

Minutes Human Relations Commission March 13, 2018

Minutes of the HUMAN RELATIONS COMMISSION held on Tuesday, March 13, 2018, 6:00 p.m., at the City Hall, 3rd Floor Conference Room, 31 E. Fifth Street, Tempe, Arizona.

(MEMBERS) Present:

Dino Castelli, Vice-Chair
B. J. Ayers
Amanda Lee Faustini
David Kader
Ira King, Jr.
Jeanne Powers
Joe Rojas

(MEMBERS) Absent:

Carl Hermanns, Chair
Beth Dietz
Stefanie Garcia
Rochelle Johns

City Staff Present:

Ginny Belousek, Diversity Manager
Megan Hutchison, Diversity Executive Assistant

Guests

Jay Scherotter
Shahriar Anwar
Steve DeYoung
Karyn DeMartelaere
Claudette Wassil

Call to Order

Vice Chair Castelli called the meeting to order at 6:03 p.m.

Agenda Item 1 – Public Appearances

Sheridan Davis attended and observed the meeting for a school assignment. There were no other public appearances.

Agenda Item 2 – Consideration of Minutes: HRC – February 13, 2018 Minutes (Motion Required)

MOTION: Commissioner King moved to ACCEPT the minutes

Commissioner Castelli requested that an item discussed in the February meeting be placed on the agenda for the next meeting on April 10th. The item in question was: “The Commission inquired if Marie had any recommendations on how they could assist and if there were any policies that would be helpful. Marie encouraged the Commission to reach out to the schools and get to know them and listen to what they need.” Ginny Belousek agreed to place the item on an upcoming agenda.

SECOND: Commissioner Faustini

DECISION: Minutes unanimously APPROVED

Agenda Item 3 – Voter Rights Restoration

Vice Chair Castelli introduced Jay Scherotter to the Commission. Jay thanked the Commission for allowing them to present on Voter Rights and then each member of the People Power group introduced themselves to the Commission. Jay then gave a brief description of the organization. The group consists of all volunteers who advocate for voter rights restoration. The group then began their PowerPoint presentation.

Please see attached presentation.

The Commission discussed the presentation and asked what they could do to assist. The People Power group responded that the reason for presenting was to educate the Commission in hopes that they would help raise awareness throughout their regular daily routine. The Commission further discussed and decided to invite Assistant Chief Angel Carbajal to the next meeting. They would like to discuss police discretion when arresting individuals.

The Commission thanked the group for presenting.

Agenda Item 4 - Diversity Office Update

Ginny Belousek invited the Commission to the upcoming Pride Parade on Sunday, April 8th. She requested that those interested in attending should send her an email noting their shirt size since we will be supplying shirts this year for the event.

Agenda Item 5 – Upcoming Meeting April 10, 2018

Motion made by Commissioner Ayers to adjourn the meeting
Second by Commissioner Faustini
Meeting adjourned at 7:23 pm

Prepared by: Megan Hutchison

Reviewed by: Ginny Belousek



PEOPLE POWER

Welcome to everyone! This presentation was put together with the help of the ACLU who provided many of the facts we have included. This presentation is about 40 minutes long. We have provided note cards for everyone to use in case there are questions that you would like to ask. We'd like to hold questions until the end.



Who We Are:

National organization of volunteers founded by the American Civil Liberties Union (ACLU). The vision for People Power is to create a strong base of volunteers, activists, and allies who help support and expand the on-going advocacy work of the ACLU.

Visit us at PeoplePower.org

Why We're Here:

To educate, raise awareness, and engage our Arizona communities on the issue of voter disenfranchisement, voting rights, and VOTER RESTORATION. Arizona's Let People Vote campaign is focused on increasing voter restoration numbers across the state, and organizing around restoration to eventually allow for a legislative automatic voter restoration push in 2019.



People Power is a national organization of volunteers founded by the ACLU. We live in the communities here in Arizona and are interested in the issue of voting rights restoration.

Our local People Power organization has broken down the issue of Voter Restoration into 3 sub-groups:

- 1) Education – That's us! We are working to raise awareness about voter disenfranchisement and encouraging others to get involved in the voter restoration initiatives.
- 2) Advocacy - This subgroup is working to directly help those affected by felony convictions complete their application and get their rights restored.
- 3) Policy – This subgroup is working to improve the voter restoration process and reduce or eliminate voter disenfranchisement by working with other organizations and elected officials.

This is a grassroots movement with people throughout our community.

