

**BERKELEY, CA
SEPTEMBER 2022**

**SHAZZY KAMALI
EJA FELLOW**

EAST BAY COMMUNITY LAW CENTER

**EQUAL JUSTICE
A M E R I C A**



**POST GRADUATE
BI-ANNUAL REPORT
BRIAN LEWINSTEIN
YOUTH JUSTICE
FELLOWSHIP**



I. REFLECTIONS



Within these past six months, I feel like I have begun to come into my own with this role. I am beginning to take on more of a leadership role, and I am currently leading the effort to transition to (what I hope will be) a more efficient model of client services in response to the ongoing COVID-19 pandemic.

I want to take this space to revisit and reflect on some of the goals I set for myself in the last bi-annual report. I identified two specific issue areas where I wanted to pursue policy advocacy, and I also identified two personal goals for myself. The policy advocacy has moved slower than I would have wanted. On FasTrak/toll-related issues, there have been areas of improvement and progress, but on parking tickets, the work is in its earliest stages – I have only been able to submit record requests and have yet to hear anything back from the cities I submitted requests to.

For my personal goals, I wanted to take on more of a leadership role with trainings, and I wanted to be more proactive in supervision. I developed and led a training about

“I AM BEGINNING TO TAKE ON MORE OF A LEADERSHIP ROLE, AND I AM CURRENTLY LEADING THE EFFORT TO TRANSITION TO (WHAT I HOPE WILL BE) A MORE EFFICIENT MODEL OF CLIENT SERVICES IN RESPONSE TO THE ONGOING COVID-19 PANDEMIC.”

East Bay history and values. This was a training I had the idea to do, and I really enjoyed putting together the PowerPoint and giving the presentation. I also co- led the story- telling and oral advocacy training and phone-based communication trainings. For supervision, I have now supervised two students and gained valuable experience about working with students from different backgrounds.



II. INITIATIVES

To provide a brief review of the nature of my work: Decriminalization of Poverty is a sub-unit within the Clean Slate unit of the East Bay Community Law Center. The focus of Decriminalization of Poverty is to address the consequences that traffic court, parking tickets, FasTrak tolls and late penalties have for low-income people and people of color through direct services and policy advocacy. Decriminalization of Poverty provides legal representation to those who want to challenge their traffic tickets, those seeking to clear their traffic ticket record, and anyone with issues with the DMV, parking tickets, traffic court debt, or FasTrak in Alameda County.

In my last bi-annual report, I wrote that I had been focused on eliminating the civil assessment fee in California, supporting legislation that will prevent unpaid restitution from being a barrier to criminal record relief in California, and local advocacy about FasTrak. I am happy to report that with the passage of AB 199, all civil assessment fees that had been charged prior to July 1, 2022 have been eliminated, and any civil assessment fee charged after July 1, 2022 is capped at \$100. A civil assessment fee is charged anytime anyone misses a deadline to address their traffic ticket. What this means is that someone who missed the deadline to address their traffic ticket and who was charged a \$300 civil assessment penalty before July 1, 2022 will no longer have to pay the \$300 civil assessment penalty. Anyone who misses the deadline to address their traffic ticket after July 1, 2022 and is charged a civil assessment can only be charged the \$100 fine instead of \$300. An unexpected penalty of \$300 on top of the money owed for traffic tickets is almost impossible to pay for someone who is low-income, and I have heard firsthand from clients how impactful being released from that burden has been. The advocates behind the civil assessment reforms are experts who have been involved in this work for years, and it has been illuminating to observe their approach. Policy advocacy is about relationships and timing, and practicing those skills in the real world is something



that I have not been able to work on in college or in law school.

