

BARRIERS TO EMPLOYMENT CRIMINAL RECORDS

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Background



- Findings from SOCR outreach
- In 2010 proposal raised by women in Sojourner Truth Transitional Housing Program to remove barriers to housing for people who have a criminal record
- In 2010-2011 SOCR held two forums to listen to concerns and explore issue of civil rights regulations

Criminal Records a Barrier to Employment

- 1 in 15 working age adults has a felony record
- A recent study by Society for Human Resource Management found 73% of employers ran background checks on all applicants, 10% on selected applicants.
- Increase use of electronic databases

Intersection of Race, Poverty and Criminal Justice System

Impacts of Poverty

- In Washington State 80%-90% of all felony defendants are in extreme poverty at the time of charging.

Impacts on Families

- 1.7 million children under the age of 18 have at least one parent in prison in the United States

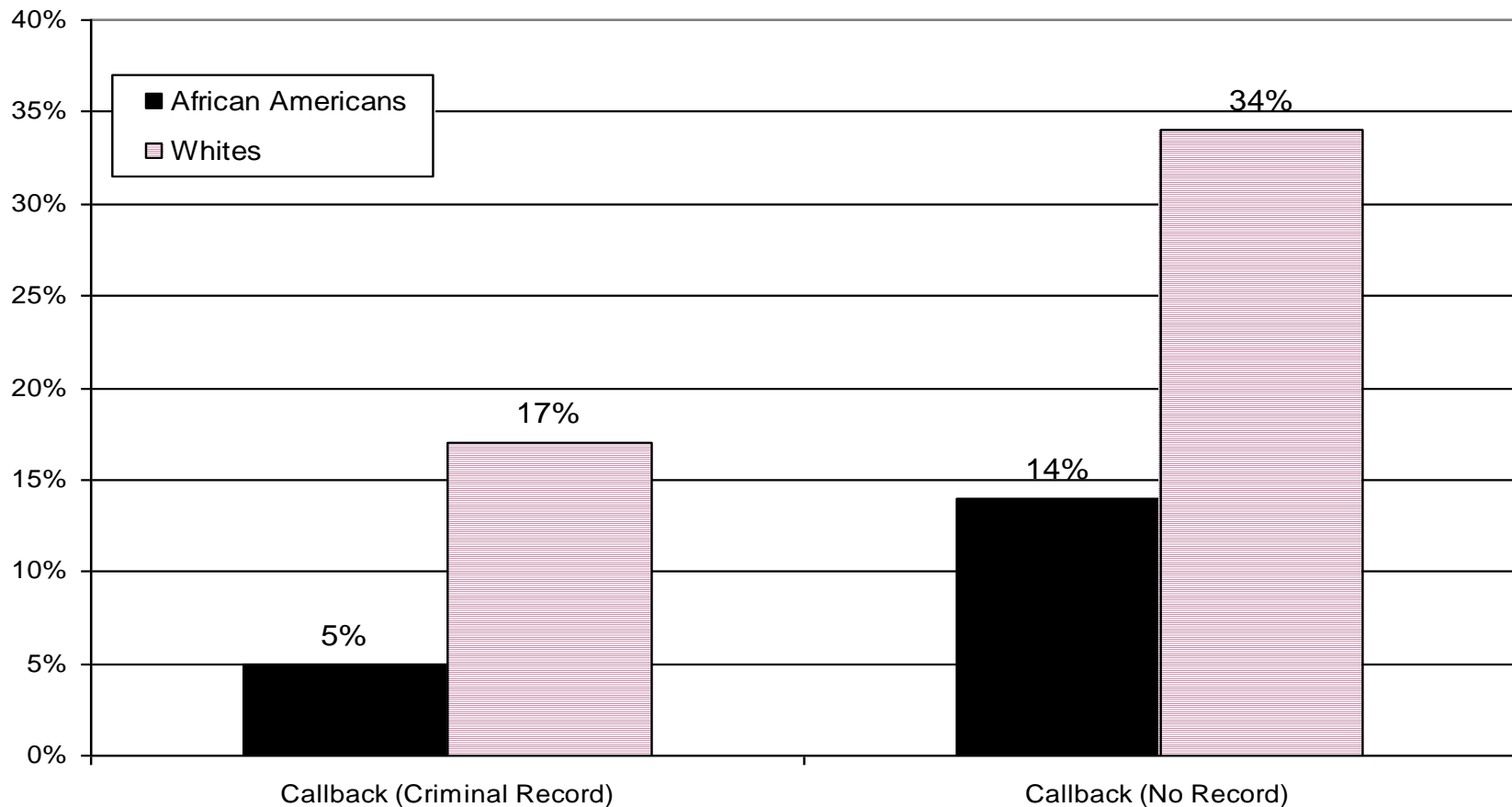
Impacts of Racial Disparities

- While African Americans make up only 3.6% of Washington's population, they account for nearly 19% of the state's prison population. Native Americans comprise only 1.5% of the total state population, yet they account for 4.3% of those in Washington prisons.
- The U.S. Equal Employment Opportunity Commission (EEOC) has issued employment guidance that recognizes racial disparities in the criminal justice system. Because criminal background checks have a disparate impact on people of color, Title VII of the Civil Rights Act regulates employer decisions based on a criminal record.

Racial Discrimination Remains a Factor

Employment Testing Survey Documents Impact of a Criminal Record on Interview Callbacks, by Race

(Devah Pager, "The Mark of a Criminal Record,"
American Journal of Sociology (March 2003).)



Advertisements

- *Fast paced manufacturer looking for focused workers to load/unload containers, pick orders accurately, but also these people have to be able to jump on the computer to check inventory levels and bin locations.
No felons, please*
- *Do you like to Drive are you over 21? Great pay with Benefits. No DUI in last 5 years
Have you a valid license, And have you had it for 12 months?
Please No Felons in last 10 years*
- *Car technician (oil change tech, car wash manager) ad- You must not be a convicted felon of 10 years to apply*

Jobs a Key Ingredient for Successful Re-entry and Rehabilitation

- 97% percent of people serving time in Washington State prisons are released after serving their sentence. In 2009, over 17,000 people were released from prisons in Washington State; nearly 730,000 people were released from federal and state prisons across the country.
