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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, March 16, 2011
10:20 a.m.

PRESENT:

- COUNCILWOMAN DONNA REED MILLER, CHAIR
- COUNCILWOMAN JANNIE BLACKWELL
- COUNCILMAN DARRELL CLARKE
- COUNCILMAN WILLIAM K. GREENLEE
- COUNCILMAN CURTIS JONES, JR.
- COUNCILMAN JAMES KENNEY
- COUNCILMAN FRANK RIZZO, JR.

BILL 110111 - An Ordinance amending Title 9 of
The Philadelphia Code, entitled "Regulation of
Businesses, Trades and Professions," by
enacting a new Chapter 9-3000, entitled "Fair
Criminal Record Screening Standards," to
establish provisions and requirements for the
screening of criminal records by certain
employers within the City of Philadelphia...

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COUNCILWOMAN MILLER: Good morning, everyone. Good morning. This Committee is about to begin.

Good morning. I'm Councilwoman Donna Reed Miller, the Chair of the Public Safety Committee. Also in attendance is, to my right, Councilman Jim Kenney, Councilman Bill Greenlee, and to my left, or somewhere in the room, is Councilman Rizzo. There he is over there.

Would the Clerk please read the title of this bill.

THE CLERK: Bill 110111, an Ordinance amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by enacting a new Chapter 9-3000, entitled "Fair Criminal Record Screening Standards," to establish provisions and requirements for the screening of criminal records by certain employers within the City of Philadelphia, all under certain terms and conditions.

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2 COUNCILWOMAN MILLER: Thank
3 you.

4 I would like to begin by
5 thanking those who have taken an interest
6 in Philadelphia and its problems with
7 individuals with criminal records.

8 Should ex-offenders be given a
9 chance? The answer should be yes.

10 We're here today to discuss how
11 to help individuals with criminal records
12 get back on their feet after they have
13 paid their debt to society. When we held
14 them -- when we help them, we help
15 ourselves.

16 Those folks with criminal
17 records are discriminated against, and
18 nobody seems to mind. Unfortunately,
19 discrimination carries many hats, and
20 today we will be looking at the blatant
21 discrimination in employment. It is
22 somewhat disturbing that this
23 discrimination is not even considered
24 discrimination but rather caution or the
25 exercise of good judgment.

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2 For many years, I've been
3 working on legislation that would help
4 with discrimination against individuals
5 with criminal records in the area of
6 employment. Ban-the-box legislation
7 applies to all employers, public or
8 private, with the exception of the
9 employers that are required to do
10 background checks by law.

11 The ban-the-box legislation
12 simply prohibits discrimination on
13 arrests or charges without convictions.
14 Nothing new. The legislation prohibits
15 potential employers from asking or
16 conducting any inquiries regarding
17 criminal records during the application.
18 The legislation prohibits potential
19 employers from asking or conducting any
20 inquiries regarding criminal records
21 during the first interview. If an
22 employer does not conduct any interviews,
23 then they are not permitted to conduct
24 any inquiries regarding criminal records.

25 After the first interview, the

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2 potential employer is then permitted to
3 take any action legally available to
4 them. This is no different than what
5 they are doing now.

6 This legislation does require
7 the employer to hire anyone -- does not
8 require the employer to hire anyone with
9 a criminal record. The legislation does
10 not require the employer to hire anyone
11 with conduct or inquiries regarding
12 criminal records. The only harm that we
13 see the potential employer encountering
14 is the time and money spent creating new
15 applications, reading applications and
16 interviewing individuals.

17 A blanket denial of all
18 individuals with a criminal record is
19 currently illegal under the Pennsylvania
20 state law. The legislation does not
21 affect current Pennsylvania state law
22 that states felony and misdemeanor
23 convictions may be considered by the
24 employer only to the extent to which the
25 criminal record relates to the

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2 applicant's suitability for employment in
3 the position for which he has applied, 18
4 Pennsylvania C.S.A. Section 9125.

5 With that in mind, are there
6 any Committee members who wish to speak
7 on this issue?

8 (No response.)

9 COUNCILWOMAN MILLER: Okay.
10 I'd also like to note that Councilman
11 Curtis Jones to my left is also in
12 attendance, a member of this Committee.

13 We're going to start with our
14 first couple witnesses, and our first
15 witness is Everett Gillison, Deputy Mayor
16 of Public Safety; Brendan Lynch,
17 Community Legal Services -- okay.
18 Everett, you're going to be by yourself.
19 Thank you.

20 (Witness approached witness
21 table.)

22 COUNCILWOMAN MILLER: Good
23 morning.

24 DEPUTY MAYOR GILLISON: Good
25 morning.

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2 COUNCILWOMAN MILLER: Hi.

3 Please speak into the mike and identify
4 yourself for the record and proceed with
5 your testimony.

6 DEPUTY MAYOR GILLISON: Thank
7 you.

8 Good morning, Councilwoman
9 Miller and members of the Public Safety
10 Committee. My name is Everett Gillison.
11 I am the Deputy Mayor for Public Safety
12 for the City of Philadelphia. Thank you
13 for the opportunity to appear before you
14 today on behalf of the Nutter
15 Administration to offer testimony
16 concerning Bill No. 110111.

17 This bill would amend Title 9
18 of The Philadelphia Code, entitled
19 "Regulation of Businesses, Trades and
20 Professions," by enacting a new Chapter
21 9-3000, entitled "Fair Criminal Record
22 Screening Standards." This new chapter
23 will establish provisions limiting
24 questions that may be asked by certain
25 employers within the City of Philadelphia

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2 regarding the arrest record of applicants
3 for employment. It would also prohibit
4 employers from asking questions regarding
5 the criminal conviction history of job
6 applicants until partway through the
7 hiring process of potential employees.

8 We know the sponsor of the bill
9 is considering some amendments to the
10 bill, and unfortunately we can't comment
11 on those, because we received a draft
12 late yesterday and it was not final.

13 We do have amendments to the
14 proposed -- to propose to more precisely
15 state when in the job application process
16 the relevant questions can be asked, and
17 I would like to offer those to the
18 Committee now, but in principle, we
19 support the intent of this legislation.

20 As I have previously testified
21 before this Committee, ex-offenders who
22 are determined to turn their lives around
23 and become law-abiding, productive
24 members of society oftentimes face
25 considerable barriers. I have witnessed

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2 the difficulties many ex-offenders face
3 when they attempt to leave their criminal
4 lives in the past. In an attempt to
5 assist our citizens who are returning to
6 our neighborhoods after a period of
7 incarceration or who may be on probation,
8 this Administration has established,
9 through Mayoral Executive Order, the
10 Office of Reintegration Services for
11 Ex-Offenders, or RISE. The RISE staff
12 has the daunting task of assisting those
13 with criminal records find employment,
14 obtain adequate housing and enroll in
15 educational programs. As I have
16 previously stated, one of the most
17 important things an individual needs in
18 order to be successful upon release from
19 prison and not return to criminal
20 activity is a job, a job that pays a
21 living wage. Of all the literacy
22 training, vocational training and
23 counseling we can provide, it does not
24 amount to much if an ex-offender is
25 unable to find employment.

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2 Oftentimes our efforts at
3 assisting ex-offenders find employment
4 are thwarted at the application process.
5 Ex-offenders will tell you that they
6 become disheartened when they have to
7 fill out a job application containing a
8 question that asks if the applicant has a
9 prior criminal record, the dreaded "box."

10 Our understanding of the intent
11 of this bill is that it would provide
12 those ex-offenders who have committed
13 themselves to becoming law-abiding,
14 productive members of society with a
15 chance to show his or her qualifications
16 and meet an interviewer before being
17 required to disclose their criminal
18 record. We agree that this will help
19 level the playing field when it comes to
20 competing for a job.

21 This Administration is mindful
22 of the concerns that the business
23 community has with respect to passage of
24 this bill. We recognize the dangers that
25 layers of employment requirements imposed

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2 at solely the City level can have on our
3 competitiveness as a city for attracting
4 and growing jobs, including jobs we hope
5 ex-offenders can compete for. We have
6 particular concerns about getting
7 ex-offenders to work. However, in order
8 to help reduce our crime rate, and for
9 this reason, we see a special need for
10 this type of regulation here. In fact,
11 the City of Philadelphia, the largest
12 employer in the City, has recently
13 eliminated the box from our own
14 employment applications.

15 I also want to make two points
16 very clear. This bill does not compel
17 businesses to hire ex-offenders, nor does
18 this bill prohibit businesses from
19 inquiring into an applicant's criminal
20 past and denying employment based upon an
21 applicant's criminal record. The costs
22 and benefits of more far-reaching
23 proposals in these areas would present a
24 far more difficult question for this
25 Administration. The bill, however,

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2 was checked off.

3 I thank you, and I will be
4 happy to answer any questions that the
5 members of the Committee might have.

6 COUNCILWOMAN MILLER: Thank
7 you. Thank you, Mr. Gillison.

8 Do you have copies of the
9 amendment?

10 DEPUTY MAYOR GILLISON: I have
11 a single copy here. I believe that I
12 passed it to your staff member yesterday,
13 but I have an extra copy here. It
14 basically speaks to defining what the
15 initial interview is and just clears up
16 what it means by "initial interview." We
17 wanted to be helpful in defining what
18 that means. And I understand it's being
19 wordsmithed and it may have even been
20 wordsmithed over night, but I didn't get
21 an opportunity to see the final
22 amendment, so that's why I prepared my
23 testimony in that way.

24 COUNCILWOMAN MILLER: Okay.
25 We're going to have the Sergeant-of-Arms

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2 make copies and give you your copy back.

3 DEPUTY MAYOR GILLISON: Thank
4 you.

5 COUNCILWOMAN MILLER: Well, I
6 want to thank you for coming in this
7 morning to testify. I think we're all
8 pretty much on the same page.

9 DEPUTY MAYOR GILLISON: I
10 believe we are.

11 COUNCILWOMAN MILLER: And when
12 you -- as you stated in your last
13 paragraph, that we just want to help
14 people have a real opportunity to gain
15 employment rather than to have their
16 applications, which we all know happens,
17 as soon as an employer sees that box, you
18 know what happens to the application.
19 And that's why we're having this hearing
20 today and that's why we proposed this
21 bill.

22 Here in Philadelphia we have a
23 number of folks that fit into the
24 category, and we have people constantly
25 returning from state prisons or local

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2 prisons or federal prisons that we need
3 to help become what they want to be, and
4 that's law-abiding citizens with a job.

5 So thank you.

6 Does anybody else -- okay.
7 Councilman Greenlee and then Councilman
8 Jones.

9 COUNCILMAN GREENLEE:

10 Mr. Gillison, good morning.

11 DEPUTY MAYOR GILLISON: Good
12 morning.

13 COUNCILMAN GREENLEE: As far as
14 being a wordsmith, isn't that what
15 lawyers do?

16 DEPUTY MAYOR GILLISON: That's
17 exactly what we do.

18 COUNCILMAN GREENLEE: I just
19 had a question. Have there been
20 statistics as far as recidivism as far as
21 people who get employment vis-a-vis that
22 don't?

23 DEPUTY MAYOR GILLISON: I can
24 tell you --

25 COUNCILMAN GREENLEE: I don't

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2 know if I said that right.

3 DEPUTY MAYOR GILLISON: I

4 understand. Most of the statistics will
5 show you that within -- a person getting
6 out of jail, if they do not have two
7 critical things, stable housing and work
8 when they get out or at least within six
9 months of them getting out, they
10 recidivate at about a 75 percent rate.

11 COUNCILMAN GREENLEE: I mean,

12 it just seems to make sense, and I agree
13 with Councilwoman Miller, this is just
14 giving people a chance. So it seems to
15 make sense.

16 Thank you.

17 COUNCILWOMAN MILLER:

18 Councilman Jones.

19 COUNCILMAN JONES: Good

20 morning.

21 DEPUTY MAYOR GILLISON: Good

22 morning, Councilman.

23 COUNCILMAN JONES: How are you,

24 Deputy Mayor?

25 I just want to take a second to

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2 acknowledge and thank our Chairperson,
3 Donna Reed Miller, for her work
4 memorializing this. This goes back a
5 long way. It precedes my election. And
6 just to give her a thank you for always
7 looking out at issues that might not be
8 in some people's comfort zone, but is
9 definitely in her comfort zone and moving
10 this issue forward. So as Chair of this
11 Committee, I just want to acknowledge
12 that hard work and thank you for it.

13 COUNCILWOMAN MILLER: Thank
14 you.

15 COUNCILMAN JONES: My next
16 question would be -- is the Commerce
17 Department going to testify today or --

18 DEPUTY MAYOR GILLISON: I'm the
19 representative from the City, because
20 we're all on the same page.

21 COUNCILMAN JONES: All right.
22 Can I ask you this question: Does the
23 City as an employer have the box
24 currently?

25 DEPUTY MAYOR GILLISON: No.

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2 COUNCILMAN JONES: When did we
3 eliminate that?

4 DEPUTY MAYOR GILLISON: It was
5 officially eliminated on -- the last
6 vestige was on the online system, and I
7 think that was taken off as of either
8 Friday or Monday, finally.

9 COUNCILMAN JONES: So we
10 finally took that off, and I think that
11 is a bold step as a government, because
12 if we're going to ask the private sector
13 to do something, it seems as though we
14 should have done that. And I want to
15 take a look at how that -- at least we
16 can monitor that within our own system to
17 see how that impacts our employment
18 practices and what kinds of things come
19 up from it.

20 Currently, didn't we, even if
21 people check the box in certain
22 departments, ignored that or did not have
23 that as a deterrent?

24 DEPUTY MAYOR GILLISON: That's
25 correct.

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2 COUNCILMAN JONES: And what
3 departments were they?

4 DEPUTY MAYOR GILLISON:
5 Streets, Water were the two primary ones,
6 because we have been able to hire folks
7 in those departments that have
8 convictions in the last -- over the last
9 years of this Administration.

10 COUNCILMAN JONES: So do you
11 have a recollection of how long ago we --

12 DEPUTY MAYOR GILLISON: At
13 least two and a half years.

14 COUNCILMAN JONES: So in those
15 departments?

16 DEPUTY MAYOR GILLISON: Yes.

17 COUNCILMAN JONES: And how has
18 that impacted your employment practices
19 one way or another? Do we hire
20 ex-offenders?

21 DEPUTY MAYOR GILLISON: We hire
22 them.

23 COUNCILMAN JONES: Do you know
24 the number?

25 DEPUTY MAYOR GILLISON: We hire

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2 them. I mean, obviously as this
3 Committee and Council really knows, we've
4 been suffering through both a hiring
5 freeze because due to our economic
6 situation in the City and we have mostly
7 attrited. We're down over a thousand,
8 almost 2,000 people less in the City
9 employment, but where we have been able
10 to hire, we have taken steps, and Al
11 D'Attilio, who is the head of the Human
12 Resources in the City, takes it upon
13 himself as a result of the Code
14 requirements that if a department wants
15 to say that this person is not eligible
16 because of a conviction, it is his job to
17 review to see whether or not that is a
18 valid matter.

19 All over the country that's
20 what cities usually do. They have a
21 central place where if an HR department
22 says a person cannot be hired because of
23 the conviction, there's a rational
24 relationship test that says you're in the
25 Streets Department, the person will be

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2 doing X, what does the fact that he has a
3 conviction for drugs have to do with his
4 ability to do X, and it is pushed back.
5 It's also consistent with EEO
6 requirements of the federal government.

7 We are trying to in this
8 instance not just catch up to where other
9 cities are but actually surpass them,
10 because the Mayor feels that it is such
11 an important distinction that the City of
12 Philadelphia is seen as a welcoming place
13 for all, and that includes persons who
14 have done their time, have committed to
15 turning themselves around and providing
16 opportunities. So we've done that.

17 The Streets Department and the
18 Water Department, with Deputy Mayor Rina
19 Cutler leading the way, I have both
20 applauded and said thank you to them and
21 to her specifically for making sure that
22 we just don't talk the talk, we walk the
23 walk.

24 COUNCILMAN JONES: So we have
25 experienced no ill effects?

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2 DEPUTY MAYOR GILLISON: That's
3 right, no ill effects whatsoever.

4 COUNCILMAN JONES: And I just
5 want to get that on the record. And we
6 have done so for a number of years now?

7 DEPUTY MAYOR GILLISON: That's
8 correct.

9 COUNCILMAN JONES: At the end
10 of the day, I guess the intent of this
11 legislation is to not have an automatic X
12 out of the equation for hiring, and in
13 removing this box, it has allowed the
14 City to do that and then go further into
15 review to see if it's a bona fide reason
16 not to employ someone.

17 DEPUTY MAYOR GILLISON:
18 Correct.

19 COUNCILMAN JONES: And that's
20 what we're intending to do for a wider
21 number of employers.

22 DEPUTY MAYOR GILLISON: That's
23 correct. It's leveling the playing
24 field; that's all. It just says that if
25 you have the ability to compete, you

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2 should be able to compete and not have an
3 artificial barrier to competing.

4 COUNCILMAN JONES: Thank you,
5 Madam Chair.

6 COUNCILWOMAN MILLER: Thank
7 you.

8 I too want to thank the
9 Administration for taking the action and
10 removing the question off City
11 applications, even though we do know that
12 there are some departments such as
13 Recreation and other departments where we
14 do need to know, you do need to know
15 history.

16 So I do have a question. I'm
17 just trying to formulate it.

18 DEPUTY MAYOR GILLISON: Okay.

19 COUNCILWOMAN MILLER: When it
20 comes to enforcement, can you just help
21 me understand what an individual who is
22 wrong can expect to face in terms of City
23 application or --

24 DEPUTY MAYOR GILLISON: When it
25 comes to enforcement? I'm sorry. I lost

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2 the question.

3 COUNCILWOMAN MILLER: Under the
4 labor standards.

5 DEPUTY MAYOR GILLISON: Right.

6 COUNCILWOMAN MILLER: Just in
7 terms of violations of the chapters in
8 this bill, at the top of Page 6, it says,
9 "Enforcement. The Mayor's Office of
10 Labor Standards, or such other office or
11 agency as the Mayor shall designate,
12 shall administer and enforce this
13 Chapter."

14 DEPUTY MAYOR GILLISON: Yes. I
15 believe what we will be doing is to make
16 sure that we have a process that will be
17 able to be reviewed. Obviously the
18 process is new. We're going to have to
19 put up regulations and to find out how
20 that will be done. Currently, it's under
21 the purview of Al D'Attilio and the
22 Director of Human Resources to push back
23 if it is found that there is a reason
24 that a person wasn't given to be eligible
25 to compete, those things going back and

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2 forth. We'll actually have to write and
3 see exactly how we would do it as we go
4 forward. So I don't have a specific
5 answer, but I'll get one as we move this
6 process forward.

7 COUNCILWOMAN MILLER: Okay.
8 Thank you.

9 Councilman Kenney.

10 COUNCILMAN KENNEY: Thank you,
11 Madam Chair.

12 Just let me say from the outset
13 that I am totally supportive of the
14 concept of this effort. There is no way
15 that folks can get back into the
16 mainstream, back into productive lives,
17 back into tax-paying lives unless we give
18 them an opportunity to work. If you
19 eliminate -- if you remember the
20 old-style movies back in the '30s and
21 '40s when the guy got out of prison and
22 he went and found a job at the diner and
23 he worked for six months and everybody
24 loved him, and then they found out he was
25 a convict and then fired him and he went

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2 back to a life of crime.

3 So from that perspective, I
4 think that this is extremely important
5 that we give people every opportunity to
6 get their lives back in order and not to
7 go back to where they were just let out
8 from.

9 I have one question relative to
10 the amendment, and this is more of a kind
11 of technical issue. The pages are not
12 numbered, but in one of the sections it
13 says, "In connection with the licensing
14 or employment of any person, it shall be
15 an unlawful discriminatory practice for a
16 city, agency or private employer to make
17 any inquiry regarding or to require any
18 person to disclose or reveal criminal
19 convictions."

20 Does that mean in your mind or
21 in the sponsor's mind, does that mean
22 that you can't make an inquiry to a
23 police or to a law enforcement agency --

24 DEPUTY MAYOR GILLISON: No.

25 COUNCILMAN KENNEY: -- or you

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2 can't ask the person?

3 DEPUTY MAYOR GILLISON: No.

4 Well, the sponsor actually has the better
5 answer to that. I can tell you what --
6 in policing, it's not covered by this. A
7 public safety exception is actually built
8 into the bill.

9 COUNCILMAN KENNEY: Okay.

10 DEPUTY MAYOR GILLISON: So that
11 doesn't apply.

12 Obviously with the police,
13 there are certain rules and laws that
14 require a back -- and that's on Page 4
15 (a), "The prohibition of such inquiries
16 or adverse action shall not apply if such
17 inquiries or adverse action is
18 specifically required or permitted by any
19 other law." So that section actually
20 covers the specific matter that you've
21 just brought up, Councilman.

22 COUNCILMAN KENNEY: I want to
23 make sure that whatever comes out of here
24 is totally understandable by all the
25 employers and the folks who are applying

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2 for the position.

3 DEPUTY MAYOR GILLISON: I

4 agree.

5 COUNCILMAN KENNEY: So does the

6 term "any inquiry" mean to you that the

7 interviewer is not allowed to ask the

8 person or they're not allowed to ask an

9 enforcement agency that has these

10 records?

11 DEPUTY MAYOR GILLISON: They're

12 not allowed to ask the person, and what

13 we're trying to do -- and remember, the

14 intent of this is to have the opportunity

15 for the person to have that first

16 interview.

17 COUNCILMAN KENNEY: Correct.

18 DEPUTY MAYOR GILLISON: And

19 once you have the first interview, if the

20 job that you're trying to get has some

21 rational relationship to a security

22 issue, the second interview -- and now

23 the employer has made the -- said, Well,

24 this person not only has the

25 qualifications, has the aptitude and

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2 everything else, I'm thinking about
3 giving this person the job, if at that
4 time they have a second interview or a
5 second pass and they've brought them back
6 and they feel that this job does have a
7 secure or has some relationship to
8 knowing what the criminal record is, you
9 are free to ask. What we're trying to do
10 is get people that first opportunity.

11 COUNCILMAN KENNEY: I'm totally
12 down with getting rid of the box. I
13 mean --

14 DEPUTY MAYOR GILLISON: That's
15 the whole intent.

16 COUNCILMAN KENNEY: I mean, if
17 you don't get rid of the box, you're
18 never going to get -- it's going to go
19 from the desk of the HR person into the
20 trash, and the box should go.

21 DEPUTY MAYOR GILLISON: Right.

22 COUNCILMAN KENNEY: I'm trying
23 to figure out at what time --

24 DEPUTY MAYOR GILLISON: See,
25 that's why we --

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2 COUNCILMAN KENNEY: Do you
3 consider the acceptance of the
4 application the first one?