AGENDA:

- **Background & History**
- **National & Local Statistics**
- **Consequences of Felony Convictions**
- **Current Voter Restoration Process**
- **Obstacles in Maricopa County**
- **Where Do We Go From Here?**
- **Questions / Comments**

HISTORY OF DISENFRANCHISEMENT

The 13th Amendment states that "neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

- ❖ End of slavery left a void in the southern labor market
- ❖ The criminal justice system became a primary means of continuing involuntary servitude of African Americans
- ❖ Initially, states passed discriminatory laws to arrest and imprison large numbers of black people
- ❖ Prisoners were leased out to individuals and corporations to work in cotton fields, mines, etc.
- ❖ States profited, prisoners earned no pay and faced inhumane, hazardous, and often deadly work conditions

[Information found on the Equal Justice Initiative website – www.eji.org]



The 13th Amendment was passed to end slavery in 1865. Embedded in the Amendment is a clause added to it that states “neither slavery nor involuntary servitude shall exist EXCEPT AS A PUNISHMENT FOR A CRIME.”

The end of slavery left a void in the labor market. Former slaves were arrested & imprisoned in large numbers, often for things as small as vagrancy or loitering and were leased back out as prisoners – sometimes to the same fields where they were slaves.

If you haven't seen it, the documentary by Ava DuVernay called “13TH” on Netflix is a very powerful film showing the history of disenfranchisement through the years and how this clause in the 13th Amendment continues to have strong ramifications today, especially for people of color.

HISTORY OF DISENFRANCHISEMENT

The **15th Amendment** states that the “right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.”

However, voter disenfranchisement continued through the implementation of :

- ❖ **Poll taxes**
- ❖ **Literacy Tests**
- ❖ **Voter ID Laws**



The 15th Amendment was created in 1870 and gave black men the right to vote.

This did not sit well with many states and so disenfranchisement continued through the implementation of Poll Taxes, Literacy Tests, and strict Voter ID Laws.

Throughout history since then, people of color & people living in poverty have continued to be prohibited from voting using discriminatory practices.

The Marshall Project



WORLD'S BIGGEST JAILER



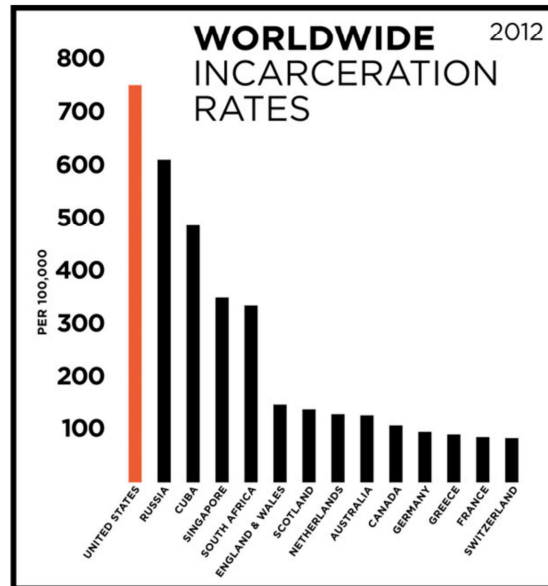
PEOPLE  POWER

This is a short video that speaks to the issues of mass incarceration & disenfranchisement.

[Video is embedded in this slide – click to play]

NATIONAL STATISTICS

► US has 5% of world population, but 25% of world's prison population



PEOPLE  POWER

Some national statistics that show just how prevalent incarceration is here in the U.S.

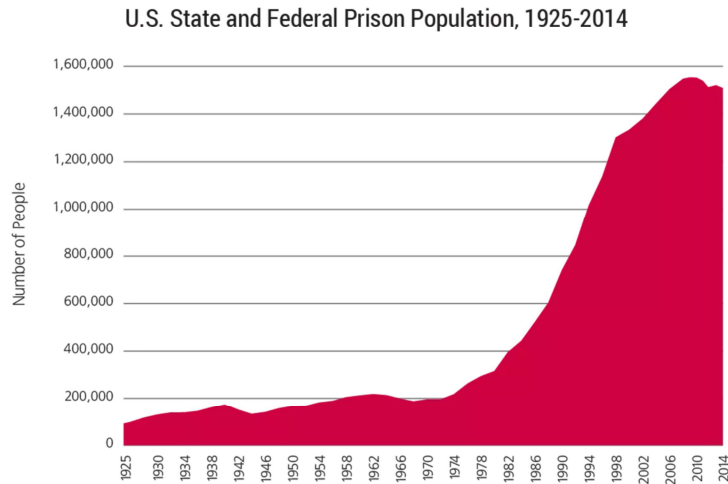
You may be surprised to learn that the U.S. has 5% of the world population, but has 25% of the world's prison population.

