



## Judicial Process Commission

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Thank you for the opportunity to testify today. My name is Annette Montstream, I am a Service Coordinator at the Judicial Process Commission, a community based organization operating since 1972 in Rochester. This year we are celebrating our 50th anniversary.

I am speaking to every one of you nervously, yet I can speak to my clients very easily because I have been where they have been. I too have a conviction on my record. I can relate to the women and men trying to connect with an agency that can help with re-entry. There is a lot of fear of stigma, especially in job interviews where you have to explain that you have a criminal record. Most often you have to explain what happened and why, and then explain the positive things you have done to become a better person. Having to do this every time you apply for a job is intimidating and exhausting.

I want to tell you that most people with a criminal record are just people; people who want to do something right, want to do something in and for the community, and to become independent and give back to society rather than taking from it.

Across the country and in New York State, too often jails and prisons are utilized and funded rather than social services. Many incarcerated and formerly incarcerated people are living with a serious mental illness, substance use disorder, or have cycled in and out of homelessness. And yet, we still fund jails and prisons far beyond community based services. For example, in 2019 Monroe County spent \$5,434,815 on mental health services but \$79,921,271 on operating the local jail. We cannot incarcerate away these crises, and incarceration itself is traumatizing, for the individuals and for the families they leave behind. Then, when people return home they experience stigma and discrimination in employment, housing, healthcare, and access to services. They find themselves and their families trapped in cycles of poverty.

At JPC, we help formerly incarcerated people and people living daily with the burden of a criminal record to obtain their records, correct errors on those records, and seek relief in the form of Certificates of Rehabilitation or Good Conduct. A Certificate of Rehabilitation can be very empowering and helps our clients see themselves in a new light. I feel my own experience is crucial to providing a credible, respectful service to those looking for the Certificates of Rehabilitation. Gaining meaningful employment helps people to become so much more independent.

We refer clients to mental health and substance use treatment as needed, and are able to assist our clients with bus passes, clothing vouchers, and gift cards for groceries. We advocate with our clients to



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empower them to fully return home as active, engaged community members and neighbors. We work in close collaboration with Legal Assistance of Western New York, the Center for Community Alternatives, and the Monroe County Public Defender's Office to ensure that each of our clients has access to a full range of advocacy services, including legal representation through one of our partner agencies, as needed. Over the years, we have helped hundreds of our neighbors overcome some of the barriers created by the mere fact of having a criminal record and achieve their employment, education, and housing goals. While each partner organization has different areas of expertise, collectively we are able to provide services including:

- Educational programming to ensure that there is public awareness of the rights and obligations that come with a conviction record, how to obtain personal records, and where to go for help
- Properly advising clients accused of a crime of the "collateral" consequences of a conviction, even absent sentence of incarceration or supervision
- Applying at sentencing for a Certificate of Relief or applying after sentencing for a Certificate of Relief/Good Conduct and determining eligibility to seal a record
- Obtaining and reviewing a fingerprint based criminal history record from DCJS
- Providing an accurate listing of all convictions, and advising the client of their rights regarding employment
- Ensuring that the DCJS or FBI record is accurate, and advocating with courts and law enforcement to obtain documentation where information is missing to challenge and update records
- Litigation to resolve undisposed charges on a criminal history record
- Advocacy and litigation with regards to state licensing and oversight agencies (Department of Health, Education, Justice Center, etc)
- Advocacy and litigation with employers who have denied employment due to a record
- Preparing and filing sealing motions in local and county courts
- Preparing and filing motions to dismiss long unresolved cases in local and county courts
- Employment counseling for those with a criminal record

We all know that businesses are struggling to find and to keep workers. We also know that the mere fact of having a criminal record - whether it is days old or decades old – keeps many of our community members from achieving their full potential. We know that criminal records are widely available to



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potential employers and landlords, and that the mere question: “have you ever been convicted of a felony,” prevents many from even attempting to reach their goals. These barriers destabilize and economically devastate individuals, families, and our communities. No one can reach their potential when they have to spend all of their time worrying where they will sleep, what they will eat, and how they will be judged for their past choices.

Worse, these barriers often exist as the result of an error. We, and our partner agencies, find errors on well over half of the criminal records we review. These errors range from missing dates to missing dispositions, leading a potential employer to perhaps see a 20 year old case, long resolved, as a pending matter. Sometimes we see warrants that have not been vacated, leading to a potentially dangerous situation not only for our clients but for law enforcement. Often, matters that should be sealed are not. Particularly where a worker seeks clearance through a state agency, for example to serve food or tend patients at a nursing home, a mistake on a record could lead to a preventable denial, and the loss not only of employment income but of a desperately needed, willing worker.

We are pleased to see Clean Slate legislation in the budget, although we firmly believe that it should be enacted as originally proposed, with stronger provisions for enforcement and without the extended waiting periods added in the budget. We are gratified to see protections for people with a criminal record with regards to housing, and encouraged by all of the provisions seeking to improve and expand reentry efforts and educational opportunities for those currently incarcerated. We are, however, concerned for those already home and living in our communities with records of convictions who are still struggling to make ends meet because they cannot find an employer willing to look beyond the worst thing they ever did. We are concerned for those who don't even know that the reason they continue to be denied employment is that there is a mistake on their record they are totally unaware of. We are concerned about the economic toll it takes on our community when thousands of our neighbors are unable to support their families, while at the very same time local businesses struggle to find workers.

I am testifying before you today on behalf of a collaborative of which the Judicial Process Commission is a founding member. Rochester Reentry Advocates is a group of four organizations that meets regularly, shares best practices, and refers clients internally so that we are better able to meet our clients needs. We welcome new organizations seeking to provide advocacy services to people with a criminal record to our collaborative, and actively seek to provide educational presentations and events to employers, attorneys, and the public.



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Right now, across all of our organizations, there are only six individual professionals providing these services, full or part time. This is insufficient to meet the needs just of the people who reach out to us for help, and absolutely insufficient to support our outreach and public education efforts. We are asking that you include \$300,000 in the budget to fund our collaborative efforts, which would enable us to double our staff capacity across three organizations in Monroe County, and ensure that all of our clients have access to advocacy services by highly trained, skilled professionals.

With much appreciation, thank you for allowing me to share this with all of you.

*Annette Montstream*