5 DEPUTY MAYOR GILLISON: No.

6 COUNCILMAN KENNEY: So there's
7 an interview?

8 DEPUTY MAYOR GILLISON: Yeah.

9 COUNCILMAN KENNEY: So at that
10 interview, say I like -- there's no box.
11 I like the person's qualifications and I
12 call them in for the first interview. So
13 at that interview, I'm not permitted to
14 ask that question?

15 DEPUTY MAYOR GILLISON: That's
16 correct.

17 COUNCILMAN KENNEY: If I decide
18 to go to the next level?

19 DEPUTY MAYOR GILLISON: Yes.

20 COUNCILMAN KENNEY: Now, what
21 if I decide after the first interview
22 that I don't need a second interview, I'd
23 like to hire the guy or lady, can you ask
24 then?

25 COUNCILWOMAN MILLER: Yes.

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2 DEPUTY MAYOR GILLISON: I
3 believe it's the intent of the sponsor to
4 say yes, and I think we would agree.

5 COUNCILMAN KENNEY: Because
6 what I'd like to see -- and I don't know
7 if we ever get there or not. What I'd
8 like to see is the employer community at
9 some point embrace a piece of legislation
10 that says, yes, this is fair, that we
11 need to get folks where we want them to
12 be. And you can't do that if I go to
13 eliminate them by looking at a piece of
14 paper and seeing a checked box and
15 tossing the application.

16 DEPUTY MAYOR GILLISON: I
17 agree.

18 COUNCILMAN KENNEY: So it's the
19 second interview?

20 COUNCILWOMAN MILLER: Yes.

21 COUNCILMAN KENNEY: Okay.
22 Thank you.

23 COUNCILWOMAN MILLER: You know,
24 there are jobs -- I think the first part
25 of your question I kind of missed, but I

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2 think the exemptions and -- none of the
3 jobs that are required by federal law, by
4 state law to do background checks are
5 included in this.

6 COUNCILMAN KENNEY: Okay.

7 COUNCILWOMAN MILLER: Did you
8 ask that?

9 COUNCILMAN KENNEY: No, but
10 that does eliminate what my question was.
11 So that there are instances where federal
12 law is going to require that that be
13 done?

14 DEPUTY MAYOR GILLISON: That's
15 correct.

16 COUNCILMAN KENNEY: It's just
17 that, for example, on a construction site
18 or whatever -- you could give me a bunch
19 of different examples of jobs -- that
20 it's not required?

21 DEPUTY MAYOR GILLISON: Right.
22 That's correct.

23 COUNCILMAN KENNEY: I'm there.
24 I'm with you.

25 DEPUTY MAYOR GILLISON: That's

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2 correct.

3 COUNCILWOMAN MILLER: Thank

4 you.

5 Any other questions for

6 Mr. Gillison?

7 (No response.)

8 COUNCILWOMAN MILLER: Thank

9 you. Thank you, Mr. Gillison.

10 DEPUTY MAYOR GILLISON: Thank

11 you very much.

12 COUNCILWOMAN MILLER: All

13 right. Brendan Lynch, Community Legal

14 Services, and Mike Lee, the NLG

15 Expungement Clinic. Come up together.

16 (Witnesses approached witness

17 table.)

18 COUNCILWOMAN MILLER: Hi. Make

19 sure you pull the mike up to you so we

20 can hear you. State your name and any

21 other identifying information and proceed

22 with your testimony. And it doesn't

23 matter to me who goes first.

24 MR. LYNCH: Good morning,

25 Chairwoman Miller and City Council

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2 members. I am Brendan Lynch. I'm a
3 staff attorney in the Employment Unit at
4 Community Legal Services, and I'd like to
5 thank you for the opportunity to testify
6 today about Bill No. 110111, an important
7 piece of legislation that, as Deputy
8 Mayor Gillison said, will help to level
9 the playing field for people with
10 criminal records who want nothing more
11 than to work and contribute to society.

12 There is a profound need for
13 action to assist people with criminal
14 records who need to find work. At CLS,
15 by far the most common reason that people
16 come in to seek the assistance of my
17 unit, the Employment Unit, is that their
18 criminal record is preventing them from
19 getting a job. The situation appears,
20 from our perspective, to be getting worse
21 all the time.

22 CLS can sometimes help people
23 with expunging a record if they were not
24 convicted. Under certain circumstances,
25 we can assist in expunging a summary

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2 offense, but, of course, people still
3 face barriers if they're not eligible for
4 expungement or if the judge denies our
5 petition for expungement. And ultimately
6 the most serious barriers to employment
7 are caused by misdemeanor and felony
8 convictions, which cannot be expunged for
9 anyone who is under 70 years of age. The
10 only way to remove those charges from
11 someone's record is to get a pardon from
12 the Governor. Pardons take a long time
13 to get and they are infrequently granted.
14 So helping formerly convicted people have
15 a fair shot at a job in spite of their
16 criminal records remains a pressing
17 concern.

18 This ordinance promises to be
19 helpful for these workers. It would
20 enable people with criminal records to
21 get past the initial job application form
22 and speak with someone who can evaluate
23 them in a full and fair way instead of
24 simply rejecting their applications
25 automatically as soon as any hint of a

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2 criminal record arises; for example, from
3 the checking of a box on the application
4 form.

5 This ordinance would help
6 workers by doing two main things. Number
7 one, the bill would prevent employers
8 from asking about arrests that did not
9 lead to conviction. Now, our state
10 Superior Court has interpreted our
11 Criminal History Record Information Act,
12 the law that Councilwoman Miller has
13 cited in her opening statement, Section
14 9125, to mean that employers may not
15 base -- in Pennsylvania, employers may
16 not base employment decisions on arrests
17 that did not lead to conviction. The
18 court said that any experience with a
19 criminal justice system which falls short
20 of a conviction is not a fair
21 consideration by the employer considering
22 hiring an individual with that
23 experience. Indeed, even convictions for
24 misdemeanors and felonies may only be
25 considered insofar as they relate to an

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2 applicant's suitability for the job.

3 However, as -- end quote from the
4 Superior Court.

5 As a general rule, however,
6 existing law does permit employers to ask
7 applicants about arrests, even though
8 they are not allowed to consider those
9 arrests when they make employment
10 decisions. This distinction, of course,
11 makes no sense. Allowing employers to
12 obtain arrest information only puts them
13 in the position to consider it, which
14 they're not permitted to do. This bill
15 would eliminate that temptation.

16 The second thing the bill would
17 do is that it would prohibit employers
18 from investigating job applicants'
19 criminal convictions until after their
20 initial application and initial job
21 interview. Under this ordinance,
22 employers would still have every right to
23 learn about applicants' criminal records
24 and to take those convictions into
25 account to the extent that they are

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2 legitimately related to the applicant's
3 suitability for the job. Applicants who
4 are not legally eligible for certain jobs
5 as a result of their convictions for
6 particular crimes would still have their
7 criminal records reviewed and would still
8 be excluded as the law requires.

9 Employers would merely have to give
10 applicants a chance to fill out an
11 application and present themselves so
12 that they could be seen and evaluated as
13 three-dimensional human beings or spoken
14 to or contacted in some way so that there
15 was a direct person-to-person contact and
16 they could be considered and greeted and
17 talked to as a human being. Too often
18 people with criminal records are rejected
19 the instant an employer sees that they
20 have checked the box.

21 It is true that some employers
22 will still reject applicants even after
23 an initial interview as soon as they
24 learn that the person has a record,
25 without any regard to what is on that

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2 and to consider an explanation of a
3 criminal record if it comes from someone
4 they have already gotten to know a little
5 bit. Under this ordinance, an applicant
6 could choose to bring up the subject at
7 the end of an otherwise successful first
8 interview, or the employer might be
9 receptive to an explanation once they did
10 a background check, after having already
11 met the applicant and determined that he
12 or she would make a good employee.

13 I'd like -- this is something
14 that often comes up in my work, which is
15 why I want to address it. The ability to
16 explain a record is an important one for
17 many people who are seeking work. State
18 police records, which are the official
19 criminal records for citizens of the
20 Commonwealth, are often incomplete or
21 erroneous. Many people also have a
22 status such as Section 17 or ARD, which
23 are sometimes listed on a state police
24 record or other records as, quote,
25 probation without verdict. And these

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2 tell me that employers will hire them and
3 have them start work while waiting for
4 the results of a background check to come
5 back from the state police or the FBI or
6 a third-party background check company.

7 The experience of those companies shows
8 that it is quite feasible for employers
9 to comply with ordinances of this sort.

10 And that conclusion is reinforced by the
11 experience of other cities. More than

12 two dozen other cities and counties
13 around the country have already passed
14 ban-the-box style ordinances or hiring
15 policies, and I, for one, have yet to

16 hear of any problems with any of those
17 laws. In fact, the modesty of the bill
18 before Council is highlighted by the fact

19 that most other cities with ban-the-box
20 style policies have gone beyond what this
21 bill would do. Most cities with similar

22 policies require that the employer,
23 before reviewing an applicant's criminal
24 history, actually determine that the

25 person is otherwise qualified for the

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2 job. The hope of this bill, the way the
3 bill before Council is written, is that
4 employers will be encouraged to reach
5 that conclusion, and we hope that they
6 would. It does not specifically require
7 it. In other cities it is sometimes
8 required. And several cities, including
9 Hartford and Cincinnati and the State of
10 Hawaii statewide, go even further and
11 require a conditional offer of employment
12 before a criminal background check is
13 conducted.

14 Many cities with ban-the-box
15 policies also set out rules to prevent
16 unfair discrimination against people with
17 criminal records once their records have
18 been revealed. Chicago; San Francisco;
19 Berkeley, California; and Cambridge,
20 Massachusetts are among the cities with
21 hiring policies that specifically
22 incorporate the criteria set out by the
23 Equal Employment Opportunity Commission
24 in its guidelines for advising employers
25 on compliance with the Civil Rights Act

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2 of 1964. The EEOC advises that when
3 employers exclude people from employment
4 based on their criminal records, the
5 employers need to be able to justify
6 their decisions by showing that they
7 considered on an individualized basis
8 three factors: Number one, the nature
9 and the gravity of the offense; number
10 two, the time that has passed since the
11 conviction and/or the completion of the
12 sentence; and, number three, the nature
13 of the job held or sought.

14 Some cities, including Chicago
15 and Washington, DC and Cambridge, among
16 others, also specifically consider
17 evidence that the applicant has been
18 rehabilitated since the time of the
19 offense. By contrast, the bill before
20 Council would not require that employers
21 consider any of these factors.

22 Furthermore, the States of Massachusetts
23 and Hawaii, both of them statewide, have
24 ban-the-box laws that apply to all
25 employers, public and private. The

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2 Hawaii state law applies to all employers
3 of any size. In Massachusetts, it
4 applies to all employers with six or more
5 employees. In this respect, the bill
6 before Council is more modest because it
7 would apply to employers only with ten or
8 more employees.

9 In spite of its modesty, this
10 bill recommends a commendable effort to
11 recognize and address the plight of our
12 fellow residents who have criminal
13 records. I applaud the Chair for her
14 consistent efforts to bring attention to
15 this issue and to offer proposals to
16 ameliorate the problem.

17 I do hope that Council will
18 pass this bill and join the over two
19 dozen other cities and counties that have
20 led the way in this effort. I also hope
21 that Council will continue to address
22 this issue and will consider additional
23 measures that would reduce barriers to
24 employment for people with criminal
25 records.

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2 This bill would establish or, I
3 should say, would call upon the Mayor to
4 establish a Fair Criminal Record
5 Screening Advisory Committee to make
6 recommendations to Council and the Mayor
7 regarding implementation of the bill, and
8 that would be one very promising avenue
9 for the consideration of improvement to
10 this policy. I'd like to briefly suggest
11 three ways that I feel Council could act
12 to strengthen this bill with future
13 legislation.

14 First, I would recommend that
15 Philly follow the other cities that have
16 specifically included standards for the
17 consideration of criminal convictions;
18 that is to say, requirements that the
19 hiring entity consider the nature of the
20 offense, the amount of time that has
21 passed, the relationship with the
22 conviction to the job being sought and
23 other factors. The EEOC does in its
24 guidelines already require that employers
25 consider some of these factors, but EEOC

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2 guidelines may not apply to employers in
3 all situations, and, of course, the
4 EEOC's enforcement capacity is stretched
5 rather thin and the agency can't prevent
6 job discrimination all on its own. The
7 EEOC guidelines, moreover, don't even
8 include several highly pertinent factors
9 such as evidence of rehabilitation,
10 which, as I mentioned, is in the policies
11 of several other cities.

12 Secondly, Philadelphia should
13 require employers to certify that they
14 are in compliance with Title 7 of the
15 Civil Rights Act of 1964, the sections of
16 the Pennsylvania Criminal History Record
17 Information Act, which govern use of
18 records for employment, and the Fair
19 Credit Reporting Act, which has
20 provisions governing how records are
21 treated and how people are informed about
22 the nature of their record and informed
23 about the background check that has been
24 done on them.

25 In our work at CLS, we see far

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2 too many examples of employers who are
3 simply not aware that these laws even
4 exist or apply to them. For that reason,
5 I'm pleased to see the reference to
6 Section 9125 of the Crimes Code included
7 in the bill before Council, but I would
8 like to see the City take further steps
9 to ensure that employers are complying
10 with existing law. Employers should be
11 obliged to make at least the minimal
12 effort to familiarize themselves with the
13 laws that apply to them, and they would
14 be driven to make that effort if they
15 were obliged to formally certify that
16 they were in compliance with those laws.

17 I would hope, of course, that
18 the City would assist employers with
19 educational efforts as necessary, because
20 my goal is not to see employers get
21 trapped. I don't mean to set traps for
22 the unwary. What I want to see is
23 Philadelphians getting jobs and employers
24 complying with the law and employers
25 being aware of what the law says.

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2 Thirdly and finally,

3 Philadelphia should place a limit on the
4 time period for which employers could
5 consider convictions; that is, the City
6 should provide that employers cannot
7 consider convictions that are more than a
8 certain number of years old. This is a
9 limitation that is grounded firmly in
10 social science research, which has shown
11 that the longer a person who has
12 previously been convicted remains
13 crime-free, the less likely he or she is
14 to recidivate. In fact, a recent study
15 that happened to examine data from the
16 Philadelphia court system concluded that
17 after seven or eight years, a former
18 offender is little more likely to commit
19 a crime than any person who has never
20 been convicted. Other studies have found
21 that people who do not get arrested
22 within a range of from four to ten years,
23 depending upon the crime and the age of
24 the person and various other factors,
25 after an initial arrest are no more

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2 likely to commit a crime in the future
3 than any random person who has never been
4 arrested at all. Nevertheless, CLS
5 constantly sees situations in which job
6 applicants are rejected for decades' old
7 offenses. I myself, as I mention in my
8 testimony, have a client who has been
9 rejected from multiple jobs, entry,
10 low-level, barely above minimum wage
11 jobs, rejected from them because of a
12 single misdemeanor from 1978.

13 Hawaii and Massachusetts, I'd
14 like to point out, both limit employers
15 statewide to considering only those
16 felonies for which the applicants were
17 convicted in the ten years prior to their
18 job application, and I would urge
19 Philadelphia to follow their lead.

20 Even without those changes,
21 however, the bill before Council today
22 represents a welcomed and necessary step
23 for Philadelphians with criminal records.
24 I hope that Council passes the bill, and
25 I thank you for your time and

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2 consideration.

3 COUNCILWOMAN MILLER: Thank

4 you.

5 Mike Lee.

6 MR. LEE: Thank you. Good

7 morning to the honorable members of City

8 Council. Thank you again for inviting

9 the Expungement Clinic to testify before

10 you as to criminal records and their

11 effect. My name is Mike Lee and I'm the

12 supervising attorney for the Criminal

13 Record Expungement Project. We've opened

14 in February, and I have seen over 300

15 people through our clinic doors and an

16 additional 300 people through a one-time

17 clinic partnership with Enon Baptist

18 Church.

19 I brought with me today two

20 people who we call survivors of the

21 criminal justice system, meaning that

22 they've experienced the criminal justice

23 system in both a negative way as a

24 defendant and person accused of crimes,

25 but also now in a positive way as people

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2 who are applying for and eligible for
3 expungements redactions, which is where
4 you can remove non-conviction data that's
5 associated with a charge that does have
6 conviction data, which is a very common
7 occurrence in Philadelphia, and also
8 unfortunately some convictions, which we
9 all know the life sentence that they
10 impose.

11 Before I let them tell you in a
12 very personal way how this legislation
13 can help them in their quest to become
14 reactive and participants in the society,
15 I would also like to note that in the
16 Crimes Code 1819 Section 9125 in
17 reference to the use of criminal records
18 in employment, there's also a Subsection
19 (c) which is about notice, and it says
20 that, "The employer shall notify in
21 writing the applicant if the decision not
22 to hire the applicant is based in whole
23 or in part on the criminal history record
24 information," and this is very important
25 because it allows for the factors and

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2 considerations, as eloquently mentioned
3 by the Deputy Mayor and the gentleman to
4 my left, that you can't just arbitrarily
5 use arrest records and you can't just
6 arbitrarily use convictions. There has
7 to be some kind of a nexus between the
8 conviction and the duties and
9 responsibilities of the job. And unless
10 we have in writing that someone is denied
11 in whole or in part because of their
12 record, we don't know if we can match
13 their record with the restrictions and
14 responsibilities of the job.

15 So with that in mind, I would
16 like to present Mr. Troy Morris and
17 Thomas Gallagher.

18 MR. MORRIS: Good morning. Can
19 you hear me?

20 I'm just here to share how this
21 is affecting me and my life and me trying
22 to head in the right direction. I've
23 been looking for employment for the past
24 four years since I was incarcerated. I
25 served my time. I did my probation. I

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2 haven't had any trouble since then. I've
3 been trying to get work for things that
4 I'm qualified for, and I'm just getting
5 shot down from these jobs. And I
6 basically just need another chance to
7 head in a positive direction, but with no
8 employment, they're almost saying as
9 though I have no chance as a human being.

10 So I just wanted to share that
11 with you.

12 MR. GALLAGHER: Good morning.
13 My name is Thomas Gallagher and I
14 represent a thing called the Men's
15 Overnight Ministries at Hope Outreach
16 Ministries, which is at 401 East Indiana
17 Avenue in Philadelphia. We are an
18 overnight refuge for homeless substance
19 abusers, and as the Managing Director of
20 that program, I myself come in contact
21 with a lot of gentlemen who are trying to
22 do the right things in their life.
23 They're trying to stay sober. They're
24 off the streets. They're off the drugs,
25 off alcohol, and reporting to their

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2 parole officers or just staying out of
3 trouble, period, and they run into
4 obstacles when it comes to employment.

5 We have the housing things
6 sewed up for them, but then what do you
7 do after that when you can't find a job
8 or if you're working in McDonald's making
9 nothing?

10 I see a lot of guys getting
11 discouraged, giving up on themselves and
12 feeling like, you know, that they need to
13 return to what they're used to. And as a
14 good friend of mine says, if nothing
15 changes, nothing changes. You can change
16 the man, but you have to change his
17 situation, you know. He has to know that
18 there's a better life out there, that
19 there's a better way of doing things than
20 what he's used to, and being employed is
21 a big part of that.

22 It's a shame to say, but money
23 makes the world go round and you need
24 money to survive. And I've seen quite a
25 few gentlemen go back to jail, you know,

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2 back out onto the streets because of that
3 fact that they can't find suitable
4 employment, good employment, gainful
5 employment, you know, not just a
6 McDonald's job. Nothing against
7 McDonald's or anything like that. They
8 have pretty good food.

9 I think it's important that
10 Council passes this bill and if they can,
11 even further the bill to, you know, like
12 the gentleman to my left said about it
13 being specific to the job. You know, I
14 can understand why a sex offender can't
15 work in the Recreation Department, you
16 know, or work for the school department,
17 but why can't a burglar work for the gas
18 department? You know, why can't a
19 shoplifter work for the Water Department?
20 You know, I understand the City hires,
21 but that's another thing I ran into. A
22 lot of the guys -- I have a list in the
23 church of employers that will take
24 ex-offenders, but it's a limited list.
25 They only hire so many people, you know.

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2 I mean, there's a very limited
3 opportunity for these guys, and I think
4 we need to make more opportunities.

5 I myself have changed my life
6 around, and I'm trying to help other guys
7 do that, and it gets to be frustrating at
8 times when you run into a brick wall like
9 that.

10 That's all I have. Thank you
11 for your time.

12 COUNCILWOMAN MILLER: Thank
13 you. I really want to thank both of you
14 for coming in and testifying. And that's
15 why we're having this hearing. I mean,
16 we do -- this is not the end-all. This
17 is the beginning, and we certainly are
18 going to look at the recommendations from
19 CLS and we also have -- we started out
20 with this bill, it was much stronger, but
21 through our meetings over the years, we
22 weakened it somewhat. But it's a
23 beginning, it's the first step, and we do
24 intend to keep working on this.

25 I just have one question.

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2 Mr. Lynch, you said that if you're 70
3 years old, you can automatically get an
4 expungement. Is that what you said?

5 MR. LYNCH: Not automatically.
6 There is a provision in state law that
7 says if you turn 70 and you have been
8 free of any involvement in the criminal
9 justice system for at least ten years; in
10 other words, at least since you were 60,
11 you can ask a judge if they will expunge
12 your records. Not automatic. I'm pretty
13 sure you still need to ask and the judge
14 can turn you down, but you at least have
15 the option.

16 COUNCILWOMAN MILLER: Okay.
17 That's great.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Has there
20 been any attempt to approach the
21 judiciary relative to a special program
22 that would expedite the expungement
23 process? For example, we've had a very
24 successful home foreclosure court that
25 Judge Rizzo runs, and through mediation

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2 and through discussion with people who
3 are in debt and the creditors, they've
4 saved a lot of homes and families. I
5 don't expect that the court would have
6 any vested interest in keeping people in
7 a conviction column if in fact there was
8 some effort to -- if they were eligible
9 for expungement.

10 Has there been any discussion
11 with the court as to kind of helping --
12 having the court help clear up some of
13 the stuff?

14 MR. LEE: Well, the judicial
15 system has been very supportive of our
16 efforts with the Expungement Project, and
17 also for certain dispositions such as ARD
18 and Community Court, it's supposed to
19 include an automatic expungement. And
20 that's the carrot on the stick. So if
21 you complete your program, not only do
22 you not have to face the possibility of
23 jail time, but you also get relieved of
24 this longer burden of having a record.
25 However, our experience has showed that

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2 it's not as automatic as it would seem
3 and, for whatever reason, not every
4 completed ARD has been expunged.

5 COUNCILMAN KENNEY: I guess
6 that's the reason for my question. Has
7 there been an effort to approach the
8 court to have some judge or some court
9 administrator supervise that process or
10 at least be accessible when there are
11 questions that your group may have or
12 issues that you wind up not being able to
13 follow through and get the expungement?
14 Because I think the court might be
15 interested in having help with that
16 process. I know you're a lawyer, and I'm
17 sure there's other lawyers involved in
18 the program to help these folks get rid
19 of this burden from their record, but I'm
20 wondering whether or not we maybe ought
21 to get a hold of the President Judge and
22 see if she has some ideas as to --

23 COUNCILWOMAN MILLER:
24 Absolutely.

25 And you did say something about

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2 ARD. Is there -- and you said Community
3 Court. Is Community Court -- how are
4 they dealing with the whole issue of
5 expungement, or are they at all?

6 MR. LEE: Well, Community Court
7 deals primarily with summary offenses,
8 and the idea behind that is a
9 quality-of-life crime shouldn't have such
10 a lasting impact on someone. So they
11 deal with lower-level offenses, so
12 they're not dealing with felonies and
13 misdemeanors, which have greater
14 repercussions, and as a result, they
15 can -- it's easier for them to not pursue
16 the charges as vigorously as they would
17 in other venues. And also the summary
18 offense that someone may be convicted of
19 is eligible for an expungement after five
20 years from the end of their sentence even
21 if they didn't complete their Community
22 Court service. And the challenge that we
23 face most often is that every expungement
24 petition is heard before the same judge
25 in Room 504, and this courtroom also

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2 hears criminal court motions and things
3 of that nature, so they try to limit the
4 amount of expungement petitions per day
5 so that they can carry on other orders of
6 business for the court such as motions
7 for a trial that have more time relevancy
8 for the trial as opposed to the
9 expungement process.

10 COUNCILMAN KENNEY: I'm just
11 curious about the courtroom. Does the
12 same judge sit in there or is it a
13 rotating judge?

14 MR. LEE: It's been the same
15 judge for about two years. I believe
16 prior to that it rotated more.

17 COUNCILMAN KENNEY: Who is
18 that?

19 MR. LEE: Judge Palumbo, Frank
20 Palumbo.

21 COUNCILMAN KENNEY: But he also
22 hears other issues other than the
23 expungements?

24 MR. LEE: Yes.

25 COUNCILMAN KENNEY: So maybe

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2 another judge hearing expungements would
3 expand -- okay. All right.

4 MR. LEE: Yeah.

5 COUNCILMAN KENNEY: Thank you.

6 COUNCILWOMAN MILLER: Thank
7 you. Because a judge does make the final
8 decision, correct?

9 MR. LYNCH: Yes.

10 COUNCILWOMAN MILLER: My
11 office, we were just involved in trying
12 to help someone get an expungement that
13 the judge ordered after they completed
14 ARD, I guess. This was in Montgomery
15 County. And we called Community Legal
16 Services to get advice on how to do it.
17 We didn't use an attorney. We just
18 helped them file their paperwork. And
19 actually the judge ordered the
20 expungement once the community service
21 was completed, but then somehow it got
22 stuck and it never happened. So that's
23 when they called us, and we decided to
24 help him out, and we just filed the
25 last -- in fact, he came up to the

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2 Expungement Clinic that you had at Enon,
3 and when he got home, the letter was in
4 the mail from the courts in Montgomery
5 County. So I'm hoping that it's finally
6 over. I'm not really sure. We haven't
7 done a follow-up yet.

8 MR. LEE: If you have trouble
9 with that, let me know, because
10 Montgomery County is different than
11 Philadelphia County, and they're trying
12 to standardize it across the state, but
13 currently in Montgomery County an
14 expungement petition costs \$25.25 as
15 opposed to the \$15 in Philadelphia. And
16 also the expungement order will not be
17 processed by the arresting agency or any
18 other agencies unless it comes from the
19 court as the original sealed copy. So
20 you have to pay an additional, I think,
21 \$11 or \$12 per certified copy, and you
22 have to send that to up to 11 agencies.

23 So in Montgomery County, an
24 expungement for one charge can cost
25 upwards of \$80, whereas in Philadelphia

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2 County fortunately it's \$15 as a filing
3 fee and you can use the copies from the
4 court. They normally mail you three
5 copies for you to distribute to the
6 appropriate agencies.

7 COUNCILWOMAN MILLER: Okay.

8 MR. LYNCH: But as the
9 gentleman notes, the expungement does not
10 happen automatically when the judge signs
11 the order. In fact, the court provides
12 the petitioner with copies of the order,
13 and the petitioner then has the job to
14 send those certified copies out to the
15 various agencies such as the state
16 police.

17 COUNCILWOMAN MILLER: Okay.

18 All right. Thank you.

19 MR. LEE: You're welcome.

20 Thank you.

21 COUNCILWOMAN MILLER: Thank you
22 for coming in and testifying.

23 MR. GALLAGHER: Thank you.

24 COUNCILWOMAN MILLER: All
25 right. I just want to note that many of

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2 the Councilmembers had to go upstairs to
3 a meeting at 11 o'clock. It's not that
4 they're not interested. They will be
5 back, but they did need to leave.

6 So next we'll have Art
7 Whittaker from the Prison Society, Donna
8 Allie from Team Clean and Cameron Holmes
9 from Philly Renew.

10 (Witnesses approached witness
11 table.)

12 COUNCILWOMAN MILLER: Please
13 have a seat, pull the mike close to you,
14 identify yourself and talk into the mike
15 so that we can hear you and proceed with
16 your testimony, in any order.

17 MR. WHITTAKER: Hi. Thank you.
18 My name is Art Whittaker from the
19 Pennsylvania Prison Society.

20 COUNCILWOMAN MILLER: You can
21 proceed and then we'll just have
22 questions after everyone is finished.

23 MR. WHITTAKER: This is my
24 colleague Cameron Holmes, by the way.
25 And I'd just like to say on behalf of the

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2 Pennsylvania Prison Society, myself and
3 Cameron Holmes, we would like to thank
4 the Committee on Public Safety for
5 holding the hearing today on ban the box.
6 The Prison Society and the Ban the Box
7 Reentry Coalition support Bill No. 110111
8 that eliminates the question of prior
9 criminal justice involvement on a job
10 application.

11 In my role, I'm an Employer
12 Recruitment Specialist for the
13 Pennsylvania Prison Society. In my role,
14 it is up to me to develop relationships
15 with the area employers and assist those
16 who participate in our reentry programs
17 find suitable employment opportunities.

18 For over 200 years, the Prison
19 Society has been an advocate for
20 enhancing public safety through a just
21 and restorative correctional system and a
22 rational approach to criminal justice
23 issues. Our reentry programs have been
24 instrumental in helping hundreds of men
25 and women find employment opportunities

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2 and encourage them to increase their
3 education and assist them in their
4 college admissions.

5 The Prison Society, along with
6 our Coalition to address these issues of
7 reentry and ban the box, some of these
8 agencies include JEVS Human Resources,
9 Workforce Investment Board, Penn Law, PA
10 Workforce Development Corporation,
11 Volunteers of America and many more.

12 Many are here today to support the Bill
13 110111 that eliminates the question of a
14 prior criminal involvement on employment
15 applications.

16 There are many other states,
17 many major cities that currently have a
18 ban-the-box policy already in place. A
19 national coalition and tremendous support
20 throughout the United States is there.

21 Employers that I have spoken to
22 about this issue do not see this as a
23 tremendous burden or handcuffing their
24 ability to hire who they choose. Most
25 consider this a rather fair and benign

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2 legislation. Of course, there's going to
3 be expense, and they know this,
4 especially for major employers who rely
5 on online applications and who have to
6 change that system and who are going to
7 develop new standards for interviewing
8 and hiring policy, but aside from that,
9 there is tremendous support out there
10 from the employers that I know.

11 Ban the box is very important,
12 if only to give these men and women
13 opportunities to interview, address their
14 skills and allow these hiring managers to
15 initially make a decision based on their
16 presentation and work experience rather
17 than a criminal background. It won't
18 eliminate the problem of discrimination,
19 but it will certainly lead to more
20 opportunities directly.

21 Most employers don't know the
22 men and women that I work with every day
23 since I've been in this field, and if
24 they did, many more would certainly
25 consider them once they had an

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2 opportunity to come in and interview.

3 Since most of the offenses I run into --

4 and I think the majority are drug

5 related -- these individuals especially

6 are going to be able to improve their

7 chances of getting solid employment.

8 That's what I really believe. It's going

9 to open up access to those companies,

10 very diverse companies, that in the past

11 wouldn't be hiring former offenders,

12 these companies that will offer much

13 higher wages and offer benefits, which

14 are going to be so important to the

15 success of these former offenders when

16 they go out in the world.

17 I've had many positive stories

18 of success over the past year and a half

19 that I've been working, but for time's

20 sake, I won't go into all that, but there

21 is a couple that really stand out and

22 come to mind to me. One in particular,

23 because this is not a company that

24 consistently or as a policy reaches out

25 to former offenders. They don't.

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2 They're a major company, with facilities
3 in multiple countries. They are a major
4 company in the United States and in
5 Canada and I think in France. Recently
6 they hired a man who had spent the last
7 20 years of his life in prison for a
8 multiple murder, recently released, older
9 gentleman, and because of his presence
10 and applied the skills he learned through
11 one of our reentry programs was able to
12 convince this employer to give him an
13 opportunity. The thing is, they never
14 asked on the initial interview what was
15 the nature of his crime. They never
16 asked that. So they weren't aware that
17 he had a murder charge in his background.

18 He didn't hide it on his
19 application. He noted he had a felony.
20 But what we teach a lot of times is,
21 we'll explain at interview, as an
22 appropriate response to that. And in
23 talking with the plant manager
24 afterwards, because I'm very close to
25 them, he told me that if they would have

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2 known initially on the first interview as
3 well as on the application that his
4 charge was for murder, they probably
5 wouldn't have considered him. Because he
6 had the skills -- he had tremendous
7 skills that he learned while he was in
8 prison, really practical skills, where
9 more of that is needed obviously -- he
10 was in demand and they just liked the way
11 he presented himself. Now he's one of
12 their best employees. They couldn't be
13 happier with the decision they made.

14 So that's one thing that always
15 stands out in my mind. And considering
16 that now he's got higher wages, he's got
17 benefits, he's no longer dependent on the
18 social welfare system now at this point,
19 where he would have been normally.

20 Another case is with -- and I'm
21 trying to do employers that normally
22 don't have a policy of hiring former
23 offenders. These are companies that do
24 have hesitation to it in a lot of cases.
25 But one major employer -- and one of

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2 their facilities alone in Philadelphia
3 employs over 1,800 people. In the past,
4 they would never hire someone with a
5 prior felony conviction, even a
6 misdemeanor if it was in the near future.
7 But they took a chance on one of my men
8 because of my recommendation.

9 I called this employer
10 yesterday, and I called a number of my
11 employers yesterday to see how they felt
12 about ban the box, but while I was
13 talking to him, he stopped me and he
14 said, you know, Art, remember that guy
15 that you recommended to us, Danell?

16 And I said, Yeah.

17 He said, Well, his supervisor
18 has told me he is the best employee he's
19 ever had working for him. And their
20 human resource person was in the room
21 with this gentleman while he was speaking
22 to him, and she said to him, Ask Art if
23 he has anybody like him that you could
24 refer, more people like him that they can
25 refer.

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2 This is a company that their
3 policy is not to hire, but they're
4 starting to take a chance because they're
5 meeting people and giving them more
6 opportunities to speak, and they're
7 seeing that these are not monsters, these
8 are not, you know -- most of the people
9 that have felonies, they're, like I said,
10 drug related stuff. So they're going to
11 have a real good impact from this change
12 in legislation especially.

13 I really want to make sure that
14 employers are going to be hiring in the
15 future without my direct influence, you
16 know, without me having to go there and
17 make these connections. And my hope for
18 the future is that because of policies
19 like this and changes in legislation,
20 that there won't be a need for job
21 developers like myself and that my
22 position hopefully can become obsolete,
23 because people can go out and get their
24 own jobs.

25 And one other thing. And I'm

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2 sorry, it's kind of -- but I think it's
3 also good to remember that along with the
4 ban the box, that we have to really
5 support the agencies that hold these
6 reentry programs like us so they can
7 teach the soft skills to people so that
8 they have more opportunities and better
9 opportunities to go in there and really
10 impress the employers. So just as a side
11 note I wanted to mention that.

12 But I want to thank you,
13 Committee Chair Miller, for drafting this
14 important legislation, and I strongly
15 urge the rest of the Committee and
16 Council to support the bill as well.

17 Thank you very much.

18 COUNCILWOMAN MILLER: Thank you
19 for your testimony.

20 MR. HOLMES: Again, I want to
21 thank you for this opportunity to present
22 testimony in support of Bill No. 110111
23 and especially to thank Chairperson Donna
24 Reed Miller for her leadership on this
25 issue.

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2 I am here today wearing two
3 hats. One, as Mr. Whittaker said, as a
4 life skills educator and job coach for
5 the Pennsylvania Prison Society. My
6 other hat unfortunately is as a victim of
7 the infamous criminal history box itself.

8 Human rights are generally
9 considered to include, among other
10 things, the right to life, liberty,
11 equality before the law and the pursuit
12 of happiness. The ban-the-box
13 initiative, in my opinion, seeks to fight
14 for those fundamental rights on behalf of
15 convicted felons as they relate to
16 employment. Ban the box is legislation
17 that would establish new standards for
18 hiring people with criminal records. It
19 is not a quota or preference. It does
20 not guarantee a convicted citizen a job
21 over anyone else. It establishes that
22 the customary legal precautions still be
23 applied. It only mandates that these
24 procedures not be applied prior to the
25 interview process. In this way, it seeks

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2 to protect convicted citizens from the
3 most immediate, obvious and common form
4 of employment discrimination, which is
5 the criminal history box.

6 As of 2007, one in 28
7 Pennsylvanians were incarcerated, on
8 probation or on parole. In Philadelphia,
9 an estimated 300,000 residents have
10 criminal records. These people come from
11 all races and classes, but are
12 disproportionately poor people and people
13 of color. Is it right that these already
14 marginalized citizens be made to carry
15 this additional stigma and bear the
16 consequences of being a convicted felon
17 forever?

18 I myself went to prison in
19 1984. I was released in 2006, five years
20 ago. A first-time offender, I spent 22
21 and a half years in prison being punished
22 for my crimes. Once released,
23 unfortunately the punishment did not
24 cease. The nature and severity of it
25 just changed. I recall applying for a

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2 job at a supermarket and answering "no"
3 to the criminal history question, which
4 asks if I had been convicted of a crime
5 in the last seven years. In my case,
6 "no" was true.

7 I was interviewed by phone and
8 then in person and was actually
9 eventually offered the job and scheduled
10 for orientation. When I brought in my
11 Intent to Hire document, which was
12 required by my halfway house, the
13 manager's face went blank. What is this,
14 he asked?

15 I explained I was in a halfway
16 house and needed this in order to
17 proceed.

18 He looked back at my
19 application and said, But you said no to
20 the criminal history question.

21 I tried to explain that I had
22 answered honestly, but I could tell by
23 the look on his face that things weren't
24 looking very well. And eventually he
25 said, I'll have to run this by corporate.

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2 I know that's a phrase that a lot of
3 people have heard. And needless to say,
4 I didn't get the job.

5 As my example shows, I think
6 not only is the box a bad policy, but
7 it's confusing most of the time,
8 frustrating and ineffective. There's no
9 doubt in my mind that I could have done
10 that job and done it well, but I didn't
11 get the opportunity.

12 After that experience,
13 frustration, confusion and even
14 desperation crossed through me each time
15 I saw that question on an application.
16 Given those emotions, it's not surprising
17 that I find myself being turned down for
18 numerous employment opportunities after
19 that. In my mind, I had gone from being
20 locked down to being locked out. Then I
21 discovered, much to my chagrin, that
22 after I was finally able to get a job,
23 when I tried to get an apartment, they
24 had the question on those applications,
25 too.

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2 To add to my frustration, I was
3 and am also daily confronted by the
4 spectacle of seeing job ads online every
5 day that say clean criminal histories are
6 required, and I'm sitting here wondering,
7 isn't that against the law? So the very
8 people who are discriminating against
9 people with criminal histories are
10 themselves engaging in a crime, and I
11 find that to be a little bit ironic.

12 And I consider that myself, I
13 was a lucky person, because when I was
14 released, I had a Bachelor's Degree. I
15 had the confidence and support systems
16 that were necessary to get me through
17 that difficult transition period. And
18 also as an aside, I want to thank the
19 City also, because they were one of the
20 first people who actually did give me an
21 opportunity and gave me a job. Even
22 though it was seasonal, it helped me
23 through that difficult period, and I want
24 to really say thank you to them for that.

25 But, unfortunately, my

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2 experience as a life skills educator
3 dealing with over 400 men in the course
4 of the last three or four years has been
5 that many more people do not have the
6 support and the experience and the
7 education that I had to get through that
8 period. I think thousands of people are
9 being trapped into ghettoized existences
10 where they are locked into communities
11 and lifestyles that they may no longer
12 choose but cannot escape, being boxed in
13 by the box.

14 Banning the box is an effort to
15 grant a true second chance to all of
16 those who have earned the right to
17 compete for one. Maintaining the box
18 would be another impediment to those
19 attempting true reformation.

20 In my opinion, the box has two
21 major negative effects. One, in a highly
22 competitive world where productivity is
23 essential, the box prevents highly
24 motivated and capable people from getting
25 an equal opportunity to be interviewed

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2 and employed.

3 Two, the box creates an
4 atmosphere of hopelessness and
5 helplessness for ex-offenders that can
6 eventually impact public safety. How
7 many ex-offenders are contributing
8 positively to our communities, mostly
9 unpublicized, as we speak? How many
10 opportunities have been missed because
11 applications have been placed in the "no"
12 file before applicants even had the
13 chance to present themselves? It should
14 surprise no one that unemployment and the
15 fear of poverty does have an effect on
16 crime.

17 How many good people have been
18 nudged toward crime by the lack of
19 opportunities? It is difficult to
20 estimate the cost of opportunities lost.
21 And to those who may suggest that good
22 people could never be pushed to crime, I
23 would respectfully suggest that it is a
24 common but flawed fantasy. In truth,
25 there before the grace of God could be

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2 any one of us.

3 With the competitive world that
4 we now live in, we need every capable
5 person contributing. How much human
6 resource has this box caused us to waste?

7 And, finally, I understand that
8 many do not have sympathy for
9 ex-offenders, and some are even
10 passionate about their animus, and I
11 understand. But aren't we at a point in
12 this city and in this country where we
13 can no longer afford to make emotional
14 decisions that are fiscally
15 irresponsible? At the end of the day, we
16 can choose to have men and women in a
17 cell costing \$30,000 a year or in society
18 making \$30,000 a year. Banning the box,
19 in my opinion, makes the logical choice
20 more viable. And at the end, it's the
21 right thing to do.

22 I want to thank you for letting
23 me have an opportunity to speak.

24 (Applause.)

25 COUNCILWOMAN MILLER: Thank

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2 you.

3 MS. ALLIE: Well, thank you,
4 Chairwoman Donna Reed Miller and members
5 of the Committee on Public Safety, for
6 the opportunity to speak before you today
7 regarding the amendment of the
8 Philadelphia Code, Title 9, entitled
9 "Regulation of Businesses, Trades and
10 Professions," by enacting a new Chapter,
11 entitled "Fair Criminal Record Screening
12 Standards." My name is Donna Allie and I
13 am President of Team Clean, a building
14 service company based here in the great
15 City of Philadelphia. I am a member of
16 the Philadelphia Workforce Investment
17 Board, African American Chamber of
18 Commerce and a host of other business
19 associations.

20 I am here to personally convey
21 my support to this amendment which
22 establishes provisions and requirements
23 for the screening of criminal records by
24 certain employers within the City of
25 Philadelphia. I am sure you have heard

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2 from your many constituents that a
3 criminal record creates a huge obstacle
4 to employment. In fact, studies have
5 demonstrated that employers are much more
6 adverse to hiring ex-offenders than they
7 are towards any other disadvantaged
8 group.

9 I know firsthand the challenges
10 ex-offenders face when seeking
11 employment, as I have interviewed and
12 hired scores of individuals who time
13 after time tell me the familiar tale of
14 being unable to get past the application
15 process, let alone afforded an
16 opportunity to interview. In the end,
17 this essentially means these individuals
18 have little, if any, chance to compete in
19 an extremely competitive job market.
20 That is why passing this amendment is an
21 important step that helps to level the
22 playing field for individuals who have
23 made mistakes but are working to lead
24 responsible and productive lives.

25 Now, as I understand, the

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2 amendments essentially bans employers
3 from asking or making a decision about an
4 applicant's criminal record until after
5 the first interview. And if I may pause
6 here for a minute, I want to emphasize
7 that, in my opinion, this is one of the
8 most significant highlights of these
9 amendments, because it requires human
10 interaction. It puts a face to a name
11 and gives the applicants an opportunity
12 to make a compelling argument for why
13 they should be hired and articulate how
14 they can contribute to the company's
15 goals. This is an opportunity otherwise
16 lost.

17 The amendment also allows
18 employers to conduct criminal background
19 checks that are required for the industry
20 they work in, creates an advisory
21 committee that will review how this is
22 being put into practice and make
23 recommendations to the Mayor and City
24 Council, reinforces that such background
25 checks must be conducted in compliance

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2 with state laws that are already in
3 place.

4 I support each of the
5 amendments, as they are not only good for
6 the economic well-being of our city, they
7 are good for individuals and families.
8 Giving formerly convicted individuals a
9 second chance is an issue that I am
10 passionate about and as I interface with
11 employees every day who are working hard
12 to get their life back on track.

13 So in conclusion, I want to
14 thank you, Donna Reed Miller and members
15 of Council, again for the opportunity to
16 speak before you today. I thank you and
17 your continued leadership on this issue.

18 COUNCILWOMAN MILLER: Thank
19 you. Thank you, Donna. I just want to
20 thank you as an employer for coming in
21 here today. And you know that Team Clean
22 has been around for a lot of years. How
23 many?

24 (Applause.)

25 COUNCILWOMAN MILLER: I

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2 remember when I worked for Representative
3 David Richardson and all these young men
4 on the block was driving everybody crazy,
5 and you called me and said, You have
6 anybody you can refer?