The U.S. incarcerates more people even than totalitarian regimes like Russia or Cuba.

[fyi – China falls low on the chart, comparable to per capita rates in Canada]

NATIONAL STATISTICS

The number of US prisoners exploded after the 1970s



Source: Bureau of Justice Statistics *Prisoners Series*.



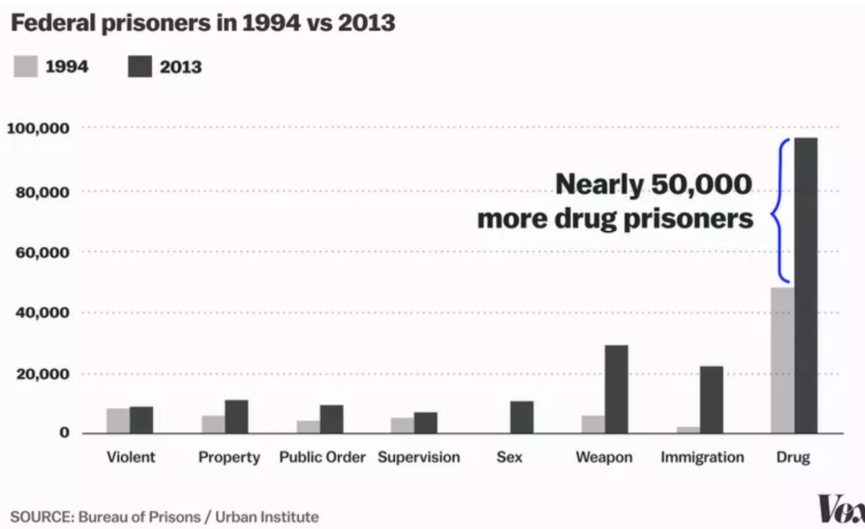
PEOPLE POWER

This chart shows the number of prisoners in the U.S. has consistently risen exponentially since the 1970s when policies such as:

- “tough on crime;”
- War on Drugs;
- “3 strikes you’re out;” and
- mandatory minimum prison sentences were introduced.

NATIONAL STATISTICS

About half of federal prisoners are drug offenders



This chart shows how that HALF of federal prisoners are incarcerated for drug offenses and how this category of offense has grown since 1994.

Compare that to the number of violent offenses & you can see why most people are incarcerated.

ARIZONA STATISTICS

- ❖ For the past 30 years, the prison population of Arizona has increased 10-fold while the state's population has only doubled!
- ❖ Arizona prison population has increased 900% since 1980.
- ❖ Arizona has the 4th highest incarceration rate in the U.S.
- ❖ Arizona taxpayers pay \$1B annually to keep people in prison – this is 11% of the General Fund.
- ❖ Arizona spends close to 60% more on prisons than it does on higher education.
- ❖ Arizona is the ONLY state that requires non-violent offenders to serve 85% of time sentenced.
- ❖ From a 2015 Morrison Poll, 83% of Arizona voters prefer community treatment options for non-violent offenders over building more prisons.



[Best, on this slide, to read each bullet point, allowing a second or two between each point for the info to sink in]

ARIZONA STATISTICS

❖ Ethnic Breakdown:

Ethnic Breakdown	Population In Prison 42,197*	Population In State 7,044,577*
Hispanic	39.4%	30.9%
Caucasian	39.1%	55.5%
African-American	14.1%	4.9%
Native-American	5.4%	5.4%
Other	2.0%	3.3%

❖ Non-Caucasian: Over 60% of AZ State prison population

**Estimated data from 2016 & 2017*



The ethnic breakdown of prison population compared to overall state population is significant.

- Hispanic people represent nearly 31% of the overall population in AZ, but represent over 39% of the population in prison.
- White people represent 55.5% of the overall population in AZ, but only 39% of the prison population.
- African-Americans represent 4.9% of our population in AZ, but makeup 14% of the population in Arizona prisons. That is a HUGE disparity!
- Over 60% of the Arizona State prison population is non-White.

