clients to the Sacramento County Public Defender's Office. At that time, we were working with Dannah O'Donnel – a UCA Volunteer who also works as Paralegal in Sacramento Superior Court to identify cases eligible for expungement. The UCA referred fourteen (14) individuals to the Public Defender's Office, yielding three (3) records that have been granted an expungement. Working with Dannah the UCA identified forty-one (41) cases eligible for expungement for seventeen (17) clients. Our work resulted the reduction and expungement of twenty-five (25) charges, sixteen (16) of those charges being misdemeanors, and nine (9) felonies. There were an additional 13 expungement petitions waiting to be filed (awaiting sponsorship), three (3) waiting to be signed by clients, and one (1) not yet processed.

During this year of operation, the UCA conducted intake for 54 out of the 142 registrants represented a 35.5 percent succession rate. Additionally, survey data revealed that only 15.8 percent of respondents reported having a cannabis related conviction on their record. This propensity is not unusual as the UCA in collaboration with the Justice2Jobs Coalition, Sacramento District Attorney's Office (DA), the Public Defender, Code For America succeeded in re-classifying and expunging approximately 6,000 cannabis conviction; estimated to have covered 90 percent of expungement-eligible cannabis convictions in Sacramento County. The DA had only re-classified or expunged 300 records prior to this pilot.

To augment expungement services in Sacramento, California, UCA is building a streamlined expungement service model to decrease the unemployment rate in Oak Park & Del Paso Heights neighborhoods and improve access to new employment opportunities and income.

Fiscal Year 2022 Expungement Clinic Programming

The UCA's Expungement Clinic Program received 86 respondents to our community outreach survey in Fiscal Year 2022. The data collected from this survey supports the expungement forecast data developed by the UCA and Justice2Jobs Coalition. Figure 1 below shows a slight decrease in the percentage of Black respondents from the previous fiscal year. Black respondents made up 54.7 percent of survey respondents in Fiscal Year 2022 compared to making up 62.7 percent of survey respondents in Fiscal Year 2021. However, due to shifting infrastructure and the intake process at least ten (10) clients who went through the UCA's legal intake process were not counted in the data. The racial makeup of the data directly reflects the UCA's outreach efforts in the Oak Park neighborhood.

Out of the 86 respondents to the UCA's expungement clinic registration, the UCA served 77 clients – meaning that 77 clients completed the legal intake process and have a casefile in the UCA's case management system, representing an 89.5 percent intake conversion rate. The UCA's expungement team filed 49 expungement petitions during fiscal year 2022. As the UCA onboarded Samantha Sadler and partnered with Eliana Green, Esq. of The Hood Incubator in the middle of Q3 the legal team prioritized filing Proposition 47-eligible convictions as the constitutional provision sunset November 2022.

Proposition 47 implemented three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from felonies to misdemeanors. Second, it authorizes defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions. Third, it authorizes defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors.

The UCA filed twenty (49) expungement convictions allowable under California law; convictions included:

- PC 245(A)(1) – Assault with a deadly weapon; felony;
- HS 11377(A) – Possession of Methamphetamine, felony;
- HS 11359 – Possession of marijuana, misdemeanor
- VC 23152(B) – DUI, misdemeanor;
- VC 14601.1(A) – Driving on a suspended license, misdemeanor;
- HS 11350(A) – Possession of controlled substance, felony;
- PC 415 – Disturbing the peace, misdemeanor;
- PC 459 – Burglary, felony;
- PC 460(b) – First degree burglary, misdemeanor;
- PC 484(A) – Petty theft, misdemeanor
- PC 484G(A) – Fraudulent use of a credit card or debit card, misdemeanor;
- PC 487(C) – Grand Theft, Felony;
- PC 602(M) – Trespassing, misdemeanor;
- PC 666 – Petty theft with priors, felony;
- PC 666 – Petty theft with priors, misdemeanor;

The UCA Legal Aid Team has 17 expungement filing petitions awaiting completion and will be filed in Q1 of 2023.