7 I'm like, thank God, I can get
8 rid of all these guys hanging out here.
9 And we called you, and that was so many
10 years ago, and you've just been growing
11 and growing and growing. But it's
12 employers like you that really want to
13 give people a second chance. I mean, we
14 have all kinds of issues here in
15 Philadelphia, poverty, and employment
16 helps. I mean, agencies such as the
17 Prison Society and a lot of the other
18 groups here in the City that are working
19 with reentry, there's no way we can
20 address any of these issues if people
21 cannot become employed. So it's really
22 key, and I really feel passionate about
23 this issue, too. I mean, we've got to be
24 able to help people, and that's why we're
25 here.

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2 And I've heard that your
3 success rate at the Prison Society is
4 pretty good with your reentry program.
5 In fact, I think I just referred a couple
6 of people over there about two or three
7 weeks ago. So one young man is very
8 pleased. No. He went to a different
9 one. He's doing carpentry training.

10 But I think we all have to work
11 together. I know William has been
12 meeting with groups and I know the Prison
13 Society has been a part of those groups
14 to talk about this legislation, talk
15 about ways we can help.

16 But I really thank you for
17 coming in today. And I also want to just
18 make note that Councilwoman Jannie
19 Blackwell has also joined this hearing.
20 Thank you. Thank you for coming.

21 (Applause.)

22 COUNCILWOMAN MILLER: Our next
23 witnesses will be Michael Ta'Bon and
24 Terry Starks.

25 (Witnesses approached witness

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2 table.)

3 COUNCILWOMAN MILLER: Hi.

4 Hello again. How are you?

5 MR. TA'BON: Good morning. How
6 you doing?

7 COUNCILWOMAN MILLER: I see you
8 still have your handcuffs on.

9 MR. TA'BON: I'm still an
10 ex-convict.

11 COUNCILWOMAN MILLER: Pull the
12 mike up, make sure that you identify
13 yourself for the record and speak into
14 the mike and proceed. Thank you.

15 MR. TA'BON: Yes, ma'am. My
16 name is Michael Ta'Bon, and I just want
17 to say good morning to everybody. Thank
18 y'all for coming. I want to thank you
19 personally. I don't think a lot of
20 people realize how serious what you're
21 attempting to do is, and I really
22 recognize.

23 I just found out this morning
24 that today was the day. I switched my
25 whole schedule around to come down here,

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2 because I recognize how serious what
3 you're doing is.

4 Introduce yourself.

5 MR. STARKS: My name is Terry
6 Starks, and I recognize exactly. I'm
7 with Mike Ta'Bon, and we rumbled the
8 fight, but we're here today to let you
9 know we got -- well, we really in full
10 support of everything that y'all doing
11 for us, for the City.

12 COUNCILWOMAN MILLER: Thank
13 you. And we really appreciate it, too.
14 Thank you for coming.

15 MR. TA'BON: Basically today,
16 simply what I'd like to speak about is
17 it's nice to see that somebody in City
18 Hall as a public servant is lining up the
19 legislation with God's will. I think
20 it's important to know that what we're
21 talking about here today is the word
22 "forgiveness." It's really that simple
23 when you break it all the way down. It's
24 like are we willing to forgive these
25 people? And I just think it's a simple

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2 situation where morally some employers
3 have to ask they self, have they ever
4 been in need of forgiveness? You know,
5 the Bible, what it say? And forgive us
6 our trespasses, as we forgive those who
7 trespass against us.

8 I just -- I want to get -- I'm
9 going to keep this short, but I want to
10 just deal with it from this perspective:
11 This bill, this ban-the-box bill, is
12 bigger than anybody really believes, and
13 the brother back here touched on it.
14 When you give ex-convicts jobs -- I mean,
15 does anybody want the violence to stop in
16 the City? Because when you got an
17 ex-convict in a halfway house -- I've
18 been in many halfway houses, from Komen
19 Call, Kenta (ph). Everybody comes out of
20 state wanting to do the right thing, for
21 the most part. There are a few who plan
22 their way back to prison while they still
23 there, but for the most part, brothers
24 have a positive outlook on life and want
25 an opportunity.

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2 Now, the drug dealer always has
3 a job available. Always. And what we've
4 been preaching up there on 19th and
5 Hunting Park in your district is simply
6 that our good has to become as relentless
7 as their evil or we're going to lose.
8 You understand where I'm coming from? We
9 have to begin -- the bottom line is, if
10 you give somebody a job, you don't know
11 what they've done behind closed doors.
12 They might deserve to be a convict. You
13 understand where I'm coming from? And
14 when they do something wrong in their
15 job, you fire them.

16 You give an ex-convict a job,
17 if he doesn't do good at the job, you
18 fire him and get somebody else. We don't
19 have to use the fact that somebody is an
20 ex-convict as a reason to punish him even
21 further. It's like I keep hearing people
22 say, Well, let's wait ten years before we
23 give them a fair opportunity to ban the
24 box. To say that is to say that the
25 money that we invested into the

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2 Department of Corrections doesn't work.
3 It's like you're saying -- to say that we
4 got to wait ten years after they've been
5 released is to say that the Department of
6 Corrections didn't correct anything,
7 because if you believe that it was
8 corrected, you'll give them a job as soon
9 as they came home. You got departments
10 to correct them. You understand where
11 I'm coming from?

12 I think that we as taxpayers
13 need to believe in what we putting our
14 tax dollars behind, the Department of
15 Corrections. Because what's happening
16 is, when you go up there and you take the
17 training programs and you take the rehab
18 programs and you've cleaned the guy up
19 and his skin look a little better and he
20 feeling good about hisself and he know
21 it's about time to go home, and then they
22 get home and get that door slammed shut
23 in his face, it's basically telling him,
24 you still the same person that you was
25 before you did this time. You have not

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2 been corrected. And then it's like now
3 you get the mentality of, I might as well
4 go back to what I was doing before.

5 Now, when you give an
6 ex-convict a job -- and I hope somebody
7 in here got a business that's listening
8 to me -- a lot of times you don't feel
9 sorry for the ex-convict. Well, maybe
10 your heart can bleed for the children of
11 the ex-convicts, because when you --

12 (Applause.)

13 MR. TA'BON: When you give
14 an -- thank you. When you give an
15 ex-convict a job, he could take care of
16 his family. Now them little hungry kids
17 that you see at the gas station trying to
18 pump gas for a dollar, now they don't
19 have to pump gas, because some of them
20 kids is really hungry and some of us in
21 here right now drive past them and won't
22 let them pump their -- and they're
23 creating a job, something that a lot of
24 people in power can't seem to do. But
25 when you see that little kid pumping gas,

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2 he just created a job for hisself. When
3 you see him bagging bags in the
4 supermarket, cutting grass, you let him
5 shovel your snow in the wintertime when
6 it's cold, that is called creating a job.

7 Let's take a page out of New
8 Jersey book. How many gas stations do we
9 have in the City of Philadelphia? What
10 if we hire somebody, an ex-convict or a
11 young person, in the summertime or
12 whatever that pump gas legally? They
13 there anyway. They do it right in the
14 next state. You can't pump gas in New
15 Jersey, and the gas is cheaper. So maybe
16 we need to take some of that gas money
17 and use it to make jobs. If it's a
18 thousand gas stations in Philly -- and I
19 don't know how many it is, but let's just
20 say it's a thousand -- and you got two
21 shifts working, that's 2,000 jobs
22 overnight.

23 I mean, I don't think that we
24 have to make it as complicated as it is.
25 I think we just need to get it simple.

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2 We need to deal with forgiveness and we
3 need to deal with the realities of if you
4 want your communities a little bit safer,
5 then you need to give ex-convicts jobs
6 from that perspective, because when he at
7 work, he puts down the gun. When he at
8 work, he puts down the drugs.

9 You go up on 19th -- if you
10 don't believe that the theory works, I
11 implore you and -- Ms. Donna Reed Miller,
12 in your district? Ma'am?

13 COUNCILWOMAN MILLER: I'm
14 sorry.

15 MR. TA'BON: I'm sorry. I
16 just -- because I know you're familiar
17 with this place. In your district on
18 19th and Hunting Park Avenue, you got a
19 guy named Lionell Dunbar, the car wash
20 out there. They out there 24 hours a
21 day, washing cars in the wintertime and
22 everything. That car wash has been there
23 for eight years. Everybody that works at
24 his car wash is an ex-convict. They've
25 been working there for eight years

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2 straight. They kids come out there now.

3 They women is happy with them.

4 I got a brother that told me
5 that because he can't get a job, he don't
6 even feel like a man in his household.
7 So when somebody can't provide for they
8 family, it mentally and spiritually
9 demoralizes the individual even worse
10 than the convict.

11 Everybody know that crime and
12 poverty is synonymous. You gave -- take
13 the crack heads right there on 19th and
14 Hunting Park Avenue is working now. They
15 not crack heads anymore. It's just --
16 let's be what we are, the City of
17 Brotherly Love. Love, that's what's
18 missing. And love comes with --
19 forgiveness comes from love. We got to
20 start loving each other. And I'm going
21 to leave before I say too much.

22 God bless y'all.

23 (Applause.)

24 COUNCILWOMAN MILLER: Can we
25 take just a five-minute break, just for

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2 like five minutes. Thanks. We'll be
3 right back.

4 (Short recess.)

5 COUNCILWOMAN MILLER: We're
6 getting ready to start. Thank you.

7 Our next set of witnesses are
8 Wally Smith and Reuben Jones.

9 (Witnesses approached witness
10 table.)

11 MR. JONES: Good morning,
12 ladies and gentlemen and Councilmembers.

13 COUNCILWOMAN MILLER: Good
14 morning.

15 MR. JONES: Pleasure to be
16 here. How are you this morning,
17 Ms. Miller?

18 COUNCILWOMAN MILLER: I'm doing
19 fine. How are you? Don't forget to
20 identify yourself, too.

21 MR. JONES: I'm doing well.
22 I'm excited about this bill.

23 We've already heard a lot of
24 testimony, so I won't kind of regurgitate
25 a lot of stuff we already heard. I just

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2 want to share a couple of things from my
3 perspective about this particular bill.

4 I myself, I'm also an
5 ex-offender, and one of the experiences I
6 had back in, I guess, 2005, I found
7 myself unemployed and I was looking for a
8 job. I saw an ad in the paper and I
9 called the number, got a positive
10 response from the gentleman on the phone.
11 He invited me up for an interview. I
12 went, and it was all the way up in
13 Lansdale, PA. I didn't have a car at the
14 time. I rented the car, went up here to
15 interview for this position. I feel like
16 the gentleman was very impressed. We had
17 a lengthy discussion. He spent about a
18 half an hour, 45 minutes with me, showing
19 me around the facility and telling me
20 what my responsibilities were, and
21 basically, you know, unofficially assured
22 me of a position.

23 Towards the end, he told me, I
24 just need you to fill out this
25 application as a formality. We need to

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2 keep it on file. He left me alone for
3 about ten minutes, 15 minutes, came back,
4 looked over the application, and as his
5 eyes scanned the paper, I could see his
6 whole body language change. I could see
7 his whole demeanor change, his whole
8 attitude change. And he went from
9 embracing me and basically offering me a
10 position to telling me, you know, We'll
11 give you a call. I have a bunch of other
12 applications to look over.

13 The one thing I didn't mention
14 with the job was, it was at a facility
15 that cleaned porta potties. So, you
16 know, I know we heard some testimony of
17 folks saying that if a person can't get a
18 job, they might turn back to crime. For
19 me, it wasn't that, but it was something
20 much deeper in that I fell into a deep
21 depression, because I felt like here I
22 am, I'm trying to do the right things,
23 I'm trying to just have a normal life,
24 and this person is basically telling me
25 because I have a criminal record, I

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2 wasn't good enough to clean a toilet.

3 And I think that one aspect of
4 this whole problem that we're looking at
5 is that men and women, but particularly
6 men, coming out of prison who wants to be
7 a provider for their families, who wants
8 to be a contributing member of society
9 aren't necessarily going to go back into
10 a life of crime.

11 Am I correct, Wally?

12 I mean, the folks who are
13 looking for jobs are looking for a job,
14 and the folks who want to sell drugs on
15 the corner are selling drugs on the
16 corner. But if you're looking for a job
17 and you're told that you're not worthy of
18 employment, you're not worthy of being a
19 provider for your family because of a
20 mistake or a bad choice you made 10, 15
21 to 20 years ago, then we start to cut
22 into a much deeper social problem.

23 This country was built on the
24 premise of no taxation without
25 representation. Am I correct? So right

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2 now ex-offenders are being marginalized
3 in a society that they're asked to be
4 contributors, asked to pay taxes, but on
5 the same token, they're treated like
6 second-class citizens. We're not
7 afforded full citizenship.

8 Right now the question on the
9 job application that says have you ever
10 been convicted of a felony is the last
11 legalized discrimination in this country.
12 If I were an employee, if I were a
13 businessperson and I will offer
14 employment to anyone and I ask them, are
15 you gay, how much do you weigh, what's
16 your religion, I will be sued. I will be
17 ran out of business. I would be
18 protested. But I'm allowed to ask have
19 you ever committed a crime. And it's not
20 to judge the person of the ability to do
21 the job. It's not to determine how good
22 of an employee they could be. It's
23 simply used to exclude people. And if
24 we're talking about full citizenship,
25 that means equal protection of the law

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2 for all of our citizens, and that
3 includes people who have been convicted
4 of crime.

5 Just a couple noteworthy
6 changes that I've noticed in this
7 society. Recently the food industry has
8 gone to itemizing calories on the menu so
9 that you know what you're getting, and
10 maybe there was some opposition or
11 pushback from the food industry and maybe
12 it costs some money to reprint your
13 menus, but that was a change that society
14 determined was needed. Am I correct? So
15 when we talking about the job application
16 and this question, employers may incur
17 some additional costs of reprinting the
18 application, but it's a change that we as
19 society has determined that needs to be
20 made.

21 Employed ex-offenders adds tax
22 revenue, and God knows the City would
23 need it. We just experienced a recent
24 budget proposal that's talking about
25 cutting funding from everything from

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2 public education to police and fire
3 departments. Am I correct? However,
4 we've had an increase in Corrections, in
5 the Department of Correction. So I think
6 that's something that we have to look at,
7 because once these men and women come out
8 of prison, if we're willing to spend a
9 lot of money to send them to prison, we
10 have to look at the back end to determine
11 what kind of society are we creating in
12 terms of embracing them when they do pay
13 their debt.

14 I believe that this bill is an
15 investment in humanity. Again, we heard
16 earlier that it levels the playing field
17 and affords full citizenship. And I also
18 believe that we're not just talking about
19 a legal problem. We're talking about a
20 social problem as well. If we can't
21 readjust the way we think and the way we
22 view other human beings who may have made
23 mistakes, who may have made bad choices,
24 who are now trying to empower themselves
25 through employment, then I think we're

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2 creating a bad message and a bad signal
3 to all those folks who are holding on to
4 that whole reenter society as productive
5 members.

6 And the last thing I want to
7 say, that if this bill doesn't pass, I
8 think that for me it says that the
9 punishment is a permanent lifetime
10 punishment. My particular crime happened
11 in 1986. 1986. So we're almost 25 years
12 later, and although I think that I made a
13 lot of personal changes during that time,
14 I also feel that there's certain doors
15 that I can't walk in because I have a
16 criminal record. There's certain jobs
17 I'm not going to be able to get because I
18 have a criminal record. And I think that
19 for me personally it creates a mentality
20 or sense of a lifetime punishment where
21 the person I spoke of earlier, I wasn't
22 in a physical prison, but now I felt
23 incarcerated mentally just because I
24 checked the box on the application.

25 Thank you.

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2 (Applause.)

3 COUNCILWOMAN MILLER: Thank
4 you.

5 MR. SMITH: Good afternoon,
6 Madam Chair and rest of the Committee.
7 I'm here -- Wally Smith on behalf of the
8 Philadelphia and the state NAACP, who
9 supports this bill. We support it
10 basically because of public safety. We
11 understand that if former incarcerated
12 people working, that's less of them
13 hanging around doing idle things, and we
14 know idle time creates negative effects.

15 We want the business and the
16 people who are being employers to know
17 that by no way do this bill exclude
18 background checks. We want to make sure
19 that you get the background check through
20 the state police, through the FBI. It's
21 mandatory that we support that, but also
22 it gives a person a chance to explain
23 themselves.

24 When they go in, they mark that
25 box, if it was still there, mostly it

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2 took special employers to say, I'm going
3 to give this person a second interview.
4 But most of the time you throw it out the
5 door, you get frustrated, people don't --
6 and we done tracked this. If they not
7 working in the first three years of their
8 release, they going back to prison,
9 because that's all they know.

10 We don't promote prison and we
11 don't think any ex-offender who don't get
12 a job is a criminal. I think that's a
13 choice that they have to make.

14 A lot of people out there don't
15 have employment, but they still trying to
16 stay out of trouble. I mean, guns, drugs
17 is not an option. So we talking about
18 changes within a person.

19 You got a lot of rich people
20 committing crime, so it don't have
21 anything to do. But this bill
22 particularly in Philadelphia, because we
23 have a large population of formerly
24 incarcerated people, gives them a chance
25 if they say they want to do the right

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2 thing. See, this is a chance before they
3 get to prison. So they can't say that
4 the City of Philadelphia didn't help us.
5 They gave us a chance by banning the box.
6 So we didn't have an opportunity to say
7 that.

8 So it is very important. It
9 gives ex-offenders a chance to say if you
10 want to stay out of jail, go look for a
11 job and it won't be a box there. Get
12 yourself prepared and qualified to stay
13 on the job site. And under public safety
14 is that it's very important -- the NAACP,
15 we had to bring people out and educate
16 the community about what they meant about
17 banning the box. It meant that they
18 wouldn't have a chance to background
19 check you or give you a drug screening.
20 This doesn't exclude that. That will
21 take place. What this will do is allow a
22 young man or a young woman to say, Hey, I
23 don't have to worry about that until the
24 second round. Do I have the education,
25 do I have the skills to qualify? That

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2 should be the only thing on the table.
3 Because this is a victory to the next
4 level of -- if you got a felony, you
5 can't even drive a bus for the School
6 District of Philadelphia. Why if you
7 never did anything to no children that
8 whole -- you should be able -- if you
9 never robbed somebody, why can't you work
10 cleaning a bank? You understand what I'm
11 saying? So this puts it in the content
12 of where your crime gets you a job. If
13 you was messing with children, sure you
14 can't work in no school, in the
15 cafeteria, custodian staff, driving a
16 bus. No. I wouldn't support that. But
17 what it does is, it allows people who got
18 an education -- most people who went to
19 school was ready. Don't disqualify them
20 anymore because they have a felony.

21 So it is very important. I
22 honor what you're doing in this
23 Committee, because what it does is, when
24 I talk about public safety, a young man
25 can't tell me, I'm staying on the corner

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2 hustling because I can't get a job
3 because I can't get past the box. You
4 know what I mean? So when we say no,
5 that's taken away now. So get off the
6 corner and start applying yourself.

7 So this is a good way for us to
8 make our city more economical, feasible
9 and safe. So from the NAACP perspective
10 and from our President, Jerry Mondesire,
11 we 100 percent support it, but we have to
12 get the public educated about exactly
13 what this bill is going to do and don't
14 get businesspeople and the private
15 sector -- and the City was bold by being
16 first at it. We can't be hypocritical
17 saying, Well, we asking other people to
18 do what we're not allowed to do.

19 I'm fortunate. I committed a
20 crime 30 years ago, 30 years ago, 1980.
21 You know what I mean? City Hall, I was
22 convicted, went to prison for 15 years,
23 been out of prison 15 years, but right
24 now if I get a pink slip, I'm done. You
25 know what I mean? I got an asset to

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2 Councilpeople. I got an asset to
3 Senators, state reps, police officers.
4 Matter of fact, I got a chance to tell
5 three police captains what I expect from
6 them in public safety, but if I get done,
7 that's it because of this box. You know
8 what I mean? Because it ain't going to
9 be based on he ain't committed a crime
10 since 1980. You understand what I'm
11 saying? Twenty-year-old man got out of
12 jail at 35, 50 years old now, but it
13 still counts. You know what I mean?

14 So we need a box -- we need
15 this to pass. We need people to
16 understand that it give you a chance,
17 because I get anxiety. Wow, if I lose my
18 job, I got to go ask and I got to go
19 through that whole process. A lot of
20 people don't know I'm a former -- been in
21 prison for 15 years, was a former bank
22 robber. They don't know it. You know
23 what I mean? But that was my job, and
24 like you said, when I was doing bank
25 robbing, I don't have a job. That was my

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2 job, taking money. Well, when I got a
3 job, that's my job. Criminals don't look
4 for jobs. You know what I mean? Because
5 they going to give it easy.

6 So I'm trying to tell you, I
7 did enough hard work and I understand
8 that crime is never on the table and it's
9 never the option. It cost me too much.
10 Fifteen years of my life that I could
11 never get back. But what I have done in
12 these next 15 years is did some positive
13 stuff, raised my family, being an
14 outstanding citizen, keeping children
15 safe, keeping our community safe. But
16 I'm at risk too if I get laid off.

17 Thank you.

18 (Applause.)

19 COUNCILWOMAN MILLER: Thank
20 you.

21 We have a couple questions or
22 comments, one from Councilman Greenlee
23 and Councilman Jones.

24 COUNCILMAN GREENLEE: Thank
25 you, Madam Chair.

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2 Very quickly. Mr. Jones, I
3 just want to say you're a good example of
4 why we should have this bill, because I
5 think if you got in for an interview,
6 you're a pretty persuasive guy, so I
7 think you could persuade people to hire
8 you.

9 So, again, I think you're a
10 good example of why we need this bill.
11 Thank you.

12 MR. JONES: Well, you know
13 what? Can I respond to that? Thank you,
14 and I appreciate that, but I think what
15 the one thing we want to stress, this
16 bill will create an opportunity for
17 ex-offenders, formerly incarcerated
18 people, to raise the bar. If you take
19 away the barrier -- and I don't want to
20 use the word "excuse." If you take away
21 the barrier for employment with that box,
22 that means now I got to go to school, I
23 got to get some training, I got to learn
24 how to do -- I have to bring something to
25 the table. That experience I had with

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2 the cleaning the porta potties sent me to
3 graduate school to get a Master Degree,
4 because I didn't want to be in a position
5 where somebody could judge me for that to
6 clean a toilet. Do you understand? So I
7 know from personal experience from the
8 people that I surround myself with,
9 removing that barrier will create a
10 better society, because now folks are
11 forced to raise the bar of their own
12 expectation and opportunity.

13 COUNCILWOMAN MILLER: What does
14 Frontline Dads do?

15 MR. JONES: Frontline Dads
16 mentor youth, we do reentry support for
17 formerly incarcerated individuals
18 returning to the community, and we do a
19 fatherhood program for single fathers and
20 disconnected fathers.

