

# Session Agenda



## Peer Support for Justice Involved Individuals Session 5: Individual and Systems Advocacy for Justice Involved Peers

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# SESSION 5

## Individual and Systems Advocacy for Justice Involved Peers

2 Hours Total (120 mins)

### KEY

*Italicized statements/sentences:*

what the facilitator can say.

**Facilitator Tips:**

recommendations to aid facilitation.

### MATERIALS NEEDED:

- Name Tags
- Copies of Learner Manuals
- Pens
- Stop watch
- Large Poster Board Paper /Markers
- Laptop/projector for PowerPoint
- Copies of the following handouts:
  - Legal Action Booklets: Understanding Your RAP sheet
  - Clean Slate Application
  - How to Gather Evidence of Rehabilitation

### Welcome/Introduction

15 mins

Welcome to session 5 of the 6-part series on Peer Support for Justice-Involved Individuals.

- Session 1: Intro to the Incarceration Experience
- Session 2: Systems Literacy in Criminal Justice
- Session 3: The Sequential Intercept Model in Justice-Involved Peer Support
- Session 4: Trauma-Informed Training for Supporting Justice-Involved Populations
- **Session 5: Individual and Systems Advocacy for Justice Involved Peers**
- Session 6: Justice Involved Learning Collaborative

### Session 5: Learning Objectives

5 mins

- Understand key aspects of advocacy
- What justice-impacted people should know about their fundamental rights?
- Collaborate with partners to address key systemic issues and promote positive outcomes for justice-involved individuals

**Review Group Agreement** and ask if any edits/additions are needed

### Facilitator Notes

## Homework:

Learners were asked to practice the Ask-Ask-Provide-Ask technique at work or at home. If many Learners practiced, break into pairs, and have each person share for 2 min re: their experience.

## Presentation Part 1: What is Advocacy and Why is Advocacy important for Justice-Involved Individuals?

40 mins

Alliance for Justice (n.d.) defines advocacy as “any action that speaks in favor of, recommends, argues for a cause, supports or defends, or pleads on behalf of yourself or others.”

Advocacy is centered around an issue that impacts a person or a group’s way of living and/ or interferes with their self- interest. As it relates to Justice-Involved individuals who are incarcerated or back in the community, advocacy is important because it ensures that the basic rights of this group are respected and protected.

As a Peer Specialist, advocacy is about using your voice to amplify the voices of the people you are supporting.

## Group Activity and Discussion: Jeffrey Berman, Mental Health Attorney, The Legal Aid Society

20 mins

<https://drive.google.com/file/d/12DAryrdxD6RzckgNMT6Tp50Ftn9aLu0k/view?ts=637b7144>

Berman provides an overview of the challenges and the rights of people with mental health challenges through the criminal justice system.

### Watch the video and discuss questions below afterwards:

- *What are some examples of rights for people struggling with mental health issues as they enter the criminal justice system through 311 or arrest?*
- *What are some examples of rights for people struggling with mental health issues as they are incarcerated?*
- *What are some examples of rights for people struggling with mental health issues as they navigate court systems?*
- *What are some examples of rights for people struggling with mental health issues upon reentry/release?*
- *This video was geared to other attorney’s – but what did you get from it that you can incorporate into your peer specialist practice?*

### Facilitator Tips:

- Ask Learners at which Intercepts are Jeffrey Berman's recommendations offered. Refer Learners to the SIM handouts and Peer Roles Across the Intercepts handout, too.
- Be prepared to start and stop the video as needed if Learners need to hear something again or if you want to emphasize anything you think would benefit the group's learning.

### Summary of what Berman said:

What are examples of individual rights while a person is incarcerated? —  
Adequate care is the law. Newly incarcerated individuals are taken to an intake unit, where they must make their needs known. If they need Methadone or Suboxone, they must request Medication Assisted Treatment (MAT).

Encouraging a Peer to sign HIPAA releases can provide insight to provider teams and legal advisors, which can aid in securing proper care and referring to community-based treatment resources. What needs to be emphasized is that a client/Peer does not have to sign these releases, and the burden of initiating HIPAA releases may fall on Peers who are resistant to the process due to a lack of trust or unfamiliarity with advocacy resources.

**What are some rights that Peers maintain during navigation of the court system?** Competent representation, speedy trial, right to remain silent, etc. Clients who lack the ability to understand their charges and lack ability to communicate with attorneys to aid in their own defense have specific rights. Said Client may be able to move toward a 'Final Order of Observation' which can result in Forensic Hospitalization as a diverting measure.

**What are rights as Peers leave the system?** Well over half of NYC jail system contains people diagnosed with Mental Illness. If someone is being held in NYC jail system, this person has the right to comprehensive discharge planning, including medication immediately upon release.