Race

86 responses

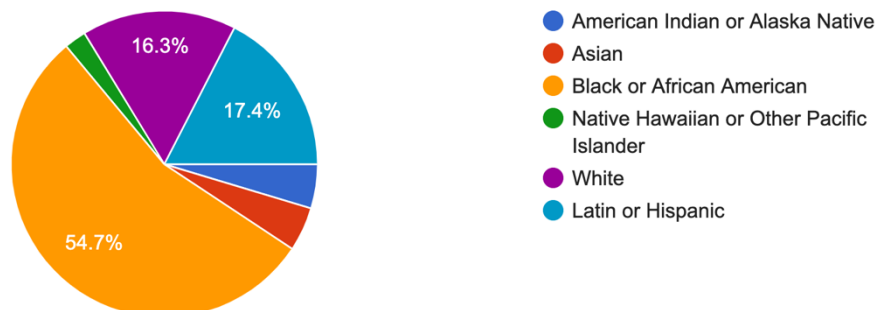


Figure 1

Figure 1 shows that the 17.4 percent of respondents identified as Latin or Hispanic and 16.3 percent as White. These figures are constant with the data from Fiscal Year 2021. Moreover, these figures are sensitive to outreach and referrals from community partners – most of whom were concentrated in Oak Park and serving the Black Community with the exception for two (2) expungement clinics planned in Del Paso Heights. These figures are anticipated to become more representative of the City’s racial makeup with the understanding that Black and Latinx communities are overrepresented in carceral statistics in relation to their residential makeup.

Figure 2 below shows that 43 percent of respondents were between the ages 25-34; meaning that 43 percent of respondents were born between 1988 and 1997 – correlated with the expansion of California’s prison expansion. From 1984 to 1994 California built eight new maximum-security (Level 4) facilities.¹ Nonviolent offenders were responsible for most of that increase. The number of drug offenders imprisoned in the state today (December 1998) was more than twice the number of inmates who were imprisoned for all crimes in 1978.² According to a KQED article posted in 2012, in 1984 there were just 12 state prisons; by 2005, there were 33.³ The second highest percentage at 29.1 percent were respondents between the age of 35-44 or those between 1978 and 1987; a generation of Californians who lived through the expansion of the prison industrial system and became victims of it as well.

¹ Eric Schlosser. “The Prison-Industrial Complex.” The Atlantic. Atlantic Media Company, June 16, 2020

² Id.

³ Matthew Green. “Packing the House: The Back Story on California’s Prison Boom.” KQED, January 6, 2012..

Age

86 responses

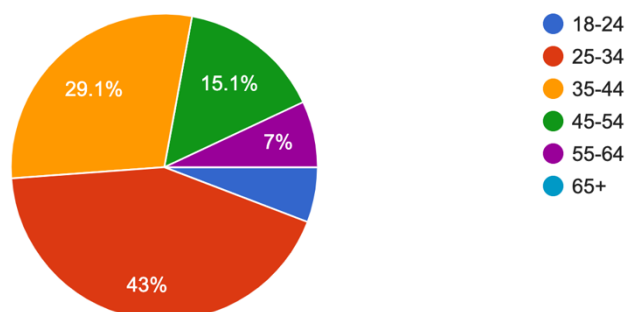


Figure 2

The UCA's studies on barriers in the expungement process have revealed a need to collect owed restitution data. If an individual has a balance owed towards their restitution, then a judge has the discretion to nullify petition to file for expungement. To that end, the UCA began collecting restitution data in 2021 and advocating for legislation to reduce judicial discretion in the expungement process on the matter this will be covered in the legislative report following this section. As expressed in Figure 3 the removal of this barrier was important as 32.9 percent of respondents reported having a restitution balance owed. Figure 4 shows that an overwhelming number of clients who possess a restitution balance have a balance between \$0 and \$9,999. These statistics become even more telling when contextualized by the data in Figure 5 and Figure 6. Clients frequently expressed that they were seeking an expungement to increase their economic mobility by accessing a job with decent wages to support their family or had recently been denied a job due to their criminal record.

