FAIR CHANCE - BAN THE BOX

Arlington County, Virginia and Allegheny County, Pennsylvania Latest Fair Chance Counties

Arlington County, Virginia on Nov. 3rd became the latest jurisdiction to eliminate questions about criminal convictions on county job applications. “We thought it was the right thing to do, the fair thing to do,” said the county’s human resources director. See article. Allegheny County Executive announced that, effective Jan. 1st, Allegheny County will “ban the box.” The County Executive commented how “[t]aking this step allows us to accomplish both of those goals [of public safety and open-mindedness about employees] while also broadening opportunities within the county.” See press release.

More Jurisdictions on the Horizon for Fair Chance

New York City Council’s Committee on Civil Rights will be considering a fair chance ordinance applying to private employers on December 3rd. For more information, check out the NYC Fair Chance Act website.

The city council of Columbia, Missouri is slated to vote on a “ban the box” measure on Dec. 1st. The legislation would prohibit local private employers from asking on applications whether the applicant has been convicted of a crime and would delay a background check until a conditional offer of employment is made. A city councilman in support commented that, “I understand the business argument against the proposal as it stands. I think the public safety argument outweighs that.” See article.

Chattanooga-Hamilton County, Tennessee NAACP has launched an effort to “ban the box.” A city councilman in support explained, “We’re talking about people who have paid their debt to society. We’re talking about not penalizing them a second time. To say we want people to be law-abiding citizens, we have to treat them in a way where they can see that and not just say the words.” See article.

On Nov. 6th, a bipartisan group of sponsors and cosponsors introduced H.B. 654 (the Ohio Fair Hiring Act) in the Ohio House of Representatives. If enacted, this legislation would prohibit public employers from inquiring into a job applicant’s criminal history until the employer has selected the applicant for the position. See HB 654 and bill analysis.
FEDERAL

New FTC Guide on Relevant Background Checks Law

RESOURCE FOR ADVOCATES

Reactions to Ferguson from ArchCity Defenders Webinar
Register for The New Southern Strategy Coalition’s webinar on Wed., Dec. 3rd at 1pm Eastern. The New Southern Strategy Coalition will host a one-hour dialogue with Arch City Defenders about the reality and experiences with the criminal justice system in St. Louis, which Ferguson has placed in the national spotlight.

RESEARCH

Failed Policies, Forfeited Futures: A Nationwide Scorecard on Juvenile Records
A study from the Juvenile Law Center provides a scorecard of each state’s policies on keeping juvenile records confidential and allowing for those records to be expunged. The study shows that the nation limits opportunities for youth by failing to protect them from the harmful effects of their juvenile records. See map and scorecard here.

NELP Criminal Records Bulletin November 2014

FAIR CHANCE - BAN THE BOX

More Wins for Fair Chance for All in Maryland, Virginia, Pennsylvania, Florida, and Missouri
Montgomery County, MD became the latest local to eliminate the conviction question from its job application, following neighboring D.C.’s measure this summer. See article. In Roanoke, VA, the City Manager indicated that it would be removing the question about criminal history from the initial application for most city jobs by 2015. See story. After the City of Lancaster, PA removed the conviction check-box from job applications on Oct. 1st, its city council adopted a resolution on Oct. 14th to support ban the box. See editorial and article. St. Petersburg, FL’s Mayor is “banning the box” because “removing that obstacle” will give “greater opportunity.” See story. On Oct. 14th, the City of St. Louis removed the check-box inquiring about felony convictions. See Mayor’s press release.

Still to Come...Campaigns in the Works
Los Angeles City Council had a committee hearing on Oct. 14th on a “fair chance” ordinance. Advocates, such as LA Voice, Homeboy Industries, and A New Way of Life are seeking a robust law covering private employers. See NELP testimony in support. Prince George County, MD, like its recent neighbors mentioned above, is also considering a bill. See article and editorial in support. After the recent win in St. Louis, the state of Missouri will be entertaining legislation to delay conviction questions from State Senator Jamilah Nasheed. See column. In NYC, a VOCAL-NY advocate was featured in a NYT article highlighting fair chance efforts. NYC City Council will be considering a fair chance ordinance applying to private employers in December.

Three NY Colleges Drop Arrest and Conviction Inquiry for Applicants
Responding to concerns about the broad question “Have you ever been arrested or convicted of a felony?” on certain colleges’ applications, New York State Attorney General Eric T. Schneiderman has reached an agreement under which the schools will drop such questions from their standard application process. The schools are St. John’s, Five Towns College, and Dowling College. See article.

A Case Study of Durham, NC Showing Ban the Box Benefits
A new white paper from the Southern Coalition for Social Justice shows that since the Durham government removed barriers to employment for people with criminal records, the percentage of people with records hired by the City of Durham has increased each year and since 2012, the number of people with records hired by the County nearly tripled. “We believe having directly affected people leading the campaign in every aspect, including the development of an
effective policy, was a critical component to the successful hiring outcomes produced by Durham’s ‘Ban the Box’ campaign,” said author, Daryl Atkinson.