### Facilitator Notes

## Presentation Part 2: Know Your Rights

20 mins

### Example: NYC Jails

Each facility distributes a procedural handbook upon incarceration. The [NYC Handbook for the Detained and Sentenced Individuals](#) informs detainees of an array of programs and services such as Education, Religious Rights, Family events, Health and Medical Services, Nursery and more. The handbook also covers topics on Commissary and Deposit Accounts, Bail, Child and Foster Care, Counseling and Conditional Release, Marriage, Talking to Reporters and more. If at any time the detainee has any concerns about the program and services, they are encouraged to file a grievance complaint to the address listed in the handbook.

### Facilitator Tips:

- Take 5 minutes to go through the Table of Contents to orient Learners to the manual.
- If you are located outside of NYC, search for the procedural handbook for your local city's jail system.

## NYC Detention Centers for advocacy

[Finding an Arrested Person](#) who has been in custody for 24 -48 hours or who has been seen by a judge. This link provides the charges, court date and location, book and case number, jail mailing address, New York State Identification Number (NYSID), holding location, release date along with the bail and bond amount.

[Bail](#) must be paid in full to be released from custody and the judge may allow the option to post bail in the form of a bond. This link provides details on the bail and bond amount, how to pay and supervised release bail alternative programs:

[Bail Refund](#): can take several weeks depending on the form of bail

[Bail Bond Agent Complaint](#) - Don't hesitate to report a bail bond agent who is unlicensed or charging illegal fees

[Incarcerated Person Account](#)- Justice-involved people are entitled to an account, which can be used for phone, food in the commissary and more. Money transfers can be accepted online, deposited in person and by mail and can be transferred to other state facilities.

[Incarcerated Person Item Delivery](#) -Justice-involved people can receive mail, however, as of November 2022, in person mail was restricted. List of items discussed in this section are clothes, jewelry, personal items, printed material, and miscellaneous items.

[Incarcerated Person Visit](#)- In person by appointment and tele-visit by request forms can be submitted. Although, in person visits are possible, there are restrictions, such as testing positive for COVID-19 tests, wearing of certain type of clothing and more. In all situations, there are a plethora of prohibited items which are detailed in the link.

[Incarcerated Person Medical Concern](#) -If you know an incarcerated person has a medical condition that needs attention, report it to Health and Hospitals

[Jail System Complaint](#)- If you are aware of an issue, you can file a complaint

### Facilitator Tip:

- If you're located outside of NYC, research where to find similar information in your area.

### Facilitator Notes

## Bias Against Certain Groups

10 mins

**Project the website:** <https://www.aclu.org/know-your-rights/prisoners-rights>.

There are protections for people with specific identities, cultural backgrounds, and health statuses such as:

1. Pregnant Women
2. Detainees who have been assaulted
3. Discrimination and Abuse against people who identify as Transgender
4. Rights for People with Disabilities
5. Detainees who are being discriminated due to their religion

As you read each category, read the list of protections for that group on the website.

### Group Discussion

*In session one, in the section re: prisonization, we read that there is a conflicting set of pressures:*

*"one, to live according to the official institutional regulations, and another to live within the rules of the inmate population."*

*We just went through official institutional regulations and laws for the rights of incarcerated people.*

*From your experience, in what ways have these laws/regulations been effective for incarcerated people? Where have they not been effective? When they haven't been effective, what have you done or recommended instead?*

## Presentation Part 3: Overcoming Barriers

5 mins

Record of Arrest and Prosecution (R.A.P) Sheet (5 min)

A RAP sheet is a record of all arrests and convictions for an individual. If someone has been arrested and fingerprinted in NYS, they will have RAP Sheet. Sadly, having a RAP Sheet can limit many justice-involved individuals from opportunities, such as securing a job, housing and more.

The Division of Criminal Justice Services (DCJS) in Albany collects and distributes the RAP sheet information in New York State.

To get a RAP Sheet, contact the New York State Office of Court Administration, or "OCA" at NYS Office of Court Administration, Office of Administrative Services Criminal History Record Search, 25 Beaver Street (Room 840-Front Counter) New York, NY 10004. Forms and information can be found at:

[www.courts.state.ny.us/apps/chrs/](http://www.courts.state.ny.us/apps/chrs/)

## Facilitator Notes

## Why obtain a RAP Sheet:

To get any mistakes corrected, including warrants. Employment and housing may depend on this information. For example, employers will most likely ask for details on a job application and receive a copy of the RAP sheet.

The most frequent RAP Sheet error is missing information about the disposition of cases, which gives the mistaken impression that cases are still open.