The legislation to prevent unpaid restitution from being a barrier to record remedies has passed through both houses of the legislature and the governor of California Gavin Newsom will have until the end of September 2022 to decide whether or not to sign it. To review, restitution is an amount of money that a court will order someone accused of a crime to pay the victim and can often be an amount that is far out of reach for many ordered to pay it. Payment of all fines, fees, and restitution can be a condition to be released from probation, meaning that a person's time on probation can be extended solely for not being able to pay. Moreover, unpaid restitution

"I AM EXCITED TO BEGIN TO OBSERVE THE IMPACT OF THE PASSAGE OF SB 1106 AND SEE MORE PEOPLE BE ABLE TO ACCESS IMPROVED HOUSING AND EMPLOYMENT."

can also be a barrier to accessing criminal record remedies, which are essential to allowing those with criminal legal

system involvement to be able to access employment, housing, and long-term stability. I am excited to begin to observe the impact of the passage of SB 1106 and see more people be able to access improved housing and employment.

We have been seeing fewer clients with very high FasTrak toll violations, which may be an indication that the reforms announced in 2021 and which took effect this year may be beginning to make a difference. Nevertheless, for those clients who incurred toll violations before the reforms were implemented, their unpaid tolls have quadrupled in amount. In the Bay Area, many express lanes that were formerly high-occupancy lanes are now toll roads, and anyone who does not have a FasTrak account and device in their vehicle and tries to use an express lane will receive a toll violation. Many of our clients are unaware of this recent change, as there has been little effort to increase public awareness. I have submitted a public records act request to the agency that oversees FasTrak and have met with their representatives to understand what kind of data they will be able to provide. I look



forward to using data to better serve our clients and get a better sense of how the toll road system works.

I have continued to try to center youth in the work that I do. BIPOC are over-policed and over-criminalized, and for many young people of color, a traffic stop is their first point of interaction with the criminal legal system. Unpaid traffic tickets that generated from a pretextual traffic stop can result in a hold on a driver's license and driving on a suspended license can be a misdemeanor offense. I have observed these downstream effects of system racism in our client trends: 83% of our clients are people of color, and many of my clients are transition aged youth from 18-21.

I have also submitted public records act requests to the City of Berkeley and to the City of Oakland asking for their records on their parking ticket policies. As I explained above, I have not heard back besides a request for additional time to review the request. I also asked questions about tow policies. I hope that the information that they provide can open the door for more informed advocacy in the future, both for policy advocacy and for direct services.

Finally, I drafted and submitted a letter to the California state legislature expressing East Bay Community Law Center's opposition to the CARE court proposal. Governor Newsom proposed a plan for mandatory "treatment" of people with schizophrenia and bipolar disorder. His plan is troubling for a number of reasons, which I outlined in our letter.

III. CLIENTS SERVED

I have continued my work in referring clients to Alameda County Homeless and Caring Court. I had two summer interns draft a research memo about Homeless Courts throughout the state in order to better inform the work I did in Alameda County. In June, I submitted 12 clients for referral. This was a new personal record and it was gratifying to see so many people get their fines and fees eliminated



through their participation in the program. Applicants to Homeless Court who have a substance use related ticket on their record must show proof of treatment in order to be accepted into the program. One client was denied on the basis that he needed to show proof of treatment to participate. The client had an infraction for possession of marijuana of less than 1 ounce from 2016. I was able to argue that he should not need proof of treatment in order to participate because the amount he was cited for having is legal for personal recreational use as of 2018. I later used this as an example for a training I did on story- telling and advocacy.

I have also been spearheading an effort to transform our current model of client services. Before the COVID-19 pandemic, we would have regular clinics where clients could come in and get legal advice. Since the COVID-19 pandemic, clients receive legal services by calling and leaving a voicemail, and then they are called back. This latter model often means that we spend time trying to connect with the client and may also need to devote resources to follow up as it arises. I am trying to establish an infrastructure where clients can leave a voicemail and will be instructed that they will be called back at a specific time. During that time, a student will do an intake with them, speak to a supervisor, then relay the supervisor's legal advice to the client, and finally close the matter. If clients have additional follow-up needs, they can leave another voicemail and be connected with the clinic the following week. I am hoping that this model will result in a more streamlined and efficient way of addressing client needs. Concurrent with this, we will be updating our website with more self-help guides and resources to direct clients to after they talk to someone in our clinic. Our clinic will open for intake on September 12 and will begin operation on September 15.

