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Good afternoon Chairman Cummings, Chairman Raskin, Ranking Member Jordan, and members of the committee.

Thank you for the opportunity to testify today regarding some of the barriers that millions of formerly incarcerated and directly impacted people are forced to confront. There is an unquestionable need for Congress and for every jurisdiction in this country to eliminate these unjustifiable and unnecessary barriers, and there are steps you could take to help achieve that goal - including the passage of H.R. 1076, the *Fair Chance to Compete for Jobs Act of 2019* (*Fair Chance Act*). My testimony is informed not just by the voluminous research on this topic, but also by my own lived experience as a formerly incarcerated woman, advocate, and business entrepreneur. In submitting this testimony, there are three key points I hope to convey.

Successfully transitioning away from and out of the criminal legal system requires systemic transformation centered on fair, equitable access to opportunities to meet myriad human needs, primary among them stable employment that pays a living wage. In its 2016 report, the Federal Interagency Reentry Council reminded us that holistic and sustainable reentry must include access to employment that pays a living wage and is crucial for ensuring that people are able to actually move away from the criminal legal system. They found that even a relatively short period of stability can have enduring, positive consequences for a person's post-incarceration trajectory.¹ Furthermore, the Council of State Governments notes that maintaining a job and job stability over a prolonged period of time reduce one's chances of being justice involved.²

Access to stable employment opportunities for directly impacted people requires implementation or expansion of *Ban the Box* and *Fair Chance Act* policies, immediately. Over seventy million people in the United States have a criminal record and more than nineteen million have a felony conviction.³ For the people who have been directly impacted by the criminal legal system, there are at least forty-six thousand laws or regulations at the state and federal level that extend a person's punishment by creating impermissible barriers

¹ Lynch, L. and Muñoz, C. (Eds.) (2016). *The Federal Interagency Reentry Council: A Record of Progress and Roadmap for the Future*. Washington, D.C.: United States Department of Justice.

² Duran, L., Plotkin, M., and Potter, P. (2013). *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness*. New York, NY: Council of State Governments Justice Center; Visher, C., Debus, S., and Yahner, J. (2008). *Employment After Prison: A Longitudinal Study of Releasees in Three States*. Washington, D.C.: Urban Institute; Sampson, R. and Laub., J. (1993). *Crime in the Making: Pathways and Turning Points Through Life*. Cambridge, MA: Harvard University Press.

³ Avery, B., Ensellem, M., and Hernandez, P. (2018). *Fair Chance Licensing Reform*. New York, NY: National Employment Law Project.

to reentry, and approximately 60% to 70% of those laws limit a person's ability to access employment.⁴ Even beyond these laws, employers have a well-recognized reluctance to offer opportunities to formerly incarcerated people,⁵ and the impacts of this are disproportionately inflicted on Black and brown people.⁶ Federal government action to eradicate these harms would build on the exceptional bi-partisan movement of reform in the states and send an important message to public and private employers across this country. States including Georgia, Tennessee, Ohio and New Jersey have passed *Ban the Box* laws when Republican governors held the governorship and in some cases, such as New Jersey, have passed laws that prohibited private employers from including criminal conviction questions on applications.⁷ Now, by passing *The Fair Chance Act*, the federal government can build upon the bipartisan momentum that has occurred in the 33 states and over 150 local jurisdictions that have enacted *Ban the Box* ordinances, together covering over one half of the nation's workforce.⁸ It is long past time for the federal government to codify these protections in federal law.

Understanding and centering the lived experience of directly impacted people is vital for successful reform. Today, I am representing JustLeadershipUSA, an organization founded on the idea that those closest to the problem are closest to the solution, but furthest from resources and power.⁹ The people who have been directly impacted by the criminal legal system are the people who are most often ignored and overlooked in the halls of power, but we are the people whose experience makes us the leading experts on what we must do to end these problems without creating other harmful, even if unintended, consequences in the process.

⁴ Malcolm, J. and Seibler, J.M. (2017). *Collateral Consequences: Protecting Public Safety or Encouraging Recidivism?* Washington, D.C.: The Heritage Foundation.