RESOURCES FOR ADVOCATES

**Expungement Policy & Practice in the South**
Register for The New Southern Strategy Coalition’s webinar on Wed., Nov. 5th at 1pm Eastern, *Expungement Policy & Practice in the South.* Advocates will provide an overview of expungement/sealing policy trends in the South and include case studies of four southern states. [Register here](#).

**IN THE MEDIA**

**Georgia Awarded $6.75 Million to Support Re-Entry Services**
Georgia was awarded $6.75 million in federal grant money to support re-entry services. Commenting on the grants, Gov. Nathan Deal stated, “I’ve emphasized and implemented meaningful changes to our criminal justice system because Georgia could simply not afford the ever-increasing costs of incarceration. By putting common-sense back into the equation, we’ve reduced our state’s prison population and recidivism rates.” See [press release](#).

**Formerly Incarcerated Leaders Have Historic Meeting with U.S. Reentry Council**
On Monday, October 20th formerly incarcerated leaders met with senior officials of the Federal Interagency Reentry Council (Reentry Council) to advocate for a set of reforms to help end the second class status of people with criminal records. See [blog](#).

**RESEARCH**

**How Hiring Managers Consider Job Applicant Criminal History**
A new study, “Legal Ambiguity in Managerial Assessments of Criminal Records” asks how hiring managers assess applicants’ criminal history information. The study, based on interviews, finds that where organizations lack standards or concrete policies, there are inconsistencies in how the law is interpreted.

*Criminal Records Bulletin Archive available for* [2014](#), [2013](#), and [2012](#).
NELP Criminal Records Bulletin October 2014

FAIR CHANCE - BAN THE BOX

Tuscon, AZ Removes Conviction History Question

Through the work of the William E. Morris Institute for Justice Institute and the Tucson Second Chance Coalition, Tuscon, AZ has agreed to remove the criminal record inquiry from its job application for city employment. Tuscon is the first city in Arizona to adopt a fair chance – ban the box policy.

Formerly Incarcerated Citizens Engage the White House

PICO National Network’s Live Free Campaign and All of Us or None, were joined by eleven formerly incarcerated citizens to meet with White House officials and discuss policy recommendations for returning citizens. They requested full rights restoration for individuals who have completed their sentences and returned to society. Their requests included restoring the right to vote and implementing policies and practices that prohibit discrimination in the housing and job markets. See press release.

STATES

Governor in California Signs Criminal Justice Reform and Barrier-Reducing Bills; Stay Tuned for Prop 47

The California Fair Sentencing Act, signed by Gov. Jerry Brown, ensures that people who are convicted of certain offenses involving crack cocaine will no longer receive harsher punishments than people found guilty of the same crimes involving the powder form of the drug. See article. Gov. Brown also signed a bill to ease licensing barriers for workers seeking to be certified nursing assistants and another bill, which opened up licensing opportunities for people with dismissed convictions. Coming up—Proposition 47 is on the November ballot in California. It would change six nonviolent, petty offenses from felony punishments (which now can carry prison time) to misdemeanor punishments. See op-ed, video, and report estimating millions of dollars of savings locally.
New York Legislation That Would Ease College Barriers

There is a widely overlooked obstacle to higher education that confronts at least 70 million Americans who have criminal records — often for relatively trivial transgressions in the distant past. Many colleges ask applicants about criminal convictions before deciding on their suitability as students. And since criminal records are often inaccurate and misleading, these screening systems are inherently unfair. See NYT editorial.

Retailer, Party City, Agrees to End Discrimination Based on Criminal Records

Attorney General Eric T. Schneiderman announced a settlement with Party City, a national retailer employing nearly 5,000 people in 49 stores across New York State. The settlement will ensure that the company complies with state laws prohibiting discrimination against individuals with criminal records. Under the terms of the agreement, Party City will no longer automatically disqualify individuals with felony convictions from advancing in the company. See press release.

IN THE MEDIA

Our Criminal Justice System Makes it Hard for People to Find Jobs

Although the American economy has rebounded from the Great Recession, many people still struggle to find jobs. Often overlooked? The many punitive effects of the criminal justice system. Nearly 65 million Americans have a criminal record. This black mark carries with it potentially mandatory restrictions on jobs, housing, education and public assistance. According to a 2007 article in Criminology and Public Policy, there could be as many as 800 occupations nationwide that automatically disqualify people with felony convictions for life. See article.

REPORTS

Recommendations to Reform Criminal Justice System

The Brennan Center’s new publication recommends that federal prosecutors should move away from an enforcement-only model and instead drive toward reducing violent crime, incarceration, and recidivism. A new report from The Sentencing Project examines how racial perceptions of crime are a key cause of the severity of punishment in the United States.