21 COUNCILWOMAN MILLER: Very
22 good. Thanks.

23 Go ahead, Councilman.

24 COUNCILMAN JONES: Thank you,
25 Madam Chairman.

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2 I just want to say, first of
3 all, Wally, I've known you a couple of
4 decades now and I know you to be a
5 positive influence on the community, and
6 if a box gets in your way of success, we
7 need to remove it. So, I mean, that's
8 where I'm at.

9 But I remember from the NAACP
10 vantage point, not the local but the
11 national convention they had in
12 California a couple of years ago, I
13 shared a plane ride with one of the top
14 brass of the NAACP, and we got to talking
15 and he said to me, Why don't more young
16 people sign up for the NAACP? And so at
17 first I didn't want to answer him because
18 I was a little embarrassed and didn't
19 want to embarrass him by the answer. Not
20 the local but the national. And I
21 finally told him, I said, Because after a
22 while, you have to change your issues to
23 be relevant. And in the United States of
24 America, for African Americans, criminal
25 justice is a civil rights issue. It is

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2 right up there with voting rights and
3 equal opportunity for economics and where
4 you live.

5 This issue affects more African
6 American men in particular, and women
7 now, than most. And so, therefore, the
8 issue of -- and the example was, I think
9 her name was Rice. She was related to
10 Condoleezza Rice, I think her cousin or
11 second cousin or something like that, was
12 a defender out in California, and
13 California wanted to do a proposition on
14 the ballot which would automatically
15 certify people who committed felonies
16 when they were 16 as opposed to 18, and
17 it was going to be left up to the
18 discretion of the prosecutor. She was
19 able to go out, organize on that issue to
20 defeat that ballot position because it
21 was relevant to the day-to-day lives of
22 many of the inner city men in big cities.

23 So as we start to look at what
24 is relevant today, we should look to the
25 past with pride and build on that, but we

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2 have to look to today and remove what
3 barriers to success and to a good quality
4 of life that all of us deserve, and if
5 the box is it, it needs to be gone.

6 So I want to thank you for your
7 testimony.

8 MR. SMITH: To respond to what
9 you said, they must have heard you at the
10 national level, because two people under
11 40 is now heading the NAACP, which over
12 100 years old, Chairman Roslyn Brock and
13 our President, Ben Jealous, who was an
14 activist before he became President. So
15 he understands what you said. The new
16 issue of civil rights is about education,
17 about incarceration of massive people of
18 color and et cetera. And on our local
19 level, I really think that our leadership
20 is starting to get it, because it had to
21 start -- and it takes courageous leaders
22 like Chairman here and the rest of the
23 Committee to talk about these issues
24 about being inclusive for anyone. So I'd
25 just like to thank y'all again.

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2 COUNCILMAN JONES: One good

3 point about it within this Chamber, right

4 within this Chamber, when we did the

5 budget hearings, a lot of the departments

6 showed up and in particular this day,

7 Madam Chair, it was the Water Department.

8 Now, I didn't fall off a turnip truck

9 from Pleasantville. I grew up in West

10 Philly. So a lot of the guys that were

11 working for the Water Department, I knew,

12 but I knew them from back in the day.

13 And I'm looking at them, I'm saying, wait

14 a minute, ain't that so-and-so from

15 such-and-such street, and ain't that --

16 and as I started identifying them, I knew

17 they had taken a trip upstate, and to see

18 these men and women responsibly going

19 about their business and changing their

20 lives just by virtue of having an honest

21 job was transformational. And what

22 you're saying about wanting to work and

23 when you want to change, you do and not

24 having a barrier to it was proof positive

25 just by that one department, because for

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2 sure, had they not been -- well, I don't
3 know that, but it seems to me that
4 without that job, without that
5 opportunity to support their families and
6 themselves, they'd have took a different
7 path.

8 Thank you, Madam Chairman.

9 COUNCILWOMAN MILLER: You're
10 welcome.

11 It's so important. I was
12 having a discussion with someone that was
13 incarcerated in federal prison maybe
14 about a year or so ago. He called me at
15 home, and I said, you know -- so we were
16 just talking, and I said, What's going on
17 with -- what are the people saying that
18 are returning, that's been released, did
19 a violation and now they're back? What's
20 happening with that?

21 He says, Well, you know, one of
22 the worst things a man wants to find
23 himself -- one of the worst situations is
24 one of poverty and they can't provide for
25 their families. So that's one reason

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2 why, in his opinion, people were
3 recommitting and getting -- with new
4 charges and going back to prison.

5 So it's important. People need
6 to find -- people need jobs. We all need
7 jobs. You know, we all need jobs.

8 So I want to thank you, Wally
9 and the NAACP, for your support of this
10 bill.

11 I want to thank you, Reuben and
12 Frontline Dads, and thank you for coming
13 in and testifying today. Thank you.

14 MR. JONES: Thank you.

15 MR. SMITH: Thank you.

16 (Applause.)

17 COUNCILWOMAN MILLER: We're
18 going to have Reverend Robert Shine,
19 Reverend David Kline and Reverend
20 Michelle Simmons. Please come up to the
21 witness table.

22 (Witnesses approached witness
23 table.)

24 COUNCILWOMAN MILLER: And next
25 we'll have Malik Aziz, Steve Blackburn,

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2 Antoinette Jackson and Wayne Jacobs.

3 You're going to be next.

4 Make sure you pull the mike
5 close to you, even though -- all three of
6 you are pastors, so I'm sure you're used
7 to talking a little bit loud so we can
8 hear you. Identify yourself for the
9 record and proceed with your testimony.

10 Thank you.

11 REVEREND SHINE: Thank you,
12 Madam Chair Lady and honorable members of
13 this City Council, and may God favor us
14 today with a fruitful hearing and cause
15 it to be productive in every way.

16 I'm Reverend Robert Shine,
17 Pastor of the Berachah Baptist Church of
18 West Oak Lane and former President of the
19 Black Clergy of Philadelphia and Vicinity
20 and President of the statewide Coalition
21 of Black Clergy Men and Women.

22 Permit me to, before I give my
23 testimony, to present a reading, a
24 comment from the late Sir Winston
25 Churchill of the British House of Commons

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2 in July 1910 that I believe is quite
3 apropos.

4 "The mood and temper of the
5 public in regard to the treatment of
6 crime and criminals is one of the most
7 unfailing tests of the civilization of
8 any country. A calm and dispassionate
9 recognition of the rights of the accused
10 against the state, and of the convicted
11 criminals against the state, are constant
12 heart-searching by a charge with duty of
13 punishment, a desire and eagerness to
14 rehabilitate in the world of industry all
15 those who have paid their dues in the
16 hard coinage of punishment, tireless
17 efforts towards the discovery of curative
18 and regenerating process, and an
19 unfaltering faith that there is a
20 treasure, if you can only find it, in the
21 heart of every man and woman incarcerated
22 or released. These are the symbols which
23 in the treatment of crime and criminals
24 mark and measure the stored-up strength
25 of our nation and are the sign and proof

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2 of the living virtue of a nation like
3 America."

4 In short, your convening these
5 hearings attest to the idea that once
6 society's debt is paid, it is unjust to
7 continue to disenfranchise by
8 discrimination against the returnees, or
9 as commonly referred to as ex-offenders.
10 What is required in these days and time
11 when we hear so often of overcrowded
12 conditions within the prison system is
13 not further ostracization and
14 stigmatization. This goes completely
15 against what the returnees need.

16 These men and women do not need
17 isolation from the public square and
18 employment. They need a new community.
19 Without one, they will be reconsigned by
20 default to the community of crime once
21 again, thus recidivism. Prison
22 consolidates this community by cutting
23 ex-offenders off from regular society and
24 by habitating them to a life of a
25 recidivist society. The stigma becomes a

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2 badge of belonging, the regimentation a
3 substitute for self-control. And like
4 any impressive experience, prison
5 produces camaraderie among those who have
6 shared it, and this camaraderie extends
7 beyond the prison walls. And although
8 men and women at times are
9 well-intentioned and mean well when they
10 come out and they don't want to go back
11 into that, unless they have created a new
12 social bond and a new community, if they
13 don't have a new community to go back to,
14 they're going to go back to the old
15 community of friends, because there is
16 such a need for each one of us to belong
17 somewhere. And part of resocialization
18 is reconciliation, and that depends to a
19 large extent on what happens after people
20 leave prison as it does on what goes on
21 within the walls.

22 At this time, there is a lot of
23 hostility, rejection and contempt that
24 society feels towards ex-offenders and
25 that ex-offenders feel towards society.

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2 And the support of this legislative Bill
3 110111 is a giant step forward toward
4 reducing these feelings and, even more,
5 opening up the opportunity for the
6 returnees to regain some dignity, respect
7 and a second chance. It is a very
8 reasonable act and should be hereby
9 ratified.

10 This legislation calls for the
11 amending of Title 9 of The Philadelphia
12 Code, entitled "Regulation of Business,
13 Trades and Professions," by enacting a
14 new Chapter 9-3000, entitled "Fair
15 Criminal Record Screening Standards," to
16 establish provisions and requirements for
17 the screening of criminal records by
18 certain employers within the City of
19 Philadelphia, all under certain terms and
20 conditions.

21 As I have read the bill, I find
22 that it is not only a civic solution, it
23 is a moral one as well as a just one. I
24 further believe that introducing this
25 piece of legislation will bring the City

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2 of Philadelphia into the mainstream of
3 modern correctional practices. This
4 legislative bill I also believe is in
5 harmony with the reforms being led by
6 State Senator Stewart Greenleaf, who has
7 authored legislation not only to help
8 reduce recidivism and save money by
9 creating a prison system that encourages
10 non-violent offenders to participate in
11 evidence-based treatment and job-training
12 programs. I see no reasons then why this
13 legislation should not be enacted. The
14 combination of these reforms will improve
15 our prisons and help protect society by
16 encouraging the returnees to take the
17 necessary step towards resocialization
18 while inside. So that once they are
19 released, they have the greater
20 opportunities for success outside. If
21 hard times drove them in, then hard times
22 won't keep them out. Fair Criminal
23 Record Screening Standards is a positive
24 step in the right direction. It can lead
25 to a job, more jobs and more jobs.

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2 Finally, I believe that you
3 understand more than most the importance
4 of providing a continuum of care for
5 those who need it and appropriate and
6 available after-care services for all.

7 Madam Chairman, rehabilitation,
8 resocialization and reintegration is all
9 possible through this bill.

10 May God bless you.

11 COUNCILWOMAN MILLER: Thank
12 you.

13 (Applause.)

14 REVEREND SIMMONS: My name is
15 Reverend Michelle Ann Simmons and I want
16 to thank Councilwoman Donna Miller Reed
17 (sic) for initiating this Bill 1101-111
18 and the other Committee members,
19 Mr. Curtis Jones, Jr., for being on the
20 front line of this initiative.

21 Truly, this box is killing us
22 as formerly incarcerated people. I was
23 born and raised in the City of
24 Philadelphia and I'm currently the
25 Founder and the Chief Executive Officer

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2 of Why Not Prosper, which is a
3 transitional house for female
4 ex-offenders. In my early childhood, I
5 experienced abuse and domestic violence,
6 which led to drug abuse and
7 incarceration.

8 In 1999, I was released from
9 the California Institution for Women and
10 I was granted permission to return back
11 to my home state. And when I returned
12 back in 2000, I was homeless, a little
13 bit -- I was uneducated. I had lost
14 custody of my children and I was
15 recovering from drugs and alcohol, but it
16 was something in me, just like the
17 brother Mike said, that had a desire to
18 do right and to get my kids back, and I
19 commenced to researching jobs and
20 employment, but the box always haunted
21 me. And I remember that because of this
22 rejection and this disappointment, I
23 started to focus on entrepreneurship, and
24 I wanted to start a program for females
25 like myself where I could be an employee

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2 as well, and that's how Why Not Prosper
3 was birthed.

4 So Why Not Prosper is currently
5 celebrating its ten-year anniversary, and
6 now I am the forerunner for women coming
7 home from prison that face these same
8 barriers that I faced when I was
9 released. And I'm totally -- Why Not
10 Prosper is in support of this bill
11 because the women come home with the
12 desire to have they children back. So
13 women come home with a desire to do the
14 right thing, and because of the lack of
15 employment, you understand, they're going
16 and they're forced back into unhealthy
17 situations, they're forced back into the
18 domestic violence situations, and I think
19 banning the box is going to give them the
20 opportunity.

21 I sit before you with a
22 Master's Degree in counseling psychology.
23 You know, I have a book here of all my
24 accomplishments and everything I've done
25 in the last ten years that's on its way

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2 to the Pardon Board, and I too have been
3 denied recently for the application to
4 take my license as a licensed therapist.
5 So this box is still haunting me after 12
6 years of being clean, ten years of no
7 criminal activity, and I think banning
8 this box will allow me to be able to
9 continue to service the other
10 Philadelphians that's coming home with
11 these issues. That's the first thing.

12 And, secondly, it's going to
13 help me personally because, for example,
14 I applied for a job, I applied for the
15 professional licensure. When we got to
16 the box, the process stopped. They
17 didn't care about all these
18 accomplishments. And most of them that I
19 was in an interview in front of them,
20 they probably don't got a book this
21 thick. You understand? Not to put
22 myself out there, but I did a lot of hard
23 work. You know what I'm saying? And I
24 paid my time back to society. However,
25 when that box get checked, it just halt

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2 the process.

3 So this bill will enable the
4 formerly incarcerated persons to at least
5 get a chance to present themselves to an
6 employer, and that's going to be the
7 biggest thing, because we do have skills.
8 Some of the women I service, they are
9 licensed LPNs and registered nurse and
10 dental hygienist, and they got high and
11 they messed up and now they degree is
12 sitting in a corner because they got to
13 mark yes on that box.

14 So I'm in support of the bill.
15 God bless you.

16 (Applause.)

17 REVEREND KLINE: Thank you,
18 Madam Chairman, for promoting the bill.
19 First of all, my name is K. David Kline.
20 I'm Associate Pastor at Walking the Light
21 (unintelligible), and I'm with the
22 International Fellowship of Christians
23 and Jews.

24 I want to first thank Donna
25 Reed Miller. I want to thank Curtis

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2 Jones. I want to thank Jannie Blackwell,
3 who just left. The reason I want to
4 thank you is because you have put your
5 reputation on the line to help
6 ex-offenders. You have put your
7 reputation on the line, and I know this.
8 And I want to thank you for not turning
9 your back, running scared when they have
10 come to your office or came to your --
11 needed you for help.

12 In the '90s I worked with
13 Offender Aid and Restoration. I actually
14 helped raise my family on Jackson versus
15 Hendricks money, supervised release
16 program, where Norma Shapiro had fined
17 the City because of the prison
18 overcrowding.

19 I had a 96 percent rate of
20 placing ex-offenders in jobs. We brought
21 it down from a 70 percent recidivism rate
22 to a 17 percent recidivism rate, because
23 we were able to get non-violent offenders
24 out, counsel them and get them in their
25 jobs.

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2 In the '70s, I was able to get
3 through the drug scene in the South
4 Philly war crime, the war that went on in
5 South Philly. I ended up in the Youth
6 Study Center as a young kid and was able
7 to escape by going -- being put out into
8 an upstate institution, which they sent
9 me to school because I had a good school
10 record. But when I did 10th and 11th
11 grade work and was able to finish, I was
12 able to come back, and in '74 was able to
13 graduate high school at Bartram.

14 In '75, I was able to win the
15 Joe Frazier Silver Gloves Boxing
16 Tournament, and in '75, I was also able
17 to go to Canada and was awarded the
18 Outstanding American Boxer Award in
19 Canada. In '76, I was able to get a
20 chance to fight Aaron Pryor and lost to
21 Aaron Pryor in Tournament of Champions to
22 go to the Olympic trials, and when I came
23 home, then I gave my life to Christ and
24 became a minister.

25 I've seen when I escaped that

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2 part and was able to go, become a
3 minister, what came into my heart was my
4 friends that went to jail and had nobody
5 to actually help them. For the last 23
6 years, I've been a prison rights
7 advocate, constitutional rights advocate,
8 going in and out of the prisons, being
9 able to do job development. But the job
10 development that I was doing was not only
11 on my own, it just looked like I was -- I
12 knew how to get in the doors and get out
13 of the doors, thanks to people like Donna
14 Reed Miller, being able to go to her
15 office and get information of where jobs
16 were. When I was out of work or got laid
17 off from a position, when I had a family
18 to feed, I still walked Center City in
19 suit and tie and briefcase, and nobody
20 knew I wasn't working. But what I did --
21 finding a job or looking for a job is an
22 eight-hour job. So I spent four of those
23 hours in Curtis Jones' business center.
24 He had a business center where you can
25 come. If you wanted to start your own

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2 business, if you wanted your resumes and
3 things put together, you can use the fax
4 machine, you can use the computer, and I
5 had my own phone. So basically when
6 you're not working, you're your own CEO.
7 And Mr. Jones would come see me. I would
8 see him in there. How you doing,
9 Mr. Jones? I would thank him all the
10 time. He said -- he had a press
11 conference or something to do and he
12 said, Man, you need to be on there coming
13 with me.

14 I said, Well, I have another
15 place I need to go.

16 But I want to thank you, and I
17 wanted to thank also Jannie Blackwell,
18 because at that time when I was putting
19 together jobs for myself and others, I
20 was able to do volunteer work under the
21 subways feeding the homeless with Jannie.
22 And when I took other guys down there
23 with me, I let them know, this is what we
24 can use on our resume as volunteer
25 services. So that helped be able to get

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2 these guys and girls jobs even though
3 they had a record, because I knew how to
4 get around the situations and be able to
5 get them started on jobs.

6 This bill will help us more.

7 Why? Because soon Jannie Blackwell,
8 Donna Reed Miller, Curtis Jones, they
9 will be even harder to get to because of
10 their positions. So this bill will help
11 us even more to stop putting their lives
12 in jeopardy because they still hanging
13 out with ex-offenders.

14 Thank you very much.

15 (Applause.)

16 COUNCILWOMAN MILLER: Well, I
17 want to thank you guys for coming in. We
18 just know that this is the type of bill
19 that really will impact quality of life
20 and life in the communities and public
21 safety and recidivism and all those other
22 things that this will positively impact.
23 We just know that most people coming out,
24 they really want to work. I think -- and
25 their hopes are so busted when they can't

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2 even get past the application process.

3 So that's what we're hoping. We are
4 hoping that we will be able to help many,
5 many, many people with this bill.

6 Michelle, I've been to your
7 place, you know that. I think when you
8 first opened, I was there, and I think
9 you're doing a good job up there on
10 Chelten Avenue.

11 Certainly, Reverend Shine, we
12 all know the different activities and
13 things that you're in, and you're always
14 calling looking for work for people and
15 trying to help people. And Reverend
16 Kline. So, you know, we're here for you.

17 So thank you. Thank you for
18 coming in. And we still have about ten
19 or more people to testify.

20 Any questions from any of the
21 Committee members?

22 (No response.)

23 REVEREND SHINE: There is every
24 hope for this bill being passed, right?

25 COUNCILWOMAN MILLER: Excuse

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2 me?

3 REVEREND SHINE: There's every
4 hope for this bill being passed?

5 COUNCILWOMAN MILLER:
6 Absolutely. We first have to get it out
7 of this Committee today and then -- you
8 know, there's a whole process.

9 REVEREND SHINE: That's why
10 we're here, to help you get it out of
11 Committee.

12 COUNCILWOMAN MILLER: And if we
13 need your help with it, I'll call
14 everybody. Okay. Thank you.

15 (Applause.)

16 COUNCILWOMAN MILLER: Okay.
17 Our next witness actually was my former
18 colleague.

19 You two guys weren't here then.
20 I was here. He's my colleague. But
21 anyway, Rick Mariano is our next witness,
22 and thank you, Rick, for coming in. We
23 really appreciate it.

24 COUNCILMAN MARIANO: Thank you,
25 Madam Councilwoman, Councilman Greenlee,

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2 Councilman Curtis. My pleasure to be
3 here. It seems I have a unique
4 perspective on this bill, being a member
5 of this august body and being a felon. I
6 have an ankle bracelet on, a GPS ankle
7 bracelet, if you all want to look at
8 that. So they know I'm here.

9 This is a great bill. I
10 commend you for doing this. I know I
11 read in the paper that you're a lame
12 duck. Donna, you were never a lame duck
13 to anything. So don't believe anything
14 they say. You're going to do the good
15 job until it's over. And this is
16 important. This bill is real important.
17 Because I have a college degree. I have
18 a trade. I met Presidents of the United
19 States, Councilpeople, Mayors, Governors,
20 Senators, and I can't get a job. Right
21 now I'm Program Coordinator for Impact
22 Services. The goodness of the heart of
23 Mark McDonald and Mike Driscoll, who is
24 the Chairman of the Board, I'm working.
25 I can't get a job in my trade because the

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2 industry and the construction business is
3 what it's doing right now, it's in a
4 downturn. Hopefully it will be back.
5 I'm available if anybody wants to hire a
6 union electrician at the union rate.
7 Just call the Electrician's Union up on
8 Spring Garden Street and request me
9 personally. I'm sure those people up
10 there will just love that.

11 It's hard. It's real hard.
12 And it's not hard for me. I'm blessed to
13 be here. I'm blessed to be out of
14 prison. I'm blessed to have this all
15 behind me and a pure future in front of
16 me. There's a lot of people in here --
17 and I was listening to brother Mike in
18 the jumpsuit. I wore one of them
19 jumpsuits when I was in the "hole" in
20 Fort Dix, and it's something you never
21 forget. People can take your freedom
22 away from you, but they can never take
23 your spirit. And the spirit of this bill
24 and bills like this just shows people
25 like myself and all these other

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2 ex-offenders in this room today that
3 there is people that care. Because
4 that's the important thing. Because you
5 start -- people tell you long enough
6 you're nothing, people tell you long
7 enough that you don't stand for anything,
8 people tell you long enough it don't
9 matter what you accomplish in your life
10 because of that one mistake you made,
11 it's pretty much over. And they beat you
12 until the end. And I'm not talking about
13 physical beating. Mental beatings. And
14 this is the kind of bill that sends us
15 the signal that people like yourselves
16 care.

17 And the one brother talked
18 about being out 15 years. Look, I
19 haven't been out five -- I've just been
20 out five months. I got another month on
21 this ankle bracelet, then I'm going to
22 U.S. probation, then I'll have two years
23 of paper after that. There's no hiding
24 what I did and there's no hiding what
25 I -- you know, who I am and what's going

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2 on, so I have to wear it a little
3 different than some of these fellows.

4 But the one brother that talked
5 about the depression, not getting a job,
6 the very first job I got when I got out,
7 I got it out of the union hall. I went
8 there and begged and said, I need a job.
9 They sent me down the airport. That was
10 a Friday. So like a dope, I called the
11 job and I said, This is Rick Mariano,
12 I'll be there on Monday. You got a
13 phone? Because the halfway house wants
14 me to have a phone, a land line.

