

THE BROOKINGS INSTITUTION

WEBINAR

EMPLOYMENT AFTER INCARCERATION -  
FAIR CHANCE HARING IN THE COVID-19 ERA

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**PARTICIPANTS:**

**Welcome:**

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**Opening Remarks:**

THE HONORABLE CORY BOOKER (D-NJ)  
United States Senate

**Panel Discussion:**

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## P R O C E E D I N G S

MR. RAY: Hello, I'm Rashawn Ray, a David M. Rubenstein fellow in Governance Studies here at the Brookings Institution. Welcome to our webinar, "Employment after incarceration: Fair chance hiring in the COVID-19 era". It is a pleasure to open this event organized by my colleague, Annelies Goger, who you will hear from later.

When we think about prisons, prisons highlight the two pandemics that we're dealing with. On one hand we're dealing with COVID-19, where in the D.C. jail has an infection rate that's 14 times higher than the D.C. city average. We had an event a few weeks ago featuring Reverend Jesse Jackson where we talked about COVID-19 in prisons. We also know that we're dealing with another pandemic. And to be honest, that is structural racism, which highlights the fact that blacks are more likely to contract COVID-19, die due to police violence, and serve longer prison sentences than whites for similar offenses.

Black men who grow up poor are six times more likely to be incarcerated than their white peers. Roughly 12 percent of children of color have a parent that's in prison, and about 10 percent of black men born in the '90s are incarcerated, and 1/3 of black men, at one point in time, are either incarcerated, on parole, or have a previous criminal record.

Now, we now know, based on what's come to light with legislation that was passed in the '80s and '90s with crime bills, that there are deep-seated ways that racial inequality structures these outcomes. Policy makers realized these detrimental effects. We have recent legislation, like the First Step Act, that implemented, and it's important that we help people transition out of prison and into work. This is the bottom line, to successfully reenter their communities and avoid recidivism, it's important for returning citizens to have work and earn a stable wage. Current policies and practices make this all but impossible and roughly 70 percent of individuals return to prison within 5 years, largely because only half of those individuals find work. And when they do find work, they are paid less than \$15,000 a year. As we know, social science research highlights that education and work are highly correlated with reducing crime. And that's part of what this event will be talking about today.

As I think about the killing of George Floyd, I think his death -- and what most people are calling a murder -- highlights that if George Floyd wasn't killed by police, he may have ended up, and in

part, in the prison industrial complex that we'll be discussing today.

This is why police reform, like that from Senator Cory Booker, his comprehensive police reporting legislation, as well as my recommendations that I've written about at Brookings to restructure civilian payouts for police misconduct, are so important.

With that being said, it is my pleasure and my honor, honestly, to welcome Senator Cory Booker. As most know, Senator Booker is a politician, an attorney, an author, who has served as Senator for New Jersey since 2013 as the first African American senator from that state. He was previously the 36th mayor of Newark, New Jersey from 2006 through 2013. And before that he served on the city council of Newark from the central ward from '98 to 2002.

Senator Booker was born in Washington, D.C. where the Brookings Institution happens to be located, was raised in New Jersey, and then went on to Stanford where he not only received his Bachelor's Degree and his master's Degree, but also played football there. He then went abroad and studied at Oxford, receiving a Rhodes Scholarship, before attending Yale Law School.

And then in a special election in 2013 won the Senate race and then was reelected in 2014. Senator Booker sits on the Judiciary Committee doing important work there, as well as the Foreign Relations Committee, the Environmental and Public Works Committee, and the Small Business committee. New Jersey's senator, Cory Booker, has brought innovative and consistent building approaches to tackle some of our most pressing issues. From criminal justice reform to thinking about increasing wages to limiting corporate concentration and crackdowns on the ways that corporation deal with outsourcing, stock buybacks, and the like, and, of course, working on the Affordable Care Act and other legislation we'll be talking about today.

So it is my pleasure and honor to have Senator Booker to give us remarks for this event.

MR. BOOKER: First of all, thank you very much for that overly generous introduction. I want to thank you, the other panelists, I want to thank the Brookings Institution for all that you're doing on issues that matter. I had the privilege of working with this incredible organization while I was mayor and had a fellow on my staff who is now my chief of staff in the United States Senate. So I'm really blessed and happy to share some words with you for five minutes.

I grew up in a very sort of privileged area, the northeast corner of New Jersey. And in

1969 when my family moved there, they were constantly being told when they tried to look for houses that they houses they were looking at, they were already sold. Real estate agents were going through a lot, as they did in that era of preventing African Americans from moving into these suburban towns. And it was an activist, a woman name Miss Lee Porter, an incredible lawyer, who joined together to fight that housing discrimination and partnered my parents with a white couple that acted -- couples I should say -- that acted as a sting operation where my parents would look at a home, bet old it was sold, leave, the white couple would come and find out that that house was for sale. And they actually put a bid on the house that I eventually grew up in after my parents were told it was sold; the bid was accepted. And on the day of the closing the white couple didn't show up, my father did, and a volunteer lawyer. And they walked into the real estate agent's office and the real estate agent realized that he was caught, didn't give up, got up, punched my dad's lawyer in the face, sicced the dog on my dad.

And, you know, this was a story of my childhood. I grew up there. By the time I was 18 I was an All-American football player, went off to Stanford. I got into Stanford because of a 4.0/1600 -- 4.0 yards per carry, 1600 receiving yards, let's be clear -- and off to Oxford, Yale, Newark city council, mayor, and here I am as a senator. And I went back to find out, these people, when I wrote my book, who were they. And I was amazed when I found that lawyer that organized everything, this white man that said to me that he was inspired to get involved in this activism when he was sitting comfortably on his couch and then he watched on TV a movie that got broken away from and they showed breaking news, these civil rights activists getting beaten on a bridge in Alabama called the Edmund Pettus Bridge. And he was so moved and jarred by that, even though he was a small business person, busy, he decided that he would give an hour a week to pro bono work. That was 1965. By 1969 he was representing my family.