New BJS Figures Show Increase in Mass Incarceration
The Prison Policy Initiative analyzed new Bureau of Justice Statistics. Overall, the state and federal prison population increased slightly between 2012 and 2013. Although this is the first overall increase since 2009, the overall prison population has held fairly steady compared to the rapid rise of earlier decades. While the total number of people incarcerated grew, the country as a whole grew faster, so there was a slight decline of less than half of a percent in the incarceration rate. This change is far too small to impact the results of the PPI June report States of Incarceration: The Global Context finding that every state in this country uses incarceration far more than most of the world.
FAIR CHANCE - BAN THE BOX

New Jersey Bills Signed; 13 States with Ban the Box and Six States Apply to Private employers
New Jersey Governor Chris Christie’s signature of the Opportunity to Compete Act (A1999), which delays conviction history inquiries, will expand economic opportunity. There are now 13 states, six of which apply to private employers, and 69 cities and counties that have adopted ban the box fair hiring policies. Gov. Christie also signed S946, which will revamp a broken system that currently keeps nearly 6,000 people locked up before trial because they are unable to afford bail. See NELP’s press release on fair chance and NJISJ press release on both bills. See recent article on the national movement. See recent blog from a labor leader’s perspective about the movement in Oregon.

Spokane, Washington and Fulton County, Georgia Join Nationwide Fair Chance Movement
Spokane’s mayor on August 4th said that the city would join a nationwide trend to “ban the box”. The mayor said revising the city’s employment application would open “another pathway to access” for people with criminal pasts and give them “more equal footing for meaningful employment.” See article. Advocates from the 9 to 5 coalition and others were able to secure a new administrative policy in Fulton County, Georgia, which delays conviction history inquiries. See blog highlighting criminal justice reform efforts in red states.

San Francisco Fair Chance Ordinance Now in Effect
As of August 13, 2014, the San Francisco Fair Chance Ordinance, which applies to private employers with 20 or more employees and affordable housing providers, is in effect. See San Francisco’s enforcement agency information including FAQs for employers and resources for housing providers.

LITIGATION

Lawsuit Challenges Washington Metro’s Unlawful Background Check Policy in Hiring
The NAACP Legal Defense and Educational Fund, Inc. and other groups filed a class action lawsuit on July 30th on behalf of workers against the Washington Metro Area Transit Authority and three of its contractors challenging their use of an overly broad and unnecessarily punitive criminal background screening policy. The groups said the policy goes far beyond any legitimate public safety concerns to permanently stigmatize and bar from employment well-qualified workers, a disproportionate number of whom are African Americans. See LDF press release, see article.
As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime

Over the past 20 years, authorities have made more than a quarter of a billion arrests, the Federal Bureau of Investigation estimates. As a result, the FBI currently has 77.7 million individuals on file in its master criminal database—or nearly one out of every three American adults. Many people who have never faced charges, or have had charges dropped, find that a lingering arrest record can ruin their chance to secure employment, loans and housing. See article.

Editorial: How do we break cycle of violence? Jobs

Cameron Anderson is fighting for his life. Anderson’s past is filled with heartbreaking mistakes. Now Anderson — with the help of his employer, RecycleForce — is working hard to start over, to learn the job and life skills needed to thrive, and to model a better way to his own children. He offers both a hope and warning to city leaders. “If you don’t have a job, then you have no legitimate way to earn $5,” he said this past week while sitting at a conference table with a group of co-workers, all former felons, from RecycleForce. “Hope starts with a job.” See editorial.

How decades of criminal records hold back towns like Ferguson

Recent polling shows that white Americans and African-Americans have completely different perspectives on recent events in Ferguson, Mo. In a way, this isn't surprising, given how many more blacks have direct experience with the criminal justice system. Being arrested, tried and sent to prison doesn't only change how a person views law enforcement generally. It can also give someone a sense that they are excluded from society more generally, even after they've served their time. See blog.

RESEARCH

How a prison record hurts your chances of getting a job

In a study that involved sending out more than 6,000 applications for entry-level jobs researchers found that applicants with a prison record were less likely to receive an interview or job offer than applicants without a record. Black men with prison records had the most difficulty getting a favorable response from employers. Their odds of getting an interview or a job offer were 125 percent less than those of white men with prison records. Watch the recording from the researcher’s session or tune in to this interview about the study.

NELP Criminal Records Bulletin July 2014

FAIR CHANCE - BAN THE BOX
The latest versions of NELP’s state and local guides tracking fair chance - ban the box policies are available on NELP’s Fair Chance Ban the Box Toolkit website.

Gov. Quinn Signs Illinois Ban the Box Bill; Fifth State to Apply to Private Employers
On July 19th, Governor Pat Quinn signed legislation to “ban the box” for private employers within the state, making Illinois the fifth state in the nation to remove the criminal record inquiry from job applications. “Everyone deserves a second chance when it comes to getting a job,” Governor Quinn said. “This law will help ensure that people across Illinois get a fair shot to reach their full potential through their skills and qualifications, rather than past history. It will also help reduce recidivism, fight poverty and prevent violence in our communities by putting more people back to work.” See NELP’s press release, Governor’s press release, and audio of signing ceremony.

DC Gives People with Records a Fair Shot with Private Employer Ordinance
The DC Council passed the Fair Criminal Records Screening Act of 2014. Employers in the private sector will need to wait until after extending a conditional offer of employment to check a candidate’s criminal background. The coalition in support of the bill worked with the DC Chamber of Commerce, the primary organization representing DC employers. See story and blog.

