



February 11, 2019

Support the Fair Chance Act, H.R. 1076 and S. 387

On behalf of our activist community, I urge you to contact your senators and representative and ask them to support the Fair Chance Act, H.R. 1076 and S. 387. Introduced by Reps. Elijah Cummings (D-Md.) and Doug Collins (R-Ga.) and Sens. Cory Booker (D-N.J.) and Ron Johnson (R-Wis.), this bipartisan legislation would aid prisoner reentry into society and lower crime rates, by delaying inquiries into criminal history for federal job and federally contracted applications until the conditional offer stage.

Importantly, the Fair Chance Act would build on congressional efforts to reform the criminal justice system following the enactment of the bipartisan First Step Act, which refocuses the corrections system on rehabilitation and made modest sentencing reforms.

A crucial part of lowering crime is aiding prisoner reentry into society after rehabilitation and release, in order to reduce recidivism rates, or the likelihood of reoffense. A primary component of this effort is encouraging stable post-incarceration employment. According to a study, those released from prison who are unemployed a year after release have almost three times the likelihood of re-incarceration as do those who are employed at over \$10 per hour. Considering that according to another study, two-thirds of inmates are unemployed or underemployed five years after being released, this statistic is troubling.

Much of this is due to “the box” on job applications, which requires applicants to disclose their criminal history in the first stage of the application process. This results in the overwhelming number of applicants with criminal history records being written off by employers before they even get a chance to make their case for being hired.

A simple solution to overcoming this obstacle is implementing the simple policy of delaying inquiries into criminal history until the conditional offer stage of hiring, which creates a fairer standard by which to judge applicants across the board. It does not prevent background checks into criminal history later on in the hiring process, but simply allows people to get a foot in the door and prove themselves worthy of work without immediately being discarded.

This is the solution set forth in the Fair Chance Act, which would implement this policy for federal jobs and for federally contracted companies, only for positions under the federal contract. This is an important distinction, in ensuring that these policies are not imposed on private business practices beyond those positions which are federally funded. Any step further than this would be an overreach of government regulation into the private sector.

The Fair Chance Act offers a proven way to aid reentry of former prisoners, allowing them to support themselves with jobs and drastically decrease their likelihood of reoffending, which lowers crime and keeps streets safe. As of today, 30 states and more than 150 cities and counties have adopted ban the box policies for their public sector jobs, and countless private companies have taken the initiative themselves as well, including Facebook, Walmart, and FreedomWorks itself.

The widespread traction of these policies across the country, led often by conservative governors who see the direct benefits of aiding reentry efforts on their societies, is founded on evidence. Especially following the enactment of last year's transformative federal criminal justice reform, the First Step Act, and President Trump's massive support for continuing these initiatives as was apparent in his recent State of the Union, it is time for second steps. The federal government must continue to lead legislatively and set an example for the rest of the country to follow. For these reasons, I urge you to contact your senators and representative and ask them to support the Fair Chance Act, H.R. 1076 and S. 387.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks