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...
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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COUNCILWOMAN MILLER: Thank you.

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

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

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

Those folks with criminal records are discriminated against, and nobody seems to mind. Unfortunately, discrimination carries many hats, and today we will be looking at the blatant discrimination in employment. It is somewhat disturbing that this discrimination is not even considered but rather caution or the exercise of good judgment.
For many years, I've been working on legislation that would help with discrimination against individuals with criminal records in the area of employment. Ban-the-box legislation applies to all employers, public or private, with the exception of the employers that are required to do background checks by law.

The ban-the-box legislation simply prohibits discrimination on arrests or charges without convictions. Nothing new. The legislation prohibits potential employers from asking or conducting any inquiries regarding criminal records during the application. The legislation prohibits potential employers from asking or conducting any inquiries regarding criminal records during the first interview. If an employer does not conduct any interviews, then they are not permitted to conduct any inquiries regarding criminal records.

After the first interview, the
potential employer is then permitted to take any action legally available to them. This is no different than what they are doing now.

This legislation does require the employer to hire anyone -- does not require the employer to hire anyone with a criminal record. The legislation does not require the employer to hire anyone with conduct or inquiries regarding criminal records. The only harm that we see the potential employer encountering is the time and money spent creating new applications, reading applications and interviewing individuals.

A blanket denial of all individuals with a criminal record is currently illegal under the Pennsylvania state law. The legislation does not affect current Pennsylvania state law that states felony and misdemeanor convictions may be considered by the employer only to the extent to which the criminal record relates to the
applicant's suitability for employment in the position for which he has applied, Pennsylvania C.S.A. Section 9125.

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

(No response.)

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

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

(Witness approached witness table.)

COUNCILWOMAN MILLER: Good morning.

DEPUTY MAYOR GILLISON: Good morning.
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COUNCILWOMAN MILLER: Hi.

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

DEPUTY MAYOR GILLISON: Thank you.

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

This bill would amend 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." This new chapter will establish provisions limiting questions that may be asked by certain employers within the City of Philadelphia.
regarding the arrest record of applicants for employment. It would also prohibit employers from asking questions regarding the criminal conviction history of job applicants until partway through the hiring process of potential employees.

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

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

As I have previously testified before this Committee, ex-offenders who are determined to turn their lives around and become law-abiding, productive members of society oftentimes face considerable barriers. I have witnessed
the difficulties many ex-offenders face when they attempt to leave their criminal lives in the past. In an attempt to assist our citizens who are returning to our neighborhoods after a period of incarceration or who may be on probation, this Administration has established, through Mayoral Executive Order, the Office of Reintegration Services for Ex-Offenders, or RISE. The RISE staff has the daunting task of assisting those with criminal records find employment, obtain adequate housing and enroll in educational programs. As I have previously stated, one of the most important things an individual needs in order to be successful upon release from prison and not return to criminal activity is a job, a job that pays a living wage. Of all the literacy training, vocational training and counseling we can provide, it does not amount to much if an ex-offender is unable to find employment.
Oftentimes our efforts at assisting ex-offenders find employment are thwarted at the application process. Ex-offenders will tell you that they become disheartened when they have to fill out a job application containing a question that asks if the applicant has a prior criminal record, the dreaded "box."

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

This Administration is mindful of the concerns that the business community has with respect to passage of this bill. We recognize the dangers that layers of employment requirements imposed
at solely the City level can have on our competitiveness as a city for attracting and growing jobs, including jobs we hope ex-offenders can compete for. We have particular concerns about getting ex-offenders to work. However, in order to help reduce our crime rate, and for this reason, we see a special need for this type of regulation here. In fact, the City of Philadelphia, the largest employer in the City, has recently eliminated the box from our own employment applications.

I also want to make two points very clear. This bill does not compel businesses to hire ex-offenders, nor does this bill prohibit businesses from inquiring into an applicant's criminal past and denying employment based upon an applicant's criminal record. The costs and benefits of more far-reaching proposals in these areas would present a far more difficult question for this Administration. The bill, however,
merely asks that the ex-offender applicant be given the opportunity to demonstrate to a prospective employer that he or she possesses the skills necessary to perform the job before criminal history is considered and not be eliminated from consideration at the beginning of the process based perhaps on unfair assumptions about a person the employer has not even met. If the person is qualified in all other respects, perhaps he or she will be given an opportunity if their offense was not related to the job tasks or if it was in a person's distant past.

Ex-offenders are not asking for a handout or special consideration, and this bill does not provide for that. All that is desired is that ex-offenders be given a real opportunity to compete for a job and impress a prospective employer with his or her skills and qualifications and not scare off a prospective employer merely because the box on an application
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was checked off.

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

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

Do you have copies of the amendment?

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

COUNCILWOMAN MILLER: Okay.

We're going to have the Sergeant-of-Arms
make copies and give you your copy back.

DEPUTY MAYOR GILLISON: Thank you.

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

DEPUTY MAYOR GILLISON: I believe we are.

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

Here in Philadelphia we have a number of folks that fit into the category, and we have people constantly returning from state prisons or local
prisons or federal prisons that we need
to help become what they want to be, and
that's law-abiding citizens with a job.
So thank you.
Does anybody else -- okay.
Councilman Greenlee and then Councilman
Jones.

COUNCILMAN GREENLEE:
Mr. Gillison, good morning.

DEPUTY MAYOR GILLISON: Good
morning.

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

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

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

DEPUTY MAYOR GILLISON: I can
tell you --

COUNCILMAN GREENLEE: I don't
know if I said that right.

DEPUTY MAYOR GILLISON: I understand. Most of the statistics will show you that within -- a person getting out of jail, if they do not have two critical things, stable housing and work when they get out or at least within six months of them getting out, they recidivate at about a 75 percent rate.

COUNCILMAN GREENLEE: I mean, it just seems to make sense, and I agree with Councilwoman Miller, this is just giving people a chance. So it seems to make sense.

Thank you.

COUNCILWOMAN MILLER:

Councilman Jones.

COUNCILMAN JONES: Good morning.

DEPUTY MAYOR GILLISON: Good morning, Councilman.

COUNCILMAN JONES: How are you, Deputy Mayor?

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

COUNCILWOMAN MILLER: Thank you.

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

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

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

DEPUTY MAYOR GILLISON: No.
COUNCILMAN JONES: When did we eliminate that?

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

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

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

DEPUTY MAYOR GILLISON: That's correct.
COUNCILMAN JONES: And what departments were they?

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

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

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

COUNCILMAN JONES: So in those departments?

DEPUTY MAYOR GILLISON: Yes.

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

DEPUTY MAYOR GILLISON: We hire them.

COUNCILMAN JONES: Do you know the number?

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

All over the country that's what cities usually do. They have a central place where if an HR department says a person cannot be hired because of the conviction, there's a rational relationship test that says you're in the Streets Department, the person will be
doing X, what does the fact that he has a conviction for drugs have to do with his ability to do X, and it is pushed back.

It's also consistent with EEO requirements of the federal government.

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

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

COUNCILMAN JONES: So we have experienced no ill effects?
DEPUTY MAYOR GILLISON: That's right, no ill effects whatsoever.

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

DEPUTY MAYOR GILLISON: That's correct.

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

DEPUTY MAYOR GILLISON: Correct.

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

DEPUTY MAYOR GILLISON: That's correct. It's leveling the playing field; that's all. It just says that if you have the ability to compete, you
should be able to compete and not have an artificial barrier to competing.

COUNCILMAN JONES: Thank you,

Madam Chair.

COUNCILWOMAN MILLER: Thank you.

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

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

DEPUTY MAYOR GILLISON: Okay.

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

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

COUNCILWOMAN MILLER: Under the labor standards.

DEPUTY MAYOR GILLISON: Right.

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

DEPUTY MAYOR GILLISON: Yes. I believe what we will be doing is to make sure that we have a process that will be able to be reviewed. Obviously the process is new. We're going to have to put up regulations and to find out how that will be done. Currently, it's under the purview of Al D'Attilio and the Director of Human Resources to push back if it is found that there is a reason that a person wasn't given to be eligible to compete, those things going back and
forth. We'll actually have to write and see exactly how we would do it as we go forward. So I don't have a specific answer, but I'll get one as we move this process forward.

COUNCILWOMAN MILLER: Okay.

Thank you.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Madam Chair.

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

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

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

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

    DEPUTY MAYOR GILLISON: No.

    COUNCILMAN KENNEY: -- or you
can't ask the person?

DEPUTY MAYOR GILLISON: No.

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

COUNCILMAN KENNEY: Okay.

DEPUTY MAYOR GILLISON: So that doesn't apply.

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

COUNCILMAN KENNEY: I want to make sure that whatever comes out of here is totally understandable by all the employers and the folks who are applying
for the position.

DEPUTY MAYOR GILLISON: I agree.

COUNCILMAN KENNEY: So does the term "any inquiry" mean to you that the interviewer is not allowed to ask the person or they're not allowed to ask an enforcement agency that has these records?

DEPUTY MAYOR GILLISON: They're not allowed to ask the person, and what we're trying to do -- and remember, the intent of this is to have the opportunity for the person to have that first interview.

COUNCILMAN KENNEY: Correct.

DEPUTY MAYOR GILLISON: And once you have the first interview, if the job that you're trying to get has some rational relationship to a security issue, the second interview -- and now the employer has made the -- said, Well, this person not only has the qualifications, has the aptitude and
everything else, I'm thinking about giving this person the job, if at that time they have a second interview or a second pass and they've brought them back and they feel that this job does have a secure or has some relationship to knowing what the criminal record is, you are free to ask. What we're trying to do is get people that first opportunity.

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

DEPUTY MAYOR GILLISON: That's the whole intent.

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

DEPUTY MAYOR GILLISON: Right.

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

DEPUTY MAYOR GILLISON: See,

that's why we --
COUNCILMAN KENNEY: Do you consider the acceptance of the application the first one?

DEPUTY MAYOR GILLISON: No.

COUNCILMAN KENNEY: So there's an interview?

DEPUTY MAYOR GILLISON: Yeah.

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

DEPUTY MAYOR GILLISON: That's correct.

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

DEPUTY MAYOR GILLISON: Yes.

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

COUNCILWOMAN MILLER: Yes.
DEPUTY MAYOR GILLISON: I believe it's the intent of the sponsor to say yes, and I think we would agree.

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

DEPUTY MAYOR GILLISON: I agree.

COUNCILMAN KENNEY: So it's the second interview?

COUNCILWOMAN MILLER: Yes.

COUNCILMAN KENNEY: Okay.

Thank you.

COUNCILWOMAN MILLER: You know, there are jobs -- I think the first part of your question I kind of missed, but I...
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think the exemptions and -- none of the
jobs that are required by federal law, by
state law to do background checks are
included in this.

COUNCILMAN KENNEY: Okay.

COUNCILWOMAN MILLER: Did you
ask that?

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

DEPUTY MAYOR GILLISON: That's
correct.

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

DEPUTY MAYOR GILLISON: Right.

That's correct.

COUNCILMAN KENNEY: I'm there.

I'm with you.

DEPUTY MAYOR GILLISON: That's
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correct.

COUNCILWOMAN MILLER: Thank you.

Any other questions for Mr. Gillison?

(No response.)

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

DEPUTY MAYOR GILLISON: Thank you very much.

COUNCILWOMAN MILLER: All right. Brendan Lynch, Community Legal Services, and Mike Lee, the NLG Expungement Clinic. Come up together.

(Witnesses approached witness table.)

COUNCILWOMAN MILLER: Hi. Make sure you pull the mike up to you so we can hear you. State your name and any other identifying information and proceed with your testimony. And it doesn't matter to me who goes first.

MR. LYNCH: Good morning,

Chairwoman Miller and City Council
members. I am Brendan Lynch. I'm a
staff attorney in the Employment Unit at
Community Legal Services, and I'd like to
teach you for the opportunity to testify
today about Bill No. 110111, an important
piece of legislation that, as Deputy
Mayor Gillison said, will help to level
the playing field for people with
criminal records who want nothing more
than to work and contribute to society.