Fulton County, Georgia Removed the Criminal History Inquiry
In Fulton County, Georgia, 9to5 Atlanta worked with the County administration to remove the criminal history inquiry from the county job application. In addition, the policy incorporates the EEOC guidance factors in considering a criminal record. Fulton County, which includes Atlanta, is the most populous county in the state.

NELP Survey Finds Major California Cities and Counties are Complying with Ban the Box Law
NELP survey finds that public employers across the state have successfully put in place new job applications to comply with a California law, which took effect on July 1st. See press release. Jose Osuna, a leader of LA Voice and Homeboy Industries, reflects on the new law in the op-ed, Ending Life Sentence of Joblessness.

Portland Campaign for a Fair Chance for All
Coalition of organizations led by the Oregon AFL-CIO, Oregon Action, and the Urban League of Portland have launched a campaign in Portland to bar employers and landlords from asking applicants about their criminal records on applications. See article.

LITIGATION

U.S. Census Bureau Discrimination Class Action Certified
The class action lawsuit alleging the U.S. Census Bureau unlawfully screened out approximately 250,000 African-Americans from temporary jobs for the 2010 census was certified by a New York federal court on July 1st. The suit will move forward as a class action on behalf of African-American job applicants who were denied Census Bureau employment because of its criminal background check policy. Filed in April 2010, the lawsuit alleges that in hiring nearly a million temporary workers, most of whom went door to door seeking information from residents, the Census Bureau erected unreasonable hurdles for applicants with arrest records—regardless of whether the arrests were decades old, for minor charges, or led to criminal convictions. See press release.

FEDERAL

Congratulations to White House Honored Champions of Change
The White House honored local Champions of Change who are doing extraordinary work to facilitate employment opportunities for individuals formerly involved in the justice system. As Piper Kerman, author of the best-selling memoir Orange is the New Black, noted, "Getting a job is the single most important expectation for a person returning home from prison. Yet, policies and prejudices place that brass ring out of reach for too many." See article.

Sens. Cory Booker and Rand Paul team up for the REDEEM Act
The REDEEM Act would create a federal sealing pathway for certain offenses, automatically seal or expunge juvenile records, incentivize states to raise criminal responsibility to 18 years old, restrict room confinement of juveniles, lift SNAP and TANF bans on many people with drug offenses, and improve FBI background check accuracy. See Booker’s press release, see article, and an article reflecting on the REDEEM Act as an example of the “smart on crime” efforts of prominent conservatives.

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BAN THE BOX

My Brother’s Keeper Brings Ban the Box to Attention of Federal Officials
The movement to ban the box recently received another major boost when it was embraced by President Obama’s “My Brother’s Keeper” initiative. The President’s Task Force released its 90-day progress report, which lays out a comprehensive plan to address the racial and economic inequities that plague boys and young men of color, and recommends fair hiring policies such as ban the box. A delegation of PICO members shared their recommendation with members of the administration on June 6, though the meeting had to be moved from its initial location as a PICO delegate with a criminal record was denied access to the federal building. See story.

Los Angeles Mayor Supports Ban the Box Legislation
New fair hiring legislation introduced by Los Angeles City Councilmember Curren Price was celebrated by a rally on Friday, June 6. Speaking in support of the ordinance, Mayor Garcetti said, “We’ve seen a cycle of recidivism that we all collectively must break. A good job does that.” NELP’s Michelle Natividad Rodriguez also spoke at the rally, calling on LA to join the ban the box movement. Many leaders from LA Voice, a PICO affiliate, and All of Us or None were on hand to share their experiences and organizing for fair hiring processes. See story.

Illinois Bill to Ban the Box for Public and Private Employment Passed
In 2013, Illinois Governor Quinn signed an administrative order banning the box for state employment. In 2014, the Illinois legislature passed legislation to expand the policy to include public and private employers within the state. Governor Quinn is expected to sign the legislation in early July. See story.

FEDERAL

House GOP Members Criticize EEOC Guidance at Hearing
Labeling the 2012 bipartisan guidance a “job killer,” the House hearing failed to include any representatives from the EEOC. Read story. President and Director-Counsel for the NAACP LDF, Sherrilyn Ifill, presented testimony supporting the guidance as commendable and “consistent with the growing national and bipartisan consensus that we need to rethink our criminal reentry systems to ensure that millions of Americans who have a criminal record, but who have paid their debt to society and are qualified for work, are not unjustly denied the opportunity to reintegrate back into society by the misuse of criminal background checks. Testimony here.
Criminal Background Checks Draw Criticism
Sharing stories of clients denied employment because of convictions for littering and making a loud noise, Sharon Dietrich of Community Legal Services of Philadelphia highlights the need for fair hiring laws and strong enforcement. See story. Sharon’s assessment is supported by Marilyn Scales’ experience. A VOCAL-NY leader, Scales shares her story of continually being denied employment long after her conviction and calls on other cities and states to join the movement to ban the box. See story.

