



A FAIR CHANCE

Collaborative and Holistic Advocacy in Action

Introductions



What is your name?

Where are you from – city and
church/organization?

Why are you in this workshop?

Greater Waco Legal Services

Greater Waco Legal Services (GWLS) provides affordable legal services, holistic advocacy, and community-driven problem-solving so that all members of our community have equal access to justice.

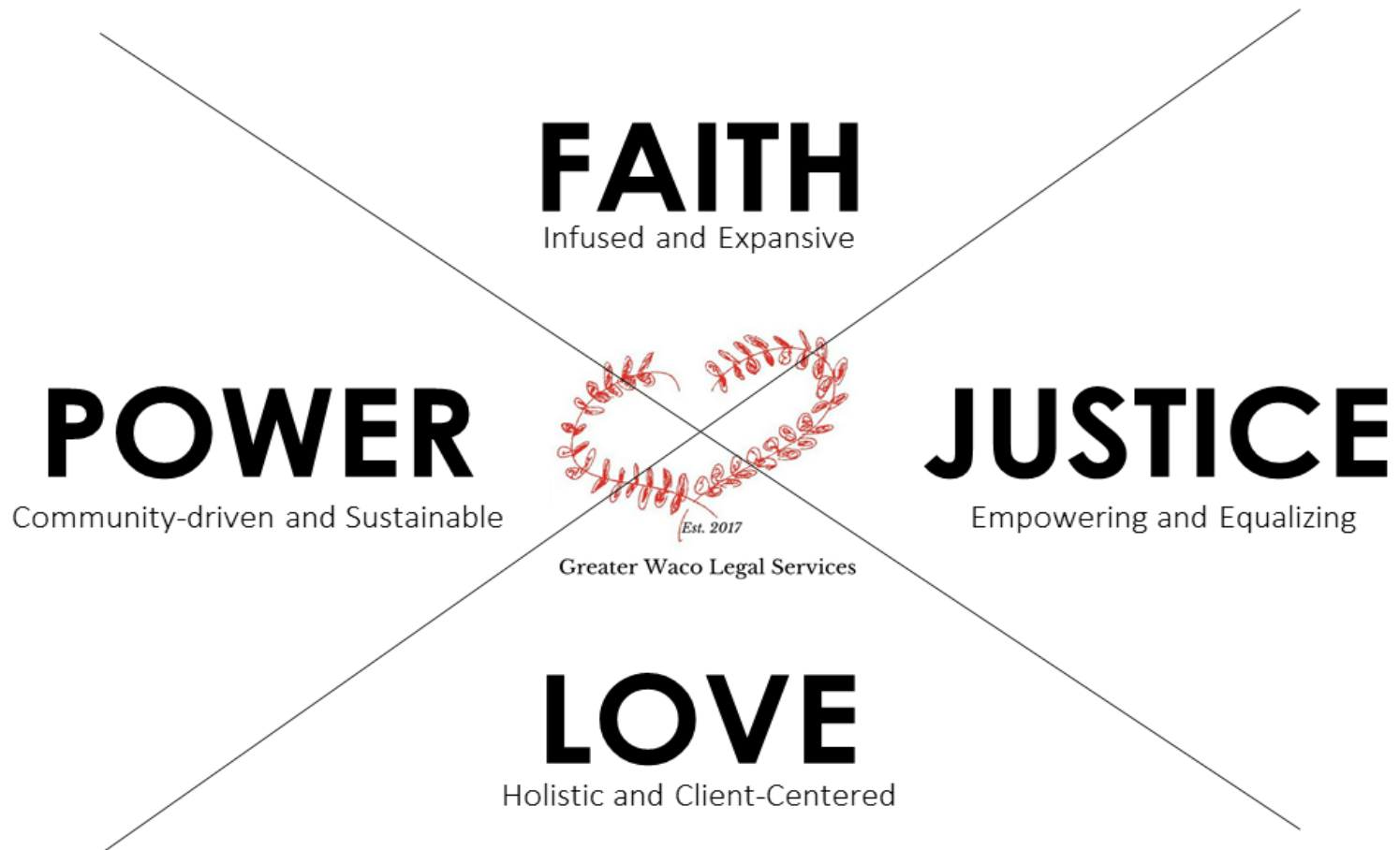
Working and defining principles

*“Power without love is reckless and abusive,
and love without power is sentimental and
anemic.”*

***Power at its best is love implementing the
demands of justice,
and justice at its best is power correcting
everything that stands against love.”***

-- Martin Luther King, Jr.

