


New City Hiring Policies Promote Public Safety By Reducing Barriers to Employment of People with Criminal Records



7th Annual Conference of Mayors
Faith-Based on Community Initiatives Task Force
*“Successful Reentry: The Mayor’s Role in Reintegrating
Returning Offenders Back into the Community”*
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The Hard Facts

- More than 650,000 people are released from U.S. prisons every year (four times more than 25 years ago).
- 3 out of 4 have served time for non-violent offenses, including drug offenses (33%) and property offenses (34%). 2 out of 3 non-violent offenders released are people of color.
- One in five adults (50-65 million) have a criminal record on file with the states (serious misdemeanors and felony arrests or convictions) which will show up on a routine criminal background check.



The Challenge Facing U.S. Cities

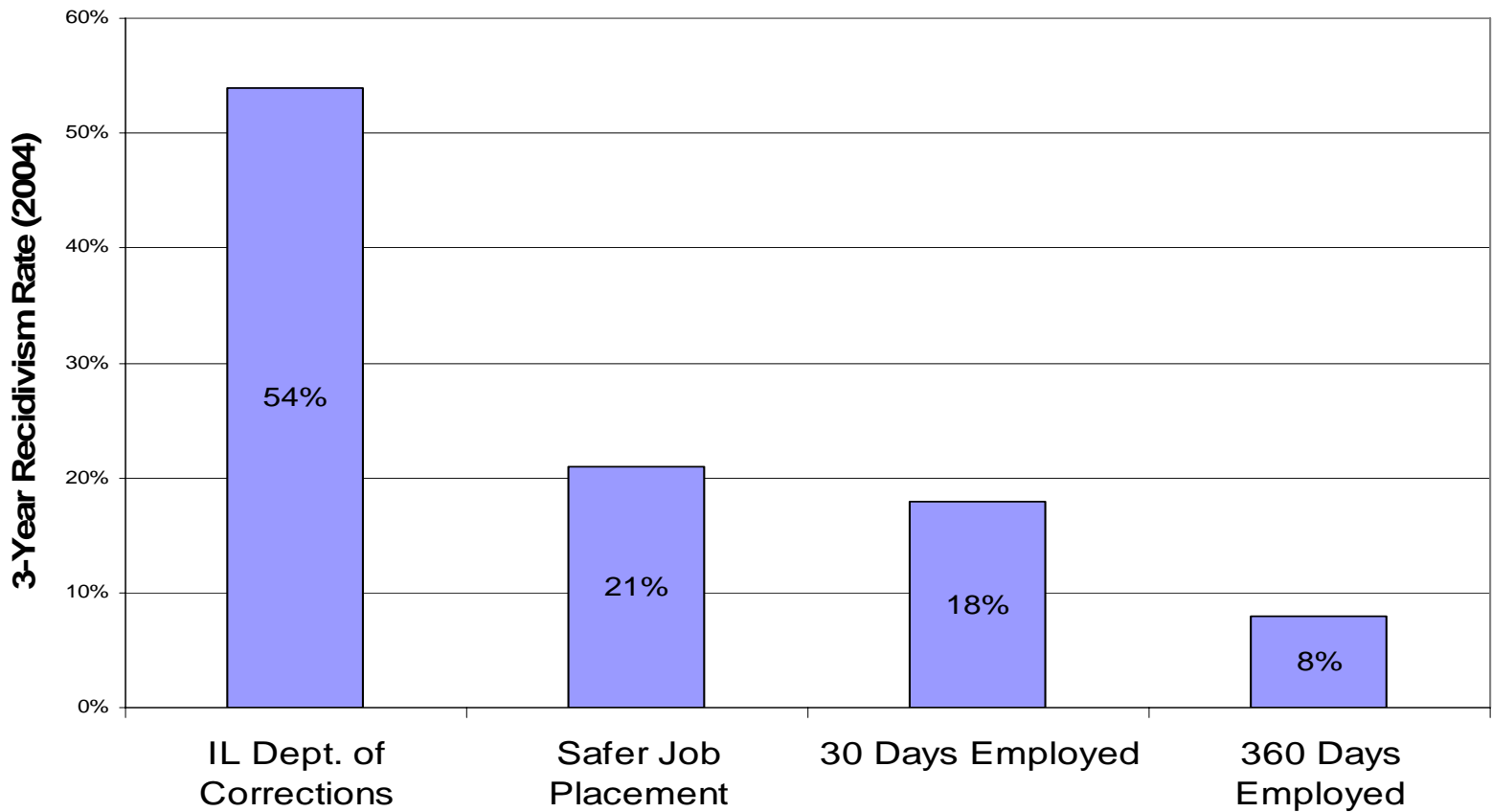
- In Illinois, 51% of those released from prison returned to Chicago (6 out of 77 Chicago communities accounted for 34% of returnees).
- In California, 34% of those released from prison each year returned to Los Angeles County.
- In Texas, 58% of those released from prison returned to 5 of 254 counties.
- In Maryland, 59% of those released from prison returned to Baltimore City.