*Criminal Records Bulletin Archive for 2014 available [here](#), 2013 is available [here](#), and 2012 is available [here](#).*
NELP Criminal Records Bulletin May 2014

NELP Op-ed: Crossing Party Lines to Eliminate Stigma of Criminal Record
“It’s rare that Sen. Rand Paul and Attorney General Eric Holder can find common ground on anything, but on the issue of criminal-justice reform, the tea-party leader is on the same page as our highest law-enforcement officer. Already, liberals and conservatives in Congress have made reform of excessive mandatory sentencing and other crime-control measures a top priority.” See op-ed.

NELP Webinar on Launching Fair Chance - Ban the Box Campaigns
On May 13th, NELP staff introduced the Fair Chance – Ban the Box toolkit in a webinar to help advocates launch their own fair chance, “ban the box” campaigns locally. Check out the new, comprehensive toolkit at www.nelp.org/banthebox and provide feedback to either Michelle or Madeline. You’ll find NELP’s Fair Chance Factsheet, Best Practices and Model Policies, Research Summary, City and County Guide, the latest State Guide, and many other resources.

Coming Up: New Southern Strategy Coalition Webinar
Register for the June 3rd webinar at 12pm EDT with New Southern Strategy Coalition members, who will focus on ban the box efforts in the South.

BAN THE BOX

Delaware is 12th State to Ban the Box, Local Michigan Wins and More
On May 8th, Delaware Governor Markell signed statewide “ban the box” legislation. In addition, both Genesee County and Ann Arbor unanimously adopted policies removing conviction questions from government job applications. Baltimore City Council approved a measure and the NYC Fair Chance Act was introduced—both apply to private employers. See press release. Most recently, Rochester, NY City Council agreed unanimously to pass an ordinance applying to private employers. See news story. Strong legislative efforts to expand to the private sector continue in New Jersey, Illinois, and D.C.

States, Cities “Ban the Box” in Hiring
When Dwyane Jordan got busted four years ago on felony drug-peddling charges, he was thankful to get probation and addiction treatment rather than prison time. What he didn’t bargain for was the haunting effect that being branded a felon would have on his ability to lawfully earn a living—a burden he shares with roughly 70 million U.S. adults who have criminal records. “It reminds me of ‘The Scarlet Letter,’” said Jordan, 43, of Washington, D.C. See story.
REPORTS & ARTICLES

Bed Bath & Beyond Ends Ban on Applicants with Criminal Records
Bed Bath & Beyond Inc. agreed to stop automatically rejecting job applicants with criminal records and to evaluate individual situations as New York’s attorney general expanded a crackdown on discrimination against people with records. Last month, the AG reached settlements with four of the country’s largest job applicant background check companies, HireRight Inc., First Advantage, General Information Services Inc. and Sterling Infosystems. See article.

Cornell Brooks of NJISJ Named to Lead NAACP
Cornell Brooks, President and CEO of the New Jersey Institute for Social Justice, a leader in the ban-the-box effort in New Jersey with the Opportunity to Compete Act, has been selected as the NAACP’s new president. Congratulations! See article.

Criminal Records Bulletin Archive for 2014 available here and 2013 is available here.
NELP Criminal Records Bulletin April 2014

NELP Releases Comprehensive Fair Chance / Ban the Box Online Toolkit

Pulling together information on starting and winning fair chance campaigns, best practices for city and state policies, new research, and tips on using media, NELP’s new toolkit provides a step-by-step guide for creating fair chance policies. We encourage you to check out the new on-line toolkit at www.nelp.org/banthebox and provide feedback to either Michelle or Madeline.

Join NELP for a Webinar on Creating and Winning Fair Chance Campaigns

To launch our new toolkit, we will be hosting a webinar on Tuesday, May 13, at 10 am PT / 1 pm ET. Invitations will follow shortly.

Using examples from two recent victories (California’s statewide law that applies to public employment and San Francisco’s Fair Chance Ordinance which applies to private employers and affordable housing), and one recently launched campaign in a major city, NELP staff will introduce the toolkit and explain the tools we’re providing. New research and materials for fair chance campaigns will be presented and explained. This webinar is a chance for seasoned advocates and policymakers as well as new organizers to learn best practices, strategize responses to common opposition, and be introduced to ready-to-use materials.

BAN THE BOX

Nebraska is First Red State to Ban the Box

Last week Nebraska Governor Dave Heineman signed a significant criminal justice reform bill that includes a “ban the box” fair-hiring provision, making Nebraska the 11th state to ban the box. The bill, which aims to reduce the prison population while improving public safety, passed the legislature 46-0. Read press release.

Georgia Governor Announces Intent to Ban the Box

After signing legislation to help the formerly incarcerated get back to work, Georgia Governor Nathan Deal pledged to issue an executive order to ban the box and ensure job applicants with records have a fair chance to be judged on their merits, not just their records. The governor’s spokesperson told the Times-Herald, “The governor will implement ban the box on the state level, and hope that the private sector follows suit. This will afford those with blemishes on their record a shot at a good job, which is key to preventing a return to crime.” See article.
Alexandria, VA City Manager Bans the Box

Encouraged by a state bill, Alexandria, VA’s City Manager Rashad Young instructed city agencies to stop requesting conviction information on job applications. Young says the move “just makes good public policy.” See article.