And so I say all that to say that we live in a nation with savage injustices that we are often watching on TV, as we sat comfortably and watched something that made us profoundly uncomfortable, the murder of George Floyd. But this is part of a criminal justice system that has so many components, so many elements that are savagely unfair. You mentioned before this mass incarceration in our country that's stunning. From the time I was in law school to the time I was mayor of the City of Newark, we were building a new prison or jail in this country every 10 days, billions upon billions of dollars of infrastructure to build out the greatest warehousing of human beings on the planet earth, because we're 4 or 5 percent

of the globe's population. But how about one out of every four prisoners on the planet earth, incarcerated people, are here in America. One out of every three incarcerated women on the planet earth are here in America.

And who is getting incarcerated? Is it the things we imagine of violent criminals, murder, and rape? No. The overwhelming majority of the people we incarcerate we incarcerate for nonviolent crimes. Overwhelming related to the drug war that began in the 1980s and didn't arrest people that were using and selling drugs, period. In other words, it only arrested certain people under those accusations. You see, there's no difference between black folks and white folks for using drugs or dealing drugs, but if you're African American in this country you're about four times more likely to be arrested for those things. I'm a guy that's been in many privileged parts of our Nation, from Stanford to Yale, and I watched lots of kids do drugs, but there were different sets of consequences. We now have people who get criminal charges, felony charges, for doing things that two out of the last three presidents admitted to doing. And they didn't just smoke marijuana. Two of the last three presidents admitted to a lot harder drugs than that.

But yet, I watched my friends in high school, college, law school, have a different justice systems. Bryan Stevenson, who I talked with and other senators talked with just yesterday, as he said, we have a criminal justice system that treats you better if you're rich and guilty than if you're poor and innocent. And what happens to people that are caught, accused of drug crimes? There's a great book called "Why Innocent People Plead Guilty", because as we began to make these laws, mandatory minimums, three strikes you're out, prosecutors suddenly could stack this and begin to move our criminal justice system from being about trials and juries to now a point between 98-99 percent of our criminal convictions in America are done through plea bargain. They never go to trial. And you have people that say very clearly to a lot of these young folks that, hey, you could face 5-10 years in prison or take this felony conviction plea to a lesser charge.

And so what I found when I became a city official knocking on doors, even just before I even was elected, knocking on thousands of door, is was I stunned to see the ravages of our criminal justice system. In our prisons and jails are people who have -- belong in getting medical care, Americans with mental health issues, people need drug treatment, overwhelmingly people who are addicted to drugs

or having substance problems, low income people -- we criminalize poverty and black and brown people disproportional. And then when I learned about the challenges, running for city council, that people had when they came home, how the American Bar Association says there's 40,000 collateral consequences for people who have been incarcerated. They give them virtually life sentences where they can't tell Pell grants, can't get loans from banks, can't get so many jobs. The barriers really are stripping the economic strength away from people who are often mothers and fathers and have families and obligations, and now they get tangled up in the criminal justice system and these collateral consequences that are so unfair and often leave them trapped with little options. And some people make the decision to do things that get them re-incarcerated, or still are struggling with addiction that gets them re-incarcerated.

When I was mayor, we began working on re-entry programs and we knew, as was said earlier by Rashawn, that rapid attachment to work dramatically lowered recidivism. Access to education massively lowered recidivism rates. And we began to be very focused on that. By the time I got to the United States Senate, years ago I wrote bill called the Fair Chance Act that said hey, if you just move that question, not checking a box that you've been arrested or incarcerated, move that down back in the interview process until after you get a conditional offer, you could massively increase the number of people that are hired. And it was the Fair Chance Act and it's passed. And studies have shown hundreds and hundreds of thousands of Americans are getting a better pathway to work and employment just by moving that box, that little check box there.

But we have to go so much farther than that. I'm excited by the people that are listening and working on this issue. This is part and parcel of a savagely unjust America that we live in, that we're over-incarcerating certain people and then giving them a life sentence by making it impossible for them, or nearly impossible for them to get back on their feet economically.

We can do something about leveling the playing field, we can be like that guy was before I was born, making a decision, witnessing horrors on TV, he makes a decision. I may not be able to do everything, but I'm going to do something. I'm going to make a difference for a life, I'm going to make a difference for some families. You have that power as well. And what you do now, and every moment, what we do ripples out into history and gives families a way to get back on their feet, it helps communities, helps to make our Nation what we say it is, a Nation of liberty and justice for all.

Those are aspirational words; we are a Nation in search of herself. We must begin to live our truth. The only way we can do that, though, is if we each personally make a decision to be a part of that change, and change is sorely needed.

Thank you, everyone.

MS. GOGER: Thank you very much, Senator Booker. Truly an honor and a privilege to have you here today. And as someone who grew up in New Jersey and who now doesn't have a senator because I live in D.C., I want to say I hope that we can continue to see your leadership on this issue and more attention paid to this issue in general. So thanks again for coming here today.

MR. BOOKER: Thank you for having me.

MS. GOGER: I want to say before we start, you can share your questions on this issue either by emailing [events@Brookings.edu](mailto:events@Brookings.edu) or by tweeting using the hash tag #FairChanceHiring. So after we go through the panel today we will be asking some audience questions, so that's how you can participate.

My name is Annelies Goger and I'm a David M. Rubenstein Fellow as well, and I am in the Metropolitan Policy Program here at the Brookings Institution. Before I start today, I want to acknowledge that as a white person I do not know what it feels like to experience the everyday violence that many people feel basically day in and day out only based on the color of their skin. And so I want to acknowledge the pain that is out there, especially for those who have lost a loved one either to COVID-19 or to police violence.

The idea for this event actually predated Coronavirus. My colleagues, Dr. Makada Henry-Nickie and Rashawn and I have been starting to work on a project and we were going to organize an event with some of my colleagues in San Francisco. I had been part of organizing a grassroots meet up group called Apprenticeship (phonetic) in San Francisco and we were going to bring folks together that were involved in Fair Chance Hiring effort in March, but it got cancelled because of Coronavirus.

So I want to thank Orrian Willis in particular, from TechSF in the City of San Francisco who was co-organizing that even with me and who introduced me to Rehana Lerandean, who joins us today, from Checkr. If you can please turn on your camera and your microphone. She is the Fair-Chance program manager at Checkr. And he also introduced me to Shelly Winner, whose personal story

of transformation after being incarcerated I hope will inspire you all to pay attention to this issue more.

But as we thought about bringing this event to a more national audience, I wanted to bring in perspectives from more than just the tech industry that's in San Francisco, so I want to thank my sister, Nicki, for introducing me to Charles Rosen who is the CEO and founder of Ironbound Farms, which happens to be located right down the street from where I grew up. And he has been working for many years to not just hire people who have a record, but also to really rethink his business model. And I think he will share a little bit more about that with us today.

And, lastly, I want to introduce my research partner and colleague, Dr. Makada Henry-Nickie. And she is an economist who's very interested in the question of how skills get communicated between the job seeker and the employer, and how the employer looks for skills in the labor market. And I hope she'll share a little bit about our early research on this topic.

So today we're going to be discussing barriers to employment and what it means to be a Fair Chance employer, what that actually looks like. And I want to acknowledge that this work has never been easy, but the pandemic crisis and the economic crisis that has come after it, as well as the ongoing struggle to value black lives presents us with some stark realities. First, as Dr. Ray and Senator Booker reminded us, over-incarceration and over-policing has disproportionately affected black and brown folks and I think -- I won't go into this because they covered it very well, but the main issue is that this has been an increasing problem over time.

Second, getting a job is the most effective way to transition to a self-sustaining life after incarceration, but we have a patchwork of governance and a patchwork of services that's available to help people make that transition. And Dr. Ray referred to this as the wild west of policy. If it's so effective to help people transition into career after incarceration, if that's so effective, why is it so uneven to access those services? Why doesn't everybody have access to those services?

The pandemic has made access to those services even harder to get. So that includes things like mental health services, such as services to help with post-traumatic stress. A lot of places have shifted to telemedicine, but who has access to telemedicine? Second, has restricted services for substance abuse and recovery programs. I think that a lot of the people that are incarcerated struggle with addiction and yet if we move these services on line, many people will be excluded from those.

Access to housing -- and as we all have recently discussed, access to healthcare, has continued to be a challenge and even more so in this Covid-era. And access to job centers, which I study very closely, and career coaching, in general we rely on a self-service of help getting a job for any adult. And now many of those job centers are actually closed for in-person services. And it is harder to get those services still.

So this is a whole new world that we're facing. And as we start to release some folks from prison in order to make sure that we can address the crisis that's going on within prisons, I think we have to think very clearly about how we are going to confront this new world that is coming on top of a long history of policy violence and racial injustice.

So I argued that this requires us to pause for a minute and to really reflect on what is happening around us. Instead of putting all our effort into hyper vigilance on trying to fix it and keeping everything together, let's really take a real hard look at the people that are dying right now, at the buildings that are burning, and at our long histories. And particularly for those of us in power and with white privilege, I think it falls on us to reflect on what are we doing in our lives and in our organizations to change the situation. Acknowledging our failures is the first step towards really honing in on who we are and the America that we want to imagine building as we come out of this crisis. And this is not coming from a perspective charity, but really from an understanding of how this is part of our mutual liberation, it's coming from compassion, and it's coming from awareness.

So it's in that spirit today that I would like to launch this conversation about how to better support transitions to employment for those who have conviction records. And I'd like to start here today with Shelly Winner. I want to make sure that she can turn on her -- great, okay. Shelly, thank you so much for joining us today. It's really a privilege to have you as well. And I would love it if you could just tell us a little bit about your experience and, in specific, what was it like to search for a job, what did you find helpful, and what were some of the challenges?

MS. WINNER: Yes. So I think for me going to prison, although it was scary, that was the easier part. Getting out and transitioning into society and finding employment was the hard part. And when I got out I didn't really know where I was going to go, what I was going to do. I didn't have a college degree. Many years of my life were spent in my addiction and so I didn't have a lot of the skill sets that I

needed in order to acquire a job that paid a living wage.

And so for me I knew I wanted to work in tech. I've always kind of been a geek at heart. In my spare time one of my things I like to do is build computers and fix computers and I eventually started my own computer repair company just part-time. And so when I was sitting at the halfway house I knew having a degree was going to help me, but I didn't know -- one of the concerns I had well what company is going to hire me. Even if I get my degree, what company is going to hire me with a criminal record?

And I heard about this program called Code Tenderloin and they actually worked with tech companies in underserved communities, like formerly incarcerated or homeless and they help them get into tech. And the way that they do this is by helping us develop relationships with people that work at these companies. So they take us on field trips to the various companies so that we can meet and spend the day with them to network, because networking is super important. And that way we could create allies or allyship, you know, somebody who would fight for us if we did want to try to apply at one of these companies, somebody who would believe in us.

And so one of the companies that we did visit did mention they were hiring and that we should apply. So I did. And luckily for me I live in a city that offers a special law for people who are formerly incarcerated called the Fair Chance Ordinance. And this Fair Chance Ordinance states that no company can discriminate against your criminal record unless it directly relates to the role you're applying for. So if you robbed a bank, you wouldn't be working at Well Fargo. And then it also states that if you've been deemed rehabilitated by doing drug treatment or anger management, any type of rehabilitative classes, then they can't discriminate against you either because you've been considered rehabilitated.

So I learned about this ordinance. I had that on my side and then I also had that networking piece where I was able to go and meet some of the people at this company and develop friendships with them. And so when I applied, of course they called me for an interview. And Senator Booker had touched on the ban the box, and I think it's a great program, but for me it pushed the rejection further -- you know, it just pushed it from the beginning to the end, which I think made it a little bit hard for me because I was so excited. I went through the interview process, I got hired right on the spot, I was up front about my conviction, and she said just be honest about into the background check, you should be

fine. So I was and then it got flagged and then they rescinded my job offer. And that was really, really hard for me because at that point I had told all my friends, I had told all my family. I knew that this was going to be a job that would change my life. It was, you know, for a company that offered a living wage, that was -- you know, offered all of the things that -- you know, benefits, 401K, everything. And when I got rejected, when my job offer got rescinded, I really felt hopeless. I felt like I was never going to have an opportunity to get a job that was going to be worth a damn. You know, I was going to be flipping burgers, you know, McDonalds. And McDonalds probably wouldn't have hired me because I think they do background checks.