Greater Waco Legal Services



Direct Legal Representation



For those who are unable to afford the services of a private attorney, GWLS offers direct legal advocacy in the following areas:

- **Immigration:** Family and victim-based petitions, DACA, Citizenship / Naturalization, and other areas as available
- **Barriers to Employment:** Criminal record history issues, driver's license or ID issues, and other employment issues as available
- **Housing:** Landlord-Tenant, Negotiating payment of delinquent taxes, Clearing title to property, and other housing related issues
- **Wills and Estates:** Assistance with basic documents, such as Wills, Powers of Attorney, Directives to Physician, and Transfer on Death Deeds
- **Family Law:** Agreed divorce and child custody, limited situations that are not agreed, pro se coaching and other limited scope representation/document drafting
- **Criminal Defense and Justice/Municipal Court Representation**

Other services



First Monday Legal Advice Clinics

Consultation and Referral System

Social Services Support

Legal Empowerment Workshops

Policy Advocacy



Holistic Advocacy

Problem-solving
(not case-processing)

Client-centered
(life outcomes not cases won)

Community-driven
(what's happening not what happened?)

Holistic Advocacy



Synergize

Listen

Define

Research

Emulate

Identify

Assess

Adapt

Target

Simplify

Broaden

Synergize and Listen

Holistic advocacy

Individual
and Family
Advocacy

Community-
wide
Advocacy

Policy
Advocacy

Our Story of Holistic Advocacy, So Far

40 Days in Orange, Lent 2014



Coming Soon! -- 40 Days in Orange, the Book

“We’re Not All Bad People” – Juan/29554-280



Kicking off the Campaign

Lent 2015





The Fair Chance Movement is Growing

- Over 150 cities and counties nationwide
- 29 states representing every region of the U.S.
- 9 of these states, the District of Columbia, and fourteen cities and counties extend their fair-chance hiring policies to local private employers.
- See the National Employment Law Project website (www.nelp.org) for up-to-date information and statistics¹³

Fair Chance Hiring Policy Campaign

“Fair chance hiring refers to a set of hiring policies designed to ensure that applicants with criminal records are evaluated on the merits of their qualifications, not just on their criminal records.”¹

What is a Fair Chance Hiring Policy?

- Remove questions about criminal history information from an initial job application
- Delay criminal history inquiry until later in the hiring process
- Include procedures to help employers find the best candidates for the job
- Ensure job seekers have an opportunity to be considered for their skill and qualifications
- More clearly abides to the Equal Employment Opportunity Commission (EEOC) guidelines for hiring practices



What is it *not*?

- Completely disregarding a potential employee's criminal background
- An act of charity
- Asking employers to hire unqualified employees
- Asking employers to put their business at risk

Why is a Fair Chance Hiring Policy Needed?

- Many people have a criminal history
 - Nearly 1 in 3 Americans have some kind of a criminal record²
 - Over 14 million arrests are made every year²
 - 1 in 15 Americans will be in the prison system sometime in their lifetime³
 - Nearly 12 million Texans have a criminal record, or more than 4 out of 10 people¹¹

Why is a Fair Chance Hiring Policy Needed?

- Employers don't always fairly consider applicants with a criminal record
 - About 92% of employers inquire about the criminal histories of prospective employees²
 - A criminal record reduces the likelihood of a job callback or offer by almost 50%⁵
 - A study of help-wanted advertisements in Virginia found that only 8% of employers were open to hiring an applicant with a record⁴
 - If hiring discrimination takes place, it is most likely (76%) to take place at the first interaction: the submission of a job application⁵

Why is a Fair Chance Hiring Policy Needed?

- Unemployment is a major barrier for returning citizens reintegrating into society
 - After 1 year of release from incarceration, nearly 60% of returning citizens in the U.S. are unemployed.³
- Employment greatly reduces the risk of recidivism
 - A 2011 study of the formerly incarcerated found that employment was the single most important influence on decreasing recidivism⁶
 - Formerly incarcerated persons with at least one year of employment had a 16% recidivism rate over three years, as compared to 52% rate for all incarceration releases⁷

Why Would This Policy be Good for Waco?