FELONY CONVICTIONS IN ARIZONA

- ❖ Offenses triggering a felony conviction vary between states
- ❖ In Arizona, felony convictions are frequently given for what might be considered minor crimes in other states
- ❖ Examples:
 - ✓ Forgery
 - ✓ Shoplifting
 - ✓ Credit card abuse
 - ✓ Unauthorized use of a motor vehicle
 - ✓ Possession of any amount of marijuana or controlled substance
- ❖ A single offense very often generates multiple felony charges in Arizona




Offenses that trigger a felony charge vary among states. In Arizona, felony convictions are often given for what could be considered a misdemeanor in other states. In Arizona you frequently receive multiple felony charges for a single offense. Hence, Arizona is frequently referred to as a “FELONY FIRST” state.

Some examples of Felonies:

- Forgery, Shoplifting, Credit Card abuse, Unauthorized use of a motor vehicle, AND possession of any amount of a controlled substance (including marijuana).

HOW MANY?

How many people with felony convictions do you think are barred from voting in AZ?

- A) 30,000
- B) 80,000
-  C) 200,000
- D) 500,000

In 2016, it is estimated that 221,000 people with felony convictions were barred from voting in Arizona. That's almost the entire population of Scottsdale, and more than the population of Tempe!



Time for a test!

Can you guess how many people with felony convictions are barred from voting in Arizona?

Raise your hand if you think it's 30,000.

How about 80,000.

What about 200,000.

Or, 500,000?

[This slide has animation – After people guess, click once to activate the animation on this slide]

HOW DOES A FELONY AFFECT ARIZONA CITIZENS?

Civil Rights lost by a felony conviction
(A.R.S. § 13-904 A):

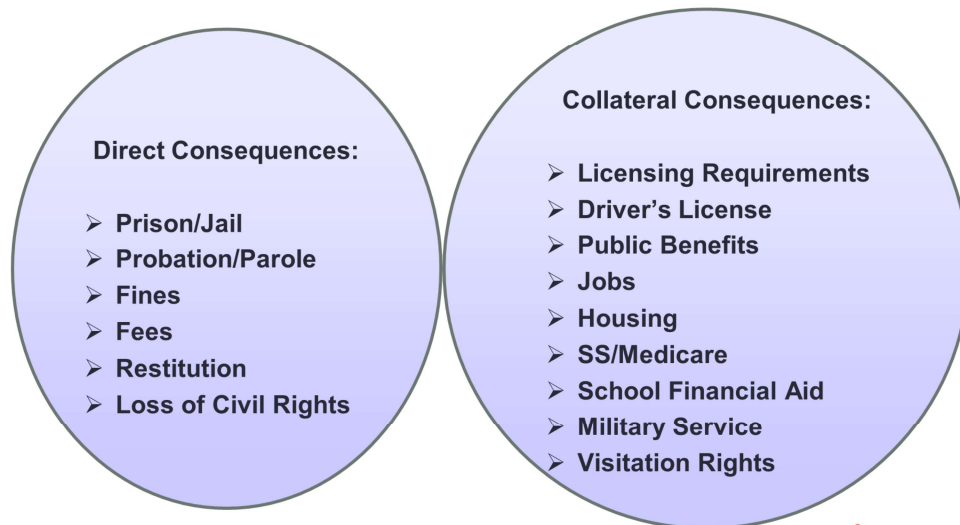
- ❖ Voting
- ❖ Holding public office
- ❖ Serving on a jury
- ❖ Possessing a firearm



These are the CIVIL RIGHTS that are lost after a felony conviction.

[People can read the slide for themselves or you can read off each one.]

CONSEQUENCES OF FELONY CONVICTIONS



PEOPLE  **POWER**

Felony convictions affect people in many ways. There are the familiar DIRECT Consequences (Prison or Jail, Probation and/or Parole, Fines, Fees, Restitution, and Loss of Civil Rights).

But there are also collateral consequences, such as:

- Licensing – many jobs, like hair stylist or massage therapist, nursing require licensing.
- Public benefits such as WIC/food stamps, subsidized housing are not available.
- Jobs – “check the box if you have been convicted of a felony,” or even with “Ban the Box”, you have to explain the years of no employment.
- Housing, even non public housing like renting an apartment affects family or friends. They can be evicted if a person with a felony conviction moves in with them.
- Social Security & Medicare are taken away when someone goes to prison. That may be the only income for their family.
- School Financial Aid is prohibited.
- Military Service is prohibited.
- Visitation Rights – Someone who wants to visit their children may be restricted from doing so – they may have only supervised visits or other restrictions.