Public Support for the “Smart on Crime” Agenda (Increase Public Safety by Reducing Recidivism)

- “Smart on Crime” Agenda (Reduce Employment Barriers)
 - American Bar Association resolution (2004): *“in order to remove unwarranted legal barriers to reentry, to . . . limit situations in which a convicted person may be disqualified from otherwise available benefits, including employment, to the greatest extent consistent with public safety.”*
- Strong Public Support (Zogby Poll, April 2006)
 - By 9 to 1 margin (87% to 11%), Americans now favor rehabilitative services as opposed to a punishment-only system of crime prevention.
 - 82% indicated that lack of job opportunities are a significant barrier to those released from prison to avoid committing subsequent crimes.

Employment Significantly Reduces Recidivism (Results of Chicago's Safer Foundation Job Placement for 1,600 Recently Released from Prison)





Major U.S. Cities Lead the Way for the Private Sector

- In the past year, Boston, Chicago & San Francisco have adopted hiring policies that promote employment of people with criminal records without compromising public safety.
- Chicago Mayor Richard Daley: Implementing the new policy won't be easy, but it's the right thing to do *We cannot ask private employers to consider hiring former prisoners unless the City practices what it preaches.*"



Major Features of City Policies

- “Ban the Box” – Protect against discrimination by limiting criminal background checks to the final stages of the hiring process *except where required by law*.
- Fair Hiring Standards – Require any inquiry into an applicant’s criminal history to be “job related.”
- Procurement Standards – Apply fair hiring standards to contracts and city vendors.
- Consumer Protection & Appeal Rights – Protect against problems of inaccurate records and hiring decisions based on incomplete information by requiring early access to criminal history information and an opportunity to present evidence of rehabilitation.



“Win-Win” Solution

- Delaying the inquiry into criminal background expands the applicant pool, which improves the chances of selecting the best qualified individuals.
- Limiting criminal background checks reduces City hiring delays, backlogs and expenses associated with criminal background checks.
- Limiting criminal background checks to job finalists reduces likelihood of discrimination based on an unrelated record.
- Clear and fair hiring standards promote rehabilitation by encouraging people with criminal records to develop the skills they need for City employment while removing the major disincentive to apply for City jobs.



Boston's Hiring Ordinance (July 2006)

- *New* – Hiring policy regulating criminal background checks applies to all city jobs and city vendors.
- *New* – Criminal background checks are limited to those required by law and positions where the City has made a “good-faith determination that the relevant position is of such sensitivity” that a background check is required.
- *New* - No criminal background check until the applicant is considered “otherwise qualified” for the position, except for those jobs requiring criminal background checks by law.
- *New* – Review of the criminal record is based on all the information available, including the age and seriousness of the offense and evidence of rehabilitation provided before the final hiring decision is made.
- *New* – Before the applicant is denied a position based on a criminal record, he or she must be provided a copy of the record and an opportunity to correct inaccuracies and present evidence of rehabilitation.



Chicago's Dept. of Human Resources Hiring Guidelines (January 2006)

- New hiring policy applies to all city jobs (not vendors) except those requiring criminal background checks by law.
- *New* – All City agencies must adopt a consistent hiring standard that only “job related” offenses can result in disqualification, while also taking into account rehabilitation, age of the offense, and other individual factors.
- *No Change* -- No criminal background checks until the final stages of the hiring process.