⁵ Lynch, L. and Muñoz, C. (Eds.) (2016). *The Federal Interagency Reentry Council: A Record of Progress and Roadmap for the Future*. Washington, D.C.: United States Department of Justice. Citing: Albright, S. and Denq, F. (1996). *Employer Attitudes Toward Hiring Ex-Offenders*; Giguere, R. and Dundes, L. (2002). *Help Wanted: A Survey of Employer Concerns about Hiring Ex-Convicts*; Holzer, H., Raphael, S., and Stoll, M. (2004). *The Effect of an Applicant's Criminal History on Employer Hiring Decisions and Screening Practices: Evidence from Los Angeles*; and Pager, D. (2007). *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*.

⁶ Lyons, C., Pettit, B. (2011). *Compounded Disadvantage: Race, Incarceration, and Wage Growth*. Oxford, U.K.: Oxford University Press on behalf of The Society for the Study of Social Problems.

⁷ Ensellem, M. and Natividad Rodriguez, M. (2015). *Advancing a Federal Fair Chance Hiring Agenda*. New York, NY: National Employment Law Project.

⁸ Avery, B. and Hernandez, P. (2018). *Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies*. New York, NY: National Employment Law Project.

⁹ <http://www.justleadershipusa.org> (organization website)

People's Success Post-conviction Requires Access to Stable Employment

There is an unprecedented bipartisan consensus that we must make a concerted effort to reform the modern criminal legal system and work to undo the damage that it has caused for decades.¹⁰ However, as we come to agreement on the question of *what* reform is needed, recent divergence of opinion on reforms such as the FIRST STEP Act reminds us that we must conscientiously grapple with *how* that reform should take place.¹¹

To begin, let us acknowledge this fact: successful and holistic reentry, which includes and prioritizes access to basic human needs - such as housing, healthcare, education, and employment - is vital for people attempting to transition away from and out of the criminal legal system.¹²

There is an unmistakable urgency to addressing this issue. Today, two-plus million people in this country are incarcerated in local, state, or federal facilities. Another four-plus million people are under some form of correctional supervision. The decisions this committee and Congress make regarding this legislation will impact nearly 7 million people's ability to prosper as part of the workforce in their community.¹³ There has been growing emphasis on the need to reduce incarceration, but we must also remove the myriad discriminatory barriers that obstruct formerly incarcerated and convicted people's ability to thrive.

The lack of concrete Congressional action thus far is especially alarming considering that at least 8% of working-age people in our country are labeled by others as "ex-felons," meaning that nearly one-in-ten of the people who are in our workforce have their access to employment impeded by the stigma of justice involvement.¹⁴ Among the Black male population, 33% of

¹⁰ Khan, S. (2016). *Criminal Justice Reform: A Rare Area of Bipartisan Consensus*. Berkeley, CA: Berkeley Political Review.

¹¹ Lopez, G. (2018). *The First Step Act, Congress's Criminal Justice Reform Bill, Explained*. (2018) Vox.com

¹² Bowman, S. and Travis, R. (2012). *Prisoner Reentry and Recidivism According to the Formerly Incarcerated and Reentry Service Providers: A Verbal Behavior Approach*. San Marcos, TX: School of Criminal Justice at Texas State University; Bouffard, J. and Bergseth, K. (2008). *The Impact of Reentry Services on Juvenile Offenders' Recidivism*. Greenbelt, MD: Youth Violence and Juvenile Justice.

¹³ Jacobson, M. and Schiraldi, V. (2017). *Less is More: How Reducing Probation Populations can Improve Outcomes*. Cambridge, MA: John F. Kennedy School of Government at Harvard University.

¹⁴ Pager, D. (2003). *The Mark of a Criminal Record*. Chicago, IL: Northwestern University; Jacobson, M. and Schiraldi, V. (2017). *Less is More: How Reducing Probation Populations can Improve Outcomes*. Cambridge, MA: John F. Kennedy School of Government at Harvard University.

people have a felony conviction.¹⁵ Additionally, young Black men are ten times more likely than their white counterparts to have been incarcerated, and Black men who do not have a high school education have a 50% chance of being incarcerated in their lifetime.¹⁶

The problem is not confined to the Black community. This nation has 5% of the world's population and over 20% of the world's incarcerated population. The prison population grew by 408% between 1978 and 2014.¹⁷ Nearly every single person in this country is disproportionately impacted by the policies that drive mass incarceration. Half of the adults in the United States have an immediate family member who has been incarcerated.¹⁸

This ever-widening net of mass incarceration has worsened the lives of low-income and working people in this country, as the extralegal consequences that stem from incarceration - colloquially known as "collateral" consequences - serve only to exacerbate and deepen the structural racism that defines the origins and current machinations of the criminal legal system.¹⁹ Anything short of fully and forcefully removing these barriers is an expression of your tacit approval of the fact that we, as a nation, believe that there are some people who are worthy of opportunities for growth and transformation, and many who are not.

