

# CoC Training: Working with Clients with Criminal Records

1.8.24





**please mute yourself**

# Housekeeping

1

Respect the  
trainer(s)

2

Respect  
attendees

3

Make and  
take space

4

Share the mic

5

Acknowledge  
power and  
privilege

# Training Norms & Agreements

# About

- **Continuum of Care Trainings**: Monthly trainings for homeless service providers covering information or skills considered essential by HUD or our system of care
- Hosted by H3 the **2<sup>nd</sup> Monday** of every month from **10am-Noon**
- **Required** for direct service staff (case managers, care coordinators, etc.) and program managers.

# Required Elements for This Training

## HUD

- Incentivized

## CoC Written Standards

- See Housing First

# Monitoring

- Attendance is monitored by H3 staff and discussed during monthly/quarterly provider check-ins with CE Manager and/or CoC Administrator
- **Providers/programs lacking attendance at trainings can be subject to Corrective Action Plans**

## Equity questions to consider

- Have you noticed inequities in your own work on this topic?
- Have you contributed to or interrupted inequities?
- What barriers still exist? How might they be addressed?



## Trainers

- Beile Lindner, *Directing Attorney*
- Michele Byrnes, *Directing Analyst*

Home Base



Recording: <https://youtu.be/Vu4Tuseqku4>

# Working With Clients With Criminal Records

Contra Costa Continuum of Care

January 8, 2024

The content in this training is provided for information purposes only and does not constitute legal advice.

# Zoom Tips

We love to see your faces! If possible, please turn on your **video**.

As you have **questions or comments** during the presentations, please add them to the chat box.

You were automatically placed on **mute** when you entered the meeting.

We will be **recording** today's session.

# About Us

**Homebase:** Our mission is to build community capacity to end homelessness and reduce poverty, and to foster thriving, inclusive communities.

**The Criminal Legal System Initiative** seeks to improve outcomes for those impacted by the criminal legal system, decrease system-involvement through housing solutions, improve public safety outcomes, and reduce strain on public resources. Areas of focus include:

- Cross-Sector Workshops and Fostering Partnerships**
- Visioning, Planning, Troubleshooting, and Implementation**
- Curated Tools and Resources**
- Peer-to-Peer Learning and Community Building**

# During This Training...

## We Will:

- Discuss the intersectional nature of housing, homelessness, race, & the CLS
- Identify what criminal records can/can't tell you
- Learn new ways to recognize & minimize housing barriers for clients with past convictions

## We Might

- Identify questions we can't answer here
- Share relevant life or work experiences
- Disagree productively

## We Won't:

- Pretend the work is easy
- Identify new housing resources
- Provide legal advice
- Finish the conversation
- Come to conclusions or solutions

# Agenda



Why Talk About  
Criminal  
Records?

Limitations



Fair Housing Law

Case Study



# Poll

**On a scale of 1 to 5,  
how prepared do you  
feel in supporting  
your clients with  
criminal records to  
obtain and sustain  
housing?**



# Why Talk about Criminal Records?

**Three** major reasons for housing providers and housing systems...

1. They matter when we consider broader **equity issues**;
2. They create barriers to finding and sustaining **stable housing**;
3. Understanding them can help **serve our clients better**.



# Why Talk about Criminal Records?

**Reason #1:**  
**They matter when  
we consider  
equity.**





# National Lens on Equity

Formerly incarcerated community members are **nearly ten times more likely to experience homelessness** than the general population.

Black, Indigenous, and other people of color (BIPOC), and LGBTQ+ individuals are **disproportionately represented** in both homelessness and criminal legal systems.

## Black Adults Make up 12% of the U.S. Population

but 33% of the U.S. prison population, and 43% of adults experiencing homelessness in our country.

## LGBT Individuals Make up 4.5% of the Population

but LGBT people are 3x as likely to be incarcerated, and one study indicated that LGBT young adults experienced prior-year homelessness or housing instability at a rate over double that of non-LGBT individuals.

# California Context

Black Californians = 6% of the state population, but 27% of people experiencing Homelessness.

Black Californians are imprisoned at 9x the rate of White people.

California sees higher rates of unmet mental health needs for Black, Latinx people than the rest of the population.