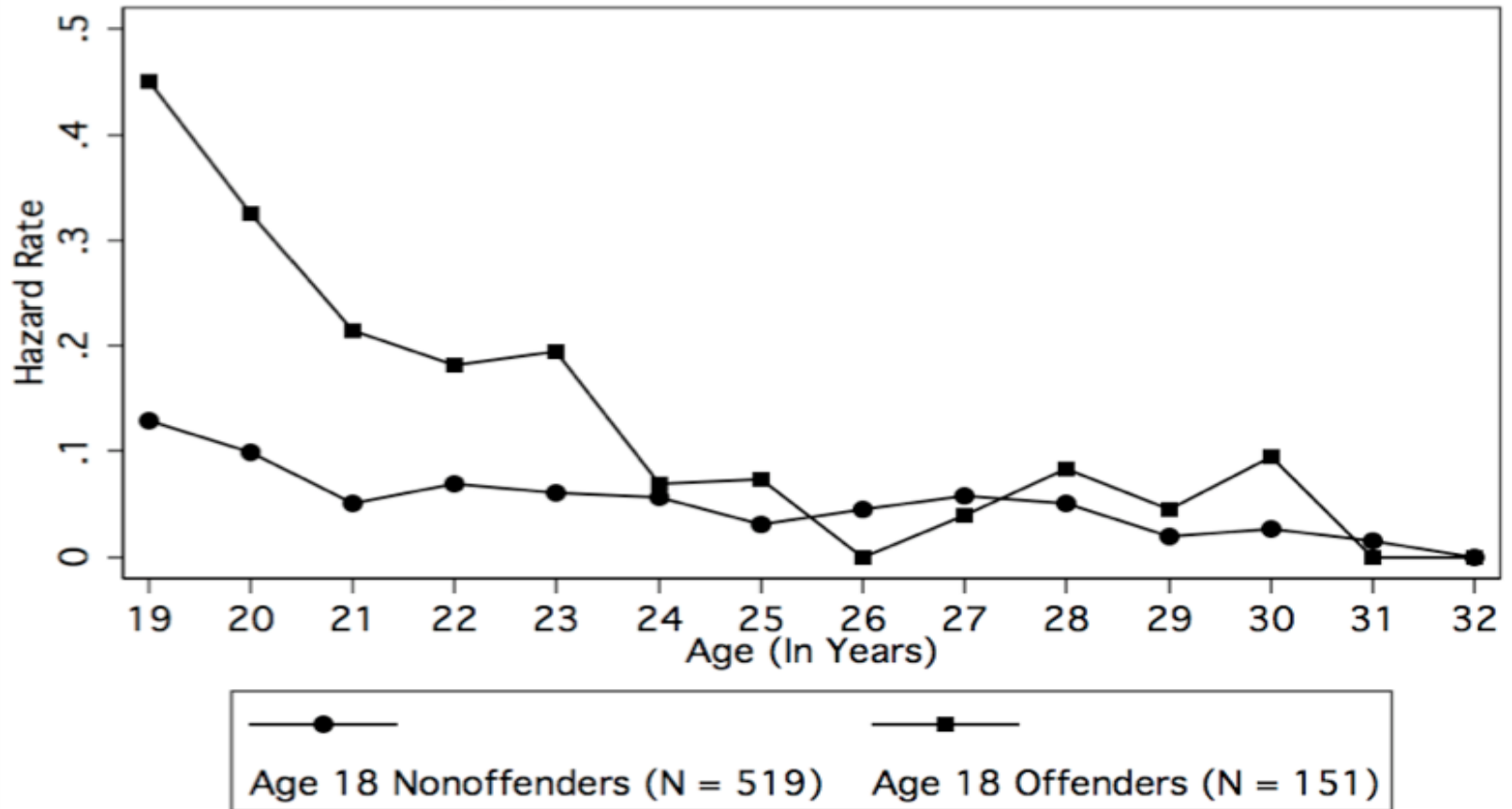


San Francisco's "Ban the Box" Policy (Dept. of Human Resources, June 2006)

- New policy applies to all city jobs, except those requiring background check by law.
- *New* - Removes criminal background question on the City's job application.
- *New* - Criminal background only considered for job finalists (i.e., when the hiring departments request interviews).
- *No Change* - Evaluate the criminal background to determine the nexus between the individual's record and the job.

After 5 Years, Offenders No More Likely Than Non-Offenders to Be Re-Arrested

(Kurlychek, et al. "Scarlet Letters & Recidivism: Does An Old Criminal Record Predict Future Criminal Behavior?," 2006)





Adopt Specific Standards that Define “Job Related” & Promote Rehabilitation

- Age Limits – Adopt age limits on disqualifying offenses (e.g., federal terrorism law limits screening of hazmat drivers to felonies dating back 5-7 years).
- “Presumed Rehabilitated” - Individuals should be “presumed rehabilitated” after the sentence is served or a specified period of time has passed without subsequent record (e.g., in New Mexico completion of parole or probation or 3-year period following release from incarceration without offense).
- Waiver Protections - Provide for a “waiver” process to consider rehabilitation, especially where broad offenses are disqualifying (e.g., federal port security background check law and Illinois health care worker law).



Next Steps

- Review City job applications for criminal history questions.
- Identify City positions that require criminal background checks by law (starting with positions where jobs are expected to be posted).
- Evaluate City's HR standards regulating hiring of people with criminal records (identifying general and specific "job related" standards).
- Identify and evaluate standards of individual City agencies regulating hiring of people with criminal records.
- Review City procurement standards regulating hiring of people with criminal records and standards adopted by city vendors.
- Convene key stakeholders (including people with criminal records) to evaluate and make recommendations related to City hiring policies.