JustLeadershipUSA is well aware that permanent decarceration cannot and will not occur without eradicating the forty-six thousand barriers to basic livelihood that people face when coming home. A campaign to achieve that goal - conceived of and led by directly impacted advocates across the nation - is working to address broader structural inequities that our current legal system perpetuates by insisting on the restoration of rights and human dignity for people with convictions. The organization's *Bill of Rights for Criminalized Workers* provides a roadmap to redress the harms inflicted on communities by decades of mass incarceration and acknowledges that, without access to meaningful employment, education, housing, and healing,

¹⁵ Shannon, S.K.S., Uggen, C., Schnittker, J. et al. (2017). *The Growth, Scope, and Spatial Distribution of People with Felony Records in the United States, 1948-2010*. (request to be cited as: Shannon, S.K.S., Uggen, C., Schnittker, J. et al. *Demography* (2017) 54: 1795. <https://doi.org/10.1007/s13524-017-0611-1>).

¹⁶ Pager, D. (2003). *The Mark of a Criminal Record*. Chicago, IL: Northwestern University; Pettit, B. and Western, B. (2001). "Inequality in Lifetime Risks of Imprisonment." Paper presented at the annual meetings of the American Sociological Association. Anaheim, August.

¹⁷ ACLU. (2017). *The Prison Crisis*. Online: <https://www.aclu.org/prison-crisis>; Liptak, A. (2008). *U.S. Prison Population Dwarfs that of Other Nations*. New York, NY: New York Times.

¹⁸ Watkins, E. (2018). *Report: Half of US adults have an immediate family member who has been in jail or prison*. CNN.

¹⁹ The Pew Charitable Trusts. (2010). *Collateral Costs: Incarceration's Effect on Economic Mobility*. Washington, DC: The Pew Charitable Trusts.

we, as a country, have not yet accepted the redemptive potential of our brothers, sisters, neighbors, and children.²⁰

This Congress has, therefore, not just an opportunity but an obligation to enact laws and promote policies that eliminate the barriers to successful reentry. From my own experience and from the experience of the thousands of formerly- and currently-incarcerated people that JustLeadershipUSA works with and learns from every day, I know that one of the tools to combat those barriers is to create, maintain, or strengthen the access that directly impacted people have to well-paying, stable employment opportunities.

According to recent analysis from the Prison Policy Institute, the unemployment rate for formerly incarcerated people is over 27% - exponentially higher than the national average.²¹ Additionally, on average, 60% of formerly incarcerated people are unemployed in the first full year after their release.²² This is especially infuriating and heartbreaking when you remember that, in many cases, the communities to which people return after incarceration are often the same communities that have suffered the most drastic forms of divestment, over-policing, and other erosive forces that limit what little opportunity may have otherwise existed.²³

Access to meaningful and fulfilling employment is essential to building the bridge between the situation millions of people face today and the future that they're owed - a 'second' chance after incarceration or what may be, for many, a first chance at having the resources needed to support themselves, their families, and their communities.²⁴ Simply put, the opportunity for employment is a core ingredient in the conglomeration of services and supports that directly impacted people and communities need.²⁵

²⁰ JustLeadershipUSA. (2018). *Bill of Rights for Criminalized Workers: The New Standard of Economic Justice*. New York, NY: JustLeadershipUSA. (Available at: <https://justleadershipusa.org/wp-content/uploads/2018/09/Bill-of-Rights-For-Formerly-Incarcerated-3.28.18-copy.pdf>).

²¹ Couloute, L. and Kopf, D. (2018). *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*. Northampton, MA: Prison Policy Initiative.

²² Craigie, T. (2017) *Employment After Incarceration: Ban the Box and Racial Discrimination*. Washington, D.C.: Brennan Center for Justice.

²³The Pew Charitable Trusts. (2010). *Collateral Costs: Incarceration's Effect on Economic Mobility*. Washington, DC: The Pew Charitable Trusts.