So it was really one of the situations that was really tough and I think -- you know, I ended up using the Fair Chance Ordinance and leveraged them to actually fight. And I went toe to toe with this company. And it took three months of battling it out, but I'm proud to say that I was victorious. And I ended up getting my job back, which is amazing. And I've been promoted three times since. And I've been working for them for three years now. But for people that don't have the Fair Chance Ordinance in their city, you know, I just feel sad for them because I don't think I would be where I'm at had I not had that Fair Chance Ordinance.

MS. GOGER: Thank you, Shelly. Thank you for sharing your story.

MS. WINNER: No problem.

MS. GOGER: And, Makada, can you tell us a little bit more, how reflective is Shelly's experience or the general experience? Are there certain -- how do the experiences vary for different populations of people or people who have been in for shorter times or longer times? Can you kind of give us a little bit more? Some broader context?

MS. HENRY-NICKIE: Yes, I'm still very struck by that emotional experience, Shelly. Thank you for sharing.

And, Annelies, you know, Senator Booker said, Rashawn said it, but I just want to lend my voice to this important conversation here for a couple of reasons. You know, even as we sit here and have these important discussions around the kinds of solutions that we need to surface to dismantle structural racism, my eye is trained on the thousands of young men and women on the streets, many of them young men and women of color. And as we're sitting here trying to chart a new paradigm for them,

they're exposed through their physical safety, their health, and they're risking their futures, because every bracelet that clamps on their wrists in violation of a curfew means that they started their journey with the legal system. And that brings us to this uncomfortable -- but it's a universal truth for us in the black and brown communities -- our people often don't have the resources to tangle -- whether it's the educational and network or financial and time resources to tangle with this larger structure to help reverse simple harms. And it's important to have people like Shelly tell her story so you can humanize who these people are. And there are some people in there for traffic tickets or you couldn't get caught up on child support.

And then at the backdrop, like we've said before, we're seeing this morning some shifts, some signs that we're starting to have a recovery. The unemployment rate dropped to 13.3 percent today. That's 2.5 million jobs back on the table. But this month we've recorded the highest unemployment rate for blacks in this decade -- 16.8 percent. And that means all of the gains that we've worked so hard -- including people who were formerly incarcerated -- to achieve have been wiped out in literally two months. And so of the 43 million people who are currently unemployed, when you talk about context, formerly incarcerated people who've worked really hard to get back on track, they're going to be behind the curve, behind the 8 ball, and they'll be the last to return to work.

And then you think of the other thousands more who are subject to parole supervision and work release contracts that require them to maintain steady full-time employment or risk having their freedom taken away and sent back to prison.

So I just wanted to sort of add that because it's really important to understand that even though we're having these enlightening discussions, this is a really charged moment. The world hasn't changed for a lot of people -- at least not in my neck of the woods. And this pandemic, like you said, there are certain demographics who are experiencing the worst outcomes -- women, it's been especially cruel to women, younger employees, and low-wage workers. And often people who are justice involved are hyper represented in these three groups. And their identities overlap. So Shelly's experience is so heartwarming, but it's an outlier. According to the Prison Policy Initiative, black women who were released during the Great Recession, when they checked back on them four years later, their unemployment rate was 43.6 percent. Nearly one in two black women are unemployed, 39.6 percent for Hispanics, but for white women was 23.2 percent. That's the structure that we're up against.

And to ask about who's out first, whether it's by age or whether their sentences matter, at this point we're almost -- you know, they're almost one monolithic group.

As to the questions of barriers, I think it's important to think about how do they walk through reclaiming their lives and their civil identities. And, you know, I looked at this really incredible report put together by Mathematica that reviewed the Department of Labor's Linking to Employment Activities Pre-Release program, and they just sort of reaffirmed all that we already know about barriers, right. So lack of transportation, distance to jobs, especially in rural areas where public transportation systems are weak, extraordinary difficulty obtaining something so simple as a driver's license. And now that we're deep into this digital era, even if you make it past the interview and somehow you're working at Ben and Jerry's or McDonalds who is willing to look past your criminal background, you still have to figure out how to navigate the system, to get a driver's license, to connect to UI, and have your employer be compliant with state and federal laws and e-verify even. You've got advocacy groups, thankfully, like the Fees and Fines Justice Center, who have the single issue, their sole focus, in terms of the legislative work that they take on in many states. Then you've got conflicts between job search when you actually find a job, that work schedule and your parole supervision requirements. That's a huge barrier that somehow often finds people falling off the track.

And then, as Shelly mentioned, even ban the box, it's great but it pushes the discovery further down and people are engaging and re-engaging in the system and they're very vulnerable. They're fearful, they're not really sure, they're uncomfortable, they lack confidence. And so when you discover during the interview or during the background that this history is there, immediately another door shuts. So we've got to sort of think about who do we tackle this question of removing the visibility and protecting the privacy of people who need that space to recover.

Then you've got, like I said, these ridiculous parole requirements that you get release and within 30 days, in this economic environment, you must find steady that it's steady, it's 40 hours a week, and it meets the satisfaction of the criteria or the subjective discretion of your parole supervisor who decides if that's quality work or not. And that means a lot of women are further set behind.

And then I just want to close off with two last points, Annelies. One, inconsistent access to quality job training. A lot that we refer to in terms of job training is surface in places, very, very

scattered in others. Sometimes it's checking out a book from the library. And that's what we call job training. If you're thinking people going into these systems, you can barely call quality systems that are providing job training and coming out, there's no link sometimes between having access to job training and finding a job.

And then I want to talk a little bit about access to social networks. Shelly's story talks a lot about this. And Bruce Western at Harvard University did a really interesting and powerful analysis as to the kinds of drivers that explain wealth, earnings gaps, and employment gaps between black and whites. But what really struck me about that study was the power of social networks, that it worked, but only for Hispanics and whites, not for black. So I want to step through that a little bit. Whites use their -- they were able to use their social networks to find high paying steady work. And they found the jobs mostly in the construction industry because a dad or a cousin vouched for them. That's what a social network is all about. Hispanics were able to leverage their social networks to find work, but this was mostly low paid, daily paid, cash, and unsteady. Blacks, however, were not able to convert their social networks, though they were present, to any kind of job search assets. And so they mostly relied on formal search tools, as they were taught in their pre-release training, to use on line searches, apply in person. And what that really means it that they are fully exposed to the full discriminatory effect of the market's reaction to finding out that someone has a record.