# Local Context – Contra Costa County

Black people in Contra Costa County = 9%

Black people experiencing homelessness in Contra Costa County = 38%

Black people in Contra Costa County jail = 40%

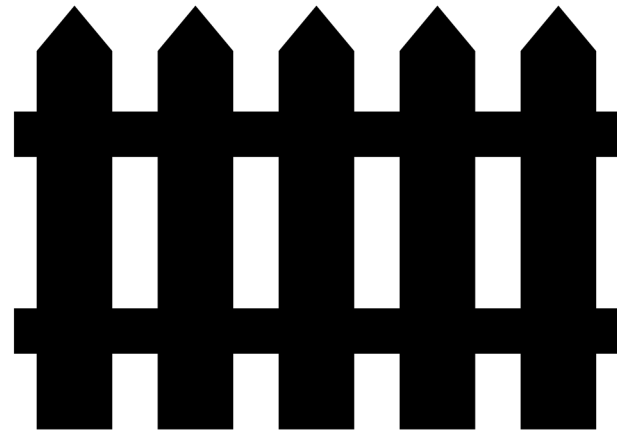
# Local Context - AB 109 Participants in Emergency Shelter

- Through AB 109, Contra Costa County provides emergency shelter for people who exit the CLS
- Exit destinations from AB 109 shelters
  - 29% to temporary shelters
  - 27% to unsheltered setting
  - 14% to another institution
  - 13% to another shelter
  - 10% to permanent housing
  - 6% missing exit data

# Why Talk about Criminal Records?

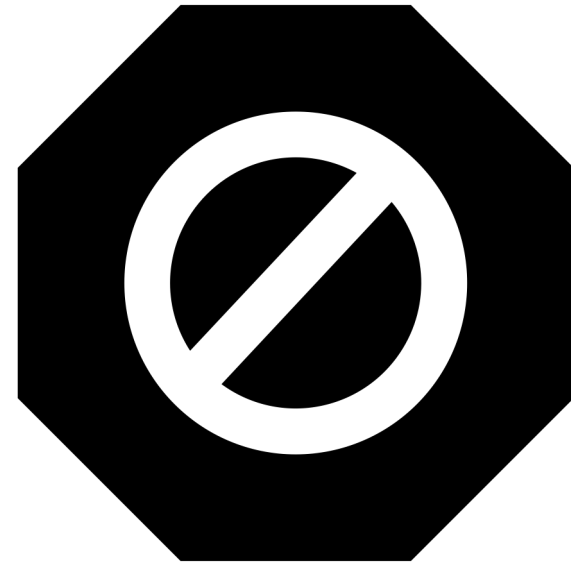
Reason **#2**:

They create  
barriers to finding  
and sustaining  
stable housing.



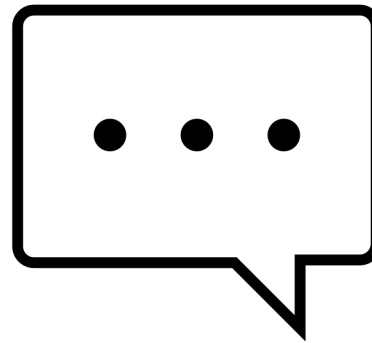
# Long-Term Consequences of Convictions

Also called “collateral consequences.” These are consequences put in place by *law or regulation* that limit people convicted of crimes from accessing employment, business and occupational licensing, housing, voting, education, and other rights, benefits, and opportunities.



# What Do You Think?

**What kinds of barriers are experienced by your clients who have been impacted by the criminal legal system?**





# Collateral Consequences → Scope

Every year, over 600,000 people enter *prison*, and 10.6 million people enter *jail*.

67% of people held by jails have not been convicted of any crime.

Technical violations are the main reason for incarceration of people on probation or parole.

# Why Talk about Criminal Records?

Reason **#3**:

Understanding  
them can help  
serve our clients  
better.



# What **Can't** We Learn By Looking At Client Criminal Records?

- Final outcome (depending on source)
- Whether our clients are dangerous to themselves, other clients, or staff
- Whether our clients are trustworthy
- Deservedness

# What **Can** We Learn By Looking At Client Criminal Records?

- Ability to target services
- Ability to understand the whole client and build rapport
- Ability to use trauma-informed approaches specific to custodial trauma
- Ability to ensure housing options/supports are aligned with any community supervision requirements

# Limitations on Criminal Records

In addition to the practical limitations, there are legal limitations as well.