²⁴ Duran, L., Plotkin, M., and Potter, P. (2013). *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness*. New York, NY: Council of State Governments Justice Center; Rose., D. and Clear, T. (2001). *Incarceration, Reentry, and Social Capital: Social Networks in the Balance*. Washington, D.C.: United States Department of Health and Human Services.

²⁵ Duran, L., Plotkin, M., and Potter, P. (2013). *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness*. New York, NY: Council of State Governments Justice Center.

Let me make this unmistakably clear: while I do not speak for the entirety of the directly impacted community, I know that every single one of us would seize any opportunity we could - and are earnestly seeking more of those opportunities, especially employment - to escape the reach and shadow of the criminal legal system. But, far too often, our own motivation to succeed and move forward is outweighed and overpowered by Congress' and local governments' lack of motivation in supporting us in the process of reentry.

Beyond the lived experience I am able to share with you, research verifies that directly impacted people are among the most active job seekers and reliable employees.²⁶ Directly impacted people in the workforce tend to remain on the job longer, and those who are not in the workforce are generally more active than their non-impacted colleagues in seeking employment.²⁷ An increasing body of research shows that formerly incarcerated people are known to be dependable employees. Employers consistently rate the quality of their hires who have a criminal record as equal to or better than the quality of individuals hired without a record.²⁸ Employees with a criminal record are also less likely to leave the job voluntarily and more likely to have a longer tenure, and they are no more likely than people without records to be terminated involuntarily.²⁹

However, despite our best efforts, 56% of employers will not consider any applicant with a criminal record,³⁰ and having a criminal record results in 50% fewer callbacks from employers.³¹ To put things into even starker perspective, research shows that a white man with a criminal record actually has a better chance of landing gainful employment than a Black man without any record at all.³² Motivation is not our problem; the lack of opportunity is.

²⁶ Couloute, L. and Kopf, D. (2018). *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*. Northhampton, MA: Prison Policy Initiative.

²⁷ Minor, D., Persico, N., and Weiss, D. (2017). *Criminal Background and Job Performance*. SSRN: <https://ssrn.com/abstract=2851951> or <http://dx.doi.org/10.2139/ssrn.2851951>

²⁸ Society for Human Resources Management, Charles Koch Institute. (2018) *Workers with Criminal Records: A Survey by the Society for Human Resources Management and the Charles Koch Institute*. Arlington, VA: Charles Koch Institute.

²⁹ Minor D., Persico N., and Weiss, D. (2017). *Criminal Background and Job Performance*. (Available at: <http://bit.ly/2vJT5jR>).

³⁰ Pager, D. (2003). *The Mark of a Criminal Record*. Chicago, IL: Northwestern University.

³¹ Couloute, L. and Kopf, D. (2018). *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*. Northhampton, MA: Prison Policy Initiative.

³² Pager, D., Western, B., and Bonikowski, B. (2009). *Discrimination in a Low Wage Labor Market: A Field Experiment*. Thousand Oaks, CA: American Sociological Review.

***Ban the Box and Fair Chance Act Policies are Crucial Building Blocks
in Ensuring Access to Employment Opportunities
for Formerly Incarcerated People***

Ban the Box and *Fair Chance Act* policies, if thoroughly implemented for all employers in this country, could help create the necessary opportunities discussed earlier in my testimony. Implementing and codifying *Ban the Box* policies, such as the *Fair Chance Act* would do if enacted, permanently removes the question about an applicant's criminal record from the job application and delays the criminal background check, if one is needed at all, until after a conditional offer is made. This policy helps focus the hiring process on what matters most: **finding the best individual for the job in terms of skills, experience, and likelihood of success.** These policies expand the pool of qualified applicants and also spare allocating unnecessary effort and expense on applicants who are not the best fit for the job. The end result is an increasing number of employers satisfied with the hires they have made even when many of those individuals have a criminal history. Implementing *Ban the Box* policies can also have positive macroeconomic effects. Studies have shown that the United States loses nearly sixty-five billion dollars annually in gross domestic product due to the cost of employment losses among people with criminal records.³³

Ban the Box policies also work. A growing number of studies conducted over the past five years indicate these policies do achieve their intended goals. A recent analysis of the District of Columbia found that the city hired 33% more people with records after the 2014 *Ban the Box* law took effect. A study of Durham, North Carolina documented that hiring people with records increased seven-fold within four years after the law took effect.³⁴ A more recent study that tested the impact of public sector *Ban the Box* policies found that "*Ban the Box* policies increase the odds of public employment for those with convictions by close to 40%." The study also found no evidence of resultant statistical (racial) discrimination against young, low-skilled minority males - a factor that two other studies have identified, albeit due to questionable methodology, and therefore cite as a reason to end *Ban the Box* policies.