Mississippi Passes "Anti-Ban-the-Box"

As part of a package of bills aimed at maintaining Mississippi’s status as “Right to Work” state, Governor Bryant signed a bill prohibiting localities in Mississippi from creating ordinances that create requirements, regulations, processes or prohibitions impacting employers’ right to gather information about job applicants’ conviction history. See Senate Bill 2689.

Louisville, KY City Council Unanimously Passes Ban the Box

Last month, the Louisville Metro Council voted 26-0 in favor of a new law removing the conviction question from job applications for the city and many of its 26,000 vendors. The mayor praised the ordinance as “compassionate legislation” and quickly signed. See press release.

REPORTS

Survey by Background Check Company Shows Lack of FCRA Compliance

According to a recent survey of nearly 600 employers, 8 percent automatically disqualify job applicants merely for checking the “box” indicating a conviction history and nearly 40 percent do not provide pre-adverse action notices to prospective employees. 64 percent of the surveyed employers assert they provide individualized assessments. See articles here and here. Obtain copy of the report here.

Criminal Records Bulletin Archive for 2014 available here and 2013 is available here.
NELP Criminal Records Bulletin March 2014

FEDERAL

Nominate a White House Champion of Change for Expanding Reentry Employment Opportunities

See the White House blog for more information; the deadline for nominations is Friday, April 4, 2014 at noon.

EEOC and FTC Offer Joint Tips on Use of Employment Background Checks

The U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Federal Trade Commission (FTC) co-published two technical assistance documents that explain how the agencies’ respective laws apply to background checks performed for employment purposes. One document is for employers; the other is for job applicants and employees. This is the first time that the two agencies have partnered to create resources addressing concerns in this area. See Background Checks: What Employers Need to Know and Background Checks: What Job Applicants and Employees Should Know.

STATE

Background Check Agencies Settle with NY Attorney General

New York Attorney General Eric Schneiderman announced that his office secured agreements with four background check agencies to resolve allegations they illegally disqualified job seekers. HireRight Inc., First Advantage, General Information Services Inc. and Sterling Infosystems allegedly followed instructions provided by employers to automatically disqualify job applicants based on the information contained in a criminal background report. See article.

BAN THE BOX

NELP Highlights Ban the Box Wins in South and Bipartisan Victories

“In less than 15 years since the first ‘ban the box’ bill was passed, jurisdictions in every region of the country have enacted this common-sense policy to help those with criminal records access the jobs they need to regain self-sufficiency and a sense of purpose,” said Christine Owens, executive director of the National Employment Law Project. See press release. See article about recent efforts in Charlottesville, Virginia.
Indianapolis, IN and Louisville, KY Ban the Box Wins for City and Vendors

The Indianapolis City-County Council passed an ordinance that prohibits the city and contractors from asking about convictions, with 26-2 in favor in late February. See article. The Louisville Metro Council voted 26-0 in favor of a new law removing the conviction question from job applications for the city and many of its 26,000 vendors. The bipartisan victory in Louisville was praised as “compassionate legislation” by the mayor. See article and news report.

Charlotte NC’s City Manager Bans the Box for City Jobs

Charlotte City Manager Ron Carlee officially "banned the box" in late February. The city's human resources director, Cheryl Brown, says Carlee decided to remove the question after a year-long campaign led by the Charlotte School of Law's Civil Rights Clinic. Brown says, "We haven't in any way lowered the standards by removing any of those steps" and she expects the number of applications for city jobs to increase. See article.

Baltimore Sun Endorses Ban the Box for Private Employers

The Baltimore City Council had an initial vote to ban the box that would prohibit employers from asking about a job applicant's criminal record before conducting an initial interview. The Baltimore Sun endorsed the bill, which could greatly benefit efforts to reduce unemployment in the city. See editorial.

City of Omaha Mayor Declares Support for Ban the Box in City Address

The City of Omaha has been a supporter of the Nebraska state ban the box legislation. Recently, Rep. Mayor Jean Stothert committed to ban the box for the city in her state of city address. See article.

Florida State Ban the Box Bill Introduced

SB234 Discrimination in Employment Screening, introduced by Sen. Jeff Clemens, a Democrat from the Palm Beach County area, would prohibit employers from inquiring into a jobseeker’s criminal record on an initial employment application, unless required by law. See article.

UK Campaign Makes Strides in Urging Businesses to Ban the Box

The organization Business in the Community continues its campaign to urge UK employers to Ban the Box. BITC has a series of creative and effective ads reaching the business community. See “skip ad” video and praise for the print campaign. List of UK businesses that have banned the box through the campaign are here.
Mass Incarceration: The Whole Pie—A Visual of People Locked Up in U.S.