# Poll

## How does your organization or agency use criminal record information?

- Eligibility screening
- Housing placements
- Referrals to community resources
- Case management plans
- All of the above
- Other

# Civil Rights and Fair Housing

The **California Department of Fair Employment and Housing** investigates and enforces California's civil rights laws, including

- Fair Employment and Housing Act (FEHA)
- Ralph Civil Rights Act
- Unruh Civil Rights Act
- Disabled Person's Act
- AB 1418 (effective 1/1/24): prohibits local governments from enforcing crime-free housing ordinances

# Civil Rights and Fair Housing Cont.

## Relevant housing laws apply to:

- Single Family Homes
- Multi-family housing;
- Apartments;
- Condos
- Sober living homes;
- Transitional housing;
- Supportive housing;
- Residential motels or hotels
- Shared-economy housing/Airbnb
- Shelters (emergency, homeless, DV survivors)



# What is Your Role?

## Housing Provider

- Make sure that your program is not unlawfully excluding people.

## Housing Case Manager & Advocate

- Help prevent discrimination against your clients as they are looking for other housing.

# FEHA Fair Housing Regulations

Protects people against housing discrimination based on certain protected characteristics

Cannot base housing decisions on criminal history information (CHI) without having a legitimate justification for doing so

Examples of “CHI” include arrests, convictions, and deferrals



# Limitations on Considering Criminal Records for Housing

## Convictions only

- It is **unlawful to seek or consider** the following in denying housing:
  - Arrests (only)
  - Information indicating your client has been questioned, apprehended, taken into custody, detained, or held for investigation by law enforcement
  - Infractions such as speeding, an illegal u-turn, or other vehicle code violation
  - Diversion or deferred entry judgment program
  - Criminal convictions that have been sealed, dismissed, expunged
  - Adjudications or matters processed in the juvenile justice system

# Limitations on Considering Criminal Records for Housing Cont.

## Must be directly related to housing

- Considered CHI must have a direct and specific negative bearing on the housing provider's substantial, legitimate, and non-discriminatory interest or purpose
- To help determine if a conviction is directly related to housing, consider the following:
  - Nature and severity of the crime
  - The amount of time that has passed since the criminal conduct occurred

# Limitations on Considering Criminal Records for Housing Cont.

## No blanket bans

- It is illegal for landlords to advertise blanket statements such as "No Felons" or "We Do Not Accept Criminals."
- Landlords who use criminal backgrounds in decision-making processes should align with FEHA

## Additional Factors

- Background check policies should be **in writing**
- Policies should state **what they look at and why**
- Policies should include that the housing provider will give applicants **a copy of the criminal history record** that they reviewed so that they can make sure that everything is accurate and respond with mitigating information
- Landlords should **consider all mitigating information** they receive

**Housing case managers should help clients obtain mitigating information.**

# What is Mitigating Information?

Information provided that explains that the applicant is **not likely to pose a demonstrable risk** to the health and safety of others, the property, or other legitimate and non-discriminatory goal of the housing provider.

Examples: Age when criminal conduct occurred, positive tenancy record since conviction, evidence of rehabilitation (e.g., program certificates), letters from law enforcement, etc.