The two studies that question the effectiveness of *Ban the Box* policies document that these policies have a detrimental impact on young African-American men. The lead researcher for one

³³ Schmitt, J. and Warner, K. (2010). *Ex-offenders and the Labor Market*. Washington, D.C.: Center for Economic and Policy Research.

³⁴ Emsellem, M. and Avery, B. (2016). *Racial Profiling in Hiring: A Critique of New "Ban the Box" Studies*. New York, NY: National Employment Law Project.

of the studies, Jennifer Doleac, concludes that the policy should be abandoned because it “does more harm than good.”³⁵ I question this claim, as do many other academics, because these studies fail to account for the broader racial discrimination that continues to plague our country and hiring practices throughout it. As one review of the studies stated, “applying the economic theory of ‘statistical discrimination,’ which in this case documents employers’ racial stereotyping of African Americans as ‘criminals,’ the studies focus their criticism on the ban-the-box policy - not the racism that the policy exposes.”³⁶

These conclusions are drawn from preconceived notions of “Blackness” and criminality that are often weaponized to define us and leveraged to justify a biased outlook on reality. These conclusions are the product of an analysis totally lacking in the cultural, historical, and racial competency that is required for accurate data interpretation. In her study, Doleac uncovers that racism exists at nearly every stage of the job process. She assumes that this racism is caused not by centuries of structural inequity but, instead, by the implementation of *Ban the Box* policies.³⁷ *Ban the Box* exposes racism that exists at later stages in the job application process; it does not introduce racism as a concept when our applications are first considered.³⁸ But by relying on a reversal of causation, Doleac asserts that Black people are actually better off when the stigma of our criminal legal system involvement can be brought front-and-center and exposed in a job application process. She asserts that when this information is not accessible to employers, system impact is assumed and judgments and preconceived notions are inserted into an employer’s assessment of our application.

What is most striking about this argument is the inference it offers: for the few Black and brown people who have not been forced to endure the reach, harm, and trauma of system involvement, ending *Ban the Box* policies will help them because it will allow their comparative ‘goodness’ to shine when contrasted against the perceived criminality that accompanies a criminal record and that, for researchers like Doleac, defines everything about us, our potential, and our commitment to an employment opportunity.³⁹

³⁵ Doleac, J. (2016). *“Ban the box” Does More Harm Than Good*. Washington, D.C.: Brookings Institution.

³⁶ Emsellem, M. and Avery, B. (2016). *Racial Profiling in Hiring: A Critique of New “Ban the Box” Studies*. New York, NY: National Employment Law Project.

³⁷ Hernandez, P. (2017). *Ban-the-Box “Statistical Discrimination” Studies Draw the Wrong Conclusion*. New York, NY: National Employment Law Project.

³⁸ Hernandez, P. (2017). *Ban-the-Box “Statistical Discrimination” Studies Draw the Wrong Conclusion*. New York, NY: National Employment Law Project; Emsellem, M. and Avery, B. (2016). *Racial Profiling in Hiring: A Critique of New “Ban the Box” Studies*. New York, NY: National Employment Law Project.

³⁹ Emsellem, M. and Avery, B. (2016). *Racial Profiling in Hiring: A Critique of New “Ban the Box” Studies*. New York, NY: National Employment Law Project.

Not only is this demonstrably untrue, as most Black applicants fare worse than our white counterparts regardless of whether or not we have ever been involved in the criminal legal system, but also it speaks to the power of implicit racism that we have tolerated for far too long and that has enabled the permanency of systemic barriers that prevent all Black and brown people from having access to the same opportunities as white people in the United States.⁴⁰

When cultural awareness is integrated into an analytical approach, the results speak for themselves: in some areas of this country, there has been a nearly 300% increase in the amount of applicants with criminal records who receive a call-back interview when *Ban the Box* policies were implemented.⁴¹ The significance of a callback is magnified when you recognize that being able to proceed past that part of a job application process has a demonstrably positive impact on a person's likelihood of landing that job.⁴² This is further verification of the fact that *Ban the Box* policies are not a panacea, but rather are a gateway into opportunities that are currently inaccessible or unobtainable.