Do you owe restitution?

85 responses

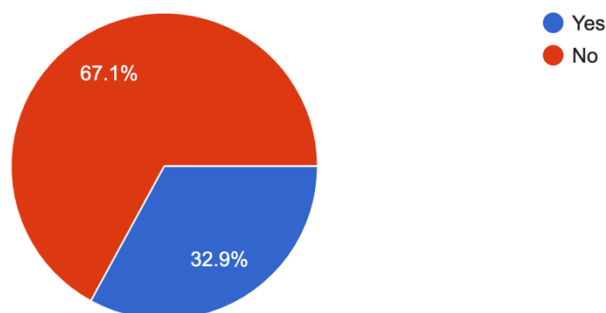


Figure 3

If so how much do you owe?

74 responses

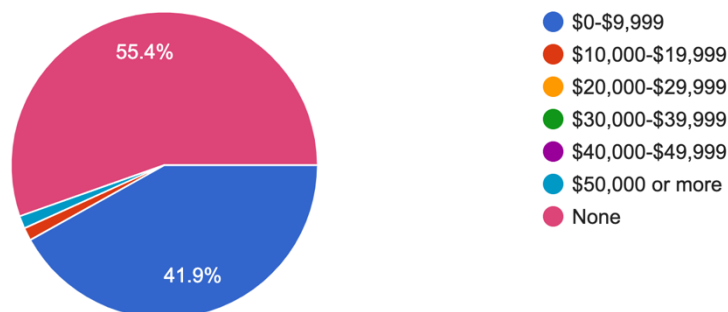


Figure 4

Income Level

86 responses

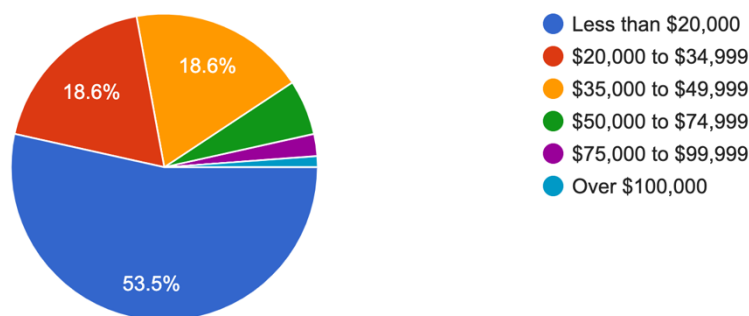


Figure 5

Figure 5 above shows that 72.1 percent of respondents or 62 of 86 respondent reported having an income less than \$35,000 in the aggregate. This is consistent with the expungement-economic forecast report developed the UCA and Justice2Jobs Coalition in 2020. The data displays that 53.5 percent of respondents possess an annual income of less than \$20,000. In review, the intake survey resulted in approximately 30 percent of clients reporting that they owe between \$0-\$9,999 in restitution. Legal scholars, practitioners, and public policy students have observed that courts often deny expungement petitions solely on the basis of having an owed restitution balance; and the UCA's intake survey displays that 53.5 percent of clients have an annual income of less than \$20,000.