Durham, NC

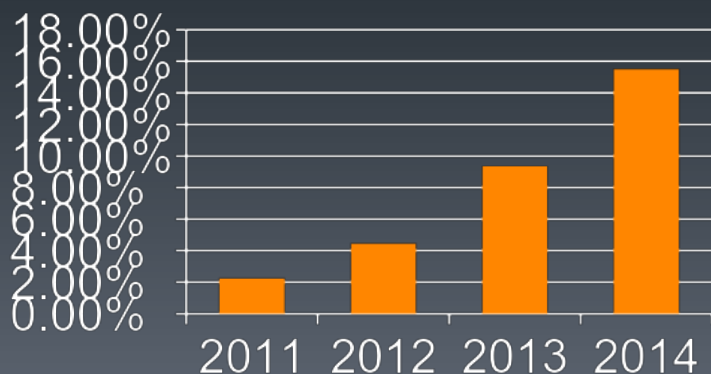
- The Policy:
 1. Applicants complete job application
 2. Go through the interview process
 3. Recommended for hire
 4. Most qualified candidate's name is sent to HR for background check
- 96% of the applicants with criminal records referred to HR were ultimately hired despite some criminal history



Case Study: Durham, NC

- Employment outcomes for persons with a criminal record have improved tremendously
- None of the people with a criminal record who were hired have been terminated because of illegal conduct
- There has not been an increase in workplace crime

New Hires with Criminal Records



Since Ban the Box initiative began in 2011, the overall proportion of people with criminal records hired by the City of Durham has increased nearly 7-fold

Case Study: The Greyston Foundation

- Anyone can walk in and submit their name for a job
- There are no interviews, applications, or background checks
- New employees go through a one-year, paid apprenticeship before becoming full employees
- Turnover rate is high in the apprenticeship period but the average employee stays with the company 4-5 years

"The assumptions we make about people (and the obstacles we put in front of people) are not always necessary"- Steven Brown, CEO

Why is This Good for Your Business?

- More cost-efficient hiring practice
 - Only looking into the background of qualified candidates at the end of the hiring process
 - 96% of the applicants with criminal records referred to HR were ultimately hired despite some criminal history
- Less employee turnover
 - In Durham, NC since this policy has been in place there have been no terminations of employees with criminal record and there has been no increase in workplace criminal activity
 - A study by John Hopkins showed that turnover is lower than employees without records for the first 40 months¹⁴

Why is This Good for Your Business?

- Hiring the most qualified candidate is the best option for the bottom line
 - Criminal history generally has no bearing on qualifications or skills of workers
 - Using criminal record as a measure to eliminate applicants means the best candidate is sometimes not equally considered
 - The business misses out on the best/most efficient worker

Why is This Good for Your Business?

- Work Opportunity Tax Credit
 - Tax incentive for hiring people with a felony on their record
 - 40% of wage up to \$2,400 per employee, per year
 - For employees that work more than 400 hrs. a year
 - 25% of wage up to \$1200 per employee, per year
 - For employees that work between 120 and 400 hrs. a year
 - Only 3 forms to submit to qualify
- Target Hire
 - Felony
 - Has a hiring date within a year of conviction or release from prison

Why is This Good for Your Business?

- Fidelity Bonding
 - Bonds available from \$5,000 to \$25,000 in increments of \$5,000
 - Free for 6 months, after six months bonding is the employer's responsibility
 - There is no deductible
 - Coverage can be activated almost immediately
 - Issued through the Workforce Solutions office in Waco
 - Protects from theft, larceny, fraud, and embezzlement

How Can You Change Your Policy?

- Know what convictions are relevant to risks of harm in the job setting
- Ask about qualifications first
- Use reliable methods to perform background checks – don't just seek low cost
- Consider all evidence relevant to an individual applicant's rehabilitation
- Design the hiring process to implement best practices effectively

Why Would This Policy be Good for Waco?

- Employment of people with criminal records increases the overall well-being of **families**
 - In the year after an incarcerated father is released, the total family income drops by approximately 15% from what it was before the father's incarceration¹⁰
 - 83% of the families of formerly incarcerated men provide financial assistance to these men¹⁰
 - 50% of these families view this assistance as a “financial challenge” and 30% of families view it as a “financial hardship”¹⁰

Why Would This Policy be Good for Waco?