MS. GOGER: Makada, those are great points. I'm sorry to cut you off, Makada, but I want to just be care of the time, make sure we have time to cover other -- but I think you made great points that are not just applicable for people who are searching with a record, but actually any adult, anyone who is on the job market and doesn't have the right social networks. So I appreciate your points a lot.

I didn't mean to cut you off.

Rehana, I was wondering, as an employer, I would love you to speak a little bit about why you were motivate to become a fair chance employer. Maybe give us a little bit of an introduction about your role at Checkr and what Checkr does. But we'll talk a little bit later about Checkr's tools when we get into solutions, but I would love for you to tell us about your journey and what it means to you to be a fair chance employer, how that was in the beginning and then how you think about it now.

MS. LERANDEAU: Yes, absolutely. And I'll try and be brief, but I think that in the time that I've been doing this work, there's always a contradiction of Checkr being a background check service provider. We're a consumer reporting agency and us being a fair chance employer. So that's something that I think for the past three years I've been saying we're the exception to the rule, you know, we're not like those other CRAs. And I don't think that that's adequate anymore. So I want to shift that and say I think that were laying the foundation for how background checks need to function moving forward, because we actually can't afford for the background check to be a continued barrier with all the things that everyone has brought up, and it actually doesn't have to be.

And us being a background check provider is exactly who we were called into being a fair chance employer. It began very organically. So in the early days when there were the first five or six people in the company, our co-founders were looking for business differentiators and one of them was a candidate experience team because we thought, hey, people are having background checks run on them, they don't know what's happening, it's a black box, no one knows what's going on. So they built a dashboard where you could log in and kind of see the status of your report, and also built a team of human beings, which included our co-founders at the time, because we were a small scrappy startup, to call in if you had questions, if you had disputes, if you just needed to figure out what was going on. That was a great business differentiator for our business and our customers, but we kind of got something that we weren't expecting, and that was call after call of people saying, hey, this accurate reportable data just lost me a job. And we started digging in more and more and saw that often these kind of decisions that employers were making based on the information that we were legally obligated to deliver, were based on charges that were either very, very old, deeply irrelevant to the job criteria, et cetera. And we thought, wow, not only is this not fair, but it doesn't make business sense. Why would a business be passing on otherwise qualified talent for these records that don't make any sense and aren't relevant to the job role.

So we started digging further and started with a product, and that was our positive adjudication matrix. A really quick example is if Shelly owned a truck driving company and Annelies was looking to be a driver, I'm the background check provider. You could say, hey, Rehana, I really care about DUIs, I don't care about anything else. And we can say cool, we filter it out. Annelies might have a slew of charges that have nothing to do with driving a truck and Shelly is going to make the decision

based on that alone. So those are the types of things that we can do from a product perspective to level the playing field.

The second thing that we started doing was actually taking our folks inside prisons and doing job development and training there and having that empathy and connection built while people were still inside.

So, I have tons of other things I could bring up, but essentially what we ended up kind of arriving at was that we had a product that we wanted to build to increase fairness in other employers and our employer customers. We had a connection in empathy, but we weren't hiring yet. So that kind of led to well, we have to be a fair chance employer as well, right.

So that started as a volunteer initiative and two-three years later we've built a full-time program. So today Checkr has a little under 500 people, over 4 percent of our full-time talent either has a conviction history or is re-entering. Of that population we have over 70 percent retention rates and over 50 percent promotion rates. So we've had a huge amount of success in our program that just kind of came about by us being intentional in the way that we built our business and our products.

For lessons learned, I think the biggest lesson is that we heard Shelly's story of transformation and change, and I think there are so many stories of the populations doing so much work to gain access to employment, to go through transformations. I don't hear nearly enough commentary on businesses transforming. And that's really what we did, is that we saw that the solutions we provided were not adequate and we transformed and changed. And that's something that's a constant process for Checkr. We need to meet people halfway. We also need to acknowledge that the cards are stacked against this population and we have the power to level the playing field. So I'd love to see more businesses demanding that change themselves, versus this constant proving cycle that we see a lot with fair chance talent.

I think that in that process another lesson learned is you have to be allowed to fail as you're setting up your fair chance employment process. I come from a marketing background. I can't tell you how many times I've spent oodles of cash and time and resources on a revenue program that didn't pan out and it was like well, that's cost of business, let's try again. If your social processes and your improvements there don't have the same leeway to try and iterate and fail and get it right, that's

something that's been so beautiful about Checkr, is that we didn't this right from the jump and it never killed the program. So I think that that's super, super important.

MS. GOGER: Thank you. Thank you, Rehana. That's really helpful.

Charles, I was wondering if your experience with becoming a fair chance employer differed in any way. And one of the questions we received in our registration process was how did employers typically assess backgrounds and what becomes a barrier. So I'm curious how your process of assessing who you're going to hire has shifted out of all of this.

MR. ROSEN: Yes. So I think one of the first things that I really have to stress in the beginning is we started with the intentionality, we started with the mission of actually proving a business model that as a for profit business we can actually treat people with dignity, help repair the damage to the earth, and be a viable business.

So when I started the company, almost close to 100 percent of our employees were returning citizens. That's where I started. We didn't even know what we were going to do as a business. For the first two years it was just create living jobs, be part of rekindling the Newark economy and kind of allow for the iteration Rehana is talking about to take hold, to figure out what we were going to do as a business together. And I think why it's really important to talk about that is we're all talking about systemic change these days, we're all talking about the system is broken and we have to do different things. You have to start with understanding for whom does the system work. In our economic sectors, primarily businesses have a sole fiduciary responsibility to shareholders, right. Businesses in our U.S. economy are really about quarterly returns for shareholders. Those are the stakeholders that our businesses focus on. We started with the idea that saying no, there has to be a more elaborate definition of success, we have to look at more stakeholders, we have to look at the responsibilities we have as a company for the community in which we reside. So that not only included our employees, again primarily returning citizens, but it included our suppliers. We're in the food and beverage sector, so we also have to treat the farmers that we work with with dignity. The second leading cause of death for farmers in our country is suicide because they don't have the money because of a food system that has crushed the margins for everyone along the whole cycle.