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

CLS can sometimes help people
with expunging a record if they were not
convicted. Under certain circumstances,
we can assist in expunging a summary
offense, but, of course, people still face barriers if they're not eligible for expungement or if the judge denies our petition for expungement. And ultimately the most serious barriers to employment are caused by misdemeanor and felony convictions, which cannot be expunged for anyone who is under 70 years of age. The only way to remove those charges from someone's record is to get a pardon from the Governor. Pardons take a long time to get and they are infrequently granted. So helping formerly convicted people have a fair shot at a job in spite of their criminal records remains a pressing concern.

This ordinance promises to be helpful for these workers. It would enable people with criminal records to get past the initial job application form and speak with someone who can evaluate them in a full and fair way instead of simply rejecting their applications automatically as soon as any hint of a
criminal record arises; for example, from
the checking of a box on the application
form.

This ordinance would help
workers by doing two main things. Number
one, the bill would prevent employers
from asking about arrests that did not
lead to conviction. Now, our state
Superior Court has interpreted our
Criminal History Record Information Act,
the law that Councilwoman Miller has
cited in her opening statement, Section
9125, to mean that employers may not
base -- in Pennsylvania, employers may
not base employment decisions on arrests
that did not lead to conviction. The
court said that any experience with a
criminal justice system which falls short
of a conviction is not a fair
consideration by the employer considering
hiring an individual with that
experience. Indeed, even convictions for
misdemeanors and felonies may only be
considered insofar as they relate to an
applicant's suitability for the job.

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

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

The second thing the bill would do is that it would prohibit employers from investigating job applicants' criminal convictions until after their initial application and initial job interview. Under this ordinance, employers would still have every right to learn about applicants' criminal records and to take those convictions into account to the extent that they are
legitimately related to the applicant's suitability for the job. Applicants who are not legally eligible for certain jobs as a result of their convictions for particular crimes would still have their criminal records reviewed and would still be excluded as the law requires. Employers would merely have to give applicants a chance to fill out an application and present themselves so that they could be seen and evaluated as three-dimensional human beings or spoken to or contacted in some way so that there was a direct person-to-person contact and they could be considered and greeted and talked to as a human being. Too often people with criminal records are rejected the instant an employer sees that they have checked the box. It is true that some employers will still reject applicants even after an initial interview as soon as they learn that the person has a record, without any regard to what is on that
record or whether it is even relevant to that person's suitability for the job for which they are applying. Such casual dismissal of an applicant based on a sweeping blanket policy against ex-offenders is actually illegal under federal and state law, but we know that it still goes on. That's a larger problem which is not going to be solved by this one ordinance. Nevertheless, there is good reason to think that at least some employers will give applicants an individualized assessment and will look carefully and judiciously at the actual content of their criminal records if they must first meet those applicants and get a sense of whether or not they are qualified for the job.

One particular benefit of this system would be that applicants would have a much better opportunity to explain confusing or unclear entries on their criminal records. Employers are much more likely to be willing to listen to
and to consider an explanation of a
criminal record if it comes from someone
they have already gotten to know a little
bit. Under this ordinance, an applicant
could choose to bring up the subject at
the end of an otherwise successful first
interview, or the employer might be
receptive to an explanation once they did
a background check, after having already
met the applicant and determined that he
or she would make a good employee.

I'd like -- this is something
that often comes up in my work, which is
why I want to address it. The ability to
explain a record is an important one for
many people who are seeking work. State
police records, which are the official
criminal records for citizens of the
Commonwealth, are often incomplete or
erroneous. Many people also have a
status such as Section 17 or ARD, which
are sometimes listed on a state police
record or other records as, quote,
probation without verdict. And these
terms are confusing to employers, who typically assume that they mean the person was convicted. A person who had a chance to first meet the employer and then was given a fair chance to explain what was on their record to someone who is willing to listen and give them a fair audience can explain to an employer that Section 17 and ARD are programs in which people charged for the first time with low-level offenses are not actually convicted, receive no verdict and simply agree to meet probationary-type conditions in exchange for having the charges against them dropped.

I'd like to point out that in my experience, many employers in Philadelphia already do exactly what this bill would require. They put off consideration of an applicant's criminal record until after the application phase is complete. Certain employers, from what my clients tell me when they come in to see me after they've been laid off,
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tell me that employers will hire them and
have them start work while waiting for
the results of a background check to come
back from the state police or the FBI or
a third-party background check company.
The experience of those companies shows
that it is quite feasible for employers
to comply with ordinances of this sort.
And that conclusion is reinforced by the
experience of other cities. More than
two dozen other cities and counties
around the country have already passed
ban-the-box style ordinances or hiring
policies, and I, for one, have yet to
hear of any problems with any of those
laws. In fact, the modesty of the bill
before Council is highlighted by the fact
that most other cities with ban-the-box
style policies have gone beyond what this
bill would do. Most cities with similar
policies require that the employer,
before reviewing an applicant's criminal
history, actually determine that the
person is otherwise qualified for the
The hope of this bill, the way the bill before Council is written, is that employers will be encouraged to reach that conclusion, and we hope that they would. It does not specifically require it. In other cities it is sometimes required. And several cities, including Hartford and Cincinnati and the State of Hawaii statewide, go even further and require a conditional offer of employment before a criminal background check is conducted.

Many cities with ban-the-box policies also set out rules to prevent unfair discrimination against people with criminal records once their records have been revealed. Chicago; San Francisco; Berkeley, California; and Cambridge, Massachusetts are among the cities with hiring policies that specifically incorporate the criteria set out by the Equal Employment Opportunity Commission in its guidelines for advising employers on compliance with the Civil Rights Act.
of 1964. The EEOC advises that when employers exclude people from employment based on their criminal records, the employers need to be able to justify their decisions by showing that they considered on an individualized basis three factors: Number one, the nature and the gravity of the offense; number two, the time that has passed since the conviction and/or the completion of the sentence; and, number three, the nature of the job held or sought.

Some cities, including Chicago and Washington, DC and Cambridge, among others, also specifically consider evidence that the applicant has been rehabilitated since the time of the offense. By contrast, the bill before Council would not require that employers consider any of these factors. Furthermore, the States of Massachusetts and Hawaii, both of them statewide, have ban-the-box laws that apply to all employers, public and private. The
Hawaii state law applies to all employers of any size. In Massachusetts, it applies to all employers with six or more employees. In this respect, the bill before Council is more modest because it would apply to employers only with ten or more employees.

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

I do hope that Council will pass this bill and join the over two dozen other cities and counties that have led the way in this effort. I also hope that Council will continue to address this issue and will consider additional measures that would reduce barriers to employment for people with criminal records.
This bill would establish or, I should say, would call upon the Mayor to establish a Fair Criminal Record Screening Advisory Committee to make recommendations to Council and the Mayor regarding implementation of the bill, and that would be one very promising avenue for the consideration of improvement to this policy. I'd like to briefly suggest three ways that I feel Council could act to strengthen this bill with future legislation.

First, I would recommend that Philly follow the other cities that have specifically included standards for the consideration of criminal convictions; that is to say, requirements that the hiring entity consider the nature of the offense, the amount of time that has passed, the relationship with the conviction to the job being sought and other factors. The EEOC does in its guidelines already require that employers consider some of these factors, but EEOC
guidelines may not apply to employers in all situations, and, of course, the EEOC's enforcement capacity is stretched rather thin and the agency can't prevent job discrimination all on its own. The EEOC guidelines, moreover, don't even include several highly pertinent factors such as evidence of rehabilitation, which, as I mentioned, is in the policies of several other cities.

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

In our work at CLS, we see far
too many examples of employers who are simply not aware that these laws even exist or apply to them. For that reason, I'm pleased to see the reference to Section 9125 of the Crimes Code included in the bill before Council, but I would like to see the City take further steps to ensure that employers are complying with existing law. Employers should be obliged to make at least the minimal effort to familiarize themselves with the laws that apply to them, and they would be driven to make that effort if they were obliged to formally certify that they were in compliance with those laws.

I would hope, of course, that the City would assist employers with educational efforts as necessary, because my goal is not to see employers get trapped. I don't mean to set traps for the unwary. What I want to see is Philadelphians getting jobs and employers complying with the law and employers being aware of what the law says.
Thirdly and finally,
Philadelphia should place a limit on the
time period for which employers could
consider convictions; that is, the City
should provide that employers cannot
consider convictions that are more than a
certain number of years old. This is a
limitation that is grounded firmly in
social science research, which has shown
that the longer a person who has
previously been convicted remains
crime-free, the less likely he or she is
to recidivate. In fact, a recent study
that happened to examine data from the
Philadelphia court system concluded that
after seven or eight years, a former
offender is little more likely to commit
a crime than any person who has never
been convicted. Other studies have found
that people who do not get arrested
within a range of from four to ten years,
depending upon the crime and the age of
the person and various other factors,
after an initial arrest are no more
likely to commit a crime in the future than any random person who has never been arrested at all. Nevertheless, CLS constantly sees situations in which job applicants are rejected for decades' old offenses. I myself, as I mention in my testimony, have a client who has been rejected from multiple jobs, entry, low-level, barely above minimum wage jobs, rejected from them because of a single misdemeanor from 1978.

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

Even without those changes, however, the bill before Council today represents a welcomed and necessary step for Philadelphians with criminal records. I hope that Council passes the bill, and I thank you for your time and
COUNCILWOMAN MILLER: Thank you. Mike Lee.

MR. LEE: Thank you. Good morning to the honorable members of City Council. Thank you again for inviting the Expungement Clinic to testify before you as to criminal records and their effect. My name is Mike Lee and I'm the supervising attorney for the Criminal Record Expungement Project. We've opened in February, and I have seen over 300 people through our clinic doors and an additional 300 people through a one-time clinic partnership with Enon Baptist Church.

I brought with me today two people who we call survivors of the criminal justice system, meaning that they've experienced the criminal justice system in both a negative way as a defendant and person accused of crimes, but also now in a positive way as people
who are applying for and eligible for expungements redactions, which is where you can remove non-conviction data that's associated with a charge that does have conviction data, which is a very common occurrence in Philadelphia, and also unfortunately some convictions, which we all know the life sentence that they impose.

Before I let them tell you in a very personal way how this legislation can help them in their quest to become reactive and participants in the society, I would also like to note that in the Crimes Code 1819 Section 9125 in reference to the use of criminal records in employment, there's also a Subsection (c) which is about notice, and it says that, "The employer shall notify in writing the applicant if the decision not to hire the applicant is based in whole or in part on the criminal history record information," and this is very important because it allows for the factors and
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considerations, as eloquently mentioned
by the Deputy Mayor and the gentleman to
my left, that you can't just arbitrarily
use arrest records and you can't just
arbitrarily use convictions. There has
to be some kind of a nexus between the
conviction and the duties and
responsibilities of the job. And unless
we have in writing that someone is denied
in whole or in part because of their
record, we don't know if we can match
their record with the restrictions and
responsibilities of the job.

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

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

   I'm just here to share how this
is affecting me and my life and me trying
to head in the right direction. I've
been looking for employment for the past
four years since I was incarcerated. I
served my time. I did my probation. I
haven't had any trouble since then. I've been trying to get work for things that I'm qualified for, and I'm just getting shot down from these jobs. And I basically just need another chance to head in a positive direction, but with no employment, they're almost saying as though I have no chance as a human being. So I just wanted to share that with you.

MR. GALLAGHER: Good morning. My name is Thomas Gallagher and I represent a thing called the Men's Overnight Ministries at Hope Outreach Ministries, which is at 401 East Indiana Avenue in Philadelphia. We are an overnight refuge for homeless substance abusers, and as the Managing Director of that program, I myself come in contact with a lot of gentlemen who are trying to do the right things in their life. They're trying to stay sober. They're off the streets. They're off the drugs, off alcohol, and reporting to their
parole officers or just staying out of trouble, period, and they run into obstacles when it comes to employment. We have the housing things sewed up for them, but then what do you do after that when you can't find a job or if you're working in McDonald's making nothing? I see a lot of guys getting discouraged, giving up on themselves and feeling like, you know, that they need to return to what they're used to. And as a good friend of mine says, if nothing changes, nothing changes. You can change the man, but you have to change his situation, you know. He has to know that there's a better life out there, that there's a better way of doing things than what he's used to, and being employed is a big part of that. It's a shame to say, but money makes the world go round and you need money to survive. And I've seen quite a few gentlemen go back to jail, you know,
back out onto the streets because of that fact that they can't find suitable employment, good employment, gainful employment, you know, not just a McDonald's job. Nothing against McDonald's or anything like that. They have pretty good food.

