



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor and City Council

FROM: Councilman Manny Pelaez, District 8 & Councilwoman Adriana Rocha Garcia

COPIES TO: Erik Walsh, City Manager; Debbie Racca-Sittre, City Clerk; Andrew Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council

SUBJECT: Innocence Reclaimed Project

DATE: 8/10/23

Issue Proposed for Consideration

We ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the City Council:

The creation of the Innocence Reclaimed Project – a funded and staffed program that provides:

1. Legal assistance to residents eligible to receive criminal history expungements as set out by the Texas Code of Criminal Procedure.
2. A continuous city-wide public education campaign which informs expungement-eligible residents of their rights and resources; and
3. Wrap-around services to qualified individuals who avail themselves of the right to expungements (eg. housing assistance, employment assistance, etc.)

The Innocence Reclaimed Program should be administered by the city’s office of Diversity, Equity, and Inclusion.

Brief Background

A thriving and compassionate city creates opportunity for all its residents and helps remove barriers that limit economic, social, physical, and mental well-being. This CCR presents City Council the opportunity to reaffirm its dedication to compassion and equity by assisting a large group of vulnerable San Antonians who are handicapped by criminal history records that should not exist.

Expungement of criminal records is an important legal right. It removes barriers which impede residents’ ability to access employment, housing, capital, and educational opportunities. Primarily, expungement applies to people who were arrested but never charged with a crime, had their criminal charge dismissed, were acquitted by a court, or were charged for certain crimes when they were juveniles (eg. possession of alcohol and school truancy).

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Qualifying Texans have a right to avail themselves of the statutory protections created by the expungement of records. However, too many of our neighbors who are eligible to receive expungement protections do not seek expungement for several reasons: they do not know that the right to expungement exists, they do not know they are eligible to clean their records, they are unable to afford attorney fees, they have had negative experiences with the criminal justice system, or they just don't know how to navigate the complex process.

Other cities such as Detroit, Indianapolis, Los Angeles and many other offer successful expungement education and assistance programs that eliminate those barriers to equity. These proven programs assist and educate thousands of expungement-eligible residents who face the inequitable challenges and stigma created by criminal history records by providing them the assistance of attorneys, DIY forms and training, and relevant wrap-around services. (i.e. housing assistance, job placement, access to capital, etc.)

The design of the proposed Innocence Reclaimed Program should be informed by input from stakeholders and experts who have worked with formerly incarcerated individuals such as Texas Rio Grande Legal Aid, St. Mary's University School of Law's Center for Legal and Social Justice, MALDEF, NAACP, the Consul General of Mexico, the Bexar County District Attorney, the San Antonio Bar Association, the San Antonio Young Lawyer's Association, San Antonio Municipal Court judges, The Bexar County Public Defenders Office, All of Us or None, South Alamo Regional Alliance for the Homeless, and other relevant non-profit organizations dedicated to assisting San Antonians with access to housing and employment opportunities.

Submitted for Council consideration by:

Councilman Manny Pelaez, District 8

Councilwoman Adriana Rocha-Garcia, District 4

Supporting Councilmembers' Signatures

District

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