(Legal Action Center, 2013)

## Facilitator Notes

### Group Activity: RAP sheet FAQ's

15 mins

Project YouTube Video series: [Legal Action Center's Virtual RAP Sheet Workshop](#)  
Module 1 (6.42 min)

### Group Discussion

- *What stood out for you? Was anything new from your experience?*
- *Is there any information we should be thinking about re: RAP sheets?*

### Clean Slate Bill

10 mins

Reports show that 1 out of 7 New Yorkers have a conviction history; many of whom are not given an opportunity for a second chance. Laws created barriers for justice-involved individuals from accessing employment, housing, education, and other basic life essentials. To counteract this, the Clean Slate Bill was introduced in November 15, 2021 as an anti-poverty, economic justice, and labor equity bill, which allowed a justice-involved person's records to be sealed if certain criteria were met:

- Completed the Jail/Prison time.
- They completed parole and probation.
- They have no subsequent NYS convictions during the waiting period or pending charges upon sealing date.

#### **This will automatically seal for 10 years:**

- For misdemeanors - 3 years from sentencing (excluding any time spent incarcerated)
- For felonies - 7 years from sentencing (excluding any time spent incarcerated)

**Note:** sex offenses are not eligible for sealing under Clean Slate.



## Group Discussion: Understanding the steps to applying for a sealed record via the Clean Slate Bill

15 Mins

**Either project or provide copies for:**

- [Certificate of Disposition Application Form](#)
- [How to Gather Evidence of Rehabilitation](#)
- [Affidavit of Service – Sealing Application](#)
- [Request for Seal Verification](#)

Walk through the process, via the order of forms that need to be completed.  
Be sure to include in the discussion:

- *Who/where do the forms go to?*
- *Examples of evidence of rehabilitation?*
- *What if someone has multiple charges that qualify for Clean Slate Bill status*

### Facilitator Tip:

- Ask if anyone has been through this process and if so, have them briefly share their experience, or have them talk about their experience as the group reviews each form and step.

## NYS Marijuana Expungement Law

According to the Legal Action Center, on March 31, 2021, New York State legalized possession of up to 3 ounces of flower marijuana and up to 24 grams of concentrated marijuana by people over 21 years old. This law also requires the expungement (erasure) of certain convictions for possession and sale of marijuana.

### Facilitator Notes

## Group Activity: Project website: [NYS Marijuana Expungement Law](#) and review the front page with the group

5 mins

### Emphasize:

Expungement means that the arrest, the court case, and the conviction are now treated as if they never happened. For a definition of expungement see CPL 1.20 (45). Charges that have been expunged:

- will not appear or show up on a criminal history background check.
- cannot be used against an individual when applying for housing, student loans, or a job.
- will not be found by law enforcement unless you are applying for a gun license or a job in law enforcement.
- do not have to be listed on a job or school application that asks if you've been convicted of or arrested.

## Communication Development

10 mins

According to the [Communication Guide for Ex-Offenders](#), some justice-involved people struggle to communicate effectively in order to address concerns and seek help. Limitations in communication can hinder justice-involved people's goals for successful re-entry.

### Concerns include:

1. Lower literacy rates
2. Emotional difficulties, including anger
3. Difficulty dealing with public perception and stigma
4. Adjusting to culture

## Group Discussion

- *How can you best support a justice involved person upon re-entry to communicate more effectively? Consider:*
- *Session 1: your recommendations for successful re-entry (or your updated recommendations)*
- *Being aware of your own strengths (and shortcomings) in communication*

## Facilitator Notes

## Presentation Part 4: Ways to support a justice-involved individual's re-entry

### Facilitator Notes

15 Mins

Coming from an institution with a structured environment filled with schedules, demands and expectations and entering back into a community with different schedules, demands and expectations can be a psychological shock. The culture, as well as communication style and dress, may no longer be familiar to the person. In addition, societal stigma and self-stigma can take a toll due to constant self and others' judgments.

**Throughout the re-entry journey, a Peer Specialist, could be helpful by:**

- acknowledging their feelings and validating their experiences.
- Use motivational interviewing skills when possible and offer support.
- Help navigate the various systems of employment, housing, health care and education as well as other services to avoid recidivism

## Getting the Essential Documents

15 mins

Often when justice-involved people re-enter community, their key documents have been misplaced or lost.

**Social Security Card:** To obtain a replacement card contact the nearest Social Security Administration office by calling their toll-free number at 1-800-772-1213, or look at their website (<http://www.ssa.gov/ssnumber/>)

**Driver's License/Non-driver Photo ID Card:** Go to the nearest Department of Motor Vehicles office. One can find call 311 or identify a local office at the DMV website at: (<https://dmv.ny.gov/offices>). For information on how to get a non-driver ID card go to: (<https://dmv.ny.gov/id-card/non-driver-id-card>)

**Birth Certificate (Also: marriage, divorce or death certificate):** Outside of New York City, contact the New York State Department of Health Vital Records website at: ([www.health.ny.gov/vital\\_records](http://www.health.ny.gov/vital_records)). Within New York City, contact the New York City Office of Vital Records / Bureau of Vital Statistics at: (<https://www1.nyc.gov/site/doh/services/birthcertificates.page>)

**Facility Release papers:** These are papers given to the Peer upon their release from incarceration. Let's store them in a safe space.

