

Council on Collateral Consequences of a Criminal Record

Meeting Minutes

Tuesday, October 8th, 2019 at 10:00 AM
Room 2D of the LOB

Members Present: *Co-Chair Porter, Co-Chair Kushner, Arulampalam, Bain, Cho, Clark, Corbett, Eppler-Epstein, Fox, Giles, Jones, Medina, Murphy, Oyanadel (for Hernandez), Palache, Pelka, Sementilli*

Members Not Present: *Rep. Fishbein, Senator Miner, Gordon, James, Lewis*

WELCOME BY CO-CHAIRS AND INTRODUCTIONS

Co-Chair Kushner called the meeting to order and made an announcement regarding emergency procedures.

Co-Chair Porter then asked members to introduce themselves.

EMPLOYMENT SUBCOMMITTEE REPORT OUT

Pelka stated that the subcommittee met on Friday October 4th for two hours. Members of the subcommittee were those mostly named from the first meeting, but there had been some expansion to include justice-impacted individuals and business/industry focused agencies. He said these additions made the conversation more productive.

Pelka then read his report as follows:

“At the Friday, October 4, Employment Subcommittee meeting, members discussed strategies, analysis, and priorities regarding policy recommendations to bring to the Council on the Collateral Consequences of Criminal Record. At the conclusion of the meeting, the subcommittee members accepted the chair’s proposal to summarize the items discussed and share them with the council at the October 8 meeting. The items listed on the following page are topics meriting further discussion, not necessarily those reflecting full consensus reached at this point. Additionally, the subcommittee emphasized the need to engage further the Department of Consumer Protection, the Department of Correction, and the Judicial branch in future subcommittee meetings.”

He also added that the subcommittee had organized three focus areas for their work:

1. *Increase Job Readiness And Retention & Lower Recidivism*
 - A. Increase access to workforce development programs prioritizing people in the criminal justice system and specialized based on their risks and needs.
 - B. Help people gain stable, long-term employment; engage with them after job placement to promote retention; help with reemployment if a position is lost; and assist with career advancement opportunities.
 - C. Focus public and foundation funding, such as the Workforce Innovation and Opportunity Act (WIOA) and Adult Reentry and Employment Services (ARES), on job readiness and placement for people with criminal records.

- D. Further criminal justice system efforts to connect people to identification, transportation, and job training and placement during reentry
- E. Analyze any potential unintended consequences of court, supervision, and program requirements on employment and job retention.

2. *Engage Employers*

- A. Identify growth industries in the state, prioritize training to help the population develop the needed skills to fill those positions, and consult with employers from various sectors to develop programs and pathways to jobs.
- B. Increase employers' timely access to the Workforce Opportunity Tax Credit (WOTC) for hiring people with barriers to employment, including those with felony records.
- C. Provide information to employers on vocational training, education, supervision, and services that people in the criminal justice system are eligible for.
- D. Train human resource professionals and employers on considering criminal record in the totality of the application.
- E. Help employers reduce liability for hiring, including access to fidelity insurance bonds through the US Department of Labor's Federal Bonding Program that indemnifies employers for loss of money or property through dishonest acts of employees.
- F. Hold second-chance-hiring forums with business leaders and associations as well as employers to elevate the advantages of hiring people with criminal records and help reduce stigma.

3. *Lower Barriers to Employment*

- A. Prohibit discrimination on the basis of a criminal record.
- B. Revise statutory and administrative policies to provide individualized assessments of applicants instead of blanket policies barring all applicants with criminal histories.
- C. Make certain indefinite collateral consequences time-limited, and restore discretion to certain collateral consequences that currently are mandatory.

HOUSING SUBCOMMITTEE REPORT OUT

Cho stated that his group met with a wide variety of stakeholders in housing – both private and public. The group determined they wanted to look at housing comprehensively.

He shared that they developed a problem statement as follows:

- Many people are rejected from private, public, and subsidized housing based on their criminal records.
- When people are denied housing based on their criminal records, they may face a higher risk of becoming homeless. In turn, for people recently released from incarceration, the lack of stable housing—along with a lack of adequate income and employment—may increase the risk of recidivism to the criminal justice system. Research analysis has found, for example, that one-fifth (approximately 1,200 people every year) of Connecticut's sheltered homeless population are people recently released from a DOC facility.
- On the other hand, research has shown that having stable housing can also reduce the risk of recidivism and re-incarceration. This suggests that denying housing to people based on criminal history can have the unintended consequence of decreasing public safety.