I think it's important that Council passes this bill and if they can, even further the bill to, you know, like the gentleman to my left said about it being specific to the job. You know, I can understand why a sex offender can't work in the Recreation Department, you know, or work for the school department, but why can't a burglar work for the gas department? You know, why can't a shoplifter work for the Water Department? You know, I understand the City hires, but that's another thing I ran into. A lot of the guys -- I have a list in the church of employers that will take ex-offenders, but it's a limited list. They only hire so many people, you know.
I mean, there's a very limited opportunity for these guys, and I think we need to make more opportunities.

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

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

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

I just have one question.
Mr. Lynch, you said that if you're 70 years old, you can automatically get an expungement. Is that what you said?

MR. LYNCH: Not automatically.

There is a provision in state law that says if you turn 70 and you have been free of any involvement in the criminal justice system for at least ten years; in other words, at least since you were 60, you can ask a judge if they will expunge your records. Not automatic. I'm pretty sure you still need to ask and the judge can turn you down, but you at least have the option.

COUNCILWOMAN MILLER: Okay.

That's great.

Councilman Kenney.

COUNCILMAN KENNEY: Has there been any attempt to approach the judiciary relative to a special program that would expedite the expungement process? For example, we've had a very successful home foreclosure court that Judge Rizzo runs, and through mediation
and through discussion with people who are in debt and the creditors, they've saved a lot of homes and families. I don't expect that the court would have any vested interest in keeping people in a conviction column if in fact there was some effort to -- if they were eligible for expungement.

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

MR. LEE: Well, the judicial system has been very supportive of our efforts with the Expungement Project, and also for certain dispositions such as ARD and Community Court, it's supposed to include an automatic expungement. And that's the carrot on the stick. So if you complete your program, not only do you not have to face the possibility of jail time, but you also get relieved of this longer burden of having a record. However, our experience has showed that
it's not as automatic as it would seem
and, for whatever reason, not every
completed ARD has been expunged.

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

COUNCILWOMAN MILLER:
Absolutely.

And you did say something about
ARD. Is there -- and you said Community Court. Is Community Court -- how are they dealing with the whole issue of expungement, or are they at all?

MR. LEE: Well, Community Court deals primarily with summary offenses, and the idea behind that is a quality-of-life crime shouldn't have such a lasting impact on someone. So they deal with lower-level offenses, so they're not dealing with felonies and misdemeanors, which have greater repercussions, and as a result, they can -- it's easier for them to not pursue the charges as vigorously as they would in other venues. And also the summary offense that someone may be convicted of is eligible for an expungement after five years from the end of their sentence even if they didn't complete their Community Court service. And the challenge that we face most often is that every expungement petition is heard before the same judge in Room 504, and this courtroom also
hears criminal court motions and things of that nature, so they try to limit the amount of expungement petitions per day so that they can carry on other orders of business for the court such as motions for a trial that have more time relevancy for the trial as opposed to the expungement process.

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

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

COUNCILMAN KENNEY: Who is that?

MR. LEE: Judge Palumbo, Frank Palumbo.

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

MR. LEE: Yes.

COUNCILMAN KENNEY: So maybe
another judge hearing expungements would expand -- okay. All right.

MR. LEE: Yeah.

COUNCILMAN KENNEY: Thank you.

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

MR. LYNCH: Yes.

COUNCILWOMAN MILLER: My office, we were just involved in trying to help someone get an expungement that the judge ordered after they completed ARD, I guess. This was in Montgomery County. And we called Community Legal Services to get advice on how to do it. We didn't use an attorney. We just helped them file their paperwork. And actually the judge ordered the expungement once the community service was completed, but then somehow it got stuck and it never happened. So that's when they called us, and we decided to help him out, and we just filed the last -- in fact, he came up to the
Expungement Clinic that you had at Enon, and when he got home, the letter was in the mail from the courts in Montgomery County. So I'm hoping that it's finally over. I'm not really sure. We haven't done a follow-up yet.

MR. LEE: If you have trouble with that, let me know, because Montgomery County is different than Philadelphia County, and they're trying to standardize it across the state, but currently in Montgomery County an expungement petition costs $25.25 as opposed to the $15 in Philadelphia. And also the expungement order will not be processed by the arresting agency or any other agencies unless it comes from the court as the original sealed copy. So you have to pay an additional, I think, $11 or $12 per certified copy, and you have to send that to up to 11 agencies. So in Montgomery County, an expungement for one charge can cost upwards of $80, whereas in Philadelphia
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County fortunately it's $15 as a filing fee and you can use the copies from the court. They normally mail you three copies for you to distribute to the appropriate agencies.

COUNCILWOMAN MILLER: Okay.

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

COUNCILWOMAN MILLER: Okay.

All right. Thank you.

MR. LEE: You're welcome.

Thank you.

COUNCILWOMAN MILLER: Thank you for coming in and testifying.

MR. GALLAGHER: Thank you.

COUNCILWOMAN MILLER: All right. I just want to note that many of
the Councilmembers had to go upstairs to
a meeting at 11 o'clock. It's not that
they're not interested. They will be
back, but they did need to leave.

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

(Witnesses approached witness
table.)

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

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

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

MR. WHITTAKER: This is my
colleague Cameron Holmes, by the way.
And I'd just like to say on behalf of the
Pennsylvania Prison Society, myself and Cameron Holmes, we would like to thank the Committee on Public Safety for holding the hearing today on ban the box. The Prison Society and the Ban the Box Reentry Coalition support Bill No. 110111 that eliminates the question of prior criminal justice involvement on a job application.

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

For over 200 years, the Prison Society has been an advocate for enhancing public safety through a just and restorative correctional system and a rational approach to criminal justice issues. Our reentry programs have been instrumental in helping hundreds of men and women find employment opportunities.
and encourage them to increase their education and assist them in their college admissions.

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

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

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

Employers that I have spoken to about this issue do not see this as a tremendous burden or handcuffing their ability to hire who they choose. Most consider this a rather fair and benign
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legislation. Of course, there's going to be expense, and they know this, especially for major employers who rely on online applications and who have to change that system and who are going to develop new standards for interviewing and hiring policy, but aside from that, there is tremendous support out there from the employers that I know.

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

Most employers don't know the men and women that I work with every day since I've been in this field, and if they did, many more would certainly consider them once they had an
opportunity to come in and interview.

Since most of the offenses I run into --
and I think the majority are drug
related -- these individuals especially
are going to be able to improve their
chances of getting solid employment.
That's what I really believe. It's going
to open up access to those companies,
very diverse companies, that in the past
wouldn't be hiring former offenders,
these companies that will offer much
higher wages and offer benefits, which
are going to be so important to the
success of these former offenders when
they go out in the world.

I've had many positive stories
of success over the past year and a half
that I've been working, but for time's
sake, I won't go into all that, but there
is a couple that really stand out and
come to mind to me. One in particular,
because this is not a company that
consistently or as a policy reaches out
to former offenders. They don't.
They're a major company, with facilities in multiple countries. They are a major company in the United States and in Canada and I think in France. Recently they hired a man who had spent the last 20 years of his life in prison for a multiple murder, recently released, older gentleman, and because of his presence and applied the skills he learned through one of our reentry programs was able to convince this employer to give him an opportunity. The thing is, they never asked on the initial interview what was the nature of his crime. They never asked that. So they weren't aware that he had a murder charge in his background. He didn't hide it on his application. He noted he had a felony. But what we teach a lot of times is, we'll explain at interview, as an appropriate response to that. And in talking with the plant manager afterwards, because I'm very close to them, he told me that if they would have
known initially on the first interview as well as on the application that his charge was for murder, they probably wouldn't have considered him. Because he had the skills -- he had tremendous skills that he learned while he was in prison, really practical skills, where more of that is needed obviously -- he was in demand and they just liked the way he presented himself. Now he's one of their best employees. They couldn't be happier with the decision they made.

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

Another case is with -- and I'm trying to do employers that normally don't have a policy of hiring former offenders. These are companies that do have hesitation to it in a lot of cases. But one major employer -- and one of
their facilities alone in Philadelphia employs over 1,800 people. In the past, they would never hire someone with a prior felony conviction, even a misdemeanor if it was in the near future. But they took a chance on one of my men because of my recommendation.

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

And I said, Yeah.

He said, Well, his supervisor has told me he is the best employee he's ever had working for him. And their human resource person was in the room with this gentleman while he was speaking to him, and she said to him, Ask Art if he has anybody like him that you could refer, more people like him that they can refer.
This is a company that their policy is not to hire, but they're starting to take a chance because they're meeting people and giving them more opportunities to speak, and they're seeing that these are not monsters, these are not, you know -- most of the people that have felonies, they're, like I said, drug related stuff. So they're going to have a real good impact from this change in legislation especially.

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

And one other thing. And I'm
sorry, it's kind of -- but I think it's also good to remember that along with the ban the box, that we have to really support the agencies that hold these reentry programs like us so they can teach the soft skills to people so that they have more opportunities and better opportunities to go in there and really impress the employers. So just as a side note I wanted to mention that.

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

Thank you very much.

COUNCILWOMAN MILLER: Thank you for your testimony.

MR. HOLMES: Again, I want to thank you for this opportunity to present testimony in support of Bill No. 110111 and especially to thank Chairperson Donna Reed Miller for her leadership on this issue.
I am here today wearing two hats. One, as Mr. Whittaker said, as a life skills educator and job coach for the Pennsylvania Prison Society. My other hat unfortunately is as a victim of the infamous criminal history box itself. Human rights are generally considered to include, among other things, the right to life, liberty, equality before the law and the pursuit of happiness. The ban-the-box initiative, in my opinion, seeks to fight for those fundamental rights on behalf of convicted felons as they relate to employment. Ban the box is legislation that would establish new standards for hiring people with criminal records. It is not a quota or preference. It does not guarantee a convicted citizen a job over anyone else. It establishes that the customary legal precautions still be applied. It only mandates that these procedures not be applied prior to the interview process. In this way, it seeks
to protect convicted citizens from the most immediate, obvious and common form of employment discrimination, which is the criminal history box.

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

I myself went to prison in 1984. I was released in 2006, five years ago. A first-time offender, I spent 22 and a half years in prison being punished for my crimes. Once released, unfortunately the punishment did not cease. The nature and severity of it just changed. I recall applying for a
job at a supermarket and answering "no"
to the criminal history question, which
asks if I had been convicted of a crime
in the last seven years. In my case,
"no" was true.

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

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

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

I tried to explain that I had
answered honestly, but I could tell by
the look on his face that things weren't
looking very well. And eventually he
said, I'll have to run this by corporate.
I know that's a phrase that a lot of people have heard. And needless to say, I didn't get the job.

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

After that experience, frustration, confusion and even desperation crossed through me each time I saw that question on an application. Given those emotions, it's not surprising that I find myself being turned down for numerous employment opportunities after that. In my mind, I had gone from being locked down to being locked out. Then I discovered, much to my chagrin, that after I was finally able to get a job, when I tried to get an apartment, they had the question on those applications, too.
To add to my frustration, I was and am also daily confronted by the spectacle of seeing job ads online every day that say clean criminal histories are required, and I'm sitting here wondering, isn't that against the law? So the very people who are discriminating against people with criminal histories are themselves engaging in a crime, and I find that to be a little bit ironic.

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

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

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

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

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

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

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

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

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

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

I am here to personally convey my support to this amendment which establishes provisions and requirements for the screening of criminal records by certain employers within the City of Philadelphia. I am sure you have heard
from your many constituents that a criminal record creates a huge obstacle to employment. In fact, studies have demonstrated that employers are much more adverse to hiring ex-offenders than they are towards any other disadvantaged group.

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

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

The amendment also allows employers to conduct criminal background checks that are required for the industry they work in, creates an advisory committee that will review how this is being put into practice and make recommendations to the Mayor and City Council, reinforces that such background checks must be conducted in compliance
with state laws that are already in place.

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

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

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

(Applause.)

COUNCILWOMAN MILLER: I
remember when I worked for Representative David Richardson and all these young men on the block was driving everybody crazy, and you called me and said, You have anybody you can refer?