While the numbers in each slice of this pie chart represent a snapshot cross section of the correctional system, the enormous churn in and out of our confinement facilities underscores how naive it is to conceive of prisons as separate from the rest of our society. In addition to the 688,000 people released from prisons each year, almost 12 million people cycle through local jails each year. Most of the 722,000 people in local jails have not been convicted and are in jail because they are either too poor to make bail and are being held before trial, or because they’ve just been arrested and will make bail. The remainder of the people in jail are serving time for minor offenses. See Prison Policy Initiative briefing.

Young Women of Color with Criminal Records: Barrier to Economic Stability

Over the past few years, young women of color have been represented at a disproportionately high rate among clients coming to Community Legal Services (CLS) for help with barriers to employment caused by criminal records. This is particularly notable, given the focus in this area on men. Data from CLS’s legal practice, as well as local and national data and research, shed some light on this troubling dynamic and what can be done to better connect these young women with employment opportunities. See report.

Assessment of Consequences of Imprisonment for Employment of Women

In this three-year study of the impact of a prison record on gaining employment for women, researchers found differences by race/ethnicity with Blacks and Hispanics faring worse than whites. A prison record had a dampening effect on job prospects, particularly in the low-skill food service sector. Employers expressed preferences for hiring people with no prior criminal justice contact. Employers associated prior prison time with tardiness and inability to get along with co-workers. See report.

Criminal Records Bulletin Archive for 2014 available here and 2013 is available here.
Op-Ed: ‘Ban the Box’ Fair Hiring Policies Take Hold Around the Nation

Ten years ago, the grassroots civil rights organization, All of Us or None, came up with a simple idea to ease hiring barriers that shut out so many people with criminal records from jobs. Today, more than 100 million Americans – roughly one-third of the U.S. population – now live in a jurisdiction with ban-the-box. As successful public-sector efforts pave the way in the private sector, we’re moving closer to the day when all qualified job-seekers will have an opportunity to compete fairly for work. See op-ed by Michelle Natividad Rodriguez of NELP.

FEDERAL

DOL Announces $30M in Training to Work – Adult Reentry Grants

“We are nation that believes in second chances,” DOL Secretary Perez said in an announcement of the department’s new $30 million in Training to work grant competition. The funding will help men and women participating in prison work-release programs gain the necessary job skills to successfully transition to in-demand jobs when they return to their communities. See press release.

President Obama Launches “My Brother’s Keeper”

“My Brother’s Keeper,” a new program launched by the Obama Administration, will bring foundations and businesses together to test a range of strategies to help young men of color succeed in school and avoid the criminal justice system. See article.

Consequences of a Prison Record for Employment: How Do Race, Ethnicity & Gender Factor In?

On February 26th at 10:30 a.m., join a conversation with Eric Decker, Professor at Arizona State University discussing the negative impact of a prison record on a person’s ability to find employment. The event will be held at the Office of Justice Programs, 3rd Floor Ballroom. For more information and to RSVP, please contact Ted Robinson at Theodore.D.Robinson@ojp.usdoj.gov.
STATE

Utah Bill to Limit Release of Non-Conviction Arrest Information Passes House

Legislation offered by Utah Sen. Bramble (R-Provo) and Rep. McKell (R-Spanish Fork) that limits the information released by the State Criminal Investigations and Technical Services Division for criminal background checks has passed the House and will be considered by the Senate. The bill prohibits the release of criminal history information for an employment background check if the information relates to charges that have been declined for prosecution, dismissed, or for which a person has been acquitted. See S.B. 145.

DC Metro Criminal Background Check Policy Under Scrutiny

DC Councilmember, mayoral candidate, and Metro board member Muriel Bowser held a Council committee hearing this week on Metro’s criminal background check policy. Metro’s policy, revised in 2011, has been called “totally unfair and unreasonable” by the Amalgamated Transit Union Local 689 and is being contested by workers represented by the NAACP Legal Defense and Education Fund. Councilmember Bowser has introduced a resolution to change Metro’s policy. See article.

BAN THE BOX

San Francisco Fair Chance Ordinance Passed Unanimously

On February 4, the San Francisco Board of Supervisors voted unanimously to expand the City’s ban the box policy to include private employers and some housing providers. See article.

Dane County, Wisconsin Bans the Box

Dane County Executive Joe Parisi quickly and effectively banned the box after conversations with local faith organizations. A prior state legislator, Parisi had introduced a state bill in 2009 that did not gain traction. “‘We don’t have to condone what they did to get in trouble, but I, personally, want people who’ve served their debt to society to get back into the workforce,’ Parisi said. ‘The alternative is not good for the person or society.’” See article.

New Castle County, Delaware Bans the Box

Joining Wilmington and in advance of a State bill that has passed the House, New Castle County Executive Tom Gordon has issued an order banning the box for non-uniformed county employment. The county will now conduct background checks only on those applicants who have been given a conditional offer of employment. See article.
Nebraska Introduces Ban the Box Legislation

Responding to constituents who filled the State Capitol, Nebraska State Senator Avery introduced a bill to ban the box for public employment. See article and LB 932.

DC Ordinance Introduced to Expand Ban the Box Policy

DC Councilmember and mayoral candidate Tommy Wells has introduced legislation to expand the City’s ban the box policy to private employers. See article.