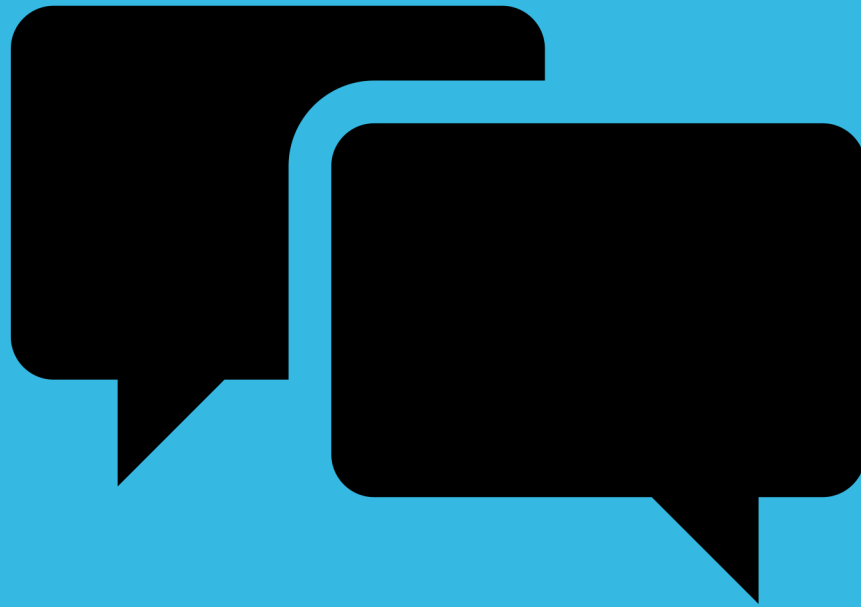
# Reporting FEHA Violations

If your client believes that a landlord or other housing provider has violated FEHA, you can help them report violations to the State of California Civil Rights Department.

<https://calcivilrights.ca.gov/complaintprocess/>



# Questions? Concerns? Comments?



# Considerations and Tips

What can providers do to address barriers and increase housing access for people impacted by the criminal legal system?



# Tips to Reduce Conviction-Related Housing Barriers

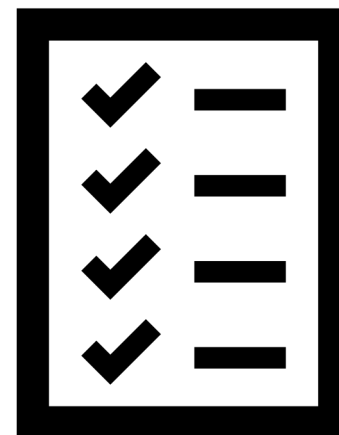
- **Review record with client**
  - Is it accurate?
  - What barriers will it cause?
- **Develop a targeted plan to address barriers**
  - Learn about the range of resources & programs
  - Who can help?
- **Refer to legal services for record clearance**

The Contra Costa Public Defender's Clean Slate Program may be able to assist with record clearance options.

Your and/or your client can learn more by going to <https://www.cocopublicdefenders.org/clean-slate>

# Tips to Reduce Conviction-Related Housing Barriers

- **Understand FEHA Restrictions**
  - No blanket bans
  - Convictions only
  - Directly related to housing
- **Rethink Document Readiness**
  - Help obtain **mitigating documentation**
- **Help your client frame their narrative**



# Case Study and Case Conference

Presented by:

Nicole Green, Reentry Transition Specialist,  
CCOOE Gameplan for Success

Susana Vigil, Reentry Program Manager,  
SHELTER, Inc.

# Case Study

Mr. Smith is a middle-aged male released from County Jail and is required to register under Penal Code 290 for a sex offense conviction. He is currently experiencing homelessness and is required to find housing and report an address to his Parole Officer within 72 hours.

# Case Conferencing



# Guiding Questions

- How can you find out about Mr. Smith's reentry status at intake? Specifically, how can you determine that he is on parole; his supervision requirements; and his living restrictions?
- How can you support Mr. Smith in reaching his housing goals? Mr. Smith would like his own housing, not shared housing.
- How does FEHA play into this scenario?
- How can you talk about the housing situation with Mr. Smith?
- Is Mr. Smith already connected with support partners? What type of additional support does he need?



# Thank You!

Please reach out to us any time at  
[clsi@homebaseccc.org](mailto:clsi@homebaseccc.org)

# Contra Costa CoC Training 1/8/24: Working with Clients with Criminal Records Case Study

## Background

Mr. Smith is a middle-aged male released from County Jail and is required to register under Penal Code 290 for a sex offense conviction. He is currently experiencing homelessness and is required to find housing and report an address to his Parole Officer within 72 hours. He does not have any identification and will need assistance with getting his vital documents, employment, and housing. Nicole Green, Reentry Transition Specialist through Contra Costa County Office of Education Gameplan for Success and Susanna Vigil, Reentry Program Manager with SHELTER, Inc. are meeting to discuss how to best meet his housing needs.

Relevant details about his criminal record: Due to his sex offense conviction, Mr. Smith has living restrictions tied to his release. He is unable to be around schools or small children. He is on parole and must attend required therapy and drug treatment classes.