I'm like, thank God, I can get rid of all these guys hanging out here. And we called you, and that was so many years ago, and you've just been growing and growing and growing. But it's employers like you that really want to give people a second chance. I mean, we have all kinds of issues here in Philadelphia, poverty, and employment helps. I mean, agencies such as the Prison Society and a lot of the other groups here in the City that are working with reentry, there's no way we can address any of these issues if people cannot become employed. So it's really key, and I really feel passionate about this issue, too. I mean, we've got to be able to help people, and that's why we're here.
And I've heard that your success rate at the Prison Society is pretty good with your reentry program. In fact, I think I just referred a couple of people over there about two or three weeks ago. So one young man is very pleased. No. He went to a different one. He's doing carpentry training.

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

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

(Applause.)

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

(Witnesses approached witness
COUNCILWOMAN MILLER: Hi.

Hello again. How are you?

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

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

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

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

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

I just found out this morning that today was the day. I switched my whole schedule around to come down here,
because I recognize how serious what you're doing is.

Introduce yourself.

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

COUNCILWOMAN MILLER: Thank you. And we really appreciate it, too.

Thank you for coming.

MR. TA'BON: Basically today, simply what I'd like to speak about is it's nice to see that somebody in City Hall as a public servant is lining up the legislation with God's will. I think it's important to know that what we're talking about here today is the word "forgiveness." It's really that simple when you break it all the way down. It's like are we willing to forgive these people? And I just think it's a simple
situation where morally some employers
have to ask they self, have they ever
been in need of forgiveness? You know,
the Bible, what it say? And forgive us
our trespasses, as we forgive those who
trespass against us.

I just -- I want to get -- I'm
going to keep this short, but I want to
just deal with it from this perspective:
This bill, this ban-the-box bill, is
bigger than anybody really believes, and
the brother back here touched on it.
When you give ex-convicts jobs -- I mean,
does anybody want the violence to stop in
the City? Because when you got an
ex-convict in a halfway house -- I've
been in many halfway houses, from Komen
Call, Kenta (ph). Everybody comes out of
state wanting to do the right thing, for
the most part. There are a few who plan
their way back to prison while they still
there, but for the most part, brothers
have a positive outlook on life and want
an opportunity.
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Now, the drug dealer always has a job available. Always. And what we've been preaching up there on 19th and Hunting Park in your district is simply that our good has to become as relentless as their evil or we're going to lose.

You understand where I'm coming from? We have to begin -- the bottom line is, if you give somebody a job, you don't know what they've done behind closed doors. They might deserve to be a convict. You understand where I'm coming from? And when they do something wrong in their job, you fire them.

You give an ex-convict a job, if he doesn't do good at the job, you fire him and get somebody else. We don't have to use the fact that somebody is an ex-convict as a reason to punish him even further. It's like I keep hearing people say, Well, let's wait ten years before we give them a fair opportunity to ban the box. To say that is to say that the money that we invested into the
Department of Corrections doesn't work.
It's like you're saying -- to say that we got to wait ten years after they've been released is to say that the Department of Corrections didn't correct anything, because if you believe that it was corrected, you'll give them a job as soon as they came home. You got departments to correct them. You understand where I'm coming from?

I think that we as taxpayers need to believe in what we putting our tax dollars behind, the Department of Corrections. Because what's happening is, when you go up there and you take the training programs and you take the rehab programs and you've cleaned the guy up and his skin look a little better and he feeling good about hisself and he know it's about time to go home, and then they get home and get that door slammed shut in his face, it's basically telling him, you still the same person that you was before you did this time. You have not
been corrected. And then it's like now you get the mentality of, I might as well go back to what I was doing before.

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

(Applause.)

MR. TA'BON: When you give an -- thank you. When you give an ex-convict a job, he could take care of his family. Now them little hungry kids that you see at the gas station trying to pump gas for a dollar, now they don't have to pump gas, because some of them kids is really hungry and some of us in here right now drive past them and won't let them pump their -- and they're creating a job, something that a lot of people in power can't seem to do. But when you see that little kid pumping gas,
he just created a job for hisself. When you see him bagging bags in the supermarket, cutting grass, you let him shovel your snow in the wintertime when it's cold, that is called creating a job.

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

I mean, I don't think that we have to make it as complicated as it is. I think we just need to get it simple.
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We need to deal with forgiveness and we need to deal with the realities of if you want your communities a little bit safer, then you need to give ex-convicts jobs from that perspective, because when he at work, he puts down the gun. When he at work, he puts down the drugs.

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

COUNCILWOMAN MILLER: I'm sorry.

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

I got a brother that told me that because he can't get a job, he don't even feel like a man in his household.

So when somebody can't provide for they family, it mentally and spiritually demoralizes the individual even worse than the convict.

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

God bless y'all.

(Applause.)

COUNCILWOMAN MILLER: Can we take just a five-minute break, just for
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like five minutes. Thanks. We'll be right back.

(Short recess.)

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

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

(Witnesses approached witness table.)

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

COUNCILWOMAN MILLER: Good morning.

MR. JONES: Pleasure to be here. How are you this morning,

Ms. Miller?

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

MR. JONES: I'm doing well.

I'm excited about this bill.

We've already heard a lot of testimony, so I won't kind of regurgitate a lot of stuff we already heard. I just
I myself, I'm also an
ex-offender, and one of the experiences I
had back in, I guess, 2005, I found
myself unemployed and I was looking for a
job. I saw an ad in the paper and I
called the number, got a positive
response from the gentleman on the phone.
He invited me up for an interview. I
went, and it was all the way up in
Lansdale, PA. I didn't have a car at the
time. I rented the car, went up here to
interview for this position. I feel like
the gentleman was very impressed. We had
a lengthy discussion. He spent about a
half an hour, 45 minutes with me, showing
me around the facility and telling me
what my responsibilities were, and
basically, you know, unofficially assured
me of a position.
Towards the end, he told me, I
just need you to fill out this
application as a formality. We need to
keep it on file. He left me alone for about ten minutes, 15 minutes, came back, looked over the application, and as his eyes scanned the paper, I could see his whole body language change. I could see his whole demeanor change, his whole attitude change. And he went from embracing me and basically offering me a position to telling me, you know, We'll give you a call. I have a bunch of other applications to look over.

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

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

Am I correct, Wally?

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

This country was built on the premise of no taxation without representation. Am I correct? So right
now ex-offenders are being marginalized in a society that they're asked to be contributors, asked to pay taxes, but on the same token, they're treated like second-class citizens. We're not afforded full citizenship.

Right now the question on the job application that says have you ever been convicted of a felony is the last legalized discrimination in this country.

If I were an employee, if I were a businessperson and I will offer employment to anyone and I ask them, are you gay, how much do you weigh, what's your religion, I will be sued. I will be ran out of business. I would be protested. But I'm allowed to ask have you ever committed a crime. And it's not to judge the person of the ability to do the job. It's not to determine how good of an employee they could be. It's simply used to exclude people. And if we're talking about full citizenship, that means equal protection of the law
for all of our citizens, and that includes people who have been convicted of crime.

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

Employed ex-offenders adds tax revenue, and God knows the City would need it. We just experienced a recent budget proposal that's talking about cutting funding from everything from
public education to police and fire
departments. Am I correct? However,
we've had an increase in Corrections, in
the Department of Correction. So I think
that's something that we have to look at,
because once these men and women come out
of prison, if we're willing to spend a
lot of money to send them to prison, we
have to look at the back end to determine
what kind of society are we creating in
terms of embracing them when they do pay
their debt.

I believe that this bill is an
investment in humanity. Again, we heard
earlier that it levels the playing field
and affords full citizenship. And I also
believe that we're not just talking about
a legal problem. We're talking about a
social problem as well. If we can't
readjust the way we think and the way we$view other human beings who may have made
mistakes, who may have made bad choices,
who are now trying to empower themselves
through employment, then I think we're
creating a bad message and a bad signal
to all those folks who are holding on to
that whole reenter society as productive
members.

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

Thank you.
(Applause.)

COUNCILWOMAN MILLER: Thank you.

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

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

When they go in, they mark that box, if it was still there, mostly it
took special employers to say, I'm going
to give this person a second interview.
But most of the time you throw it out the
door, you get frustrated, people don't --
and we done tracked this. If they not
working in the first three years of their
release, they going back to prison,
because that's all they know.

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

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

You got a lot of rich people
committing crime, so it don't have
anything to do. But this bill
particularly in Philadelphia, because we
have a large population of formerly
incarcerated people, gives them a chance
if they say they want to do the right
thing. See, this is a chance before they
get to prison. So they can't say that
the City of Philadelphia didn't help us.
They gave us a chance by banning the box.
So we didn't have an opportunity to say
that.

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

Because this is a victory to the next
level of -- if you got a felony, you
can't even drive a bus for the School
District of Philadelphia. Why if you
never did anything to no children that
whole -- you should be able -- if you
never robbed somebody, why can't you work
cleaning a bank? You understand what I'm
saying? So this puts it in the content
of where your crime gets you a job. If
you was messing with children, sure you
can't work in no school, in the
cafeteria, custodian staff, driving a
bus. No. I wouldn't support that. But
what it does is, it allows people who got
an education -- most people who went to
school was ready. Don't disqualify them
anymore because they have a felony.

So it is very important. I
honor what you're doing in this
Committee, because what it does is, when
I talk about public safety, a young man
can't tell me, I'm staying on the corner
hustling because I can't get a job
because I can't get past the box. You
know what I mean? So when we say no,
that's taken away now. So get off the
corner and start applying yourself.

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

I'm fortunate. I committed a
crime 30 years ago, 30 years ago, 1980.
You know what I mean? City Hall, I was
convicted, went to prison for 15 years,
been out of prison 15 years, but right
now if I get a pink slip, I'm done. You
know what I mean? I got an asset to
Councilpeople. I got an asset to Senators, state reps, police officers. Matter of fact, I got a chance to tell three police captains what I expect from them in public safety, but if I get done, that's it because of this box. You know what I mean? Because it ain't going to be based on he ain't committed a crime since 1980. You understand what I'm saying? Twenty-year-old man got out of jail at 35, 50 years old now, but it still counts. You know what I mean? So we need a box -- we need this to pass. We need people to understand that it give you a chance, because I get anxiety. Wow, if I lose my job, I got to go ask and I got to go through that whole process. A lot of people don't know I'm a former -- been in prison for 15 years, was a former bank robber. They don't know it. You know what I mean? But that was my job, and like you said, when I was doing bank robbing, I don't have a job. That was my
job, taking money. Well, when I got a job, that's my job. Criminals don't look for jobs. You know what I mean? Because they going to give it easy.

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

Thank you.

(Appause.)

COUNCILWOMAN MILLER: Thank you.

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

COUNCILMAN GREENLEE: Thank you, Madam Chair.
Very quickly. Mr. Jones, I just want to say you're a good example of why we should have this bill, because I think if you got in for an interview, you're a pretty persuasive guy, so I think you could persuade people to hire you.

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

MR. JONES: Well, you know what? Can I respond to that? Thank you, and I appreciate that, but I think what the one thing we want to stress, this bill will create an opportunity for ex-offenders, formerly incarcerated people, to raise the bar. If you take away the barrier -- and I don't want to use the word "excuse." If you take away the barrier for employment with that box, that means now I got to go to school, I got to get some training, I got to learn how to do -- I have to bring something to the table. That experience I had with
the cleaning the porta potties sent me to graduate school to get a Master Degree, because I didn't want to be in a position where somebody could judge me for that to clean a toilet. Do you understand? So I know from personal experience from the people that I surround myself with, removing that barrier will create a better society, because now folks are forced to raise the bar of their own expectation and opportunity.

COUNCILWOMAN MILLER: What does Frontline Dads do?

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

COUNCILWOMAN MILLER: Very good. Thanks.

Go ahead, Councilman.

COUNCILMAN JONES: Thank you, Madam Chairman.
I just want to say, first of all, Wally, I've known you a couple of decades now and I know you to be a positive influence on the community, and if a box gets in your way of success, we need to remove it. So, I mean, that's where I'm at.

But I remember from the NAACP vantage point, not the local but the national convention they had in California a couple of years ago, I shared a plane ride with one of the top brass of the NAACP, and we got to talking and he said to me, Why don't more young people sign up for the NAACP? And so at first I didn't want to answer him because I was a little embarrassed and didn't want to embarrass him by the answer. Not the local but the national. And I finally told him, I said, Because after a while, you have to change your issues to be relevant. And in the United States of America, for African Americans, criminal justice is a civil rights issue. It is
right up there with voting rights and equal opportunity for economics and where you live.