15 He says, Rick, where you been?

16 I said, You know where I've
17 been.

18 He said, We don't have phones
19 anymore. Everybody has got cell phones.

20 Well, I'm not allowed to have a
21 cell phone. So what do I do?

22 Monday before I left to get up
23 to go work, I got a call, Don't go to
24 that job. Homeland Security says you
25 can't work in your trade that you've been

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2 paying dues for 30 years.

3 I'm not a terrorist. You know,
4 I never was. I didn't sell drugs. I'm
5 not better than anybody else. I'm a
6 felon. It doesn't matter what you did.
7 I'm a felon, and that's going to carry me
8 for the rest of my life.

9 So I had to get another job.
10 Fortunately, I got another job, and that
11 lasted about a month. Then I went with
12 Impact Services.

13 So it is one of those things
14 that no matter what you do and no matter
15 what these fellows behind me and these
16 men and women, they're always going to be
17 stuck with this. Maybe 10, 15 years down
18 the line, it will be a little different
19 and they'll be able to go in and not
20 request or just not checking that box,
21 because one of the responsibilities I
22 have as a Program Coordinator for Impact
23 Services are getting people jobs. And
24 there's some good employees out there,
25 like Brown's Shop N Bag. They have a

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2 mission statement where they hire felons.

3 And these are okay jobs. I mean, they're

4 entry level, and these guys will tell

5 you, we're glad to have any jobs. We

6 joke about working in McDonald's.

7 Believe me, I would have worked at

8 McDonald's rather than go back to prison.

9 I have no problem working at McDonald's.

10 In fact, if things don't pick up and I'm

11 allowed to work night work when I go to

12 U.S. probation, I might be working at

13 McDonald's, you know, or maybe Geno's

14 Steaks or something like that. Who

15 knows. Because we do what we got to do,

16 and we do it because we want to support

17 our family.

18 You know, the mistake is over,

19 and the justice system in this country

20 never wants you to live it down. And

21 that's really not what I'm here for

22 today. That's in the future. I hope to

23 be able to contribute to this in some way

24 or some manner, and maybe this will be

25 followed by some state initiatives or

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2 some federal initiatives. This has to be
3 addressed, and it has to be addressed by
4 people like yourselves that understand.

5 I mean, I know how it is to sit there and
6 hear people go on and on and on about
7 things and you know what you're going to
8 do already, but this is transparency that
9 we fight for. This is the kind of things
10 that we want to see.

11 These people behind me here,
12 this is important, because when you go
13 for that job and they tell you, Look, we
14 like you and you got a skill, but, you
15 know, there's all kinds of other people
16 out of work and this is more trouble.
17 It's more trouble. I happen to know that
18 a big employer in Philadelphia who makes
19 something that people drink -- and I
20 won't say their name, and it's not an
21 alcoholic beverage -- they don't want to
22 hire felons. They would like to, but
23 they can't do it because of all the red
24 tape. And believe me, there's tax
25 incentives for employers, but there's a

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2 lot of red tape.

3 So this kind of incentive, this
4 kind of bill -- and I'm sure it will get
5 out of your committee and go to the
6 Council of the Whole -- is something,
7 again, that's just a mental victory for
8 people like myself and all these people
9 that came before me and are coming after
10 me. It's important.

11 So, again, I thank you. I
12 won't take any more of your time. Thank
13 you for having me back here. I promise I
14 won't bother you again until there's
15 another big issue, and then maybe I'll
16 have the ankle bracelet off and you can
17 all buy my book and maybe make me some
18 money. Okay?

19 So thank you. God bless you,
20 Councilman, Councilwoman. This is
21 important. Thank you. You're good
22 people. Thank you.

23 (Applause.)

24 COUNCILWOMAN MILLER:

25 Councilwoman Blackwell.

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2 COUNCILWOMAN BLACKWELL: Thank
3 you. I want to thank Councilman Mariano
4 for being here. We were proud to have
5 served with him. And like the man said
6 in the record, you know, second chances.
7 Everybody -- we have to be about, as we
8 live and are human beings, about second
9 chances.

10 You know, I was in a community
11 meeting in Southwest last night and they
12 were talking about unemployment, and they
13 said everybody is not an ex-con, and I
14 said, Well, there's no way you can go to
15 a meeting with a whole group of people
16 without not having a lot of them, because
17 there's so many people overwhelmingly who
18 have been locked up for one reason or
19 another, including myself in the subway.
20 I don't have a record, but I certainly
21 was cuffed and put in a van and locked up
22 for trying to help homeless people.

23 And so I think that -- we thank
24 you for coming and realize that we all
25 have to be about second chances and about

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2 accepting the fact that we're all
3 children under one God and that we have
4 to do what we can to help one another.

5 Thank you.

6 COUNCILMAN MARIANO: Thank you.

7 And, Councilwoman, I'm glad you spoke,
8 because I actually forgot you were
9 sitting there. Ms. Blackwell is --
10 Councilwoman Blackwell is a very special
11 person to me and a few of the people up
12 here, and they know who they are. People
13 in this body actually sent me money in
14 prison, and the guys that have been in
15 prison understand how that is. You think
16 prison is a free ride. You got to buy
17 your own underwear. You got to buy
18 everything. And you don't realize that
19 phone -- these people sent me money,
20 Councilwoman Miller, Councilman Clarke,
21 Councilman DiCicco, Kenney, all those
22 people sent me money. Rizzo came to see
23 me. It's important.

24 And, you know, you're a good
25 person. I won't embarrass you anymore,

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2 but you reminded me at one point -- my
3 son is over there waiting for me. He
4 works for the City. He told me, he said,
5 Make sure you mention Michael Vick. So I
6 have to mention Michael Vick. I wanted
7 to see the Phillies go to the -- I mean,
8 the Eagles go to the Super Bowl, because
9 this man is my hero. Now, I can't throw
10 a football 80 yards, and I doubt if
11 anybody behind me here that's a felon can
12 throw a football 80 yards. But remember
13 how everybody was down on brother Mike?
14 When I was in Lewisburg, nobody liked
15 him. Then he starts winning, people
16 start liking him.

17 Well, give us a chance to win,
18 too. Okay?

19 So thank you. Thank you very
20 much. God bless you, Councilwoman.

21 (Applause.)

22 COUNCILWOMAN MILLER: Thank
23 you. And, you know, I want to thank you.
24 This Committee thanks you for coming in
25 today to testify.

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2 COUNCILMAN MARIANO: Thank you
3 for having me.

4 COUNCILWOMAN MILLER: And, you
5 know, we're here. If there's anything we
6 can do to help, we will. And thank you
7 for sharing.

8 COUNCILMAN MARIANO: Thank you.
9 Any time.

10 COUNCILWOMAN MILLER: And good
11 luck.

12 COUNCILMAN MARIANO: Thank you.
13 God bless you all.

14 COUNCILWOMAN MILLER: Thank
15 you.

16 (Appause.)

17 COUNCILWOMAN MILLER: So we
18 have Malik, Wayne, Antoinette Jackson and
19 Reginald Carter. I thought we had Steve
20 Blackburn. Steve is not here.

21 COUNCILWOMAN BLACKWELL: Madam
22 Chair, may I say that I have to step out
23 a moment, but I'll be back. These are
24 people with whom we've worked for many,
25 many years, and you know Malik gives the

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2 Lucien E. Blackwell Guiding Light Awards
3 out every year since Lu's passing, and
4 these are people we love, we respect and
5 people who do what they can to help
6 ex-offenders and people in need.

7 So thank you to Malik, the
8 family, all of you. We thank you.

9 And, Madam Chair, I'll be right
10 back.

11 COUNCILWOMAN MILLER: Okay.
12 Thank you.

13 (Witness approached witness
14 table.)

15 COUNCILWOMAN MILLER: Good
16 afternoon. How you doing? Don't forget
17 to pull the mike up close enough so we
18 can hear you. Speak right into the mike,
19 identify yourself and proceed.

20 MR. AZIZ: Okay. I'm not going
21 to speak first, but I wanted to say good
22 afternoon, Councilwoman Miller and
23 Councilman Curtis Jones. My wife is
24 going to speak first. So I'll pass the
25 mike.

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2 COUNCILWOMAN MILLER: Are you
3 going to speak at all?

4 MR. AZIZ: Yes, ma'am. I'll
5 speak last.

6 COUNCILWOMAN MILLER: All
7 right.

8 MS. JACKSON-AZIZ: Good
9 morning -- I mean good afternoon. Sorry.
10 My name is Antoinette Jackson-Aziz. I'm
11 a mother, a wife, a behavior therapist, a
12 drug and alcohol counselor, a neighbor, a
13 member of the McCloud clan, and I also
14 happen to be a person who made a mistake
15 and am now a formerly incarcerated
16 person. Fortunately, I put my list in
17 priority, but when I walk in for a job,
18 I'm a formerly incarcerated person first
19 and all those other things come
20 afterwards. So this ban the box is very
21 important.

22 I worked very hard to change my
23 life. I came home on February 6th, 2003.
24 I was enrolled full time at Community
25 College by May 31st, 2003. I have five

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2 degrees, and I'm working on -- I'm
3 completing a sixth degree in clinical and
4 counseling psychology and searching for a
5 school for a Ph.D. I'm also certified in
6 drug and alcohol human service, and I
7 just received a new certification from
8 Villanova University in drug and alcohol.
9 But the box still gets in my way. Right
10 now I'm under-employed. I take what I
11 can get. You know, we do make jokes
12 about McDonald's, but that's a reality
13 for us.

14 I was told that if we do the
15 right thing, that things would get
16 better, but I don't see that happening.
17 I think the ban the box is a start in the
18 direction of a system that needs a total
19 restructuring. So this is a no-brainer
20 really.

21 And I just want to point out
22 one other thing. I'm a very brief
23 talker. There was an article in the
24 Daily News on February 18th of this year.
25 It was on Page 28, but it talks about

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2 State Representative Tim Mahoney. Our
3 new Governor decided that he wasn't going
4 to open, I think it's, a fourth of three
5 new prisons, and this State
6 Representative said that the news was
7 devastating for a region that has some of
8 the state's highest poverty and
9 unemployment rates and will not see the
10 650 jobs that the \$200 million prison was
11 expected to create. I know that it's a
12 no-brainer that most of the 650 jobs are
13 created by people from Philadelphia, who
14 are going to fill the prisons. Even
15 though they didn't open that particular
16 prison or it's on hold for now, they are
17 building some other prisons, 2,000-bed
18 prisons. So unless we can get gainful
19 employment -- and \$10 an hour is a start,
20 but it's not gainful employment,
21 especially for people who have a stack of
22 degrees. My degrees are so not important
23 to me anymore. It's just something that
24 I have to do. I keep them in books.
25 This is books of certificates,

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2 scholarships that I won, all kind of
3 trainings that I've taken, so that I can
4 prove to people that I get it, I get it.

5 When I was getting processed in
6 the prison, I was processing myself out
7 of prison at the same time. I knew that
8 I had to sit for four years, but I got
9 it. I didn't want to be a part of that
10 system.

11 I've done everything that I
12 can, and it's ridiculous that we have
13 boxes and other ways of discriminating,
14 but there's no doubt in my mind that as
15 long as we have these 2,000-bed prisons
16 and that people are depending on us to
17 fill these prisons for their livelihood
18 in Western Pennsylvania, that we're going
19 to have an issue.

20 So I thank you for banning the
21 box, and I hope that you will continue
22 with us in the struggle that's a whole
23 lot deeper than the box.

24 (Applause.)

25 MR. CARTER: How are you? I'm

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2 Reginald Carter, known also as Brother
3 Abdullah. I want to commend you on the
4 ban-the-box legislation that you're about
5 to pass, I would imagine.

6 After ten years and eight
7 months, I was released from prison. I've
8 been out here now maybe 28 years. I've
9 been here a while. But finding
10 employment was very difficult in
11 reference to deciding whether or not I
12 should tell people that I was actually
13 incarcerated. I remember one particular
14 occasion that I didn't tell an employer
15 that I was incarcerated. My way of
16 thinking was that maybe I can have a job
17 until they find out, or maybe if they
18 find out, they'll let me work anyway. As
19 it turned out, when they found out, they
20 simply dismissed me.

21 I had no record of any child
22 abuse, anything of that sort. I was a
23 former gang member, wanna be robber. I
24 had no success at that. But it leaves a
25 mark on you when you can't get a job

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2 because you have to decide whether or not
3 you want to say yes, I've been
4 incarcerated. It's really a tremendous
5 obstacle, and so it's been a difficult
6 road to travel. I think that hadn't I
7 established a moral code while
8 incarcerated, I could have gone back to
9 some of the other things that people
10 decide to go back to, robbery and things
11 of that sort, but I had established a
12 moral code within myself throughout my
13 incarceration.

14 I wanted to say something to
15 Darrell Clarke, because he's from one of
16 my neighborhoods in Strawberry Mansion.
17 Many years ago, Darrell Clarke, with his
18 help, I was trained to be a roofer when
19 they had gotten contracts in the
20 Strawberry Mansion area to do
21 construction. And so through the help of
22 this body at that particular time, I
23 was -- I learned a skill. In fact, I'm
24 going to be doing something now in terms
25 of creating businesses, and I want to

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2 serve really people that are coming out
3 of incarceration.

4 So I just want to commend you
5 on this legislation. I could reiterate
6 the things that you've heard from other
7 people, the hurt that you go through, the
8 disappointment knowing that there's a
9 mark against you for life, you know, this
10 particular time, but I won't go through
11 all those things. Some people have said
12 them eloquently. So I'm just going to
13 commend you, and I want to say go for it.
14 It's a great step in the right direction.
15 It's something that will help to curve
16 this genocidal and elitist practice,
17 because that's really what it is. It's
18 based on race so often and other have's
19 and have not's.

20 So I want to commend you.
21 That's it.

22 MR. AZIZ: I also want to
23 commend you. You know I care about you
24 and everybody up there. Like my brother
25 said, that it was so many other speakers

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2 that eloquently addressed the issue of
3 why we're here. So I just wanted to just
4 add something small to the fact that -- I
5 look at the books. You see my book.
6 It's blue. Her book pink, of course,
7 right? And sister Michelle Simmons back
8 there with her book of all the
9 achievements and accomplishments that
10 people that have been in prison that come
11 out and do the right thing and try to be
12 reintegrated back into society by -- when
13 they go to school, when they get these
14 accomplishments and achievements, they
15 kind of like expect something back from
16 society in the way of a good job,
17 advancement, belonging to associations
18 and things of that nature.

19 A lot of the barriers -- I was
20 in Alabama last week with the founder of
21 the person that did the ban the box in
22 California, All of Us or None of Us,
23 Dorsey Nunn. And they have -- their ban
24 the box is in effect for the whole state
25 of California, on the state level of ban

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2 the box, which was impressive. And
3 there's other states too that have ban
4 the box. Because of the ban-the-box
5 activity here in Philadelphia, the City
6 of Newark, New Jersey and Camden are also
7 mirroring the ban-the-box efforts of
8 Philadelphia across the bridge. I happen
9 to have some insight on that.

10 The ban the box means a lot to
11 a person like me, a person like my wife,
12 like Ali, because people do check when
13 you go with a job application. They do
14 look at that box before they look at
15 anything else and form the opinion that
16 you've been in trouble. They just form
17 the opinion and then they really not
18 interested no more after seeing that.

19 Credibility, this will give, of
20 course, the City of Philadelphia
21 credibility in their efforts to help
22 people like us to be successful in life.
23 Moving it from Philadelphia to the state
24 level is something we need to do, too.

25 It's unfortunate that people --

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2 my wife made a statement about out West
3 Pennsylvania. It's unfortunate people
4 would come up off of other people's
5 miseries and suffering and misjudgments
6 and mistakes in life, but that's a real
7 fact of life for them. I mean, he was
8 adamant when he stood up on the House of
9 Representative floor and said that he was
10 really, really upset that they wasn't
11 going to get 650 jobs because the people
12 that come to those prisons won't live
13 there. They'll get out and come back to
14 Philadelphia, Pittsburgh or Harrisburg,
15 where most of the people go to prison and
16 make up the state population.

17 My other thing I want to talk
18 about is the violent offender. I hear a
19 lot of non-violent offender stuff, right?
20 A violent offender is a person that would
21 do serious crime. A non-violent person
22 hasn't done serious crime yet. So in my
23 judgment and in my experiences, I think
24 we should also focus a lot of our efforts
25 on helping the violent offender when they

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2 get out to be employed. It's a
3 no-brainer that if you have the people
4 working in the community that have
5 already showed you a tendency to get in
6 trouble and they're employed, then I
7 think your crime rates will drop
8 overnight. And a lot of these
9 communities, when you have people
10 working, they'd be too tired to get in
11 crime. They working a full shift and get
12 a good pay on Friday. That mindset
13 changes. That was really instrumental in
14 my mindset change. But I worked before I
15 went to jail and was involved in a lot of
16 stuff. So, I mean, I'm not going to sit
17 up here and even say what I did, because
18 you know, Councilwoman Miller, what I'm
19 involved in. And I do a lot of stuff,
20 activism, as an advocate and an activist
21 for my peers.

22 So, once again, I'm proud,
23 proud of this Council, this Committee.
24 Councilman Greenlee, proud that you have
25 taken this on, because it shows the

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2 fortitude of Councilmembers up there that
3 they care about a population of people
4 that they say are counted out when they
5 come out of prison, they don't count, and
6 it's really a disrespect to the whole
7 City as a whole, because their
8 families -- families have people in
9 prison, and whatever they in prison for,
10 they serve they time. When they come
11 home and they have a new objective and
12 goal to reenter society, that should
13 never be held against them. But it
14 does -- it's always held against them.
15 Even 30 years ago, people ask you about
16 something 30 years ago, when you was a
17 kid or something, right, and that's not
18 right. So I guess more information needs
19 to be given to employers, too.

20 And then another thing I tell
21 people, try to start your own business,
22 right? Start your own business.
23 Entrepreneur, right? They go through the
24 licenses and things that you need to get.
25 Be a taxpayer that way.

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2 But it's a whole lot of
3 barriers that we facing, the
4 certification boards. You know, thank
5 God the PCB understands. I too just got
6 a certificate for drug and alcohol from
7 Villanova. My wife made me go with her
8 to school. I went, and I'm thankful for
9 that, because I have another
10 certification. I have a lot of
11 certifications, but unlike Wally Smith, I
12 been at a job. I worked for the reentry
13 office. I been at a job, and I'm kind of
14 like scared to even throw my resume in
15 somebody's hand because of my record,
16 which I been out of prison longer than
17 any of them. I've been out 16 years
18 without incident, walked off parole
19 without incident, been out off parole
20 since 2000. But I'm a rebel rouser. I
21 like to make some noise. I'm not afraid
22 of standing up and being right when I'm
23 right. Should nobody be. But a lot of
24 times the stigma of just being in prison
25 causes a lot of people to not have the

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2 star power as Michael Vick. Somebody
3 said he's a poster child for -- somebody
4 just said that recently. I think it was
5 Bill DiMaschio said that from the Prison
6 Society. He's the poster child. There's
7 way more poster child's than Michael Vick
8 that live right in this city that been
9 done that, that come back in the
10 community and help the kids and help the
11 police with the non-violence programs and
12 with the anti-violence programs. And
13 just to take somebody because of their
14 status as an athlete -- I mean, when
15 Michael Vick played his first game, we
16 were out there protesting for him. Both
17 of us belong to PETA, the Humane Society.
18 We got pets. We love our pets. But when
19 they said Michael Vick shouldn't have a
20 second chance because of his crime, we
21 were right there at the Vet -- I said the
22 Vet. I ain't been there --

23 MS. JACKSON-AZIZ: We weren't
24 inside. We were outside.

25 MR. AZIZ: We were outside

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2 holding signs up for Michael Vick. So we
3 activists. We're going to always do
4 that. We're going to always go in the
5 prison to try to say something positive
6 to people that come out.

7 And with that, I'm done. And I
8 thank you, Councilman Jones, Councilwoman
9 Miller, Councilman Greenlee, for your
10 time. Thank you.

11 (Applause.)

12 COUNCILWOMAN MILLER: And we
13 want to thank you for coming in, too. I
14 do remember you were out there with the
15 signs.

16 I want to talk to you later
17 about the conference that you -- I think
18 Wayne went, too. What was it, Alabama?

19 MR. AZIZ: Alabama.

20 COUNCILWOMAN MILLER: Right.
21 Would love to talk to you later about
22 that.

23 MR. AZIZ: Okay.

24 MR. CARTER: I just wanted to
25 say that the point that Malik Aziz

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2 brought up about violent offenders is a
3 very important point, because everybody
4 is talking down on the violent offender.
5 Well, you have a lot of violent
6 offenders, and you have those offenders
7 who have been violent, but you just don't
8 know they've been violent. So we should
9 really be looking at how we can bring
10 people with violent offenses back into
11 the community as an asset like we want to
12 bring other people back into the
13 community as assets rather than
14 liabilities, because they have potential
15 just as we all have.

16 Thank you.

17 COUNCILWOMAN MILLER: Okay.

18 Thank you.

19 Wayne, you and Steve and who?

20 MR. JACOBS: We have a person
21 from Pittsburgh.

22 COUNCILWOMAN MILLER: Wait a
23 minute. I have to put my glasses on.

24 MR. JACOBS: Steve Blackburn,
25 Wayne Jacobs.

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2 COUNCILWOMAN MILLER: Dean
3 Williams.

4 MR. JACOBS: Dean Williams and
5 Bradford.

6 MR. CARROLL: Broderick.

7 MR. JACOBS: Broderick.

8 COUNCILMAN GREENLEE: Whoever
9 would like to start, just identify
10 yourself for the record and proceed.

11 MR. CARROLL: Good afternoon.
12 My name is Broderick Carroll and I just
13 want to say the importance about banning
14 the box. I'm just speaking from my
15 experience.

16 I had applied for life
17 insurance and I was accepted for life
18 insurance, and then the man said that
19 somebody will be calling me two days
20 later. Well, two days later I got a
21 phone call, and on the other end of the
22 phone, the man was asking me questions,
23 you know, pertaining to life insurance.
24 You know, questions like do you smoke, do
25 you drink, do you use drugs. And, you

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2 know, all the answers was no. And then
3 he said, Well, have you ever been locked
4 up?

5 I said, Yeah.

6 He said, Are you on probation
7 or parole?

8 I said, Yes.

9 He said, Hold on for a minute.
10 And he came back to the phone and he
11 said, Your application will not be
12 accepted, we will be sending you your
13 money back. And that was for life
14 insurance.