- According to a study in Illinois that followed 1,600 individuals recently released from state prison, only 8% of those who were employed for a year committed another crime, compared to the state's 54% average recidivism rate.
- Stable jobs are a critical factor for people's successful return to the community.



What Standards Currently Exist?

Criminal Records and Employment in the Public Sector

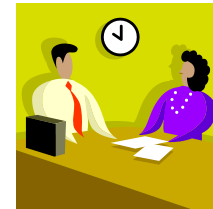
“The legislature declares that it is the policy of the state of Washington to encourage and contribute to the rehabilitation of felons and to assist them in the assumption of the responsibilities of citizenship, and the opportunity to secure employment or to pursue, practice or engage in a meaningful and profitable trade, occupation, vocation, profession or business is an essential ingredient to rehabilitation and the assumption of the responsibilities of citizenship.” - RCW 9.96A

Applies to:

State of Washington, any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations

Can deny employment to a person with a conviction if:

1. Conviction directly relates to the job
2. Under 10 years since the conviction



Exceptions:

- Positions in the county treasurer's office- relates to past convictions of embezzlement
- Working unsupervised with children (schools/school districts)- felonies relating to sexual offenses and exploitation of minors
- Positions in Department of Social and Health Services that may have unsupervised access to minors and vulnerable persons
- Law enforcement agencies

City of Seattle Personnel Rule

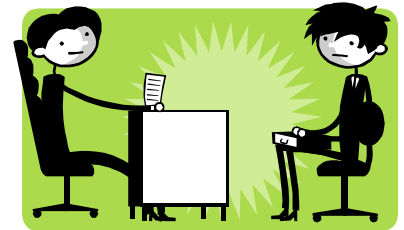
- Personnel Rule 10.3- Created 2008
- No background check done unless required by state/federal law or falls within seven discretionary criteria
- Job offer made before criminal background check conducted, with the job offer being contingent on the results of the background check report

Governing an Employer's Use of Criminal Background Checks

Five states and over 30 U.S. cities and counties have taken proactive steps to reduce recidivism by removing the conviction history question from public sector job applications and delaying a criminal background check until the later stages of the hiring process.

These include:

- Alameda County, CA Minneapolis, MN
- Austin, TX Multnomah County, OR
- Baltimore, MD New Haven, CT
- Berkeley, CA Norwich, CT
- Boston, MA Oakland, CA
- Bridgeport, CT Philadelphia, PA
- Cambridge, MA Providence, RI
- Chicago, IL San Francisco, CA
- Cincinnati, OH
- Seattle, WA
- Detroit, MI St. Paul, MN
- Hartford, CT Travis County, TX
- Jacksonville, FL Washington, DC
- Kalamazoo, MI Worcester, MA
- Memphis, TN



Comments or Questions?



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