All of these consequences add up and are piled on top of everyone convicted of a felony, often impacting their families & also making it very difficult to come out of prison and become a productive member of the community again.

AUTOMATIC RESTORATION

Arizona Law (ARS § 13-912): A person convicted of only one felony shall automatically have their rights restored after the completion of probation & paying of fines and/or restitution.

- ❖ Not everyone has fines or restitution
- ❖ For people who have fines and restitution, the process can make restoration of rights prohibitive if they can't afford to pay them
- ❖ For Example - middle aged woman who was sentenced to 1-year in prison and \$7,000 fine for possession of dangerous drugs

Note: Still have to re-register to vote.



Now, we'll speak to the different Arizona statutes that affect getting your Civil Rights restored.

While it is rare here In AZ, there are people that get convicted of only one felony. For those folks, once you are released from prison and/or have completed probation, AND have paid all outstanding fines and restitution, you are eligible to have your rights automatically restored.

Fines may be high – for example, a woman was sentenced to 1-year in prison and fined \$7,000 for possession of “dangerous drugs.” This fine will be extremely difficult for many people to pay off in order to get their rights restored.

You may also have FEES to pay.

According to the statute, fees do not need to be paid in full to get rights restored. However, we know through some anecdotal stories that some people are not getting their rights restored when there are outstanding fees to be paid.

Additionally, some people are not aware that they still need to re-register to vote.

JUDICIAL RESTORATION

Arizona Law (ARS 13-909 & 910): Individuals with **two or more** felony convictions must apply to a court to seek restoration of their voting rights.

- ❖ **Anyone on probation or parole* must apply with Certificate of Absolute Discharge**
- ❖ **Must wait 2-years to apply after discharge from imprisonment & parole**
- ❖ **No waiting period if sentenced to probation only**
- ❖ **Individuals must follow the procedures in the state and county where the conviction occurred when required**
- ❖ **Someone with lifetime probation can never earn their civil rights back**

**Probation = Before or in lieu of prison; Parole = After prison term is completed.*



The more common type of restoration that is seen here in Arizona is Judicial Restoration. This is for people with two or more felony convictions. You must apply to the court to seek restoration of your voting rights.

Anyone who is placed on probation or parole receives a Certificate of Absolute Discharge from the Department of Corrections.

They must wait TWO YEARS after discharge (no waiting period if sentenced to probation only), and remember where they kept their Certificate!

They must follow the procedures for the particular state or county where the conviction occurred. (There are some states where you do not lose your right to vote.)

Someone with lifetime probation can NEVER get their civil rights back. AND someone who is placed on a very long probation can not earn their civil rights back until completing that probation.



Jason Sole, President of MN NAACP, spent two years in prison on a drug charge, and is under a 20-year sentence of probation. Here's what he said about why he feels he should have the right to vote:

"I am a criminal justice educator, a PhD candidate, an author, a national trainer and speaker, and most importantly, I am a tax payer."



For example – This is Jason Sole who is currently President of the Minnesota NAACP. He spent 2-years in prison on a drug charge and has a 20-year sentence of probation and cannot vote until the end of that 20 years.

Believes he should have the right to vote. He said...

[Read the quote]

COMPLICATIONS IN RESTORATION

Arizona has one of the most complex processes in the nation for voter restoration:

- ❖ Arizona has more restrictive felony disenfranchisement laws than 40 other states
- ❖ Arizona has delegated a part of the process to individual counties who have created their own procedures



We have one of the most complex & restrictive processes in the nation for voter restoration.

Each county has their own procedures. For example, it is much easier to get rights restored in Pinal County than in Maricopa County.

OBSTACLES IN VOTER RESTORATION: MARICOPA COUNTY

State law requires the sentencing or discharging superior court judge to grant or deny rights restoration.

However,

- ❖ Initial Appearance (IA) Commissioners make most of the restoration decisions
- ❖ Unlike other Counties in the State, there are no hearings convened to allow applicants and their attorneys to provide pertinent information to the judge.
- ❖ Some Commissioners erroneously apply the 2-year metric to those sentenced to probation only
- ❖ Clerks often disqualify applications with paperwork deficiencies during initial reviews
- ❖ Result is significant number of application denials



If someone is convicted in Maricopa County, rather than appearing before or appealing to a judge, these restoration applications are processed by an Initial Appearance (IA) Commissioner. There is no hearing, so no representation is possible and no additional information, such as a personal story or “what I have done since being released” is included in the application. Clerks review the application for completeness and accuracy – and can reject it and not allow it to pass on to the IA Commissioners for approval or denial. Applicants are left waiting to hear result for up to 90 days and sometimes do not hear anything and need to initiate contact to find out the status.