15 Just two months ago I went for
16 a job interview to be a youth
17 coordinator. Just last year I was
18 working for a corporation as a youth
19 coordinator. I have child abuse
20 clearance. My resume speaks for itself
21 as far as me being a youth coordinator, a
22 mentor. I had certificates from United
23 Way of graduating their classes as a
24 youth mentor. So when I went for this
25 job and I presented all my credentials to

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2 these people, they said, We like what we
3 see. We like the things that you say to
4 us, and you're hired. So she said --
5 this is part of the interview. So she
6 said, Well, go out there and fill out
7 this -- fill this package out. You know,
8 the package consists of the application,
9 W-2 form and all that. So when I filled
10 it out, you know, when I got to the box,
11 I checked the box off, yes, I have been
12 arrested. The lady came and got my
13 package, went back into the office, came
14 back out and said, Mr. Carroll, we can't
15 hire you.

16 And I was like, How? You just
17 hired me like 20 minutes ago, you know,
18 and came right back out and said we can't
19 hire you. And I knew right then it was
20 because of the box.

21 So I do think it's very
22 important that the legislation -- let
23 this law go through where the box is
24 actually taken off of the applications,
25 not just for employment, you know, the

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2 whole -- everything, you know.

3 COUNCILMAN GREENLEE: Well,
4 there's some things we probably -- like
5 insurance, we unfortunately don't have
6 control of that. That's the state. But
7 I understand what you're saying. It
8 hurts you in a lot of ways. But right
9 now we're dealing with -- the bill itself
10 deals with employment. I understand what
11 you're saying, yeah.

12 MR. CARROLL: Thank you very
13 much.

14 COUNCILMAN GREENLEE: Okay.
15 Thank you.

16 Whoever would like to go next,
17 again, please identify yourself for the
18 record.

19 MR. WILLIAMS: Good afternoon.
20 My name is Dean Williams. I'm here from
21 Pittsburgh, Pennsylvania, and I just
22 acquired a position of Director of
23 X Offenders for Community Empowerment,
24 along with Wayne Jacobs here, and I just
25 wanted to come here and show my support

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2 for this bill, and hopefully we'll be
3 able to take this bill statewide. I'm
4 also a convicted felon, and I look
5 forward to the opportunity of expanding
6 this as far as we can to make it go
7 statewide.

8 COUNCILMAN GREENLEE: Sounds
9 good. Thank you.

10 Who else would like to testify?

11 Mr. Jacobs, you're actually
12 going to say something? I find that hard
13 to believe. No; go ahead.

14 MR. JACOBS: Well --

15 COUNCILMAN GREENLEE: Identify
16 yourself. We all know you, but just for
17 the record.

18 MR. JACOBS: My name is Wayne
19 Jacobs. I'm the Co-Founder and Executive
20 Director of X Offenders for Community
21 Empowerment. My organization assists
22 formerly convicted people with cleaning
23 up their criminal background records, and
24 the reason why they need their records
25 cleaned up is because of the fact that

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2 they can't get past the box, and it
3 doesn't make a difference.

4 When we first started providing
5 this service, we come to find out we had
6 people that had convictions from 30 years
7 ago, shoplifting, 18, went back to
8 college, got Master's Degrees, went back
9 to work, and as soon as the economy --
10 the bottom fell out within the economy,
11 now formerly convicted people are now
12 facing a new reality, because 15, 20
13 years ago if you was a formerly convicted
14 person, you could easily get back into
15 work. They were still hiring you.

16 The reason why the employers
17 stopped hiring formerly convicted people
18 was because the state legislators took
19 the insurance ability away from
20 employers. This is the reason why
21 employers are reluctant to hire, because
22 they can't insure them, thanks to the
23 State Representatives. They was the ones
24 that took that away.

25 And so we began to assist

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2 people with cleaning up their records,
3 and to my surprise, that we found that
4 here's people who have skills, ungodly,
5 Master's Degrees, Ph.D.s and all that
6 good stuff, and they cannot work at they
7 skill level.

8 COUNCILMAN GREENLEE: Wayne,
9 could you just explain what you mean by
10 clean up your record?

11 MR. JACOBS: Yes. What we do
12 is, we assist people with filing their
13 pardon applications. We are the only
14 group in the State of Pennsylvania that
15 provide that service. So that's the
16 reason why we got Dean here in
17 Pittsburgh, to assist us in that area.
18 That's one of the primary things we do.
19 We help clean up formerly convicted
20 people criminal background records
21 through the pardon and expungement
22 process as well.

23 But I just want to say this, is
24 that when we look at this box, this box
25 is so far reaching, that the box do not

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2 have an ending, and we need for it to
3 have an ending. We need for City Council
4 to pass it to kill the box here so we
5 could take this show on the road to
6 Pittsburgh, Delaware County, all over the
7 state so we can be able to get them 1.4
8 million formerly convicted people back to
9 work.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 MR. JACOBS: And the 300,000
13 that's here in the City of Philadelphia.

14 COUNCILMAN GREENLEE: I don't
15 want to be presumptuous, but I think you
16 got us on this one. I think you got our
17 votes on this one.

18 Sir, you want to testify,
19 please. Please identify yourself.

20 MR. BLACKBURN: Good afternoon.
21 My name is Steve Blackburn. I am the
22 President and Co-Founder of X Offenders
23 for Community Empowerment. Wayne is my
24 colleague here.

25 Councilman Jones, Councilman

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2 Greenlee, I just want to address the
3 issue. I am a formerly convicted. My
4 crime happened back in 1975. I've been
5 able to get a Master's Degree in social
6 work, and fortunately I'm working right
7 now. And I just want to share my
8 experience, how I've been able to do that
9 given my background and that relation to
10 the ban the box.

11 I operated under the radar for
12 about 15 years basically working in the
13 field that most formerly convicted could
14 not work in, because nobody knew, and
15 those that knew didn't have a problem
16 with it. But I was able to establish a
17 track record and a reputation for service
18 and professionalism that when the issue
19 came up where I had to go to another
20 employer and I already had a relationship
21 established, they knew about my work.
22 And that's the whole thing about the ban
23 the box. This will not just allow
24 everybody to be employed just because the
25 box is not there. Certain employers will

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2 be able to do background checks and if
3 certain jobs, they have prohibitions who
4 can work in certain jobs, and that
5 probably won't change until we address
6 this on another level also. But it will
7 allow an applicant to basically
8 demonstrate who they are and what their
9 skill level is and not let the decision
10 of who to hire or not to hire just be
11 based on them checking that box. So it
12 will give people the opportunity to
13 demonstrate who they are professionally,
14 show their track record.

15 One of my employees, I told
16 him, I said -- when I was doing the
17 application, I said, I got to talk to
18 you, man. I said, I got a conviction.

19 He said, Well, Steve, I've been
20 knowing you 15 years. I know it has to
21 be old.

22 I said, Yeah, it's old, but you
23 better look at it because it may be an
24 issue, you know.

25 But I had that relationship

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2 already, where people gave me the benefit
3 of the doubt. It wasn't just the box
4 that determined who I was. I wasn't
5 described by just how I checked that box.
6 I had already had the opportunity to
7 establish who I was as a professional in
8 my field. And that's what we want this
9 ban the box to do, to get that person the
10 opportunity to show who they are, not
11 what happened 10, 15, 20, 30, 40 years
12 ago.

13 Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you. Like you say, it's about
16 opportunity. We definitely agree.

17 Councilman Jones.

18 COUNCILMAN JONES: Thank you,
19 Mr. Chairman.

20 One of the best parts of this
21 particular job is that you get to listen
22 to people that happen to be in different
23 subject matters experts, so you can
24 benefit from their years, decades of
25 knowledge. Wayne is one who does not

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2 miss an opportunity to educate all of us
3 in the hallway, in our office. So I'm
4 going to take advantage of this on the
5 record to up my cue on some matters.

6 You mentioned -- and anyone can
7 answer this -- that the insurance issue
8 prohibited a lot of companies from
9 considering it. What happens to their
10 insurance? What do risk managers do in
11 that regard to -- and why is the idea of
12 an ex-offender prohibitive for
13 insurances?

14 MR. JACOBS: See, before they
15 passed the Brady Law, before they passed
16 the Brady Law for background checks, the
17 box really didn't mean nothing. Okay?
18 But after they passed the Brady Law in
19 terms of criminal background checks for
20 people who want to buy guns, right, this
21 is where it all started from -- it
22 started from that particular end, and
23 what happened was, they had to find a way
24 to stop employers from employing people.
25 They had to find a way to stop employers

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2 from hiring formerly convicted people.
3 So what they did was, they took the
4 ability of those companies to insure
5 those workers. This is what they did.

6 COUNCILMAN JONES: When you say
7 insure the workers, do you mean insure
8 the business?

9 MR. JACOBS: Yeah. Like let's
10 just --

11 COUNCILMAN JONES: Or insure
12 the individual employee?

13 MR. JACOBS: That's working at
14 the business.

15 You know, whenever you get
16 hired by an employer, you are
17 automatically insured by that employer to
18 do that job. You know what I mean?
19 Let's just say you're doing -- you work
20 as a receptionist, right? And somebody
21 come in and you as the receptionist and
22 the other person have a little difficulty
23 or something, right, and now that person
24 want to sue. So they will sue the
25 company because of the individual, right?

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2 Because that individual is insured by
3 that company.

4 So to take it away from
5 formerly convicted people, they made it
6 so that they cannot get insurance. This
7 is why a lot of industries are prohibited
8 from hiring, because they can't cover
9 themselves. Because I can't hire an
10 employee and if something happen, my butt
11 is out. He's not insured. I can't
12 insure him. And that's what they did.
13 The state legislators did that. They
14 took the ability to insure formerly
15 convicted people.

16 COUNCILMAN JONES: And I know
17 you can't speak to this unless -- maybe
18 you can. I won't limit you on what you
19 can do. But risk managers did a
20 quantitative analysis that said customer
21 service is better with people that are
22 not formerly convicted individuals versus
23 customer service of people who are just
24 rude? And so somehow they figured out a
25 calculation that says this is a higher

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2 risk than that? Is there any
3 documentation that you know of anywhere
4 that justifies that?

5 MR. JACOBS: I don't have none
6 of that. Well, see, I do have some
7 information that was sent to us in
8 November from the National Reentry
9 Resource --

10 COUNCILMAN GREENLEE: Speak
11 into the microphone a little bit.

12 MR. JACOBS: I'm sorry. The
13 National Entry Resource Center in
14 Washington where they did a survey of
15 formerly convicted people on their
16 likelihood to reoffend, and what they
17 found was that the longer a formerly
18 convicted person stayed out, his chances
19 of reoffending goes down, and even take
20 it to the fact they said that for a
21 non-violent offender, if a non-violent
22 offender stay home for four years, their
23 chance of reoffending is the same level
24 as a person that never offended before,
25 you know. And I will provide you with

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2 all that information.

3 COUNCILMAN JONES: Just provide
4 the Chair of the Committee that.

5 MR. JACOBS: I'll make sure you
6 get that.

7 But the other thing I forgot to
8 mention, and that was the oversight
9 commission that y'all want to establish
10 after this bill get passed. And I want
11 to commend y'all for that also, because
12 you're now putting teeth in the bill, you
13 know. A lot of times y'all pass
14 legislation dealing with minority
15 set-aside and stuff and nobody was
16 standing over top of it and next thing
17 you know it wasn't getting done correctly
18 to y'all likings. However, this
19 particular bill does put together an
20 oversight committee to make sure that
21 things get done in terms of addressing
22 the civil rights issues of formerly
23 convicted people. And I just want to put
24 my hat in the ring that when the bill get
25 passed and y'all do your nomination, I

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2 want my name and my man Steve Blackburn
3 name at the top of that list, both of us.

4 COUNCILMAN GREENLEE: Somehow I
5 thought you'd be willing to do that.

6 MR. JACOBS: Both of us. Both
7 of us.

8 COUNCILMAN JONES: Thank you,
9 Mr. Chairman.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Thank you all very much. Thank
13 you for what you do. Thank you.

14 (Applause.)

15 COUNCILMAN GREENLEE: We still
16 have three panels listed, so I just ask
17 everybody -- because we want to make sure
18 we get this bill out of Committee today,
19 and we need a quorum to do that. So if
20 you could be as brief as possible in your
21 testimony, but we appreciate you staying
22 here for this.

23 The next panel I have is
24 Broderick Carroll. Is he here?

25 MR. JACOBS: He came with me.

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2 COUNCILMAN GREENLEE: Oh, I'm

3 sorry. How about -- I hope I'm not --

4 how about Malissa Gamble?

5 MR. JACOBS: I'll grab them for

6 you now.

7 COUNCILMAN GREENLEE: Malissa

8 Gamble?

9 MR. JACOBS: But she

10 submitted --

11 COUNCILMAN GREENLEE: Hold it.

12 Hold on.

13 Zachary Durham. That's you?

14 Okay. And Laura Goldman.

15 And, sir, you are? I'm sorry.

16 MR. BICKERSTAFF: Darryl

17 Bickerstaff.

18 COUNCILMAN GREENLEE: Okay. I

19 see you on here.

20 MR. YOUNG: Carlton Young?

21 COUNCILMAN GREENLEE: Yeah.

22 You're in the next group.

23 Mr. Durham, right? Why don't

24 you go first. Identify yourself for the

25 record and proceed, please.

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2 MR. DURHAM: My name is Zachary
3 Durham. I would like to thank
4 Councilpeople on this Committee,
5 Councilpersons present, Mr. Curtis Jones,
6 Jr. and Councilperson William Greenlee.

7 I'm here as an ex-offender and
8 I'm here as a citizen of Philadelphia. I
9 love this city a lot, and I would
10 appreciate if Council as a whole after it
11 gets out this Committee that this bill
12 passes. As I said, I speak on behalf of
13 ex-offenders of Philadelphia.

14 You know, just recently, last
15 week, I went to a grassroots campaign.
16 They called me down for an interview the
17 same day I called them. I went down for
18 an interview. They asked me questions.
19 They asked me about my previous work
20 history, and I told them. And they asked
21 me about -- mentioned certain topics
22 about politics and stuff like that, which
23 I really love politics, so I mentioned
24 something from the federal and state and
25 local level that bothered me. And so he

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2 left out the room and called me for the
3 interview, because it was two people in
4 there. And he asked me certain things
5 about the application, because it wasn't
6 all the way filled out, because he liked
7 what I said about the politics and stuff
8 like that, because it's a grassroots
9 campaign.

10 So he asked me did I have a
11 record. I wanted to lie, but my heart
12 told me to tell the truth. I told him
13 the truth. I told him that I had a
14 felony, because he asked me was it a
15 misdemeanor or a felony. I told him. I
16 told him the truth and nothing but the
17 truth.

18 He told me that I could not
19 work for the grassroots campaign because
20 I would be a liability, because I'd be
21 handling sensitive information. That
22 really hurt me. And, you know, every
23 day, every other day, I look for a job,
24 you know, even though I get discouraged
25 sometimes because I know that someone is

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2 going to ask me do I have a criminal
3 background, which I do. But, you know
4 what, I believe in God and I know he'll
5 make a way out of no way.

6 Mr. Jones, you know when you
7 were running for election, you had a
8 challenge. You know. And ex-offenders
9 every day, we have a challenge. These
10 courts want us to pay these fines and
11 costs and stuff like that, but with what
12 money? We can't keep depending on our
13 family. They're not going to be there
14 for long.

15 I'm only 22 years old, 22. My
16 life didn't used to be like this. I
17 didn't choose to have a felony. It was a
18 choice that I made, because I wanted to
19 come home to my family, because I lost
20 too, and I didn't want to lose another.

21 So I'm asking you,
22 Mr. Greenlee, and you, Mr. Curtis Jones,
23 that y'all pass this and that Council as
24 a whole pass this bill, because it's
25 needed. We were the city of firsts,

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2 first for a lot of things, the City of
3 Philadelphia. Let's be the first to make
4 this right. I know there's other states
5 and cities that has something similar
6 like this, but let's be the city to make
7 it -- make this bill better than all the
8 others.

9 I heard something when CLS was
10 here testifying to stuff like that, they
11 said something about obtaining a job or
12 something like that, seven years without
13 getting in any trouble or anything like
14 that. Why must there be requirements as
15 to a time limit to get a job? Why must
16 we wait? In Philadelphia alone, our
17 unemployment rate is 11 percent. The
18 national average is nine. Why does it
19 have to be like that here in
20 Philadelphia?

21 I know everybody in this room
22 loves this city. We need to take care of
23 it. We need to take care of the people.
24 We are a democracy. The people of
25 Philadelphia elected you to be in the

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2 position that you are today. I ask that
3 you take care of us as we took care of
4 you.

5 Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 (Applause.)

9 COUNCILMAN GREENLEE:
10 Ms. Goldman? Are you Ms. Goldman? No,
11 okay. Ma'am, please.

12 MS. SHARE: I'm Rhonda Share
13 (ph).

14 COUNCILMAN GREENLEE: Okay.
15 I'm sorry. We're getting a little lost
16 here. Go ahead, ma'am. Please identify
17 yourself for the record and proceed.

18 MS. SHARE: Good afternoon. My
19 name is Rhonda Share, Councilman,
20 Councilman. I thank God for allowing me
21 the privilege to come here this morning
22 today to speak with y'all personally.
23 I'm a mother of seven children and I am
24 also an ex-felon. My crime happened when
25 I was 16 years old. It's 26 years old.

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2 And I just went up for a pardon and it
3 was denied this month. And I also would
4 like for this bill to be passed. In the
5 beginning it wasn't an issue for me,
6 because I have a job. I've been working
7 like off and on for 17 years, but now it
8 seems to be more of an issue, and I would
9 definitely like for this to be passed. I
10 don't -- I hope it be passed soon, but,
11 you know, I know it's a process.

12 I'm not going to go on and on,
13 because I got a story to tell, but I'm
14 just praying that y'all make the right
15 decision and that this bill get passed.

16 Thanks.

17 COUNCILMAN GREENLEE: Thank
18 you. Thank you.

19 Sir.

20 MR. BICKERSTAFF: My name is
21 Darryl Bickerstaff. I'm one of them
22 violent offenders that they talk about.
23 My crime happened in 1984. I did 17
24 years. I've been home for 12 years.
25 Every day that I was home, I had a job.

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2 I started making 5.50 an hour. Then I
3 moved up. I turned supervisor. I worked
4 in the church for four years. I turned
5 supervisor of a clean -- I was
6 supervisor, then I turned assistant
7 manager to the Philadelphia Art Museum.

8 Now, when I was working at the
9 Art Museum, I was the manager of a
10 subcontract cleaning company, and as
11 y'all remember, the Director died. So
12 when she died -- you know, I sing. So
13 they were looking for somebody to sing
14 for all these people. So they already
15 told me there's going to be five people
16 up there, so come on up. I came up about
17 300. So after I got done singing -- I
18 sung, and after I got done singing, for
19 some reason somebody told them that I had
20 a record. When they found out that I had
21 a record, they went completely cuckoo,
22 crazy. Now, five minutes ago I was their
23 golden boy that stood up there and sung
24 because this woman died of cancer or
25 whatever she died from. I had no problem

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2 with that. That's what I do. The thing
3 is, they moved me on to SEPTA. I was the
4 manager down there at 30th Street
5 Station, you know, and as a manager, I
6 made it my business to try to hire
7 ex-offenders every chance I got. Some
8 worked; some don't. That's life.

9 The thing -- the problem that I
10 got is that I've been out of work now for
11 eight months. My skills itself should
12 tell who I am, not the record that I
13 have, because I'm not out here hurting
14 nobody or snatching pocketbooks or
15 punching old ladies in the eyes. You
16 ain't going to catch me being drunk. I
17 got a wife. I'm that guy that can't hold
18 his wife at night because I'm not helping
19 her pay the bills. I'm that dude that
20 walks in the house and see our water cut
21 off or our mortgage too high. You
22 understand?

23 I'm not asking y'all to give me
24 nothing, you know, and I know it sound
25 rude and I know somebody said it's all

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2 the way you present yourself. This is
3 who I am. I'm telling y'all, I'm not
4 asking for anything. Push me in the
5 right direction, give me a door. I'll
6 make my own way. That's who I am. But
7 don't be prejudice against 27 years ago.

8 I was in Jannie Blackwell
9 office for the last seven months, eight
10 months looking for a job, me and John
11 Fenton. You know what John Fenton said
12 to me? Man, I'm getting tired of seeing
13 you, man. Because I'm in his face trying
14 to get a job, Careerlink, everywhere. I
15 even talked to the Deputy Mayor Michael
16 Weiss. He said that because I'm a
17 violent offender, they took a choice to
18 work with non-violent offenders at the
19 RISE program. Now, the RISE program told
20 me because I got too much time out, I'm
21 not eligible for they help. That's
22 ridiculous. That's ridiculous. I still
23 have a record. Life still is life. Are
24 you going to tell my wife when you go
25 home that y'all going to help her pay

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2 that mortgage or you all going to help
3 her pay that water bill or you all going
4 to make sure that door is not locked or
5 the heat not off or food in my
6 refrigerator? I'm not asking for
7 anything. I'm asking y'all to do what's
8 right and push us in the right direction.

9 This ex-offender thing, okay, I
10 understand that. But if I'm not out
11 there jumping out of trees, beating
12 people up, stomping over people or taking
13 people money, I recant that. I'm not an
14 ex-offender. I'm that dude now, I'm back
15 in jail starting my time over again in
16 this yard out. I get 30 minutes in the
17 yard. So I get my little chance to talk
18 to y'all. Then I got to go -- and I
19 might get a visitor today. This is how
20 this all turned around for me now. It's
21 psychological. It's messed up. But this
22 is where I'm at right now. I'm back in
23 prison, because there is no second
24 chance. It's a bunch of crap.

25 Prison is a

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2 multi-million-dollar corporation that
3 nobody want to give up for real. And we
4 can sit here and we can talk theology and
5 everything else about this, but let's be
6 for real. That box get taken away,
7 they'll find another way to hold us up.
8 That's just the way that is. And I'm not
9 trying to sound negative. I'm just
10 trying to say that this is what it is.

11 Thank you.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 Councilman Jones.

15 COUNCILMAN JONES: Thank you,
16 Mr. Chairman.

17 It is very important to know
18 that when I was a young boy -- and that's
19 a term from the inner city, for those of
20 you who aren't familiar with it -- I was
21 a very different guy. Because of the
22 House of Umoja, Boystown, it spared me
23 from probably walking some of the path
24 that you had to walk. But in that
25 maturation, I was able to get myself

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2 together and things like that and change
3 the way I viewed the world and conducted
4 myself. All of us go through that
5 maturation process. You're a different
6 person -- they say every seven years you
7 change as a human being.

8 If you are forever held in a
9 position that you once were at seven
10 versus 14 versus 21, you don't allow the
11 human being to grow. And I don't know
12 what you did. I'm not here to hear that
13 today, but it wasn't a life sentence for
14 whatever it was, and, therefore, you
15 should be able to grow as a human being.
16 That's what this is all about.