Before the COVID-19 pandemic, the Decriminalization of Poverty sub-unit had an in-person clinic at the Wiley Manuel courthouse in downtown Oakland, where individuals waiting to see a judge to address their traffic tickets could receive free legal advice. As of two months ago, the Alameda County Superior Court has opened



limited in-person services: up to 20 people, once a month, can come in and see the judicial officer in person. We plan to set up a table during walk-on court hours and make ourselves available to those 20 people, so that they can talk through their legal options and be informed about the ramifications of entering a plea of guilty, not guilty, or no contest before they see a judicial officer. I have been leading our efforts to re-establish the in-person clinic at Wiley Manuel, which will begin on September 8.

Both the remote clinic and the Wiley Manuel clinic emerged out of the need to be able to connect with clients more during the ongoing pandemic. To that end, over the course of the next 6 months, I will work on self-help guides and know-your-rights trainings and resources to reimagine what community presence can look like when so many spaces and relationships have been disrupted due to the pandemic.

“OVER THE COURSE OF THE NEXT 6 MONTHS, I WILL WORK ON SELF-HELP GUIDES AND KNOW-YOUR-RIGHTS TRAININGS AND RESOURCES TO REIMAGINE WHAT COMMUNITY PRESENCE CAN LOOK LIKE WHEN SO MANY SPACES AND RELATIONSHIPS HAVE BEEN DISRUPTED DUE TO THE PANDEMIC.”

IV. SUCCESSES

In my last bi-annual report, I wrote about a vehicularly housed community living in Berkeley who requested administrative hearings to address the denials of their parking ticket appeals. Since then, we learned that the hearing officer largely ruled in our favor, as 5 out of the 6 tickets were dismissed. Though there were originally supposed to be 5 separate hearings, the hearing officer decided to consolidate



the hearings into one (even though we had already had a hearing on one of the citations). All 5 of our clients were there, and it was so special to see them all in person for the first time. It was powerful to see the clients directly address the City employees who had treated them so callously and be given a chance to speak truth to power. I gave opening and closing arguments at this hearing, and we learned a few days later that five of the six citations were dismissed. The City of Berkeley has for years harassed and lied to people experiencing homelessness and vehicularly housed people. I'm grateful that we were part of something that forced the City to finally admit on the record that they mistreated this community and take a small step towards making it right.

“I’M GRATEFUL THAT WE WERE PART OF SOMETHING THAT FORCED THE CITY TO FINALLY ADMIT *ON THE RECORD* THAT THEY MISTREATED THIS COMMUNITY AND TAKE A SMALL STEP TOWARDS MAKING IT RIGHT.”

Another success is being able to develop my skills as a supervisor and educator. As I explained above, I particularly enjoyed leading trainings and working with students. I also co-led a panel on fines, fees, and restitution at the Practicing Law Institute with my co-worker, and invited a local advocate who works for Young Women’s Freedom Center to participate.

V. CHALLENGES

Doing this work in a semi-remote environment has been challenging. Being a new attorney and having to make difficult decisions is harder when I am not physically in



the same space as more established attorneys who could help. One challenge that I identified in my last bi-annual report that I feel I am still struggling with is with policy advocacy work in coalition. In coalition spaces, I am working closely with experts. Some of these advocates have expertise because of their lived experiences, and others have expertise because of the years they have put into this work. Almost all of the founders of Debt Free Justice are still doing this work, and have been doing so for over five years. Many have relationships in Sacramento that they have been cultivating for decades. I am still learning how to add value in these spaces as a new attorney just a year into the year.