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

So as we start to look at what is relevant today, we should look to the past with pride and build on that, but we
have to look to today and remove what
barriers to success and to a good quality
of life that all of us deserve, and if
the box is it, it needs to be gone.

So I want to thank you for your
testimony.

MR. SMITH: To respond to what
you said, they must have heard you at the
national level, because two people under
40 is now heading the NAACP, which over
100 years old, Chairman Roslyn Brock and
our President, Ben Jealous, who was an
activist before he became President. So
he understands what you said. The new
issue of civil rights is about education,
about incarceration of massive people of
color and et cetera. And on our local
level, I really think that our leadership
is starting to get it, because it had to
start -- and it takes courageous leaders
like Chairman here and the rest of the
Committee to talk about these issues
about being inclusive for anyone. So I'd
just like to thank y'all again.
COUNCILMAN JONES: One good point about it within this Chamber, right within this Chamber, when we did the budget hearings, a lot of the departments showed up and in particular this day, Madam Chair, it was the Water Department. Now, I didn't fall off a turnip truck from Pleasantville. I grew up in West Philly. So a lot of the guys that were working for the Water Department, I knew, but I knew them from back in the day. And I'm looking at them, I'm saying, wait a minute, ain't that so-and-so from such-and-such street, and ain't that -- and as I started identifying them, I knew they had taken a trip upstate, and to see these men and women responsibly going about their business and changing their lives just by virtue of having an honest job was transformational. And what you're saying about wanting to work and when you want to change, you do and not having a barrier to it was proof positive just by that one department, because for
sure, had they not been -- well, I don't
know that, but it seems to me that
without that job, without that
opportunity to support their families and
themselves, they'd have took a different
path.

Thank you, Madam Chairman.

COUNCILWOMAN MILLER: You're
welcome.

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

He says, Well, you know, one of
the worst things a man wants to find
himself -- one of the worst situations is
one of poverty and they can't provide for
their families. So that's one reason
why, in his opinion, people were
recommitting and getting -- with new
charges and going back to prison.

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

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

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

MR. JONES: Thank you.

MR. SMITH: Thank you.

(Applause.)

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

(Witnesses approached witness
table.)

COUNCILWOMAN MILLER: And next
we'll have Malik Aziz, Steve Blackburn,
You're going to be next. Make sure you pull the mike close to you, even though -- all three of you are pastors, so I'm sure you're used to talking a little bit loud so we can hear you. Identify yourself for the record and proceed with your testimony.

Thank you.

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

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

Permit me to, before I give my testimony, to present a reading, a comment from the late Sir Winston Churchill of the British House of Commons.
in July 1910 that I believe is quite apropos. "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm and dispassionate recognition of the rights of the accused against the state, and of the convicted criminals against the state, are constant heart-searching by a charge with duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating process, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man and woman incarcerated or released. These are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of our nation and are the sign and proof
of the living virtue of a nation like America."

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

These men and women do not need isolation from the public square and employment. They need a new community. Without one, they will be reconsigned by default to the community of crime once again, thus recidivism. Prison consolidates this community by cutting ex-offenders off from regular society and by habituating them to a life of a recidivist society. The stigma becomes a
badge of belonging, the regimentation a substitute for self-control. And like any impressive experience, prison produces camaraderie among those who have shared it, and this camaraderie extends beyond the prison walls. And although men and women at times are well-intentioned and mean well when they come out and they don't want to go back into that, unless they have created a new social bond and a new community, if they don't have a new community to go back to, they're going to go back to the old community of friends, because there is such a need for each one of us to belong somewhere. And part of resocialization is reconciliation, and that depends to a large extent on what happens after people leave prison as it does on what goes on within the walls.

At this time, there is a lot of hostility, rejection and contempt that society feels towards ex-offenders and that ex-offenders feel towards society.
And the support of this legislative Bill 110111 is a giant step forward toward reducing these feelings and, even more, opening up the opportunity for the returnees to regain some dignity, respect and a second chance. It is a very reasonable act and should be hereby ratified.

This legislation calls for the amending of Title 9 of The Philadelphia Code, entitled "Regulation of Business, 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.

As I have read the bill, I find that it is not only a civic solution, it is a moral one as well as a just one. I further believe that introducing this piece of legislation will bring the City
of Philadelphia into the mainstream of modern correctional practices. This legislative bill I also believe is in harmony with the reforms being led by State Senator Stewart Greenleaf, who has authored legislation not only to help reduce recidivism and save money by creating a prison system that encourages non-violent offenders to participate in evidence-based treatment and job-training programs. I see no reasons then why this legislation should not be enacted. The combination of these reforms will improve our prisons and help protect society by encouraging the returnees to take the necessary step towards resocialization while inside. So that once they are released, they have the greater opportunities for success outside. If hard times drove them in, then hard times won't keep them out. Fair Criminal Record Screening Standards is a positive step in the right direction. It can lead to a job, more jobs and more jobs.
Finally, I believe that you understand more than most the importance of providing a continuum of care for those who need it and appropriate and available after-care services for all.

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

May God bless you.

COUNCILWOMAN MILLER: Thank you.

(Applause.)

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

Truly, this box is killing us as formerly incarcerated people. I was born and raised in the City of Philadelphia and I'm currently the Founder and the Chief Executive Officer
of Why Not Prosper, which is a transitional house for female ex-offenders. In my early childhood, I experienced abuse and domestic violence, which led to drug abuse and incarceration.

In 1999, I was released from the California Institution for Women and I was granted permission to return back to my home state. And when I returned back in 2000, I was homeless, a little bit -- I was uneducated. I had lost custody of my children and I was recovering from drugs and alcohol, but it was something in me, just like the brother Mike said, that had a desire to do right and to get my kids back, and I commenced to researching jobs and employment, but the box always haunted me. And I remember that because of this rejection and this disappointment, I started to focus on entrepreneurship, and I wanted to start a program for females like myself where I could be an employee
as well, and that's how Why Not Prosper was birthed.

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

I sit before you with a Master's Degree in counseling psychology. You know, I have a book here of all my accomplishments and everything I've done in the last ten years that's on its way
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to the Pardon Board, and I too have been
denied recently for the application to
take my license as a licensed therapist.
So this box is still haunting me after 12
years of being clean, ten years of no
criminal activity, and I think banning
this box will allow me to be able to
continue to service the other
Philadelphians that's coming home with
these issues. That's the first thing.

And, secondly, it's going to
help me personally because, for example,
I applied for a job, I applied for the
professional licensure. When we got to
the box, the process stopped. They
didn't care about all these
accomplishments. And most of them that I
was in an interview in front of them,
they probably don't got a book this
thick. You understand? Not to put
myself out there, but I did a lot of hard
work. You know what I'm saying? And I
paid my time back to society. However,
when that box get checked, it just halt
So this bill will enable the formerly incarcerated persons to at least get a chance to present themselves to an employer, and that's going to be the biggest thing, because we do have skills. Some of the women I service, they are licensed LPNs and registered nurse and dental hygienist, and they got high and they messed up and now they degree is sitting in a corner because they got to mark yes on that box.

So I'm in support of the bill.

God bless you.

(Applause.)

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

I want to first thank Donna Reed Miller. I want to thank Curtis
Jones. I want to thank Jannie Blackwell, who just left. The reason I want to thank you is because you have put your reputation on the line to help ex-offenders. You have put your reputation on the line, and I know this. And I want to thank you for not turning your back, running scared when they have come to your office or came to your -- needed you for help.

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

I had a 96 percent rate of placing ex-offenders in jobs. We brought it down from a 70 percent recidivism rate to a 17 percent recidivism rate, because we were able to get non-violent offenders out, counsel them and get them in their jobs.
In the '70s, I was able to get through the drug scene in the South Philly war crime, the war that went on in South Philly. I ended up in the Youth Study Center as a young kid and was able to escape by going -- being put out into an upstate institution, which they sent me to school because I had a good school record. But when I did 10th and 11th grade work and was able to finish, I was able to come back, and in '74 was able to graduate high school at Bartram.

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

I've seen when I escaped that
part and was able to go, become a minister, what came into my heart was my friends that went to jail and had nobody to actually help them. For the last 23 years, I've been a prison rights advocate, constitutional rights advocate, going in and out of the prisons, being able to do job development. But the job development that I was doing was not only on my own, it just looked like I was -- I knew how to get in the doors and get out of the doors, thanks to people like Donna Reed Miller, being able to go to her office and get information of where jobs were. When I was out of work or got laid off from a position, when I had a family to feed, I still walked Center City in suit and tie and briefcase, and nobody knew I wasn't working. But what I did -- finding a job or looking for a job is an eight-hour job. So I spent four of those hours in Curtis Jones' business center. He had a business center where you can come. If you wanted to start your own
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business, if you wanted your resumes and
things put together, you can use the fax
machine, you can use the computer, and I
had my own phone. So basically when
you're not working, you're your own CEO.

And Mr. Jones would come see me. I would
see him in there. How you doing,

Mr. Jones? I would thank him all the
time. He said -- he had a press
conference or something to do and he
said, Man, you need to be on there coming
with me.

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

But I want to thank you, and I
wanted to thank also Jannie Blackwell,
because at that time when I was putting
together jobs for myself and others, I
was able to do volunteer work under the
subways feeding the homeless with Jannie.
And when I took other guys down there
with me, I let them know, this is what we
can use on our resume as volunteer
services. So that helped be able to get
these guys and girls jobs even though
they had a record, because I knew how to
get around the situations and be able to
get them started on jobs.

This bill will help us more.

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

Thank you very much.

(Appause.)

COUNCILWOMAN MILLER: Well, I
want to thank you guys for coming in. We
just know that this is the type of bill
that really will impact quality of life
and life in the communities and public
safety and recidivism and all those other
things that this will positively impact.

We just know that most people coming out,
they really want to work. I think -- and
their hopes are so busted when they can't
even get past the application process. So that's what we're hoping. We are hoping that we will be able to help many, many, many people with this bill.

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

Certainly, Reverend Shine, we all know the different activities and things that you're in, and you're always calling looking for work for people and trying to help people. And Reverend Kline. So, you know, we're here for you. So thank you. Thank you for coming in. And we still have about ten or more people to testify. Any questions from any of the Committee members?

(No response.)

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

COUNCILWOMAN MILLER: Excuse
REVEREND SHINE: There's every hope for this bill being passed?

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

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

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

(Applause.)

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

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

COUNCILMAN MARIANO: Thank you, Madam Councilwoman, Councilman Greenlee,
Councilman Curtis. My pleasure to be here. It seems I have a unique perspective on this bill, being a member of this august body and being a felon. I have an ankle bracelet on, a GPS ankle bracelet, if you all want to look at that. So they know I'm here.

This is a great bill. I commend you for doing this. I know I read in the paper that you're a lame duck. Donna, you were never a lame duck to anything. So don't believe anything they say. You're going to do the good job until it's over. And this is important. This bill is real important. Because I have a college degree. I have a trade. I met Presidents of the United States, Councilpeople, Mayors, Governors, Senators, and I can't get a job. Right now I'm Program Coordinator for Impact Services. The goodness of the heart of Mark McDonald and Mike Driscoll, who is the Chairman of the Board, I'm working. I can't get a job in my trade because the
industry and the construction business is what it's doing right now, it's in a downturn. Hopefully it will be back.

I'm available if anybody wants to hire a union electrician at the union rate. Just call the Electrician's Union up on Spring Garden Street and request me personally. I'm sure those people up there will just love that.

It's hard. It's real hard.

And it's not hard for me. I'm blessed to be here. I'm blessed to be out of prison. I'm blessed to have this all behind me and a pure future in front of me. There's a lot of people in here -- and I was listening to brother Mike in the jumpsuit. I wore one of them jumpsuits when I was in the "hole" in Fort Dix, and it's something you never forget. People can take your freedom away from you, but they can never take your spirit. And the spirit of this bill and bills like this just shows people like myself and all these other
ex-offenders in this room today that there is people that care. Because that's the important thing. Because you start -- people tell you long enough you're nothing, people tell you long enough that you don't stand for anything, people tell you long enough it don't matter what you accomplish in your life because of that one mistake you made, it's pretty much over. And they beat you until the end. And I'm not talking about physical beating. Mental beatings. And this is the kind of bill that sends us the signal that people like yourselves care. And the one brother talked about being out 15 years. Look, I haven't been out five -- I've just been out five months. I got another month on this ankle bracelet, then I'm going to U.S. probation, then I'll have two years of paper after that. There's no hiding what I did and there's no hiding what I -- you know, who I am and what's going
on, so I have to wear it a little different than some of these fellows.