**Proof(s) of Education:** These include copies of your H.S diploma, GED, TASC and certificates or transcripts from training. To obtain a copy of a H.S. Diploma, the local school district will need to be contacted. To obtain a copy of a GED or TASC Credential: [www.acces.nysed.gov/hse/duplicate-diplomas-andor-transcripts](http://www.acces.nysed.gov/hse/duplicate-diplomas-andor-transcripts) for forms and instructions

**Military Discharge** Papers (for veterans only): Veterans receive this after being discharged from the military (also referred to as separation papers or DD-214s) There are two ways to request military discharge papers:

1. The first is to request papers online at:  
<https://vetrecs.archives.gov/VeteranRequest/home.html>
2. The second way is to submit a request by mail or fax using the SF-180 form. This form can be obtained at: <https://www.archives.gov/veterans/military-service-records/standard-form-180.html>

**Permanent Resident Card (Green Card):** To obtain a replacement of a green card contact the U.S. Citizenship and Immigration Services at: (<https://www.uscis.gov/green-card/after-we-grant-your-green-card/replace-your-green-card>) or call 1-800-375-5283

## Employment

Employment can be daunting for individuals re-entering the community. Resources to overcome employment barriers and bias:

1. **Federal Bonding:** To incentivize employers to hire a justice-involved individual, the employer can enroll for a free- fidelity bond at the request of either the employer or justice-involved individual. This bond covers the expense of loss of money, property, product, or equipment due to employee dishonesty. There is not paperwork involved, just contact to the nearest Local Bonding Coordinator, which can be found at [www.labor.ny.gov/businessservices/services/fbp.shtm](http://www.labor.ny.gov/businessservices/services/fbp.shtm) and the bond would start immediately on the date of hire.
2. **Crafting a Personal Statement letter**, including:
  - Introduction (State the job, show work related skills)
  - Address the Conviction (accept responsibility, be remorseful, how you changed)
  - Show Evidence of Rehabilitation (who you are now, the work you did you to get here, skills, supports)
  - Conclusion (Summarize)

Collect Reference Letter from people who know the justice-involved individual who can provide compelling insights and strength-based feedback.

If the justice-involved person is denied employment, submit a Correction Law 754 Letter which requests that the employer provide a reason for employment denial within 30 days - the failure to respond can result in a complaint to the NYS Division of Human Rights. Correction Law 754 Letter can be found online.

## Facilitator Notes

The Legal Action Center's booklet, [How to Recognize and Address Discrimination](#) is a great advocacy tool. The booklet covers:

- Laws that protect justice involved people from discrimination upon re-entry
- Job / Employment discrimination
- Housing discrimination
- Health Care discrimination
- Education discrimination
- Substance Use discrimination
- HIV, AIDS, and other types of discrimination
- Where to file and how to draft letter

#### Facilitation Tip:

- Project the booklet on the screen and review the table of contents with Learners.

#### Licensing Opportunities:

Justice-involved individuals can secure licensed jobs to become Certified Public Accountants, Lawyers, Dental Hygienist, Licensed Practical Nurses, Electricians, Radiologist Technicians. In fact, according to the [Institute for Justice and Opportunity](#), 86 percent of people with conviction records who applied for New York State occupational licensing in 2018 were approved.

#### Group Discussion (or paired share): What information/ session impacted your peer practice most?

Have Learners identify what information from the 5 sessions helped them improve their peer support practice.

#### Summarize the Session

**Ask:** *What was your biggest discovery today? (add: if there are no questions)*

#### Facilitator Tips:

- The Facilitator does not need to comment on each of the discoveries shared by the Learners.
- If you are short on time left, you can ask for volunteers.
- If you have enough time, you can try a round robin approach where each person in the room gets a chance to share.

#### Facilitator Notes

### Facilitation Tip:

Consider reviewing the sessions, and tell the Learners that the final Session is on about the topic of Learning Collaboratives:

- Session 1: The Incarceration Experience
- Session 2: System Literacy In Criminal Justice
- Session 3: The Sequential Intercept Model in Justice-Involved Peer Support
- Session 4: Trauma-Informed Training for Supporting Justice-Involved Populations
- Session 5: Individual and Systems Advocacy for Justice Involved Peers
- **Session 6: Justice Involved Learning Collaborative**

### Facilitator Notes