Highest Level of Education

86 responses

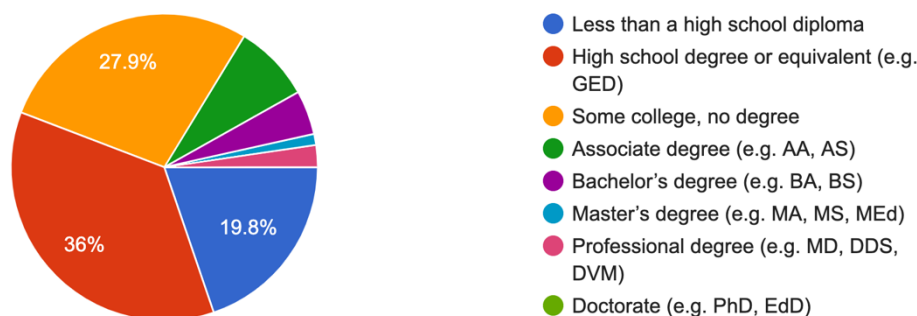


Figure 6

Figure 6 further illustrates how the War on Drugs, War on Crime, and expansion of California's Prison Industrial complex targeted low-income communities with little education. 19 percent of respondents reported as not having earned a high school diploma or equivalent. 39 percent of respondents reports only having earned a high school degree or equivalent, and 27 percent of respondents reports having attended college in some fashion but did not earn a degree.

According to the Cannabis Equity Study delivered to the Office of Cannabis Policy and Enforcement in 2019 the communities with the highest cannabis arrest rates disproportionate to their population between 2004 and 2017, based on zip code were: Downtown (95811 and 95814), Land Park (95818), Oak Park (95817), Parkway Meadowview (95823), Del Paso Heights South (95815), Florin Perkins (95826), Fruitridge (95820), and Elder Creek (95824 and 95828).

Residents from zip codes identified in the study as having the highest cannabis arrest rates disproportionate to the population made up 33.7 percent of intake survey respondents. This reflects demand to increase expungement capacity in these communities to support the mission of the Cannabis Opportunity, Reinvestment, and Equity (CORE) program.

These zip codes are:

95811 Downtown – two (2) respondents
95820 Fruitridge – seven (7) respondents
95823 Parkway Meadowview – seven (7) respondents
95824 Elder Creek – three (3) respondents
95818 Land Park – one (1) respondent
95828 Elder Creek – three (3) respondents
95817 Oak Park – two (2) respondents
95815 Del Paso South – one (1) respondent⁴
95826 Florin Perkins – two (2) respondents
95838 Del Paso North – five (5) respondents⁵
95832 Meadowview West – two (2) respondents
95821 Arden-Arcade – four (4) respondents⁶

Embedding ourselves in communities that have been devastated by the War on Drugs is imperative to the UCA’s board and staff in carrying out the organization’s mission. Thus, the UCA recognizes the need to increase our capacity to gather resources, build bridges, and provide direct services to our clients and communities. Community partnerships are integral to ensure disenfranchised communities benefit from the newly passed laws and programs. The UCA intentionally hosts monthly expungement clinics in communities that have been historically underinvested in and disproportionately targeted by the War on Drugs. Additionally, we also conduct expungement clinics upon request with community partners who serve specific population within the Oak Park, Del Paso Heights and Meadowview neighborhoods. The UCA will continue to seek relevant partnerships to foster community and expand our reach to assist the targeted communities.

Statutory Law

California Penal Code section 1203.45(g) provides:

A person who is 26 years of age or older and petitions for an order sealing a record under this section may be required to reimburse the court for the actual cost of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the court, not to exceed one hundred fifty dollars (\$150), and to reimburse the county for the actual cost of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the county board of supervisors, not to exceed one hundred fifty dollars (\$150), and to reimburse any city for the actual cost of services rendered, whether or not the petition is granted and the records are sealed or expunged, at a rate to be determined by the city council, not to exceed one hundred fifty dollars (\$150). Ability to make this reimbursement shall be determined by the court using the standards set forth in paragraph (2) of subdivision (g) of Section 987.8 and shall not be a prerequisite to a person’s eligibility under this section. The court may order reimbursement in a case in which the petitioner appears to have the ability to pay, without undue hardship, all or any portion of the cost for services established pursuant to this subdivision.

Sacramento County takes partial advantage of this statute as it charges \$120 per felony expungement filing and \$60 per misdemeanor expungement filing.