- Employment of people with criminal records increases the overall economic well-being of **communities**
 - An economic study showed that because those with felony records and the formerly incarcerated have poor job prospects in the labor market, the nation's gross domestic product in 2008 was reduced by **\$57 to \$65 billion**⁸
 - In Texas, the average annual cost per inmate is \$21,390¹²
 - A Washington State analysis found that providing job training and employment to a formerly incarcerated person returned more than \$2,600 to taxpayers¹³

Why Would This Policy be Good for Waco?

Putting just 100 formerly incarcerated persons back to work would:

- Increase their lifetime earnings by \$55 million
- Increase their income tax contributions by \$1.9 million
- Boost sales tax revenues by \$770,000⁹
- Save tax payers \$2 million annually by keeping them out of the criminal justice system⁹



=



\$55 million lifetime earnings

\$1.9 million income tax

\$770,000 sales tax

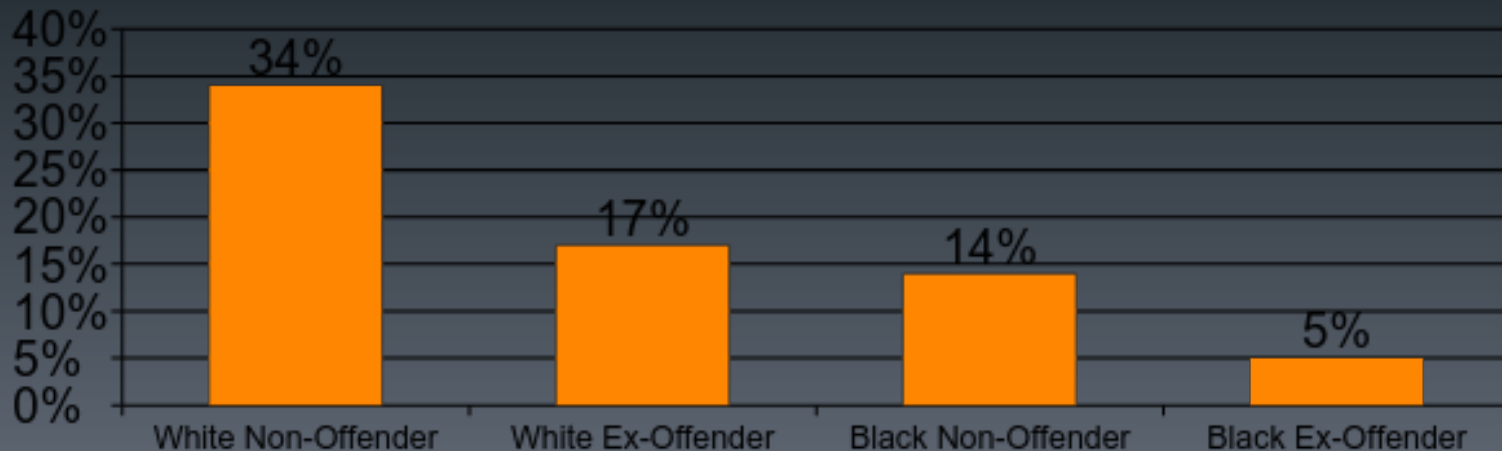
Why Would This Policy be Good for Waco?

- Discrimination against people with criminal records has a strong relationship with racial discrimination
 - African Americans and Latinos are disproportionately represented among offender populations³
 - While people of color make up about 30% of the United States' population, they account for 60% of those imprisoned
 - 1 in every 15 African American men and 1 in every 36 Latino men are incarcerated in comparison to 1 in every 106 Caucasian men
 - Yet, people of all races participate in criminal activity at remarkably similar rates¹⁵
 - The majority of illegal drug users and dealers nationwide are Caucasian, still three-fourths of all people imprisoned for drug offenses have been African American or Latino.¹⁵

Why Would This Policy be Good for Waco?

- Discrimination against people with a criminal record has a strong relationship with racial discrimination
 - African Americans *with* and *without* a criminal history have been found to obtain fewer job opportunities than Caucasian *with* a criminal history³

Likelihood of Receiving a Callback with a Felony



What Have We Done So Far?