So I think starting with a mission or starting with an understanding that my success has to

be connected to those that I work with and to our customers as opposed to saying my success comes at the expense of everyone else, I think is critical.

So as each of you talk, I wanted to jump in -- and I think you all have to be impressed with how quiet I was up to this point, because everybody on this panel knows I'm not that quiet -- I wanted to say that this is so acutely necessary right now at this moment in time. When we hear about the ridiculousness of requirements of being parole and where you can and can't work and how you have to start paying fees and fines due the second you're out. To be quite honest, I've been paying -- all of my employees I'm paying 100 percent of their salaries right now out of my own pocket because we barely have any revenue coming in right now during the crisis, but I know that if they're let go, that cycle starts again and they literally can't afford to be unemployed. They don't have the same systems or the same opportunities for taking this as a break and jumping right back into the work system.

So it's forced us to say, hey, we're in this together, we need to do it. And I will say although that seems daunting, I am outrageously optimistic that at this moment in time we are all recalibrating. And I think, Annelies, you started your comments, they were so important about this moment to take a breath, taking this moment to reconsider what we value and what we think is success, right. This forced recalibration I think has allowed us all to think about business in a different way. And so now we don't want to change what we were doing, we're weirdly excited that people have caught up to us to say, ah, here's a community based business that cares about the people within the community and we're now being applauded for who we hire and how we farm and everything else we do more than ever before. So I see the crisis that we're going through right now as an opportunity to say how do we value the lives of these men and women as much as we value the lives of those -- or the returns for those shareholders.

MS. GOGER: Thank you so much, Charles. And I want to note I believe that George Floyd had been released from prison and had been working as a security guard at a restaurant that had laid him off because of Coronavirus. And so, as you were saying, this triggers a cycle, right, and what happened was he was trying to use a forged note, right. And I can only imagine he was doing that because he was running out of money because (inaudible).

MR. ROSEN: Look, and also that's a critical part that I wanted to add. Just this idea that

when we talk about unemployment rates right now, in the food and beverage sector, restaurant, hospitality, we're looking at over 50 percent unemployment rate, not 13 or 14 or 18, we're looking at 50+ percent. Predominantly, the impact is on people of color, people with lower educations, people in those lower end jobs. Our entire restaurant industry, our entire farming industry is supported by migrant workers and people at that level. So people living paycheck to paycheck, in the truest sense of the words.

So as critical as a food system is, to think about those people being the first out the door is unimaginable. So what we need to do right now, today, is start honoring and building a local food system. And this is work that Senator Booker is working on right now that I'm thrilled -- I always joke -- Cory and I have been doing this work together for a long time and I'll say it's always funny to me that my biggest ally is a vegan who doesn't drink. I mean for a company that makes alcohol and livestock, it's weird that we found this connection in this work. But I think it's important that we all think about how to value a local food system right now that allows those kind of people to continue to work, you know, feeding and supporting us.

MS. GOGGER: Right. So I think all these issues are interconnected.

And, Makada, I wanted to turn to you. We talked a little bit about some of these problems and you had mentioned the patchwork network. And some of the questions. And some of the questions we're getting from the audience are about what are the resources that are available to people, whether it's inside or once they get out. And I was wondering if you could talk a little bit more about that and what we could do to overcome some of that Wild West governance patchwork that we have.

MS. HENRY-NICKIE: Yes, patchwork is the name of the game. Somebody called it out right. And that ends up with people have unequal access and advantage in some groups over others. But I think what we want to look at is what kind of investments can we scale quickly. But during this climate, we're heading into sort of a season of austerity and budget deficits. And those themes I don't think will disappear anytime soon, of course thanks to the pandemic, but we need to act and we need to act fast so that too many people don't fall behind, right.

So I think, you know, we want to look to models that have already demonstrated I think promise and improve on their design, but we need to, as Charles said, be deliberate about who we want

to include and how do we impact their lives. So you and I, Annelies, have had a lot of conversation about the value of vocational and occupational skills training and perhaps how apprenticeships could be useful here. So I've been looking at, for example, how is current prison work organized. And it's really organized around vocational jobs that support the institution that has them incarcerated and contained. And so you're thinking about people who are cooks and maids and animal trainers and not the kind of high value electricians and carpenters and plumbers that really deliver, like I said earlier, the steady jobs, the quality pay, and have some sort of pathway to progression.

And so what I think here, I keep going back to the leap. It may not be a perfect model, but it's demonstrated that \$10 million invested over three years and over 3,800 people being touched, they were able to generate unsubsidized I think employment payment at around 39 percent. That's massive. That's really massive. This program was spread over 22 states and three years. And some sites reported placement rates as high as 84 percent. Now, when you think about this idea or the concept and the dynamism of who is returning, there are certain cities that are going to be bearing disproportionately the burden of reabsorbing these individuals back into society. So you've got to sort of think about what kind of systematic large scale investments we need to institute now.

And, Charles, something that you said really -- let me -- before I move onto Charles' point -- the LEAP program, the reported recidivism rate was 20 percent. That's less than half of the national rate. So really tremendous gains for \$10 million. What we need to do is figure out how to triple that funding, scale that model, so you've got workforce development groups working with community based organizations and government agencies trying to help people get access to IDs before they're released, connected to social benefits, so there aren't any gaps. And even trying to rethink how the parole system engages with individuals if we're expecting them to find work in 30 days and also to hold that work down. Something new, and Rashawn and I have talked about, is looking at ways to upgrade the training capacity in a relatively inexpensive way. And I don't want to sound like some of the people, like oh, tech is going to save the world, but I think there's some really interesting models to look at.