⁴ Not identified as disproportionate arrest zip code in equity study

⁵ Not identified as disproportionate arrest zip code in equity study

⁶ Not identified as disproportionate arrest zip code in equity study

Cost Benefit of Expungement

A Harvard Law Review article focusing on the *Economic and Legal Aftermath of a Criminal Conviction* highlights that possessing a criminal record categorically excludes previously incarcerated individuals from hundreds of professions.⁷ Additionally, possessing a criminal record precludes individuals from being considered for social services such as welfare and health benefits, public housing, and food stamps.⁸ Family members to convicted individuals may also be evicted from their housing on the basis of their relatives conviction.⁹ Thus, there is a correlation between possessing a criminal record, gentrification and the resulting increase in homelessness. This propensity reaffirms many racial-economic disparities that are associated with the declaration of the War on Drugs. Substantiated by California's rapid expansion of its prison system, the precipitous increase of its jail population and substantiated by an evaluation of the California Department of Corrections Preventing Parolee Failure Program where they estimated that 10 percent of their parolees were homeless in 1997.¹⁰

A 2014 Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County conducted by students at Stanford University concluded that expunging criminal records not only improves economic mobility and increases productivity, but also reduces dependence on government resources and increases tax revenue.¹¹ Furthermore, possessing criminal record affects the national economy from a macroeconomic perspective and furthers the lived experience of generational poverty. Another study on approaches to reducing poverty and increasing economic mobility found that in 2008 the economy lost between \$57 and \$65 billion in lost productivity as a result of the reduced male employment rate linked to possessing a criminal record.¹² The report also found that parents with convictions are more likely to be unemployed, in line with data from the UCA's expungement registration survey.

The Cost-Benefit analysis conducted by student at Stanford reported that the clearest benefit of expungement to people with a conviction history is the potential increase to their income after their record has been cleared.¹³ UCA preliminary data supports this position. Furthermore, the study's conclusive data revealed that the average respondent reported an increase in yearly income of \$6,190 after record clearance,¹⁴ a clear indication of upward economic mobility post expungement. Citing a 2013 study by the Institute on Taxation and Economic Policy which posited that the lowest income quintile of the population pays 12.1 percent of their total income in taxes (income, sales, excise, property, etc.).¹⁵ Holding the post-expungement income calculation constant at \$6,190 the cost-benefit analysis estimates that an additional average taxes paid will equal \$750 per person ($\$6,190 \times 12.1$ percent).¹⁶

⁷ J.J. Prescott, and Sonja B. Starr. "Expungement of Criminal Convictions: An Empirical Study." SSRN Electronic Journal, 2019.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Meyli Chapin, Alon Elhanan, et al., "A Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County." Stanford Public Policy, 2014.

¹² Id.

¹³ Id. at 15

¹⁴ Id.

¹⁵ Id. at 16

¹⁶ Id.

Table 1: Estimates of costs and benefits of expungement per RCP client in one year

Costs		Benefits	
Probation Office costs	\$59	Increased income*	\$6,190
Court costs	\$242	Increased GDP*	\$1,153
RCP costs	\$3,412	Increased tax revenues*	\$750
Legal fees (cost to offender)	\$44	Legal fees (benefit to government)	\$44
Cost to employers	Negligible	Reduction in government assistance*	\$1,380
		Reduction in recidivism^	
		Additional benefits to society^	
Total costs:	\$3,757	Total benefits:	\$9,517

*These benefits are multi-year benefits.

^These benefits exist but were not quantified.

Debt Free Justice Coalition (DFJC) Data on Restitution

As mentioned earlier in this report, the UCA observed the need to collect restitution data from our clients. When an individual retains a restitution balance with the court for which they are petitioning for expungement presiding Judges often will deny a petitioner’s motion for dismissal on the basis that they have not completely fulfilled the conditions of their probation because they have not paid off their restitution balance. The report below developed by the Debt Free Justice Coalition (DFJC) provides a legal background and overview of the economic impact restitution has on low-income populations.