17 Now, let me not give you any
18 false representation here. This is just
19 the beginning. This is one step to
20 remove the box. You're still going to
21 have prejudice. You're still going to
22 have obstacles, but what I think this
23 body is open-minded and willing to do is
24 take them on with you, and where there
25 are legitimate reasons, then okay. Where

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2 there are prejudices, it is our job to
3 remove them, and we will go about our job
4 vigorously, believe it.

5 So what I'm saying to you is,
6 we're in this together. When I leave
7 this building, I go out among my
8 neighbors and I go to every barber shop.
9 You can't go to a barber shop in my
10 neighborhood where you don't run into
11 someone or several someones that are in
12 that situation. So my neighbors. My
13 daughters need somebody to marry. And we
14 don't automatically make people
15 second-class citizens or throw-away
16 people. So we have to work this thing
17 out together.

18 I don't want to give you the
19 impression that, you know, with this bill
20 being passed out of Committee and it
21 being passed, that we're going to take
22 away all the ills of the world, but what
23 we are sending the signal today in this
24 Chamber is that we understand where those
25 people who want to change their lives,

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2 we're going to give them every
3 opportunity to do so. And those of you
4 who would block it, we going to fight
5 you. That's what we're going to do.

6 So I want to thank you for your
7 testimony and also for your patience,
8 because I know it's difficult. I can't
9 imagine going home and having to face
10 some of the things you have to face every
11 day, but if we have a strong spiritual
12 belief in God, then -- you know, the
13 Civil Rights Movement wasn't made in a
14 day, it wasn't made in a year, but today
15 we have an African American President, so
16 perseverance and persistence does pay.
17 And so together maybe we can change this
18 thing, is what I'm trying to tell you.

19 MR. BICKERSTAFF: Well, I'm not
20 blaming Council for what's going on.

21 COUNCILMAN JONES: No. I
22 didn't think that at all.

23 MR. BICKERSTAFF: My thing is
24 that the job opportunities is out here.
25 It's redundant, especially for the skills

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2 that some of these young people -- this
3 is the future right here. If we hold him
4 back and he go out there and he do
5 something because he's being held back,
6 it's our fault, too. Let me finish.
7 It's our fault also. And I try to talk
8 to all the young people I can. I tell
9 them I did 17 years, you don't want to go
10 the way I went at, because it ain't no
11 game. When you get out, there ain't
12 going to be no jobs, man. I tell them.
13 But this is our future right here. If we
14 can't help them, then we lost, man.

15 COUNCILMAN JONES: Well, let me
16 just -- you're right, but here's the
17 thing, and I don't ever want us to forget
18 self-determination either. And what I
19 say to you is if there is no job they
20 will give you, then create one. You
21 still can vote, right?

22 MR. DURHAM: Somebody told me
23 today, the gentleman that was previously
24 testifying in a wheelchair, he told me
25 that I can vote.

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2 COUNCILMAN JONES: So the
3 people that did not hire you, you have
4 the ability to create your own
5 organization and start it based on the
6 principles that you hold dear in your
7 heart about formerly convicted
8 individuals. You don't have to wait for
9 them to come to the consciousness to hire
10 you, is what I'm saying.

11 Same with you. You had a
12 maintenance company that you worked for.
13 I know and I speak from experience, that
14 I've started more businesses in this town
15 than most people, and I know that some of
16 the best businesses in this town started
17 in kitchen tables and, you know, a couple
18 of family members got together, pulled
19 their resources and started maintenance
20 companies that are now generations old.

21 So I'm saying to you, yeah, we
22 going to knock down these barriers over
23 here, but the hardest barriers to knock
24 down are within our own mind, meaning
25 that if -- and it's particularly you at

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2 22, don't let them define you. You
3 can -- and I'll work with you, and we can
4 define you better than they can. And I'm
5 saying to you, those opportunities are
6 still before us. And, yeah, we going to
7 knock down the employment ones, but
8 they'll throw up some more. But wherever
9 there is a barrier, there is also an
10 opportunity, is what I'm trying to tell
11 you. And so, yeah, I come from a place
12 called West Philly and I understand, but
13 I'm not going to let that define me or
14 stop me, and I wish that for my brother.

15 MR. DURHAM: Thank you.

16 COUNCILMAN JONES: You're
17 welcome.

18 (Applause.)

19 COUNCILMAN JONES: Thank you,
20 Mr. Chairman -- Ms. Chairman. I'm sorry.

21 COUNCILWOMAN MILLER: Thank
22 you. Thank you for coming in and
23 testifying.

24 I'm just going to call to see
25 who is here. Thomas Hall, Joseph -- come

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2 on up, Thomas. Or are you Joseph?

3 COUNCILMAN GREENLEE: He's

4 Joseph.

5 COUNCILWOMAN MILLER: Come on

6 up, Joseph.

7 Carlton Young. Come on up,

8 Carlton, to the table.

9 Koran Cain. No? Okay. Tracy

10 Morris, Patrick Keough. Come on up.

11 Is there anyone else that wants

12 to testify on this bill?

13 (No response.)

14 COUNCILWOMAN MILLER: Okay. So

15 you guys right now are the last three.

16 Anybody else want to testify?

17 (No response.)

18 COUNCILWOMAN MILLER: Okay. So

19 pull the mike up to you, identify

20 yourself and proceed with your testimony.

21 MR. YOUNG: Thank you. My name

22 is Carlton Young. I'm a retired

23 correction officer. I did 18 years in

24 the prison system, and my last year

25 working in the prison system, I made

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2 \$62,000. It's one of the best
3 baby-sitting jobs I ever had. But I also
4 saw the vision of what was going on in
5 the prison system. After being in the
6 system after two years, I knew something
7 was wrong. I didn't understand what was
8 going on, because I had the attitude that
9 if you got locked up, you was wrong and
10 you should be in jail. But when you
11 become spiritually and you get more
12 involved with what God is about, then you
13 start to see that things are going on in
14 the prison system is not right, it's not
15 being correct.

16 So what happened? I got a
17 blessing in '93, in 1993, to start a
18 program called Breakin' Chains. It was
19 dealing with behavior transformation,
20 changing people's behaviors. But after
21 that, in '95, I end up purchasing \$10,000
22 worth of manufacturing equipment to make
23 clothes. And it's been difficult to try
24 to talk to people about starting this
25 manufacturing program.

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2 I have two more organizations.

3 One guy works on foreign cars. He has
4 his own business and up and running. He
5 wants to teach people how to work on
6 foreign cars.

7 I have another -- his brother
8 has a bakery that's closed that could
9 hold 100 people. I could put 100 to 200
10 people to work, but just getting together
11 and trying to bring the sources and
12 getting a building to get this started.

13 So ban the box is great.
14 Councilwoman Miller, I really commend
15 you, because a lot of people just don't
16 care. You know what I mean? And I guess
17 I didn't really -- I guess I really
18 didn't get personal until my daughter got
19 caught up in the system. Because my wife
20 had 25 years in the court system and 40
21 years in the City, that I was able to
22 maintain that down to the Roundhouse,
23 that she didn't get up to State Road.
24 And by me being in the prison system, we
25 knew people. And it's sad, because if

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2 you don't know people, then you really in
3 trouble. And so it boils down to two
4 things. I just had a church member got
5 killed Saturday by the police,
6 Mr. Weinman. He lived on Cecil B. Moore
7 Avenue. This young brother was really
8 into God and really trying to turn his
9 life around, but he had a demon, which
10 was drugs, that took his life at 29 years
11 old.

12 I got a grandson that just got
13 incarcerated, but now he's out, at 19
14 years old, and I'm looking at ten more
15 years. He's 29. That could be another
16 Mr. Weinman.

17 So this thing is personal with
18 me. And this is all I'm trying to tell
19 people, that I have a program that can
20 change people's behaviors. And I'm not
21 worried about the box. I'm taking
22 ex-offenders. I'm taking violent ones.
23 I'm taking whoever comes out, if you want
24 to change. Because on the back of my
25 flyer, it says the kids that belong in

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2 this program is, if you want help to
3 change, we will assist you, but you must
4 be willing to give back. It starts with
5 you, the man/the woman in the mirror.

6 So I'm not getting caught up on
7 who you are, because by me having 18
8 years in the prison system, I'm
9 comfortable. I know who I'm dealing
10 with. And that's going to be one of the
11 biggest problems that we are going to
12 have with employees. If they're not
13 comfortable with you and they feel
14 they're not in sync with you, they're not
15 going to hire you.

16 Unfortunately, I have a record
17 and it end up in the FBI files, and when
18 I went to Graterford to apply for a
19 test -- to take the test for Graterford,
20 they kicked me out. And when I went back
21 to my lawyer, my lawyer found out that it
22 was a check that I bounced. I made good
23 to the guy, but he wanted \$5,000 instead
24 of \$2,500 I owed him. He wanted to
25 double me because I had a theatre in

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2 South Jersey. So we got by that. We got
3 the record cleaned. So when I went down
4 to the Philadelphia prisons, I told them,
5 I said, Here's my paperwork. Don't make
6 the same mistake, because I'm going to
7 sue the next person. But that's how I
8 end up being 18 years.

9 So what I'm saying, the system
10 bakes the cake. It's my job if I put the
11 icing on it. And because I didn't put
12 the icing on it, that's why I was forcing
13 them to do 18 years and retired last
14 year.

15 So I'm just saying that I have
16 opportunities and I have door openings.
17 I just need help to get it started. And
18 it's not job ready. I'm saying I got
19 jobs for people if they want to go to
20 work.

21 COUNCILWOMAN MILLER: Okay. We
22 want to get your information before you
23 leave.

24 MR. YOUNG: Yes, ma'am.

25 COUNCILWOMAN MILLER: Thank

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2 you.

3 MR. KEOUGH: How you doing? My
4 name is Patrick Keough. I want to thank
5 you for being here. I never really
6 thought I would have the opportunity to
7 speak to anybody, to be honest with you.

8 I've been incarcerated from
9 2001 to almost 2009 for bank robbery.
10 While I was inside, they had a thing
11 called UNICOR where in federal prison you
12 must work. Within the three-month period
13 of time of it being there, they were
14 working three shifts a night, and their
15 goal was to make \$25 million. Needless
16 to say, they made it. Okay? The people,
17 the taxpayers, pay for us to be there. I
18 would sure love to know where this 25
19 million went. You understand what I'm
20 saying? If we're sitting there making
21 them the money, why does the taxpayers
22 have to suffer in paying for us to be
23 incarcerated? Let alone if it costs
24 \$28,000 to incarcerate an inmate, times
25 that by three, because that's how many

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2 you have in the cell. Okay? That's
3 almost, what? You know, that's a lot of
4 money. That's a lot of money. That's
5 almost \$100,000 a cell they're making,
6 and to sit there and -- I had to take
7 programs, of course, anger management. I
8 was trying to get back in my son's life,
9 which I had to take parenting classes.
10 And, mind you, my parenting classes was
11 to go in a room with 25 other inmates and
12 what we did is, we watched a movie called
13 Ants, and I got a certificate for it.
14 There was no teaching. I seen a movie, a
15 G-rated cartoon movie, and got a
16 certificate for it. To me, it was a
17 joke. And it's deceiving the American
18 taxpayer, and something needs to be done
19 about that.

20 Needless to say, I know we're
21 here about the box. I have filled out
22 many applications and I have checked the
23 box yes, I have a felony record. And
24 every interview I had, it stopped as soon
25 as I said bank robbery. Apparently

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2 there's not a big -- bank robbers ain't
3 getting hired, let's just put it that
4 way. I had no gun. I went in there with
5 a note and a pen, and my first note said,
6 Please put the money in the bag, I'm just
7 trying to feed my kids. Now I'm a
8 violent criminal over this.

9 There was no violence. I
10 didn't hurt nobody, didn't say I was
11 going to hurt anybody, but when you open
12 up my book, they got me running around
13 like a nut, and it's not fair, because
14 that's so far from the truth.

15 Before all this happened, back
16 in '99, I took a test for the City
17 roofers. Okay? I came in seventh
18 overall, never got a phone call. I'm not
19 going to make this a racial thing or
20 nothing like that. I understand equal
21 opportunity employment, affirmative
22 action. I understand all this, but it
23 should be best man for the job. Now,
24 when I come in, I come in with a zero
25 just because of the color of my skin.

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2 Other people come in because they've been
3 in the military, they got 40 points off
4 the rip, let alone the color of their
5 skin. I had nothing, and I still came in
6 seventh overall, never got a call. And
7 that's what led to my bank robbery. I
8 had no other choice. I had no other
9 means of income.

10 And I noticed even going
11 through welfare, there's a whole list of
12 papers with boxes about felony, have you
13 committed a felony, do you owe child
14 support, and there's a whole list of
15 boxes to check off if you ever been
16 through the system. And it even goes to
17 welfare to get your food stamps.

18 Where does it end? I mean, we
19 all talked about Michael Vick. Yeah, he
20 got a second chance. Lindsey Lohan, of
21 course. Everybody that's somebody gets a
22 second chance, but if you're nobody, you
23 have no chance coming. And that's why
24 I'm here today. I'm the guy that has no
25 chance coming. Where do I start?

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2 I can't -- I was able to make
3 cables for aircraft carriers at Fairton.
4 I was able to do that for the federal
5 government, but I can't push a broom in
6 McDonald's. You understand? Because
7 there's a money box there, and the first
8 thing they think is, if we hire him, he's
9 going to scam on us about the whole
10 \$2,000 of money box. If I would have
11 known that, I would have stayed in
12 school, knowing that I could have made a
13 hundred million ripping people off and
14 maybe only did five years instead of
15 getting a couple thousand and doing
16 almost nine.

17 I'm just really confused about
18 this whole thing. I'm paying the rest of
19 my life for a crime I did in 2001. Let
20 alone what they didn't tell you, when I
21 did get locked up, they took custody of
22 my child because they said I was violent.
23 Again, I've never lifted a hand to a
24 child. They bum-rushed me when I was in
25 jail to take custody of my child,

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2 because, of course, when I'm sitting in

3 there, no, I can't take care of you.

4 You're absolutely right. There's nothing

5 I can do for you. And they rushed me

6 while I was in jail on the phone, and

7 that's how they did the court with me. I

8 was supposed to have court three months

9 before that, and all my supervise release

10 officer kept on saying is, if you give it

11 a little time, he'll violate and he'll be

12 back in. Not three weeks after I

13 violated, my subpoena came in and they

14 had the court date. Three times before

15 that, it was postponed. And every time I

16 went to them and asked them, What's going

17 on, John, you know?

18 Oh, no, it's not like that.

19 There's not a conspiracy. You got to get

20 that out of your head.

21 Yeah. I mean, yes, I consider

22 myself having a fifth grade Catholic

23 education. When I was in eighth grade in

24 public school, I was learning the same

25 thing I learned in fifth grade at

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2 Catholic school. I feel that I was
3 definitely railroaded. And I do have
4 other convictions. I'm not saying I'm no
5 angel up here. I've done some bad things
6 when I was a juvenile also. And the
7 thing that grabs me mostly is, if you're
8 going to -- how can I word this
9 eloquently? If you're going to have the
10 playing field fair, it has to be fair for
11 everybody, not a certain few. And right
12 now, like I said, I don't want to make
13 this a racial thing. It's not because
14 I'm white I'm up here saying it, but if
15 it's going to be fair, it has to be fair
16 across the board, and I feel right now
17 that it's so far from fair, it's
18 pathetic. And, like I said, I worked 20
19 years in the roofing business to get to
20 know my knowledge and know what I'm
21 doing, and, like I said, for me to come
22 in seventh after everybody else is
23 getting more points just because of
24 military, the color of their skin, and I
25 still come in seventh and I don't get a

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2 call, how is that fair? Where does it
3 end? You know what I mean? Who gets it
4 next? And that's scary to me.

5 I have a son that's 12 years
6 old. He's taken from my life because of
7 my violent act in the bank. All I did
8 was go in there with a piece of pen and a
9 paper. Nobody got hurt. And I didn't
10 even go in there threatening nobody, and
11 the thought didn't even cross my mind.
12 All they had to say, no, and I would have
13 left. If they would have said no, I
14 would have just left with the tail
15 between my legs, you know. At the time,
16 I was a junkie at the time, you know,
17 just trying to get my fix, let alone pay
18 the rent. We were getting ready to get
19 put on the street. And now I got to live
20 with this for the rest of my life, and
21 it's scary. It's scary for me, because
22 what do I do next? If I can't push a
23 broom at McDonald's, what am I supposed
24 to do to put food on the family table?
25 I'm really open for suggestions.

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2 I think -- I believe we're
3 beyond the box. I understand that's what
4 this is about, but we're beyond the box.
5 And if everybody else is able to get
6 their fair shake, Michael Vick and
7 Lindsey Lohan and Robert Downey, Jr. just
8 because of who they are, Elvis Presley,
9 another drug addict, you know what I
10 mean? Michael Jackson, another one. But
11 everybody seems to raise their hands when
12 they come in the room like they're the
13 greatest thing on earth. I do something,
14 I'm the biggest scumbag in the world.

15 Something needs to change on
16 that point of view. And sitting in jail,
17 I would say 80 percent of the people
18 didn't even belong there. It just seems
19 like it's the answer. Everything that
20 somebody does today, jail, jail, jail. I
21 mean, I can't even own a gun to protect
22 my family. I never committed a crime
23 with a gun, but I can't protect my family
24 like you's guys or anybody else. What am
25 I supposed to do? And that scares the

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2 death out of me. What happens when
3 anarchy happens here like it happened in
4 Japan last week? How do I protect my
5 family?

6 That's all I got to say.

7 COUNCILWOMAN MILLER: All
8 right. Thank you. Maybe we'll talk to
9 you after this hearing is over. Okay?

10 MR. KEOUGH: Thank you.

11 MR. VANGOETHEM: Good
12 afternoon, Council. My name is Joseph
13 VanGoethem. I wanted to speak today in
14 reference to the issue about the box on
15 the application.

16 I'm recently released from
17 state prison. I was released December
18 6th of last year, 2010. I've been out
19 approximately a little over three months.
20 I filled out over 150 job applications
21 online and in person. I believe that if
22 you commit a crime, you should go to
23 prison and you should do your time, but
24 when you come out, you know, there needs
25 to be reasonable boundaries to where

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2 you're able to reintegrate back into
3 society.

4 For one, when it comes to
5 working at McDonald's or -- I'd be happy
6 to work anywhere coming home from prison.
7 I worked in prison for over three years
8 for 19 cents an hour. So to me, just
9 being able to come home and apply to any
10 place and receive a job offer would be
11 fine, but due to what I'm quite sure is
12 having to answer that question on job
13 applications has restricted me from being
14 able to do so.

15 I am educated. I do have a
16 good work history and work experience. A
17 lot of times I feel that I am the best
18 man for the job, and I just -- I've
19 received zero callbacks. So I just feel
20 that with programs that are offered today
21 such as the Prison Society and LIFT and
22 the Mayor's program for reentry, they're
23 good programs, but they can only do half.
24 I feel by getting this legislation passed
25 to ban the box, that will be the other

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2 half of the equation, because then we
3 have an honest chance for us to get our
4 foot in the door and actually speak to an
5 individual. And I feel that's why this
6 is so important, to have that legislation
7 passed so that we can have a fair shot.

8 I think it's also important to
9 stress that I'm not asking for a handout.
10 I don't want a handout. I want to earn,
11 you know, mine. Just even the playing
12 field a little bit. Give us that
13 opportunity to get in there with
14 employers, prospective employers, and
15 say, you know, this is what I've done,
16 this is where -- and then be able to sell
17 ourselves as individuals. I feel that's
18 important.

19 But I want to thank you for
20 your time and effort, Councilwoman, for
21 this bill, and thank you for your time.

22 (Applause.)

23 MR. KEOUGH: Can I add one
24 thing? Like he said with the box and
25 everything to take that away, and, yes,

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2 that is a good idea, but technically
3 that's only half of it, because any one
4 of us can go on a computer today and do a
5 background check on any one of us. I
6 mean, the box is one thing, but who is to
7 say once you put your Social Security
8 number down, they're not in the computer
9 checking out your background from the
10 get-go? I think it's really deeper than
11 the box.

12 That's all I wanted to add.

13 COUNCILWOMAN MILLER: Well, we
14 think so too, but the box is a start.

15 MR. KEOUGH: Yes.

16 COUNCILWOMAN MILLER: And it is
17 a hindrance. It has been a hindrance to
18 folk, and that's one of the reasons why
19 we want to pass this bill. So it's not
20 to save all and end-all, but it is a
21 start and it will help. Hopefully it
22 will help. And I understand -- you know,
23 I feel your frustration in your comments,
24 and no one thing takes care of
25 everything.

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2 So we'll talk to you a little
3 later, but I do want to thank all three
4 of you for coming in to testify today.
5 Thank you.

6 (Thank you.)

7 COUNCILWOMAN MILLER: Is there
8 anyone else here to testify on this bill?

9 (No response.)

10 COUNCILWOMAN MILLER: Seeing
11 none, this ends our public hearing.
12 Thank you. Thank you all for coming.

13 (Pause.)

14 COUNCILWOMAN MILLER: The Chair
15 recognizes Councilman Greenlee for a
16 motion on the amendment.

17 COUNCILMAN GREENLEE: Thank
18 you, Madam Chair. I move for the
19 adoption of the amendment to Bill No.
20 110111.

21 (Duly seconded.)

22 COUNCILWOMAN MILLER: All those
23 in favor of amending Bill No. 110111
24 signify by saying aye.

25 (Aye.)

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2 COUNCILWOMAN MILLER: All

3 opposed?

4 (No response.)

5 COUNCILWOMAN MILLER: The bill

6 has been properly amended.

7 The Chair recognizes Councilman

8 Greenlee for a motion to move Bill No.

9 110111 as amended.

10 COUNCILMAN GREENLEE: Thank

11 you, Madam Chair. I move that Bill No.

12 110111, as amended, be reported out of

13 this Committee with a favorable

14 recommendation and that the rules of

15 Council be suspended to allow for first

16 reading at our next session of Council.

17 (Duly seconded.)

18 COUNCILWOMAN MILLER: All those

19 favor?

20 (Aye.)

21 COUNCILWOMAN MILLER: Opposed?

22 (No response.)

23 COUNCILWOMAN MILLER: The ayes

24 have it. This bill, as amended, has been

25 properly moved and seconded and,

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2 furthermore, the rules of Council have
3 been suspended so as to permit first
4 reading at our next session.

5 This concludes this hearing.
6 Thank you. Thank you.

7 (Committee on Public Safety
8 concluded at 2:15 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on March 16, 2011, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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