While not enough on their own, *Ban the Box* and the *Fair Chance Act* are crucial components of creating a racially just and equitable employment situation for the millions of Black and brown people who have a criminal record. These policies are an integral part of comprehensive and unapologetically bold criminal justice reform that will be necessary to undo the centuries of racist, myopic, and erroneous policies, many enacted in this body. Moreover, the *Fair Chance Act* and a requirement for all public sector and federal contract employers to *Ban the Box* in their application processes will open up job opportunities for formerly incarcerated people who might otherwise steer clear of potential opportunity for fear of how the stigma of justice involvement will set them back not just in that application, but in their overall journey home.⁴³

⁴⁰ Pager, D., Western, B., and Bonikoswki, B. (2009). *Discrimination in a Low Wage Labor Market: A Field Experiment*. Thousand Oaks, CA: American Sociological Review; Jacobson, M. and Schiraldi, V. (2017). *Less is More: How Reducing Probation Populations can Improve Outcomes*. Cambridge, MA: John F. Kennedy School of Government at Harvard University.

⁴¹ Atkinson, D. and Lockwood, K., (2014). The Benefits of Ban the Box: A Case Study of Durham, NC," The Southern Coalition for Social Justice.

⁴² Pager, D. (2003). *The Mark of a Criminal Record*. Chicago, IL: Northwestern University; Fahey, J., Roberts, C., and Engel, L. (2006). *Employment of Ex-Offenders: Employer Perspectives*. Boston, MA: Crime & Justice Institute.

⁴³ Hernandez, P. (2017). *Ban-the-Box "Statistical Discrimination" Studies Draw the Wrong Conclusion*. New York, NY: National Employment Law Project; Emsellem, M. and Avery, B. (2016). *Racial Profiling in Hiring: A Critique of New "Ban the Box" Studies*. New York, NY: National Employment Law Project. Rainsford, W. (2016). *No, 'Ban-the-Box' Does Not Worsen Racial Inequality*.

I am the first to acknowledge that *Ban the Box* policies, on their own, will *not* solve every problem or eliminate every hurdle that we face when coming back to our communities. Moreover, these policies will not eradicate pervasive racism that exists in our employment systems. But these policies do work as the research cited above indicates. The *Ban the Box* movement was founded as a rallying cry to raise consciousness of the plight of millions of people struggling to gain a foothold in the workforce because of a past record. *Ban the Box* policies are one of the first rungs on a ladder leading towards equal, equitable hiring practices that are free from all racial and other discriminatory practices. We should not and cannot end them.

Additionally, remember that what the federal government does - particularly in criminal justice reform - sets an example that states and local jurisdictions will follow.⁴⁴ This bill is essential in that it would codify existing policy that applies to the federal workforce under the regulations adopted by the Office of Personnel Management. What you do here, on this issue and with this legislation, will also set the stage for what other policymakers do to tear down other barriers to successful reentry and gainful employment. However, even while it may serve as an example for states that have yet to act, it is long overdue given that 33 states and over 150 local jurisdictions across this country have already enacted *Ban the Box* policies. Significantly, 11 states and over a dozen major cities have specifically extended these policies to most private sector employers, covering roughly one-third of the nation's workforce. Thus, the federal contractor community, which is made up disproportionately of large, multi-state employers, is already operating under a ban the box law that extends to their workforce. They have not let your delay impede their own progress, and we cannot wait any longer for you to act.

**Understanding the lived experience of formerly
incarcerated people is vital for successful reform**

A growing body of evidence coupled with the bipartisan passage of *Ban the Box* policies throughout the country attests to the effectiveness and importance of passing and implementing fair chance hiring policies. But the lived experience of those of us who have felt, first hand, the discrimination a conviction carries with it is the most important perspective for understanding why these policies must become the norm. My voice is one of many that you need to hear, but my story is one that speaks to and humanizes the barriers that formerly incarcerated and

⁴⁴ Pantazi, A., and Conarck, B. (2019). *Florida First Step Act promises moderate reforms to prison system*. Gainesville, FL: The Gainesville Sun.

directly impacted people confront daily, and how fair chance hiring practices can alleviate some of these barriers.