Georgia Council on Criminal Justice Reform Recommends Ban the Box

The Georgia Council on Criminal Justice Reform, a statutorily created body, released a recent report on improving prisoner reentry in the state. Among the recommendations are increased job development and supportive employment, as well as banning the box. In the past the Governor has implemented the Council’s recommendations. There is hope that Georgia may be the next state to ban the box. See report.

A Growing Movement

The movement to ban the box continues to garner national press attention, including articles at Think Progress, the Daily Kos, and BloombergBusinessWeek.

REPORTS & ARTICLES

No Significant Connection Between California’s Realignment and Crime Increase

In 2011, California adopted a Public Safety Realignment policy whereby counties assumed responsibility for individuals convicted of low-level, nonviolent, non-sexual offenses who otherwise might have been sent to state prison. In 2012 the State experienced a slight increase in crime rates. A new report by the Center on Juvenile and Criminal Justice (CJCJ) finds “no conclusive trends demonstrating a causal relationship between Realignment and crime.” See report.

From Tough on Crime to Smart on Crime: What Works

For three years in a row, the population of America’s prisons has inched down. Efforts to move from tough of crime to smart on crime raise the question: What are the alternatives? Included in several promising strategies for reducing criminal justice involvement and increasing public safety are ban the box reforms and reducing unnecessary licensing restrictions. See op ed.
My View: A Former Alexandria, VA Police Officer Discusses Second Chances

Burke Brownfeld, a former Alexandria police officer and current member of the Economic Opportunities Council in the City, has written a three part series on the economic impacts of involvement with the criminal justice system. See his articles from January 31, February 6, and February 17.

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Op-Ed: Honor Dr. King by Helping People Get Work

In a 1968 sermon delivered just days before his assassination, Martin Luther King, Jr. proclaimed: “If a man doesn’t have a job or income, he has neither life nor liberty nor the possibility of the pursuit of happiness. He merely exists.” Today, far too many Americans are denied employment—and the economic security and fulfillment it brings—for the simple fact that they have an arrest or conviction in their past. See op-ed by Madeline Neighly of NELP and Jonathan Smith of NAACP LDF.

FEDERAL

Congress Eliminating Juvenile Accountability Block Grants to States

In its massive federal appropriations bill being approved this week, Congress is killing a longstanding U.S. Justice Department program to help improve state and local juvenile justice systems—the Juvenile Accountability Block Grants (JABG). The action continues a trend of reducing federal aid for juvenile justice projects. See post.

BAN THE BOX

Delaware Should Ban the Box

In Delaware, more than two-thirds of the men and women released from prison end up back there within three years. Without a stable job, without regular income, a person who has committed a crime before is more likely to do so again. That is why everyone who is willing should have an equal chance to seek an honest living. House Bill 167 would prevent most public agencies in Delaware from requiring job applicants to disclose criminal history information when moving through the early steps of the hiring process. See op-ed from Rep. James “JJ” Johnson, sponsor of the bill. HB 167 was reported out of committee on Jan. 15th.

Ban the Box Campaign Pushed by Formerly Incarcerated People

Georgia’s most populous county is the latest local government looking at removing the check-box from job applications. Organizer Marilynn Winn for the workplace advocacy group 9to5, gained the agreement of Fulton County Commission Chairman John Eaves to support the measure. She was also instrumental in the city of Atlanta’s decision to ban the box from its job applications. See article.
A Growing Movement

In San Francisco, Louisville, and Indianapolis, lawmakers are considering ban the box legislation. In Indianapolis, city councilman Vop Osili plans to introduce a "Ban the Box" initiative on Jan. 27 that would prohibit the city and its vendors from asking about job candidates' criminal backgrounds until after the first interview. If the ordinance passes, instead of costing taxpayers the $30,000 required to keep a person in jail for a year, a person with a record could be contributing income and property taxes, Osili says. See article.

Launch of Virginia Ban the Box Bill

Senator Don McEachin (9th District) and Delegate Rob Krupicka (45th District) held a press conference on Jan. 17th to discuss their “Ban the Box” legislation (SB250, HB892); bills that would prohibit state agencies from inquiring about criminal history on employment applications. See press release and news story. See op-ed in support by former police officer.

Need to Ramp Up Enforcement of Ban the Box

More than two years later after passing ban the box in Philadelphia for private employers, advocates for people with records are questioning the results. Brendan Lynch, an employment lawyer at Community Legal Services, estimates that hundreds of employers are likely breaking the ban-the-box law. Lynch argues that Mayor Michael Nutter should appoint a committee to oversee the law, as City Council recommended in 2011. He also said that the Commission on Human Relations needs more resources to aggressively enforce the law. See article.

REPORT

Nearly Half of Black Men and 40 Percent of White Males Arrested by Age 23

A large number of American men have already been arrested by the time they're in their early 20s, according to a new report. The study, published in the journal Crime & Delinquency on Jan. 6th, found that nearly half (49 percent) of African-American men and 40 percent of white men have been arrested by the age of 23, "which can hurt their ability to find work, go to school and participate fully in their communities," according to a press release. See article.