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

He says, Rick, where you been?

I said, You know where I've been.

He said, We don't have phones anymore. Everybody has got cell phones. Well, I'm not allowed to have a cell phone. So what do I do?

Monday before I left to get up to go work, I got a call, Don't go to that job. Homeland Security says you can't work in your trade that you've been
paying dues for 30 years.

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

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

So it is one of those things
that no matter what you do and no matter
what these fellows behind me and these
men and women, they're always going to be
stuck with this. Maybe 10, 15 years down
the line, it will be a little different
and they'll be able to go in and not
request or just not checking that box,
because one of the responsibilities I
have as a Program Coordinator for Impact
Services are getting people jobs. And
there's some good employees out there,
like Brown's Shop N Bag. They have a
mission statement where they hire felons.
And these are okay jobs. I mean, they're
entry level, and these guys will tell
you, we're glad to have any jobs. We
joke about working in McDonald's.
Believe me, I would have worked at
McDonald's rather than go back to prison.
I have no problem working at McDonald's.
In fact, if things don't pick up and I'm
allowed to work night work when I go to
U.S. probation, I might be working at
McDonald's, you know, or maybe Geno's
Steaks or something like that. Who
knows. Because we do what we got to do,
and we do it because we want to support
our family.

You know, the mistake is over,
and the justice system in this country
never wants you to live it down. And
that's really not what I'm here for
today. That's in the future. I hope to
be able to contribute to this in some way
or some manner, and maybe this will be
followed by some state initiatives or
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some federal initiatives. This has to be
addressed, and it has to be addressed by
people like yourselves that understand.
I mean, I know how it is to sit there and
hear people go on and on and on about
things and you know what you're going to
do already, but this is transparency that
we fight for. This is the kind of things
that we want to see.

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

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

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

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

(Applause.)

COUNCILWOMAN MILLER:

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

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

And so I think that -- we thank you for coming and realize that we all have to be about second chances and about
accepting the fact that we're all
children under one God and that we have
to do what we can to help one another.

Thank you.

COUNCILMAN MARIANO: Thank you.

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

And, you know, you're a good
person. I won't embarrass you anymore,
but you reminded me at one point -- my son is over there waiting for me. He works for the City. He told me, he said, Make sure you mention Michael Vick. So I have to mention Michael Vick. I wanted to see the Phillies go to the -- I mean, the Eagles go to the Super Bowl, because this man is my hero. Now, I can't throw a football 80 yards, and I doubt if anybody behind me here that's a felon can throw a football 80 yards. But remember how everybody was down on brother Mike? When I was in Lewisburg, nobody liked him. Then he starts winning, people start liking him.

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

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

    (Applause.)

    COUNCILWOMAN MILLER: Thank you. And, you know, I want to thank you. This Committee thanks you for coming in today to testify.
COUNCILMAN MARIANO: Thank you for having me.

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

COUNCILMAN MARIANO: Thank you.

COUNCILWOMAN MILLER: Any time.

COUNCILWOMAN MILLER: And good luck.

COUNCILMAN MARIANO: Thank you.

COUNCILWOMAN MILLER: God bless you all.

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

COUNCILWOMAN BLACKWELL: Madam Chair, may I say that I have to step out a moment, but I'll be back. These are people with whom we've worked for many, many years, and you know Malik gives the
Lucien E. Blackwell Guiding Light Awards
out every year since Lu's passing, and
these are people we love, we respect and
people who do what they can to help
ex-offenders and people in need.

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

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

COUNCILWOMAN MILLER: Okay.

Thank you.

(Witness approached witness
table.)

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

MR. AZIZ: Okay. I'm not going
to speak first, but I wanted to say good
afternoon, Councilwoman Miller and
Councilman Curtis Jones. My wife is
going to speak first. So I'll pass the
mike.
COUNCILWOMAN MILLER: Are you going to speak at all?

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

COUNCILWOMAN MILLER: All right.

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

I worked very hard to change my life. I came home on February 6th, 2003. I was enrolled full time at Community College by May 31st, 2003. I have five...
degrees, and I'm working on -- I'm completing a sixth degree in clinical and
counseling psychology and searching for a school for a Ph.D. I'm also certified in
drug and alcohol human service, and I just received a new certification from
Villanova University in drug and alcohol. But the box still gets in my way. Right
now I'm under-employed. I take what I can get. You know, we do make jokes
about McDonald's, but that's a reality for us.

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

And I just want to point out one other thing. I'm a very brief talker. There was an article in the Daily News on February 18th of this year. It was on Page 28, but it talks about
State Representative Tim Mahoney. Our new Governor decided that he wasn't going to open, I think it's, a fourth of three new prisons, and this State Representative said that the news was devastating for a region that has some of the state's highest poverty and unemployment rates and will not see the 650 jobs that the $200 million prison was expected to create. I know that it's a no-brainer that most of the 650 jobs are created by people from Philadelphia, who are going to fill the prisons. Even though they didn't open that particular prison or it's on hold for now, they are building some other prisons, 2,000-bed prisons. So unless we can get gainful employment -- and $10 an hour is a start, but it's not gainful employment, especially for people who have a stack of degrees. My degrees are so not important to me anymore. It's just something that I have to do. I keep them in books. This is books of certificates,
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scholarships that I won, all kind of
trainings that I've taken, so that I can
prove to people that I get it, I get it.

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

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

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

(Applause.)

MR. CARTER: How are you? I'm
Reginald Carter, known also as Brother Abdullah. I want to commend you on the ban-the-box legislation that you're about to pass, I would imagine.

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

I had no record of any child abuse, anything of that sort. I was a former gang member, wanna be robber. I had no success at that. But it leaves a mark on you when you can't get a job
because you have to decide whether or not you want to say yes, I've been incarcerated. It's really a tremendous obstacle, and so it's been a difficult road to travel. I think that hadn't I established a moral code while incarcerated, I could have gone back to some of the other things that people decide to go back to, robbery and things of that sort, but I had established a moral code within myself throughout my incarceration.

I wanted to say something to Darrell Clarke, because he's from one of my neighborhoods in Strawberry Mansion. Many years ago, Darrell Clarke, with his help, I was trained to be a roofer when they had gotten contracts in the Strawberry Mansion area to do construction. And so through the help of this body at that particular time, I was -- I learned a skill. In fact, I'm going to be doing something now in terms of creating businesses, and I want to
serve really people that are coming out of incarceration.

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

So I want to commend you.

That's it.

MR. AZIZ: I also want to commend you. You know I care about you and everybody up there. Like my brother said, that it was so many other speakers
that eloquently addressed the issue of
why we're here. So I just wanted to just
add something small to the fact that -- I
look at the books. You see my book.
It's blue. Her book pink, of course,
right? And sister Michelle Simmons back
there with her book of all the
achievements and accomplishments that
people that have been in prison that come
out and do the right thing and try to be
reintegrated back into society by -- when
they go to school, when they get these
accomplishments and achievements, they
kind of like expect something back from
society in the way of a good job,
advancement, belonging to associations
and things of that nature.

A lot of the barriers -- I was
in Alabama last week with the founder of
the person that did the ban the box in
California, All of Us or None of Us,
Dorsey Nunn. And they have -- their ban
the box is in effect for the whole state
of California, on the state level of ban
the box, which was impressive. And
there's other states too that have ban
the box. Because of the ban-the-box
activity here in Philadelphia, the City
of Newark, New Jersey and Camden are also
mirroring the ban-the-box efforts of
Philadelphia across the bridge. I happen
to have some insight on that.

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

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

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

My other thing I want to talk about is the violent offender. I hear a lot of non-violent offender stuff, right? A violent offender is a person that would do serious crime. A non-violent person hasn't done serious crime yet. So in my judgment and in my experiences, I think we should also focus a lot of our efforts on helping the violent offender when they
get out to be employed. It's a 
no-brainer that if you have the people 
working in the community that have 
already showed you a tendency to get in 
trouble and they're employed, then I 
think your crime rates will drop 
overnight. And a lot of these 
communities, when you have people 
working, they'd be too tired to get in 
crime. They working a full shift and get 
a good pay on Friday. That mindset 
changes. That was really instrumental in 
my mindset change. But I worked before I 
got to jail and was involved in a lot of 
stuff. So, I mean, I'm not going to sit 
up here and even say what I did, because 
you know, Councilwoman Miller, what I'm 
involved in. And I do a lot of stuff, 
avtivism, as an advocate and an activist 
for my peers.

So, once again, I'm proud, 
proud of this Council, this Committee.
Councilman Greenlee, proud that you have 
taken this on, because it shows the
fortitude of Councilmembers up there that
they care about a population of people
that they say are counted out when they
come out of prison, they don't count, and
it's really a disrespect to the whole
City as a whole, because their
families -- families have people in
prison, and whatever they in prison for,
they serve they time. When they come
home and they have a new objective and
goal to reenter society, that should
never be held against them. But it
does -- it's always held against them.
Even 30 years ago, people ask you about
something 30 years ago, when you was a
kid or something, right, and that's not
right. So I guess more information needs
to be given to employers, too.

And then another thing I tell
people, try to start your own business,
right? Start your own business.
Entrepreneur, right? They go through the
licenses and things that you need to get.
Be a taxpayer that way.
But it's a whole lot of barriers that we facing, the certification boards. You know, thank God the PCB understands. I too just got a certificate for drug and alcohol from Villanova. My wife made me go with her to school. I went, and I'm thankful for that, because I have another certification. I have a lot of certifications, but unlike Wally Smith, I been at a job. I worked for the reentry office. I been at a job, and I'm kind of like scared to even throw my resume in somebody's hand because of my record, which I been out of prison longer than any of them. I've been out 16 years without incident, walked off parole without incident, been out off parole since 2000. But I'm a rebel rouser. I like to make some noise. I'm not afraid of standing up and being right when I'm right. Should nobody be. But a lot of times the stigma of just being in prison causes a lot of people to not have the
star power as Michael Vick. Somebody said he's a poster child for -- somebody just said that recently. I think it was Bill DiMaschio said that from the Prison Society. He's the poster child. There's way more poster childs than Michael Vick that live right in this city that been done that, that come back in the community and help the kids and help the police with the non-violence programs and with the anti-violence programs. And just to take somebody because of their status as an athlete -- I mean, when Michael Vick played his first game, we were out there protesting for him. Both of us belong to PETA, the Humane Society. We got pets. We love our pets. But when they said Michael Vick shouldn't have a second chance because of his crime, we were right there at the Vet -- I said the Vet. I ain't been there --

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

MR. AZIZ: We were outside
holding signs up for Michael Vick. So we activists. We're going to always do that. We're going to always go in the prison to try to say something positive to people that come out.

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

(Applause.)

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

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

MR. AZIZ: Alabama.

COUNCILWOMAN MILLER: Right.

Would love to talk to you later about that.

MR. AZIZ: Okay.

MR. CARTER: I just wanted to say that the point that Malik Aziz
brought up about violent offenders is a very important point, because everybody is talking down on the violent offender. Well, you have a lot of violent offenders, and you have those offenders who have been violent, but you just don't know they've been violent. So we should really be looking at how we can bring people with violent offenses back into the community as an asset like we want to bring other people back into the community as assets rather than liabilities, because they have potential just as we all have.

Thank you.

COUNCILWOMAN MILLER: Okay.

Thank you.

Wayne, you and Steve and who?

MR. JACOBS: We have a person from Pittsburgh.

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

MR. JACOBS: Steve Blackburn, Wayne Jacobs.
COUNCILWOMAN MILLER: Dean Williams.

MR. JACOBS: Dean Williams and Bradford.

MR. CARROLL: Broderick.

MR. JACOBS: Broderick.

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

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

I had applied for life insurance and I was accepted for life insurance, and then the man said that somebody will be calling me two days later. Well, two days later I got a phone call, and on the other end of the phone, the man was asking me questions, you know, pertaining to life insurance. You know, questions like do you smoke, do you drink, do you use drugs. And, you
know, all the answers was no. And then he said, Well, have you ever been locked up?

I said, Yeah.