## Case Conference Questions

**Guiding Question 1: How can you find out about Mr. Smith's reentry status at intake? Specifically, how can you determine that he is on parole; his supervision requirements; and his living restrictions?**

- Collaborate with Parole, CDCR, or probation
  - If providers have a collaboration and agreement with parole, CDCR, or probation, providers can request information on the client's criminal record and details around their individual restrictions.
  - Collaboration will also ensure that parole/probation is aware that he is seeking housing.
  - Parole uses a referral form called CDCR Form 1502.
  - Determine where Mr. Smith is on the tiered registry – does he need to be registered for life?
- Self-report: request information directly from the client.
- Work with Reentry partners: If the client is connected with reentry partners, create a pathway to share information around shared clients. Reentry partners have access to client information and criminal record information.

**Guiding Question 2: How can you support Mr. Smith in reaching his housing goals? Mr. Smith would like his own housing, not shared housing. He does not do well in an environment with others and would need an individual room. He would need some short of interim housing support and RRH support?**

- Registration requirements
- Landlord resistance to renting to a person with a 290 conviction.
- Landlord incentives:
  - Financial incentives
  - Round the clock case management
- Geographic restrictions
- The individual restriction does not allow them to live in certain areas depending on their case, which can limit the housing provided.
- Shelter Inc BSCC Program was successful with housing 290 in CCC through master leasing and transitional homes. This was done by collaborating with the landlord and parole office/CDCR.

**Guiding Question 3: How does FEHA play into this scenario?**

- Homebase can provide additional context

**Guiding Question 4: How can you talk about the housing situation with your client?**

- Explain the situation
- Be honest
- Understand the criminal charges, the supervision restrictions, and other barriers
- Identify timeframe of support

**Guiding Question 5: Is the client already connected with support partners? What type of additional support does he need?**

- Reentry partners in west, east, or central county
- Partners such as RSC, Rubicon, HR360, Hope Solutions, BACS
- Reentry parole programs- GEO, Impact Justice, Shelter Inc
- County agencies programs for housing support based on their barriers, such as Medi-Cal, Cal-fresh, and SSI.
- County housing programs
- Pre-release services while in county jail may include county partners RSC, MWP, HR360, CenterForce, LAO, GPS program, AOD, MH, and other county agencies who have access.
- The CORE team will ensure the VI-SPDAT is completed so they can enroll in the system for other housing options.

# Contra Costa CoC Training 1/8/2024: Working with Clients with Criminal Records

## Resources

The following resources were identified during the training by presenters and training participants

### **Increasing Access for People on the Sex Offense Registry in California**

(Homebase fact sheet):

[https://www.homebaseccc.org/files/ugd/7a8b17\\_76b27713bbc34012b8ae5b51b7bc6544.pdf](https://www.homebaseccc.org/files/ugd/7a8b17_76b27713bbc34012b8ae5b51b7bc6544.pdf)

**Fair Chance Act:** Also known as “Ban the Box,” the Fair Chance Act prohibits employers with five or more employees from asking about conviction history before making a job offer. Additional information can be found here:

[https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Fair-Chance-Act-FAQ\\_ENG.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Fair-Chance-Act-FAQ_ENG.pdf).

**Fee Waivers:** You can apply for a fee waiver from the California DOJ to reduce the cost of getting a RAP sheet: <https://oag.ca.gov/fingerprints/record-review/fee-waiver>

**Root and Rebound:** <https://www.rootandrebound.org/>

**Community Works West:** <https://communityworkswest.org/>

**Bay Area Legal Aid:** <https://baylegal.org/>

Bay Area Legal Aid can assist people on the 290 registry to determine their tier, assess if/when they will be eligible to petition for removal from the registry, and assist with removal petitions if/when eligible.

- **Reentry services flyer:** [https://baylegal.org/wp-content/uploads/2020/06/BayLegal-Contra-Costa-Reentry-Outreach-Flyer\\_Bilingual-6.2.2020.pdf](https://baylegal.org/wp-content/uploads/2020/06/BayLegal-Contra-Costa-Reentry-Outreach-Flyer_Bilingual-6.2.2020.pdf)
- **Reentry Referral Form:** <https://baylegal.org/what-we-do/stability/reentry/reentry-self-referral-form/>

**AB 1418:** prohibits local governments from enforcing crime-free housing ordinances: <https://www.latimes.com/homeless-housing/story/2023-12-27/crime-free-housing-law-ban-state-law>