So the International Brotherhood of Electrical Works Local 26 here in Lanham, Maryland, they've wholeheartedly embraced augmented reality, AR, to train their first year apprentices in their delivery model. So we're seeing some really innovative stuff coming out in the market that can be easily

transformed into -- or transplanted into the carceral system to give people access to quality training. All of the studies, whether it's the LEAP or stuff coming out of Harvard or Urban Institute, there is woeful underrepresentation of people in quality vocational training programs that earn them an industry recognized certificate so that when they come out and they shop to employer A and B, it's a certificate that they recognize, that they can value, and therefore decide to reward them with work, quality pay, and perhaps discount their incarceration history.

Then there's one other example I want to point out, and that's a company out in Des Moines, Iowa, MidAmerican Energy Company, doing the very same thing, using AR to transform how they train gas technicians. It's cheaper, it's safe, and therefore it's accessible. And you don't need the internet. You can bring that stuff inside and really I think transform and create opportunities.

But I'll end. I know I'm being long winded here.

MS. GOGER: No, I think this is an issue we all feel very passionate about and are very concerned right now about given the conditions. So I totally understand.

MS. HENRY-NICKIE: But (inaudible) --

MS. GOGER: Yeah.

SPEAKER: Employers have to take leadership and they've got to be -- you know, hold true to this commitment of fair chance hiring. A number of studies have shown participants saying I trusted that this employer announced on their website that they're a fair chance hire and they're into giving second chances. I go through the employment process, the interview, and then the background check, and I'm still -- you know, that offer has been rescinded. And that is not an isolated experience.

MS. GOGER: I wanted to go to Rehana first, but then I'll go to you, Charles. I also want to note we are about at time, but we are going to go 10 or 15 minutes over, so those of you can't stay, this will be recorded and you can watch the rest later, but I just wanted to give everyone a heads up that that's our plan.

Rehana, I was wondering -- I mean I think you might have had a response just there as well, to Makada, but I had a question about -- you know, we got some questions from the audience about insurance that employers have being a barrier. Are there other things in the hiring process or in the management process that are barriers that you're seeing a lot? And can you talk a little bit about what

those are?

MS. LERANDEAU: Sure. And I think that the first thing to note is that you don't need Checkr or any specific type of tool to avoid things like blanket bans. The EEOC, the Equal Employment Opportunity Commission, does not recommend blanket bans. So you can go to your teams, you're hiring teams who are saying I'm going to put a blanket ban on felonies and that's going to keep us safe and this is what we have to do and say. The EEOC guidance actually does not recommend it. And not only that, but using those types of practices could open you up to Title IV disparate impact liability. So it's actually in your company's best interest to make sure that you have a practice of individualize assessment. Not every job seeker is as slick as Shelly in terms of going out and being like, wait, uh-huh, no, this does not work. I'm going to challenge this and win. But they could. And I think that the work of ban the box, which came from a grassroots movement from All of Us or None, they're close partners of ours. They're out here in Oakland. Dorsey Nunn and Ken Oliver, who is the current policy director, have done a ton of work to put that first step in place, but it's not a silver bullet. And I think that employers have to understand that the background check is one piece of information, that you shouldn't be using it to enforce blanket bans.

And I think the question of insurance is interesting because we run into that as well. And I'd say that especially like you were saying earlier Charles, this is a moment where we can all pause and take a hard look and challenge these types of things. If there's an insurance policy that exists within your organization, talk to us, look at your EEOC recommendations. We can give you data around how this is not helpful, it's probably not legal, it's probably more risky for your business. There are lots of tools to start these conversations and challenge these types of things that need to be transformed and updated. And also more talent who is reentering needs to understand that they can fight the same fight that Shelly did and win.

So I think that there's a collective education that needs to happen. And if businesses and employers are on the forefront of doing that, we'll see a lot more change. And I think at Checkr we're really trying to give people a full and complete opportunity that's free of policing. And what I mean by that is that, you know, bringing it back to this moment that we're in and thinking about George Floyd and thinking about the systemic impacts that we see in our Nation, we know that black and brown folks are disproportionately policed, we know that that can lead to records that we then see in the millions coming

through our system. It can lead to jailing and incarceration of folks that we're trying to then take in and employ, or we can see it leads to death, and that that is something that we have to actively fight against, even within our employment opportunities.

So I've seen fair chance employers who are really well intentioned take in previously incarcerated talent, but then say well but you can't have access to all this information. That's not a full and complete opportunity. You know, we're going to have these folks in, but we're going to make sure that they're sitting near security. That's not a full and complete opportunity. We're going to take them in, but we're going to require them to disclose their history. That's not a full and complete opportunity.

So I think that we need to find ways for employers to engage meaningfully, challenge things like blanket bans and insurance companies, and once you're ready -- and you need to be ready like right now -- to start employing fair chance talent, what does it look like to build trust and bring people in as assets versus deficits and not continue these cycles of policing within our own organizations that don't provide a full and complete opportunity for people to get on their feet.

MS. GOGGER: So, Charles, I'm going to go to you and then, Shelly, I would love to hear some of your thoughts about this discussion and specifically like about not just the hiring but also management within -- promotion after you get into a job.

So, Charles, did you have any thoughts to add?

MR. ROSEN: (Laughing) Surprise, yes, thoughts.

So I think building on the last points that were made, I think we have to also talk about kind of slow money participating in this activity. And what I mean by that is I've internalized a lot of the costs that should reasonably be borne either in the not for profit for the public sector, right. We created our own curriculum on things like conflict resolution, identity value, emotional intelligence. I spent almost two years with Columbia's Earth Institute creating our own curriculum. We had farm managers trained in horticultural therapy to help the people what were working in the farms work through issues on a daily basis because what we know is when somebody's in a state of chronic poverty the time that it takes to shift, to transform out of that state of chronic poverty and all the barriers that go along with it, that takes time. And so what I've seen a lot of is I see a lot of well meaning not for profits that say because they have go grab money from foundations or public sector money, they're pushing people through a system

just so they can hit those numbers and not allowing for that time. Or this idea of creating training, apprenticeships, other kind of valuable assets to the employer. Because their businesses are run on such razor thin margins, very few employers can actually absorb the costs that I chose to absorb, right. And so I think what we have to do is there are plenty of employers that say I want to be a second chance employer. It's the hottest topic at every cocktail party, right, but it doesn't mean anything if we haven't created a holistic system -- public, not for profit, and private sector, to work together to create the support to allow that transformative work to happen.