He said, Are you on probation or parole?

I said, Yes.

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

Just two months ago I went for a job interview to be a youth coordinator. Just last year I was working for a corporation as a youth coordinator. I have child abuse clearance. My resume speaks for itself as far as me being a youth coordinator, a mentor. I had certificates from United Way of graduating their classes as a youth mentor. So when I went for this job and I presented all my credentials to
these people, they said, We like what we see. We like the things that you say to us, and you're hired. So she said -- this is part of the interview. So she said, Well, go out there and fill out this -- fill this package out. You know, the package consists of the application, W-2 form and all that. So when I filled it out, you know, when I got to the box, I checked the box off, yes, I have been arrested. The lady came and got my package, went back into the office, came back out and said, Mr. Carroll, we can't hire you.

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

So I do think it's very important that the legislation -- let this law go through where the box is actually tooken off of the applications, not just for employment, you know, the
whole -- everything, you know.

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

MR. CARROLL: Thank you very much.

COUNCILMAN GREENLEE: Okay. Thank you.

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

MR. WILLIAMS: Good afternoon. My name is Dean Williams. I'm here from Pittsburgh, Pennsylvania, and I just acquired a position of Director of X Offenders for Community Empowerment, along with Wayne Jacobs here, and I just wanted to come here and show my support
for this bill, and hopefully we'll be able to take this bill statewide. I'm also a convicted felon, and I look forward to the opportunity of expanding this as far as we can to make it go statewide.

COUNCILMAN GREENLEE: Sounds good. Thank you.

Who else would like to testify? Mr. Jacobs, you're actually going to say something? I find that hard to believe. No; go ahead.

MR. JACOBS: Well --

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

MR. JACOBS: My name is Wayne Jacobs. I'm the Co-Founder and Executive Director of X Offenders for Community Empowerment. My organization assists formerly convicted people with cleaning up their criminal background records, and the reason why they need their records cleaned up is because of the fact that
they can't get past the box, and it doesn't make a difference.

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

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

And so we began to assist
people with cleaning up their records,
and to my surprise, that we found that
here's people who have skills, ungodly,
Master's Degrees, Ph.D.s and all that
good stuff, and they cannot work at they
skill level.

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

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

But I just want to say this, is
that when we look at this box, this box
is so far reaching, that the box do not
have an ending, and we need for it to
have an ending. We need for City Council
to pass it to kill the box here so we
could take this show on the road to
Pittsburgh, Delaware County, all over the
state so we can be able to get them 1.4
million formerly convicted people back to
work.

COUNCILMAN GREENLEE: Thank you.

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

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

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

MR. BLACKBURN: Good afternoon.

My name is Steve Blackburn. I am the
President and Co-Founder of X Offenders
for Community Empowerment. Wayne is my
colleague here.

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

I operated under the radar for about 15 years basically working in the field that most formerly convicted could not work in, because nobody knew, and those that knew didn't have a problem with it. But I was able to establish a track record and a reputation for service and professionalism that when the issue came up where I had to go to another employer and I already had a relationship established, they knew about my work. And that's the whole thing about the ban the box. This will not just allow everybody to be employed just because the box is not there. Certain employers will
be able to do background checks and if
certain jobs, they have prohibitions who
can work in certain jobs, and that
probably won't change until we address
this on another level also. But it will
allow an applicant to basically
demonstrate who they are and what their
skill level is and not let the decision
of who to hire or not to hire just be
based on them checking that box. So it
will give people the opportunity to
demonstrate who they are professionally,
show their track record.

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

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

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

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

Thank you.

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

Councilman Jones.

COUNCILMAN JONES: Thank you,
Mr. Chairman.

One of the best parts of this
particular job is that you get to listen
to people that happen to be in different
subject matters experts, so you can
benefit from their years, decades of
knowledge. Wayne is one who does not
miss an opportunity to educate all of us in the hallway, in our office. So I'm going to take advantage of this on the record to up my cue on some matters.

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

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

They had to find a way to stop employers
from hiring formerly convicted people.

So what they did was, they took the
ability of those companies to insure
those workers. This is what they did.

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

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

COUNCILMAN JONES: Or insure
the individual employee?

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

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

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

COUNCILMAN JONES: And I know you can't speak to this unless -- maybe you can. I won't limit you on what you can do. But risk managers did a quantitative analysis that said customer service is better with people that are not formerly convicted individuals versus customer service of people who are just rude? And so somehow they figured out a calculation that says this is a higher
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risk than that? Is there any
documentation that you know of anywhere
that justifies that?

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

COUNCILMAN GREENLEE: Speak
into the microphone a little bit.

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

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

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

But the other thing I forgot to
mention, and that was the oversight
commission that y'all want to establish
after this bill get passed. And I want
to commend y'all for that also, because
you're now putting teeth in the bill, you
know. A lot of times y'all pass
legislation dealing with minority
set-aside and stuff and nobody was
standing over top of it and next thing
you know it wasn't getting done correctly
to y'all likings. However, this
particular bill does put together an
oversight committee to make sure that
things get done in terms of addressing
the civil rights issues of formerly
convicted people. And I just want to put
my hat in the ring that when the bill get
passed and y'all do your nomination, I
want my name and my man Steve Blackburn name at the top of that list, both of us.

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

MR. JACOBS: Both of us. Both of us.

COUNCILMAN JONES: Thank you, Mr. Chairman.

COUNCILMAN GREENLEE: Thank you.

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

(Applause.)

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

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

MR. JACOBS: He came with me.
COUNCILMAN GREENLEE: Oh, I'm sorry. How about -- I hope I'm not -- how about Malissa Gamble?

MR. JACOBS: I'll grab them for you now.

COUNCILMAN GREENLEE: Malissa Gamble?

MR. JACOBS: But she submitted --

COUNCILMAN GREENLEE: Hold it. Hold on.

Zachary Durham. That's you?

Okay. And Laura Goldman.

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

MR. BICKERSTAFF: Darryl Bickerstaff.

COUNCILMAN GREENLEE: Okay. I see you on here.

MR. YOUNG: Carlton Young?

COUNCILMAN GREENLEE: Yeah.

You're in the next group.

Mr. Durham, right? Why don't you go first. Identify yourself for the record and proceed, please.
My name is Zachary Durham. I would like to thank Councilpeople on this Committee, Councilpersons present, Mr. Curtis Jones, Jr. and Councilperson William Greenlee.

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

You know, just recently, last week, I went to a grassroots campaign. They called me down for an interview the same day I called them. I went down for an interview. They asked me questions. They asked me about my previous work history, and I told them. And they asked me about -- mentioned certain topics about politics and stuff like that, which I really love politics, so I mentioned something from the federal and state and local level that bothered me. And so he
left out the room and called me for the interview, because it was two people in there. And he asked me certain things about the application, because it wasn't all the way filled out, because he liked what I said about the politics and stuff like that, because it's a grassroots campaign.

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

He told me that I could not work for the grassroots campaign because I would be a liability, because I'd be handling sensitive information. That really hurt me. And, you know, every day, every other day, I look for a job, you know, even though I get discouraged sometimes because I know that someone is
going to ask me do I have a criminal background, which I do. But, you know what, I believe in God and I know he'll make a way out of no way.

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

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

So I'm asking you, Mr. Greenlee, and you, Mr. Curtis Jones, that y'all pass this and that Council as a whole pass this bill, because it's needed. We were the city of firsts,
first for a lot of things, the City of Philadelphia. Let's be the first to make this right. I know there's other states and cities that has something similar like this, but let's be the city to make it -- make this bill better than all the others.

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

I know everybody in this room loves this city. We need to take care of it. We need to take care of the people. We are a democracy. The people of Philadelphia elected you to be in the
position that you are today. I ask that you take care of us as we took care of you.

Thank you.

COUNCILMAN GREENLEE: Thank you.

(Applause.)

COUNCILMAN GREENLEE:


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

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

MS. SHARE: Good afternoon. My name is Rhonda Share, Councilman, Councilman. I thank God for allowing me the privilege to come here this morning today to speak with y'all personally. I'm a mother of seven children and I am also an ex-felon. My crime happened when I was 16 years old. It's 26 years old.
And I just went up for a pardon and it was denied this month. And I also would like for this bill to be passed. In the beginning it wasn't an issue for me, because I have a job. I've been working like off and on for 17 years, but now it seems to be more of an issue, and I would definitely like for this to be passed. I don't -- I hope it be passed soon, but, you know, I know it's a process.

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

Thanks.

MR. BICKERSTAFF: My name is Darryl Bickerstaff. I'm one of them violent offenders that they talk about. My crime happened in 1984. I did 17 years. I've been home for 12 years. Every day that I was home, I had a job.
I started making 5.50 an hour. Then I moved up. I turned supervisor. I worked in the church for four years. I turned supervisor of a clean -- I was supervisor, then I turned assistant manager to the Philadelphia Art Museum.

Now, when I was working at the Art Museum, I was the manager of a subcontract cleaning company, and as y'all remember, the Director died. So when she died -- you know, I sing. So they were looking for somebody to sing for all these people. So they already told me there's going to be five people up there, so come on up. I came up about 300. So after I got done singing -- I sung, and after I got done singing, for some reason somebody told them that I had a record. When they found out that I had a record, they went completely cuckoo, crazy. Now, five minutes ago I was their golden boy that stood up there and sung because this woman died of cancer or whatever she died from. I had no problem
with that. That's what I do. The thing is, they moved me on to SEPTA. I was the manager down there at 30th Street Station, you know, and as a manager, I made it my business to try to hire ex-offenders every chance I got. Some worked; some don't. That's life.

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

I'm not asking y'all to give me nothing, you know, and I know it sound rude and I know somebody said it's all
the way you present yourself. This is who I am. I'm telling y'all, I'm not asking for anything. Push me in the right direction, give me a door. I'll make my own way. That's who I am. But don't be prejudice against 27 years ago. I was in Jannie Blackwell office for the last seven months, eight months looking for a job, me and John Fenton. You know what John Fenton said to me? Man, I'm getting tired of seeing you, man. Because I'm in his face trying to get a job, Careerlink, everywhere. I even talked to the Deputy Mayor Michael Weiss. He said that because I'm a violent offender, they took a choice to work with non-violent offenders at the RISE program. Now, the RISE program told me because I got too much time out, I'm not eligible for they help. That's ridiculous. That's ridiculous. I still have a record. Life still is life. Are you going to tell my wife when you go home that y'all going to help her pay
that mortgage or you all going to help
her pay that water bill or you all going
to make sure that door is not locked or
the heat not off or food in my
refrigerator? I'm not asking for
anything. I'm asking y'all to do what's
right and push us in the right direction.

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

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

Thank you.

COUNCILMAN GREENLEE: Thank you.

Councilman Jones.

COUNCILMAN JONES: Thank you, Mr. Chairman.

It is very important to know that when I was a young boy -- and that's a term from the inner city, for those of you who aren't familiar with it -- I was a very different guy. Because of the House of Umoja, Boystown, it spared me from probably walking some of the path that you had to walk. But in that maturation, I was able to get myself
together and things like that and change
the way I viewed the world and conducted
myself. All of us go through that
maturation process. You're a different
person -- they say every seven years you
change as a human being.

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

Now, let me not give you any
false representation here. This is just
the beginning. This is one step to
remove the box. You're still going to
have prejudice. You're still going to
have obstacles, but what I think this
body is open-minded and willing to do is
take them on with you, and where there
are legitimate reasons, then okay. Where
there are prejudices, it is our job to remove them, and we will go about our job vigorously, believe it.

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

I don't want to give you the impression that, you know, with this bill being passed out of Committee and it being passed, that we're going to take away all the ills of the world, but what we are sending the signal today in this Chamber is that we understand where those people who want to change their lives,
we're going to give them every opportunity to do so. And those of you who would block it, we going to fight you. That's what we're going to do.

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

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

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

MR. BICKERSTAFF: My thing is that the job opportunities is out here. It's redundant, especially for the skills
that some of these young people -- this is the future right here. If we hold him back and he go out there and he do something because he's being held back, it's our fault, too. Let me finish.

It's our fault also. And I try to talk to all the young people I can. I tell them I did 17 years, you don't want to go the way I went at, because it ain't no game. When you get out, there ain't going to be no jobs, man. I tell them. But this is our future right here. If we can't help them, then we lost, man.