- Landlords, property managers, and housing agencies use tenant screening and selection policies as a way to mitigate their risk of lease violations, such as non-payment of rent, and associated financial losses, as well as ensuring the safety of other tenants and neighbors.
- However, studies have shown that criminal history in and of itself is a poor predictor of tenancy outcomes, and that criminal histories alone are not necessarily those with the highest risk of re-offense.
- HUD has also issued guidance indicating that “blanket” housing denials based on criminal history may constitute discrimination under the Fair Housing Act (https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF). Based on this, many landlords, property managers, and housing agencies have been seeking ways to conduct more nuanced tenant screening using individualized assessments that take into account criminal history along with other factors.
- Improved tenant screening and selection policies are needed that reduce denials solely on the basis of criminal history, while enabling landlords, property managers, and housing agencies to mitigate their financial and legal risks.
- It should also be noted that even after barriers to housing based on criminal history are reduced, many people with criminal records will continue to face a lack of housing options due to the lack of affordable housing options.

He also said that the group determined their goals and the scope of the subcommittee as follows:

- This subcommittee is charged to review existing research, data, practices, and policies in order to identify ways to reduce denials to housing and housing assistance based on criminal records, while recognizing the need for landlords and housing managers to mitigate risks. These ways can include policy and legislative changes, new practices, improved training, and new technologies.
- The scope of this review includes private rental housing, public housing, and other publicly-subsidized (low-income and affordable) housing, as well as the laws, regulations, policies, and practices covering tenant screening and selection. While criminal history may also be a barrier in home mortgages and homeownership, this subcommittee will focus primarily on rental housing and various state, federal, and local housing assistance programs.
- The scope of this subcommittee will be to review and recommend changes and improvements to laws, policies, and practices that can reduce housing denials based on criminal history. This subcommittee acknowledges that housing affordability continues to be a significant challenge for people with criminal records and formerly incarcerated people and should receive attention from policymakers. However, addressing the lack of affordable housing for people with criminal records is not within the scope of this subcommittee and council.
- Some of the policies and regulations that govern tenant screening and selection are federal; the scope of this subcommittee is to focus on the policies, regulations, and practices at the state and local/municipal levels, as well as by the private housing sector.
- By February 2020, this subcommittee will help inform the Council's report that includes research findings; a scan of existing laws, regulations, policies and practices; and a set of recommendations for the full Council. (NOTE: The subcommittee is not a decision-making body; our charge is simply to make recommendations to the full Council.)

RESEARCH SUBCOMMITTEE REPORT OUT

Clark stated that his subcommittee had outlined their goals:

- Utilize existing and ongoing research to define the impact of collateral consequences of a criminal conviction on residents in the State of Connecticut. o Guiding document: National Inventory of Collateral Consequences
- Determine the efficacy of collateral consequences relative to the goals of the justice system: deterrence, punishment, rehabilitation and incapacitation. o Guiding Document: June 2019 US Commission on Human Rights Report and Recommendations on Collateral Consequences
- Catalogue existing state and local legislative and administrative efforts to impact this issue.
- Work with the Housing and Employment Subcommittees to provide a collaborative system of defining relative scopes and goals, as well as reporting back to the full Council.
- Provide legislative and/or administrative recommendations to the full Council.

DISCUSSION: NEXT STEPS

Following reports from subcommittees, the Co-Chairs opened up the meeting for discussion amongst members.

Corbett stated that the Council needs to think about risk mitigation in housing and employment and the relationship between those two things.

Oyanadel asked Pelka if the Employment Subcommittee would be pursuing Clean Slate legislation. Pelka then said that was looking to reenergize previous efforts including the bill from the previous session that did not pass into law. He cited that the previous proposal had issues including a large fiscal note and technology barriers.

Medina said that he was concerned about parts of the general conversation that focused on which people deserve or do not deserve access to reform. He cautioned the Council to be careful not to leave people behind. Medina also said that even with Clean Slate legislation the Judicial Branch will erase your record, but information about one's record can still be found on internet search engines.

Bain stated that many are not aware of what formerly incarcerated people need because that population is often not engaged in the process. They are often already getting job readiness training, but need an actual job when they are released. She added that she should not be the only formerly incarcerated person at this table and that there should be many more present at these meetings.

Porter said that the state is missing out on a lot of revenue because when people are released and gainfully employed, they participate in the local economy. She also asked if the Employment Subcommittee had looked at standards for human resource professionals.

Pelka responded by saying that the Society of Human Resource Managers provides tips on to conduct individualized assessments and that there are other national movements to revamp the way HR professionals approach the hiring process for formerly incarcerated applicants.

Eppler-Epstein said that there is a bit of a tension in some of the solutions that have been looked at for a look back period as it relates to Clean Slate legislation. She reminded the Council that the person who has just been released will have a hard time finding a job because there is often a "prove yourself period" they must complete. Bain said that having peer mentors can help with this process as they can relate to what the individual is experiencing. She suggested that this relationship should start early (6 months to the release date) as they can help with the transition and encourage mentees as they seek work.

Sementilli asked about upcoming forums and how we would handle forums. It was determined that logistics could be discussed outside of this meeting.

ANNOUNCEMENT OF NEXT MEETING:

Co-Chair Kushner announced that the next meeting would be held on Tuesday, November 12th at 10:00 AM .

The meeting was adjourned.