On August the 3rd, 2011 I was released from Alderson Federal Prison Camp. My next stop was Fairview halfway house in Washington, D.C. I had imagined this day for the entire four years and eight months that I sat in prison serving a 70-month federal prison sentence for a first-time white collar, non-violent sentence.

I went to prison mid-way through my professional career at the age of 44 years old. Up until my incarceration I worked as a human resources professional and a social entrepreneur.

Consequently, I was confident that I could return and be a valuable asset in any place of work. I also knew two things: first, obtaining and maintaining employment was going to be key to my successfully returning home and my full participation in society. Second: as a person with prior human resources experience, I was fully aware of how challenging it was going to be to overcome the stigmatization wrought by my conviction when attempting to find work. I went into prison knowing that the question of one's conviction was too often used to disqualify otherwise talented applicants well before they had the opportunity to compete for a position. I was determined to not let that happen.

I also knew that while my skill set was unique, my desire to return home and contribute to society was not: each and every one of the women I was incarcerated with had that same aspiration. But each would face the same discrimination that I would face, as well, shortly after coming home.

Nine months before I left prison, I was offered a two-year employment opportunity by a friend. After my release I started working at the job. While I had been absent from the workforce for nearly five years, I knew I could manage. I thrived. At the same time, I was also fully committed to launching my own nonprofit, alongside my daughter, that would help people with criminal records pursue entrepreneurship. The reality as I saw was that, given the level of employment discrimination for people with records, entrepreneurship often presented a unique opportunity for people to enter the workforce and feed their families. I knew in my heart of hearts that I was going to be an entrepreneur again.

As I was starting the non-profit, I needed to continue to work part-time to generate income. I was fortunate enough to have a network to reach out to about my plans, and a friend quickly responded with a potential opportunity that would allow me to work from home and simultaneously focus on my new nonprofit, named Mission:Launch.

I was extremely qualified for the position, I had a glowing recommendation from my previous employer, and I was excited for a new opportunity. This was a job I could do. It paid just slightly above minimum wage - a pay cut - but it would allow me the time needed to build my own business. So, it was perfect. I went online and began the application process. I put in my name, my address, my phone number, and other very basic information.

And then the question appeared - the dreaded question that those of us with an arrest or conviction fear most: "Have you ever been convicted of a crime?" I took a deep breath, checked "YES," and hit enter. What happened next was devastating. The screen went completely black. Then a message appeared. It said, "Something you answered disqualified you for this job." Well, I knew it was not my name. I knew it was not my address. The answer was glaring: I was disqualified for a job without even having an opportunity to enter my qualifications.

In spite of all my knowledge of how human resources worked, it was that experience that made me fully aware of the level of discrimination that I would be confronting in the job market. This was my new reality. For the millions of people who have satisfied their sentences, that dark screen is a regular occurrence that dims the light on people's attempts to reenter society, feed their families, and clothe their children.

As for me, I have vowed to never put myself and my family in a vulnerable position that would jeopardize our freedom again. But I do understand the plight of men and women who do not have strong networks and good work skills. People who have tried to find work. Who desire to care for themselves and their families. Who are committed to civic engagement and to their communities.

It is hard for me to believe that, in 2019, we are still having a conversation about a small box on an application that, whether intended or not, is used as a mechanism to promote blanket discrimination against people with arrest or conviction records nationwide. We do not need to endorse policies that allow people and/or technology to discriminate against the millions of

people seeking employment opportunity. We must insist that the box be removed permanently, or we will never ensure that every person with a criminal history can work and earn a living. We will continue to punish people long after their prison sentence has ended.

I know from my experience that nearly every part of the criminal legal system is designed to knock you down and set you back. And there are abysmally few resources available to help heal those wounds and lift you back up. If people are offered authentic opportunities to seek gainful employment, I believe this country will witness significant reductions in recidivism and safer communities. This is an opportunity to create pathways to opportunity for the next generation of young people to thrive.

And while there is nothing that can, on its own, strengthen a community decimated by centuries of criminalization, enactment of the *Fair Chance Act* provides a starting point for future reforms that we must enact. I therefore urge you as members of this Committee, and your colleagues as our elected Representatives in Congress, to Pass the *Fair Chance Act* and do everything in your power to promote *Ban the Box* policies that will apply to all employers. I, and millions of others, are counting on you.

Thank you for this opportunity to share my expertise and lived experience. My presence here today is evidence that those closest to the problem are closest to the solution.