So I really love this idea of how that \$10 million was spent, I love this idea of knowing that a blanket ban does not make any sense, I love this idea of saying these men and women actually have true value to us. My business is much stronger and more resilient -- and I think resiliency is the word of the day when we think about the virus we're going through, we're thinking of our economy, we're thinking about climate change -- my business is way more resilient because of our integrated diversity. I'm learning so much from people that I never in my wildest dreams thought that I had anything to learn from. So that makes my business stronger, which allows us to be a more -- I don't know, impactful member of the community.

So I really like this idea of thinking about what are the real costs and how do we absorb those costs together, because so far the market's not really bearing those costs.

MS. LERANDEAU: And I want to comment on that super fast, because I think that what you and Makada are saying is totally right and we have to build that foundational infrastructure, but also I would encourage employers, like this talent is an asset right now. We have not rolled out any formal training, we have not rolled out anything particularly hectic or that has needed a full foundational change. We've made tweaks to our existing systems and we have 30+ people in our organization who are thriving. The biggest thing that we had to do was give them a chance.

I've had people who have come in after 30 years of prison, didn't know how to use a laptop, and rose to the top performer of their team in 90 days, just by being offered full-time employment, being that autonomy and self-determination, being offered the time to ramp up, and being offered organic assistance from their managers and teammates. I don't want the idea that we have to have this big, heavy, high -- like a lot of resources put it to get started, although I do think that moving forward we have

to make that structural change. But if every company waits for that, we're leaving people behind right now, and this talent is ready to go.

MS. GOGGER: Great point. I think it starts with us, all of us.

Shelly, so, yes, tell us a little bit more; what are your thoughts on this conversation at the moment and solutions and what about beyond the hiring process?

MS. WINNER: So I'll start with some ideas that I have talked about in various public speaking opportunities. And one thing that I'm working on, I've created a business called Winner's Circle where -- we're still starting, things kind of got put on hold due to COVID, but I'm actually working with the prison that I used to be at to work with them. We have an employer right now that's willing to work with us, a rather large employer, to create a training program for an entry level position at this company and put it into the prisons to train them up. And so anybody who is getting out of prison within the next six months would be eligible for this program. And then at the end of the program when they graduate, they would then do a video interview, and if they do well and they do well in the program they could then leave prison and go directly into an internship with the company.

And I think if more companies did this, it would help drastically reduce the recidivism rate because they wouldn't have to worry about finding a job, they wouldn't have that fear, they would have hope, they -- it would build their self confidence, their self esteem, you know.

And the other thing is it's important to anybody who works for companies that may not be -- that aren't on board to hire formerly incarcerated, be an ally, and to stand up and speak up and challenge the companies to do so, to give people a chance. And that's what happened with me, was I had people stand up for me and vouch for me. And that was super, super important. I don't think without, you know, the Fair Chance Ordinance and the allies that I had and the friendships I created with some of the people that worked there, I might not be where I'm at today.

And another thing is companies need to really focus. When they do get an applicant that has a record, you know, focus on their skills, focus on the -- you know, the personality, but more importantly, what have their rehabilitative efforts been, how much work have they put in to transform their lives, and make that the determining factor.

So those are just some of my ideas. Oh, and creating internships just like they do for

college students. Why not create internships for formerly incarcerated? Have a formerly incarcerated hiring initiative, you know, like they do for LGBTQ or African Americans or autistic.

MS. GOGER: Yes. I think another company I'd like to give a shout out to is Slack, which has been working with The Last Mile and their own internal program called Next Chapter, to offer tech apprenticeships in partnership with TechSF, who I mentioned earlier, in order to create those types of opportunities. So it's not just having one service provider, it's like this chain of providers that's like operating inside, helping with the transition, helping with other support, like getting housing, getting mental health services, whatever is important to that individual. And then a chain of people to get them into an apprenticeship program and then at the apprenticeship program, a chain of people to help. So it's not just one person that can solve every need, it's how do you coordinate across these systems.

So I know we're already over time. I wanted to ask, Makada, did you have any last words that you wanted to say? And then I think I'll kind of wrap it up after that.

MS. HENRY-NICKIE: Yes, thank for giving the last word here.

I want to say that networks are really important. And what they offer are signals of endorsement. So for employers, like Charles and others, there's a huge uncertainty cost with hiring any person, regardless of whether they're justice involved or not. And so I think there are institutional actors who can provide that signal of endorsement and trust to help push back and dispel this misinformed correlation between having a record and being untrustworthy.

And so here I see a role for workforce development boards, case managers who've worked with people getting their job readiness portfolio together, skills, interviewing, to say we've done this and I vouch for him or her. Those are the kinds of signals that people need and employers can rely on and be able to sort of figure out how they can trust to create opportunity. We've got to sort of figure out ways to dispel this or reduce the information gap. And there's a huge information asymmetry when it comes to who people are, you know, how we figure out their skills. And these kind of implicit signals are going to be really crucial to at least getting the ball rolling. Because between now and 2022, I don't see a whole ton of, you know, millions of dollars flowing for apprenticeships and internships. So what can we do tomorrow?

And we already have an institutional infrastructure in place that can start the ball rolling.

In the chat, you know, I tried to ask Rehana, hey, can we talk about expunged records that are still visible? Another barrier. What can we do to help people reclaim their sense of empowerment, reclaim their civil livelihood?

And I'll end there.

MS. GOGER: Thank you so much, Makada. And Makada and Rashawn and I will continue to work on this issue. We've been working for more than six months on getting a project started on this. So we want to be part of this broad ecosystem that helps bring about this change.

I want to extend a special thanks to Karen Slachetka, who has helped us coordinate this, and to our techs, Harold and Dan, who are behind the scenes here making this happen, and all of you who have tuned in today to join us and who are open to having this conversation in your own lives and your own organizations. And just thank you very much to Senator Booker and Dr. Ray for kicking off this very critical, critical conversation at this particular moment in time. And I wish you all a very safe weekend and some time to reflect and rest and engage in self-care as we move on with this hopefully larger movement.

Thank you very much, everyone, for joining us.

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