VI. GOALS FOR THE NEXT HALF YEAR

Over the next six months, I plan to focus on parking tickets, toll roads, and tows. Hopefully, some of the entities I requested data from will provide that data sometime within the next six months, and I can review that data to develop whitepapers and other projects that can eventually be used to support policy advocacy. In addition, I plan to research parking tickets and tows to better understand the law and potential avenues for litigation. Though there is only myself and another attorney working in the Decriminalization of Poverty sub-unit and we are quite busy with direct services and policy advocacy, my hope is that streamlining the direct services will open up more time to be able to think about expanding our capacity to engage in litigation. Having observed a few successful campaigns, I have been able to see how litigation is often an integral part of successful reform. For example, the civil assessment reform campaign involved policy work with litigators and stakeholders and engagement with media, but members of our coalition also sued the courts of



San Mateo County. The media and courts' attention to the legal issues raised by the suit were critical in getting the bill passed.

Overall, I feel like I have begun to find my footing with the work and am ready to take ownership of more aspects of this work, and I look forward to the changes the next six months will bring.

“I FEEL LIKE I HAVE BEGUN TO FIND MY FOOTING WITH THE WORK AND AM READY TO TAKE OWNERSHIP OF MORE ASPECTS OF THIS WORK, AND I LOOK FORWARD TO THE CHANGES THE NEXT SIX MONTHS WILL BRING.”

VII. MEDIA

<https://www.mercurynews.com/2022/03/22/oakland-considers-banning-rvs-from-certain-city-streets/>

VIII. SUPERVISOR REPORT

See next page



VIII. Supervisor Report

Shazzy Kamali's contributions as part of the Clean State Unit at the East Bay Community Law Center (EBCLC) have been critical to the success of our team and our clients over the past year.

Since the report that was submitted in March Shazzy has taken more leadership and responsibility around issues of fines & fees and traffic court. She has continued to lead our efforts around these issues as well and has remained a consistent dependable advocate for our clients, particularly transitional aged youth.

With the COVID-19 pandemic entering a new phase Shazzy Kamali and her colleague Candy Smallwood, both of whom work in our decriminalization of poverty sub-unit, took the lead in requesting that we re-open our in court traffic clinics. This is a service where we provide attorneys and students once or twice a month at the court house to advise individuals who are there for in-person traffic court about their rights and legal options before they go in. Shazzy specifically has been the person on our team who has taken responsibility for coordinating all the logistics for these in-court clinics, the first of which will take place next week.

Shazzy and Candy first requested we bring back in court traffic clinic after watching virtual traffic court and watching so many people who were confused about what to do and clearly could have been helped by a conversation with an attorney. It's notable that they are the first sub-unit within our team to return to some form of in-person clinic and that they chose to do so on their own because of a need they saw in the community. Based on our experience from previous traffic clinics we know that most of the people who will need this support will be people of color, a significant percentage are usually transitional aged youth and basically all of them are low income.

On the policy front we've been working for years to try and eliminate or reduce the civil assessment, which is a fee added to individuals tickets that increases the cost dramatically. Through her role on the Debt Free Justice Coalition Shazzy has led EBCLC's efforts on this issue. This year was the first year we've seen any real significant movement on this issue. The Governor signed language in the budget that reduced the civil assessment from \$300 to \$100 and eliminated \$500 million of debt. That debt forgiveness will impact our clients and many others across this state.

Shazzy has been an important team player. She worked closely with several of our other attorneys to support a group of vehicularly housed clients who received a series of parking



tickets last fall in Berkeley. Our team helped them file the appropriate appeals and after an administrative hearing where Shazzy gave both opening and closing remarks almost all of the citations were dismissed.

Shazzy continues to maintain our partnership with the Young Women's Freedom Center to support young women who could use clean slate services. She also continues to serve as our coordinator for clients seeking relief through Homeless & Caring Court (HCC). In this work Shazzy she is able every other month to have a profound impact on the clients who she guides through this process, as HCC completely erases all of their fines, fees and court debt in the county, with some exceptions.

Shazzy did a great job this year helping to educate other attorneys across the Country as part of the Practicing Law Institute's Reentry in California program. Shazzy served on a panel to discuss fines & fees issues. There were more than 100 people who registered to view this program.

Shazzy has definitely made herself a critical part of our team and our clients have benefitted substantially from the work she's done. I look forward to her continued growth over the course of the next year.

Sincerely,

Jael Myrick
Program Director
Clean Slate Unit
East Bay Community Law Center