In California, people who are convicted of crimes or adjudicated are often ordered to pay restitution to compensate victims—whether a crime survivor, a third party, or society at large—for the full costs of any harm sustained.¹⁷ Beyond this compensation however, the restitution system includes a series of monetary sanctions, including restitution fines paid to the state, administrative fees collected by county courts and departments, special costs for corrections administrators, and interest from public and private collections agencies.¹⁸

Key Statutes

Cal. Pen. Code § 1202.4(b)-(d): Restitution Fine Mandate

¹⁷ Delany Green, “Victim Compensation in the Criminal-Legal System.” Goldman School of Public Policy, Spring 2021

¹⁸ Id.

Mandates the imposition of restitution fines, set by the court for an amount no less than \$150 and no more than \$10,000, as determined by relevant factors such as ability to pay, for every case in which a person is convicted of a crime.¹⁹

Cal. Pen. Code § 1202.4(f)-(k): Restitution Order Mandate

Mandates the imposition of restitution in the full amount of the survivor's loss, without consideration of an individual's ability to pay, for every case in which a person has suffered an economic loss as a result of the harmful incident.²⁰

Case Law

People v. Cowan (2020): Ability to pay for restitution fine assessment.²¹

Holding: Imposing fines without determining a defendant's ability to pay, violates the prohibition against excessive fines under the Eighth Amendment and California Constitution. Thus, the statutory bar against the consideration of the defendant's ability to pay restitution fines is unconstitutionally excessive as applied. This decision may mean that in San Francisco County, while the county board of supervisors may set the amount of restitution fines, judges must consider a defendant's ability to pay that set amount.²² A petition for review of this case has been granted pending The People V. Kopp (2019), but its holding is currently reflected in Pen. Code, § 1202.4(b).²³

People v. Seymour (2015); People v. Bradus (2007): Concerning restitution fines as conditions of expungement

Holding: Unpaid probation and public defender fees cannot be considered collateral, a condition of probation, or an eligibility condition for record expungement.²⁴ California courts have formerly held that unpaid restitution renders persons ineligible for expungement, even if the person is unable to pay and all other conditions of sentence have been satisfied.²⁵ However, following the rationale of People v. Bradus, a legal question remains whether restitution fines or fees may be considered collateral when determining probation completion or record expungement. It is critical to remember that completion of a sentence and/or expungement of one's record greatly affects an individual's earning capacity. A person ordered to pay restitution is, in theory, able to pay victim compensation more successfully when such relief is granted.

¹⁹ Id.

²⁰ Id.

²¹ People v. Cowan, 260 Cal. Rptr. 3d 505 (Cal. App. 1st Dist. 2020) (West)

²² Note that this holding does not extend beyond the jurisdiction [47 Cal.App.5th 32] to apply statewide

²³ People v. Kopp, 451 P.3d 776 (Cal. 2019) (West)

²⁴ People v. Bradus, 57 Cal. Rptr. 3d 79 (Cal. App. 4th Dist. 2007)

²⁵ People v. Seymour, 192 Cal. Rptr. 3d 113 (Cal. App. 6th Dist. 2015)

Gender Data²⁶

- 75% of restitution orders are ordered against men, 25% are ordered to women, while restitution fines are ordered at 80% and 20% respectively. Neither county provided data on non-binary genders
- 63% of applications for compensation with California Victim's Compensation Board (CalVCB) are from women.
- The dollar amounts ordered in restitution fines, as set by the County Board of Supervisors, are proportionate to the overall number of restitution fine orders for both men and women.
- However, while women make up just 25% of cases in which victim restitution was ordered, they are ordered to pay 46% of all victim restitution dollars owed. These amounts are drafted by the Los Angeles Probation Department and ordered by a Superior Court Judge.
- In Los Angeles County, the average victim restitution order for men was \$7009, but \$17,851 for women. Being female increases the average victim restitution order amount by 2.5 times.
- In Santa Cruz County the average victim restitution order for men was \$8519, but \$22,889 for women. Being female increases the average victim restitution order amount by 2.7 times.