- Research
- Presentations – Change the language
- Advocacy at community meetings
- Interviews of those directly affected
- T-shirts
- Website, Blog
- Social Media
 - #StandWithTheOrange or #40DaysinOrange
- Coalition-building
 - Business
 - Political
 - Social Service
 - Faith communities
 - Those directly affected!
- Getting to know the political players
- Research the lay of the land
- Prayer Vigil
- Community Rally

Community Rally Spring 2015 and Spring 2016



Policies Are Being Changed



The City of Waco has adopted a new hiring policy very similar to Durham, NC

1. Applicants complete job application
2. The last page of the application, which includes the criminal history, is removed and sent directly to HR
3. The interview process continues as normal
4. Most qualified candidate's name is sent to HR for a yes or no based on the background check A job offer is made
5. The hiring manager never knows the contents of the criminal background check

We have not yet seen the results of how this hiring policy will affect the citizens of Waco.

Where We Plan to Go From Here

- Lead Organizer(s)
- Further research and data collection
 - Focus groups
 - Support groups
 - City data
- Inform-to-Transform Local Businesses
- Continue to coalition-build
 - Targeted presentations
- City and County-wide Policy Change
 - Public
 - Private
- Statewide Advocacy

Fair Chance Holistic Advocacy in Other Systems

- Fair Chance Lending
- Fair Chance Housing
- Fair Chance Wages
- Fair Chance Municipal Court Processes
- Fair Chance...

Holistic Advocacy



Synergize

Listen

Define

Research

Emulate

Identify

Assess

Adapt

Target

Simplify

Broaden

Questions?

*Thank you for attending
today's Workshop!*

Kent McKeever

254-733-2828, Ext. 701

kent@greaterwacolegalservices.org

www.fairchancewaco.org

www.greaterwacolegalservices.org

[Follow us on Facebook, Twitter, Instagram](#)

References

1. Emsellem M., Natividad Rodriguez, M. National Employment Law Project. 2015. Advancing a Federal Fair Chance Hiring Agenda.
2. D'Alessio SJ, Stolzenberg L, Flexon JL. "The Effect of Hawaii's Ban The Box Law on Repeat Offending." *American Journal of Criminal Justice* 2015(40).
3. Varghese FP, Hardin EE, Bauer RL, Morgan RD. Attitudes Toward Hiring Offenders: The Roles of Criminal History, Job Qualifications, and Race" *International Journal of Offender Therapy and Comparative Criminology* 54(5).
4. Eric Lichtenberger, "Where do Ex-Offenders Find Jobs? An Industrial Profile of the Employers of Ex-offenders in Virginia," *Journal of Correctional Education* 57(4), 2006.
5. Devah Pager, "The Mark of a Criminal Record," *American Journal of Sociology* 108(5), 2003:937-975.
6. Mark T. Berg and Beth M. Huebner, "Reentry and the Ties that Bind: An examination of Social Ties, Employment, and Recidivism," *Justice Quarterly* (28), 2011:382-410.
7. "Safer Foundation Three-Year Recidivism Study, 2008," Chicago, IL: 2008.
8. John Schmitt and Kris Warner, "Ex-offenders and the Labor Market," Washington, D.C.: Center for Economic and Policy Research, 2010.
9. "Economic Benefits of Employment Formerly Incarcerated Individuals in Philadelphia,"
10. "The Benefits of Ban the Box: A Case Study of Durham, NC," The Southern Coalition for Social Justice
11. Dennis A. DeBacco & Owen M. Greenspan, "Survey of State Criminal History Information Systems, 2012," (Bureau of Justice Statistics, U.S. Department of Justice, 2014): Table 1, The number of individual offenders in the state criminal history file was 11,824,200.
12. The Price of Prisons: What Incarceration Costs Taxpayers. Center on Sentencing and Corrections and Cost-Benefit Analysis Unit. Vera Institute of Justice. January 2014.
13. Fair Chance- Ban the Box Toolkit. National Employment Law Project.
14. Potter, P. Miaskoff, C. Dietrich, S. Emsellem, M. Paulk, O. Understanding the EEOC's Criminal Records Guidance: Education and Enforcement Opportunities . National Employment Law Project. Community Legal Services. May 30, 2012.
15. Alexander, M. (2010) *The New Jim Crow: Mass Incarceration in the Age of Color Blindness* . New Press. New York, NY.