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

MR. DURHAM: Somebody told me today, the gentleman that was previously testifying in a wheelchair, he told me that I can vote.
So the people that did not hire you, you have the ability to create your own organization and start it based on the principles that you hold dear in your heart about formerly convicted individuals. You don't have to wait for them to come to the consciousness to hire you, is what I'm saying.

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

So I'm saying to you, yeah, we going to knock down these barriers over here, but the hardest barriers to knock down are within our own mind, meaning that if -- and it's particularly you at
22, don't let them define you. You can -- and I'll work with you, and we can define you better than they can. And I'm saying to you, those opportunities are still before us. And, yeah, we going to knock down the employment ones, but they'll throw up some more. But wherever there is a barrier, there is also an opportunity, is what I'm trying to tell you. And so, yeah, I come from a place called West Philly and I understand, but I'm not going to let that define me or stop me, and I wish that for my brother.

MR. DURHAM: Thank you.

COUNCILMAN JONES: You're welcome.

(Applause.)

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

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

I'm just going to call to see who is here. Thomas Hall, Joseph -- come
on up, Thomas. Or are you Joseph?

COUNCILMAN GREENLEE: He's Joseph.

COUNCILWOMAN MILLER: Come on up, Joseph.

Carlton Young. Carlton, to the table.


Is there anyone else that wants to testify on this bill?

(No response.)

COUNCILWOMAN MILLER: Okay. So you guys right now are the last three.

Anybody else want to testify?

(No response.)

COUNCILWOMAN MILLER: Okay. So pull the mike up to you, identify yourself and proceed with your testimony.

MR. YOUNG: Thank you. My name is Carlton Young. I'm a retired correction officer. I did 18 years in the prison system, and my last year working in the prison system, I made
$62,000. It's one of the best baby-sitting jobs I ever had. But I also saw the vision of what was going on in the prison system. After being in the system after two years, I knew something was wrong. I didn't understand what was going on, because I had the attitude that if you got locked up, you was wrong and you should be in jail. But when you become spiritually and you get more involved with what God is about, then you start to see that things are going on in the prison system is not right, it's not being correct.

So what happened? I got a blessing in '93, in 1993, to start a program called Breakin' Chains. It was dealing with behavior transformation, changing people's behaviors. But after that, in '95, I end up purchasing $10,000 worth of manufacturing equipment to make clothes. And it's been difficult to try to talk to people about starting this manufacturing program.
I have two more organizations. One guy works on foreign cars. He has his own business and up and running. He wants to teach people how to work on foreign cars.

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

So ban the box is great. Councilwoman Miller, I really commend you, because a lot of people just don't care. You know what I mean? And I guess I didn't really -- I guess I really didn't get personal until my daughter got caught up in the system. Because my wife had 25 years in the court system and 40 years in the City, that I was able to maintain that down to the Roundhouse, that she didn't get up to State Road. And by me being in the prison system, we knew people. And it's sad, because if
you don't know people, then you really in
trouble. And so it boils down to two
things. I just had a church member got
killed Saturday by the police,
Mr. Weinman. He lived on Cecil B. Moore
Avenue. This young brother was really
into God and really trying to turn his
life around, but he had a demon, which
was drugs, that took his life at 29 years
old.

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

So this thing is personal with
me. And this is all I'm trying to tell
people, that I have a program that can
change people's behaviors. And I'm not
worried about the box. I'm taking
ex-offenders. I'm taking violent ones.
I'm taking whoever comes out, if you want
to change. Because on the back of my
flyer, it says the kids that belong in
this program is, if you want help to change, we will assist you, but you must be willing to give back. It starts with you, the man/the woman in the mirror.

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

Unfortunately, I have a record and it end up in the FBI files, and when I went to Graterford to apply for a test -- to take the test for Graterford, they kicked me out. And when I went back to my lawyer, my lawyer found out that it was a check that I bounced. I made good to the guy, but he wanted $5,000 instead of $2,500 I owed him. He wanted to double me because I had a theatre in
South Jersey. So we got by that. We got the record cleaned. So when I went down to the Philadelphia prisons, I told them, I said, Here's my paperwork. Don't make the same mistake, because I'm going to sue the next person. But that's how I end up being 18 years.

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

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

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

MR. YOUNG: Yes, ma'am.

COUNCILWOMAN MILLER: Thank
you.

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

I've been incarcerated from 2001 to almost 2009 for bank robbery. While I was inside, they had a thing called UNICOR where in federal prison you must work. Within the three-month period of time of it being there, they were working three shifts a night, and their goal was to make $25 million. Needless to say, they made it. Okay? The people, the taxpayers, pay for us to be there. I would sure love to know where this 25 million went. You understand what I'm saying? If we're sitting there making them the money, why does the taxpayers have to suffer in paying for us to be incarcerated? Let alone if it costs $28,000 to incarcerate an inmate, times that by three, because that's how many
you have in the cell. Okay? That's almost, what? You know, that's a lot of money. That's a lot of money. That's almost $100,000 a cell they're making, and to sit there and -- I had to take programs, of course, anger management. I was trying to get back in my son's life, which I had to take parenting classes. And, mind you, my parenting classes was to go in a room with 25 other inmates and what we did is, we watched a movie called Ants, and I got a certificate for it. There was no teaching. I seen a movie, a G-rated cartoon movie, and got a certificate for it. To me, it was a joke. And it's deceiving the American taxpayer, and something needs to be done about that.

Needless to say, I know we're here about the box. I have filled out many applications and I have checked the box yes, I have a felony record. And every interview I had, it stopped as soon as I said bank robbery. Apparently
there's not a big -- bank robbers ain't getting hired, let's just put it that way. I had no gun. I went in there with a note and a pen, and my first note said, Please put the money in the bag, I'm just trying to feed my kids. Now I'm a violent criminal over this. There was no violence. I didn't hurt nobody, didn't say I was going to hurt anybody, but when you open up my book, they got me running around like a nut, and it's not fair, because that's so far from the truth.

Before all this happened, back in '99, I took a test for the City roofers. Okay? I came in seventh overall, never got a phone call. I'm not going to make this a racial thing or nothing like that. I understand equal opportunity employment, affirmative action. I understand all this, but it should be best man for the job. Now, when I come in, I come in with a zero just because of the color of my skin.
Other people come in because they've been in the military, they got 40 points off the rip, let alone the color of their skin. I had nothing, and I still came in seventh overall, never got a call. And that's what led to my bank robbery. I had no other choice. I had no other means of income.

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

Where does it end? I mean, we all talked about Michael Vick. Yeah, he got a second chance. Lindsey Lohan, of course. Everybody that's somebody gets a second chance, but if you're nobody, you have no chance coming. And that's why I'm here today. I'm the guy that has no chance coming. Where do I start?
I can't -- I was able to make cables for aircraft carriers at Fairton. I was able to do that for the federal government, but I can't push a broom in McDonald's. You understand? Because there's a money box there, and the first thing they think is, if we hire him, he's going to scam on us about the whole $2,000 of money box. If I would have known that, I would have stayed in school, knowing that I could have made a hundred million ripping people off and maybe only did five years instead of getting a couple thousand and doing almost nine.

I'm just really confused about this whole thing. I'm paying the rest of my life for a crime I did in 2001. Let alone what they didn't tell you, when I did get locked up, they took custody of my child because they said I was violent. Again, I've never lifted a hand to a child. They bum-rushed me when I was in jail to take custody of my child,
because, of course, when I'm sitting in there, no, I can't take care of you.
You're absolutely right. There's nothing I can do for you. And they rushed me while I was in jail on the phone, and that's how they did the court with me. I was supposed to have court three months before that, and all my supervise release officer kept on saying is, if you give it a little time, he'll violate and he'll be back in. Not three weeks after I violated, my subpoena came in and they had the court date. Three times before that, it was postponed. And every time I went to them and asked them, What's going on, John, you know?

Oh, no, it's not like that. There's not a conspiracy. You got to get that out of your head.

Yeah. I mean, yes, I consider myself having a fifth grade Catholic education. When I was in eighth grade in public school, I was learning the same thing I learned in fifth grade at
Catholic school. I feel that I was definitely railroaded. And I do have other convictions. I'm not saying I'm no angel up here. I've done some bad things when I was a juvenile also. And the thing that grabs me mostly is, if you're going to -- how can I word this eloquently? If you're going to have the playing field fair, it has to be fair for everybody, not a certain few. And right now, like I said, I don't want to make this a racial thing. It's not because I'm white I'm up here saying it, but if it's going to be fair, it has to be fair across the board, and I feel right now that it's so far from fair, it's pathetic. And, like I said, I worked 20 years in the roofing business to get to know my knowledge and know what I'm doing, and, like I said, for me to come in seventh after everybody else is getting more points just because of military, the color of their skin, and I still come in seventh and I don't get a
call, how is that fair? Where does it end? You know what I mean? Who gets it next? And that's scary to me.

I have a son that's 12 years old. He's taken from my life because of my violent act in the bank. All I did was go in there with a piece of pen and a paper. Nobody got hurt. And I didn't even go in there threatening nobody, and the thought didn't even cross my mind.

All they had to say, no, and I would have left. If they would have said no, I would have just left with the tail between my legs, you know. At the time, I was a junkie at the time, you know, just trying to get my fix, let alone pay the rent. We were getting ready to get put on the street. And now I got to live with this for the rest of my life, and it's scary. It's scary for me, because what do I do next? If I can't push a broom at McDonald's, what am I supposed to do to put food on the family table?

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

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

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

MR. KEOUGH: Thank you.

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

I'm recently released from state prison. I was released December 6th of last year, 2010. I've been out approximately a little over three months. I filled out over 150 job applications online and in person. I believe that if you commit a crime, you should go to prison and you should do your time, but when you come out, you know, there needs to be reasonable boundaries to where
you're able to reintegrate back into society.

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

I am educated. I do have a good work history and work experience. A lot of times I feel that I am the best man for the job, and I just -- I've received zero callbacks. So I just feel that with programs that are offered today such as the Prison Society and LIFT and the Mayor's program for reentry, they're good programs, but they can only do half. I feel by getting this legislation passed to ban the box, that will be the other
half of the equation, because then we have an honest chance for us to get our foot in the door and actually speak to an individual. And I feel that's why this is so important, to have that legislation passed so that we can have a fair shot.

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

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

(Applause.)

MR. KEOUGH: Can I add one thing? Like he said with the box and everything to take that away, and, yes,
that is a good idea, but technically
that's only half of it, because any one
of us can go on a computer today and do a
background check on any one of us. I
mean, the box is one thing, but who is to
say once you put your Social Security
number down, they're not in the computer
checking out your background from the
get-go? I think it's really deeper than
the box.

That's all I wanted to add.

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

MR. KEOUGH: Yes.

COUNCILWOMAN MILLER: And it is
a hindrance. It has been a hindrance to
folk, and that's one of the reasons why
we want to pass this bill. So it's not
to save all and end-all, but it is a
start and it will help. Hopefully it
will help. And I understand -- you know,
I feel your frustration in your comments,
and no one thing takes care of
everything.
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So we'll talk to you a little later, but I do want to thank all three of you for coming in to testify today.

Thank you.

(Thank you.)

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

(No response.)

COUNCILWOMAN MILLER: Seeing none, this ends our public hearing.

Thank you. Thank you all for coming.

(Pause.)

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

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

(Duly seconded.)

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

(Aye.)
COUNCILWOMAN MILLER: All opposed?
(No response.)
COUNCILWOMAN MILLER: The bill has been properly amended.
The Chair recognizes Councilman Greenlee for a motion to move Bill No. 110111 as amended.
COUNCILMAN GREENLEE: Thank you, Madam Chair. I move that Bill No. 110111, as amended, be reported out of this Committee with a favorable recommendation and that the rules of Council be suspended to allow for first reading at our next session of Council.
(Duly seconded.)
COUNCILWOMAN MILLER: All those favor?
(Aye.)
COUNCILWOMAN MILLER: Opposed?
(No response.)
COUNCILWOMAN MILLER: The ayes have it. This bill, as amended, has been properly moved and seconded and,
furthermore, the rules of Council have been suspended so as to permit first reading at our next session.

This concludes this hearing.

Thank you. Thank you.

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

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3/16/11 - PUBLIC SAFETY - BILL 110111
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.

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MICHELE L. MURPHY
RPR-Notary Public

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