Racial Data²⁷

- 43% of applications are from people who identify as Latino or Hispanic.
- As a proportion of Los Angeles County's population, Black men and Black women are vastly overrepresented within people ordered to pay victim restitution and restitution fines.
- Black men and women make up 8% of Los Angeles county but are assessed 20% of all dollars owed for victim restitution and 27% of all dollars owed for victim restitution fines.
- Relative to the Los Angeles County population overall, restitution is disproportionately ordered against people of color, especially against Black men and women, and people who identify as "other race".

²⁶ Delany Green, "Victim Compensation in the Criminal-Legal System." Goldman School of Public Policy, Spring 2021

²⁷ Delany Green, "Victim Compensation in the Criminal-Legal System." Goldman School of Public Policy, Spring 2021

E. Restitution Assessments by Race and Gender

Santa Cruz County Restitution Accounts by Race and Gender

	Percent	TOTAL	MEDIAN	AVERAGE	2011	2012	2013	2014	2015	2016	2017	2018	2019
Average AMT ordered male	27%	\$76,671	\$7,488	\$8,519	\$11,031	\$8,145	\$20,833	\$8,736	\$4,959	\$5,995	\$6,350	\$7,488	\$3,135
Average AMT ordered female	73%	\$205,998	\$15,891	\$22,889	\$53,900	\$12,272	\$15,891	\$32,476	\$5,588	\$9,255	\$18,811	\$9,994	\$47,811
Total		\$282,668	\$23,379	\$31,408									
Average AMT ordered White males	24%	\$73,042	\$6,720	\$8,116	\$14,441	\$9,460	\$15,841	\$3,074	\$3,156	\$5,893	\$6,720	\$11,007	\$3,451
Average AMT ordered White females	76%	\$236,425	\$12,320	\$26,269	\$68,609	\$12,320	\$16,030	\$38,327	\$798	\$9,682	\$6,901	\$9,868	\$73,888
Total, White		\$309,467	\$19,040										
Average AMT ordered Latino males	34%	\$83,010	\$4,370	\$9,223	\$7,575	\$7,671	\$32,957	\$16,710	\$3,572	\$4,370	\$2,406	\$4,367	\$3,382
Average AMT ordered Latina females	66%	\$160,397	\$11,425	\$17,822	\$36,668	\$8,146	\$21,301	\$11,425	\$46,690	\$10,396	\$5,116	\$6,741	\$13,913
Total, Latinx/o/a		\$243,407	\$15,795										
Average AMT ordered Black males	49%	\$36,759	\$2,209	\$4,595	\$550	\$4,763	\$20,415		\$1,706	\$646	\$4,385	\$2,712	\$1,583
Average AMT ordered Black females	51%	\$38,857	\$6,176	\$7,771			\$248		\$12,000	\$3,534	\$16,899	\$6,176	
Total, Black		\$75,616	\$8,385										
Average AMT ordered other race males	32%	\$44,259	\$4,168	\$5,532	\$19,102	\$6,600	\$2,627	\$5,709	\$664		\$7,167	\$1,250	\$1,140
Average AMT ordered other race females	68%	\$94,646	\$2,778	\$11,831	\$1,279	\$2,369	\$2,471	\$8,537	\$1,951		\$24,555	\$3,085	\$50,400
Total, Other		\$138,905	\$6,946										
Average AMT ordered unknown race male	29%	\$126,214	\$14,576	\$21,036		\$2,080	\$6,265		\$53,344	\$22,888	\$41,534	\$103	
Average AMT ordered unknown race female	71%	\$302,749	\$37,657	\$37,844	\$1,462	\$33,820	\$54,221	\$46,763	\$2,617	\$870	\$121,503	\$41,493	
Total, Unknown		\$428,963	\$52,233										