Some Commissioners apply the 2-year waiting period rule incorrectly to those sentenced to probation only.

The process is complicated and there appear to be a significant number of denials.

[Note that the ACLU is trying to obtain personal stories to help research the reasons for denials and try to track the process.]

OBSTACLES IN VOTER RESTORATION: MARICOPA COUNTY

Lack of formal procedure:

- ❖ Limited information available to individuals for restoring their voting rights
- ❖ Procedural manual doesn't adequately explain voting restoration law or the process to the officials responsible for implementing it
- ❖ No formal communication between court and county recorder



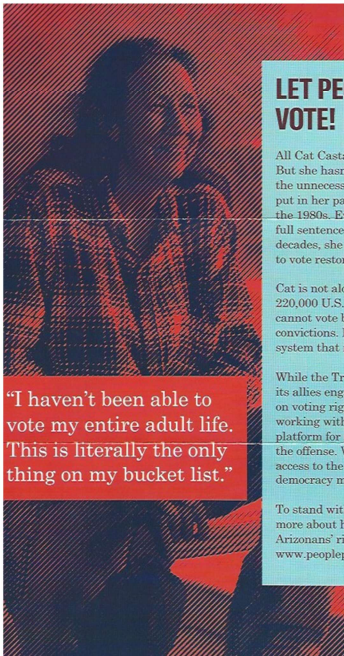
People with felony convictions are often not given ANY information on restoring their voting rights.

Because there is a lack of a formal procedure, the ACLU has discovered that even County officials do not understand the process and IA Commissioners don't have formal criteria to follow.

There is very limited information in the current procedure manual to explain the voter restoration law to the officials responsible for implementing it!

Also, there is no formal communication between the court and County Recorder's Office to let them know to restore a name to the voting rolls.

PERSONAL STORY



LET PEOPLE VOTE!

All Cat Castañeda wants to do is vote. But she hasn't been able to because of the unnecessary hurdles Arizona has put in her path. Cat went to prison in the 1980s. Even though she served her full sentence and has been out for decades, she still has not had her right to vote restored.

Cat is not alone. There are more than 220,000 U.S. citizens in Arizona who cannot vote because of criminal convictions. It is a discriminatory system that must end.

While the Trump administration and its allies engage in an ongoing assault on voting rights, people like Cat are working with People Power, the ACLU's platform for grassroots action, to go on the offense. We are fighting to expand access to the ballot and make our democracy more representative.

To stand with Cat and the ACLU, learn more about how you can help restore Arizonans' right to vote by visiting www.peoplepower.org

"I haven't been able to vote my entire adult life. This is literally the only thing on my bucket list."



We'd like to introduce you to Cat Castaneda. She is a local example of someone who has a felony conviction and has not been able to get her rights restored.

[If Cat is not there, briefly tell her story below...]

Cat went to prison in the 1980s, served her time, and even though she has been out for decades, she still hasn't had her right to vote restored. She says that being able to vote is literally the only thing on her bucket list.

Cat is not alone. There are more than 220,000 U.S. citizens in Arizona who cannot vote because of criminal convictions.



PEOPLE  POWER

This is a short clip to show you how excited people are to get their rights restored. These are people from Virginia who were granted the right to vote in 2016.

[The video is embedded in the slide. Click to play it.]

SUMMARY

- ❖ There's a long history of disenfranchisement in the U.S.
- ❖ U.S. has the highest incarceration rate in the world
- ❖ Arizona has the 4th highest incarceration rate in the U.S.
- ❖ People of color are disproportionately imprisoned
- ❖ In Maricopa County, the law and procedures make it difficult to get voting rights restored

PEOPLE  **POWER**

WHERE DO WE GO FROM HERE?

Going forward, possible actions to take:

- Assist people with felony convictions with the restoration application process (*Join our Advocacy Group!*).
- Help change the narrative by spreading awareness on disenfranchisement and voter restoration (*Join our Education Group!*).
- Work with other organizations and elected officials to reform the restoration process (*Join our Policy Group!*).
- Educate people to help ensure they are prepared to vote on legislative initiatives (*share what you've learned with friends & family!*).
- Join a local People Power group – PeoplePower.org



QUESTIONS & COMMENTS

