

Problem: People with criminal records can't find work or a place to live.

Solution: Let's work together for change.

PERSONAL STORIES

We hear from many Seattle residents whose criminal record is the major obstacle for them in getting a job or housing. For many people the convictions are low level drug offenses sometimes dating back 20 or more years.

FB: *To change my life I stopped completely with drug possession. I'm no longer selling or using and have been attending AA and NA regularly. Housing is important to me because it keeps me from being homeless. It not only gets me off the streets but more importantly, it gives my children the chance to have a life. I didn't think that my record had caused obstacles in finding housing since I qualified for Section 8. But I am limited to certain types of housing specifically because of my record.*

Michael: *I was hired for a job at a clothing store. On the application I was honest about my record and my boss was fine with it. But when his boss found out he fired me immediately. I already served my time. I just want to be able to get a job and support myself.*

Veronica: *It is important to be able to reunite with your kids and be a family and being able to obtain housing is very important. Being homeless with kids is hard because they don't get a fair chance at life.*

FACTS

- 1 in 5 people in the U.S. has a criminal record.
- From 1985 to 2007, the number of women in prison increased at nearly double the rate of men – in great part due to low-level drug convictions.
- Studies have found compelling evidence of racial discrimination throughout Washington's criminal justice system. This disparity leads to a disproportionate impact on people of color.
- African Americans make up only 3.9% of Washington State's population but account for 19.3% of those in prison.
- Native Americans comprise only 1.8% of Washington State's population but account for 4.6% of the state's prison population.
- Nearly two-thirds of people released from prison served time for non-violent offenses, including drug (37%) and property (25%) offenses.
- 2 out of 3 non-violent offenders released from prison each year are people of color (48% African-American, 25% Latino).

(Sources: US Census, WA State Department of Corrections data; Human Rights Watch – No Second Chance Report 2004, Employment Discrimination against Women with Criminal Convictions ACLU)

Proposed protections to end discrimination in housing and employment based on arrest / conviction record

In May 2010, residents of the Sojourner Place Women's Transitional Housing Program proposed that the City of Seattle make it against the law to discriminate against a person in employment and housing due to an arrest or conviction record. The Seattle Office for Civil Rights is working with community organizations, housing providers, employers and the general public to explore adding this protection.

Places that already have this protection

- New York, Kansas, Hawaii, Wisconsin, Pennsylvania: Employment (conviction records)
- Massachusetts and Illinois: Employment (arrest records)
- Madison and Dane Counties, Wisconsin: Housing and employment

Ensuring public safety

This law would not apply to arrests or convictions that:

- Are directly related to the applicant's tenancy – for example, a conviction for domestic violence.
- Create an unreasonable threat to the safety or welfare of employees, landlords, tenants or property.
- Involve jobs working with unsupervised children, vulnerable adults and law enforcement agencies.
- Directly relate to the job – for example, a conviction for embezzlement could exclude someone from being hired to handle money.

Existing legal protections for people with criminal records

Several civil rights protections have begun to address this problem:

- Under federal law: The U.S. Equal Employment Opportunity Commission (EEOC) has issued guidance that, because of racial disparities in criminal justice, employers must show business necessity to justify adverse actions against employees based on their criminal records in some situations.
- In Washington State: RCW 9.96A – Criminal Records and Employment in the Public Sector, denies discrimination in public employment solely on the basis of a criminal record if 10 years have passed and conviction does not directly relate to job. Exceptions: jobs working with children, vulnerable adults and law enforcement.
- In Washington State: Under WAC 162-12-140, public and private employers' pre-employment inquiries about arrests must include if charges are pending, dismissed, or led to conviction of a crime involving behavior that would adversely affect job performance, and if the arrest occurred within the last 10 years. Inquiries about convictions must relate reasonably to the job duties and if the conviction (or release from prison) occurred within the last 10 years.
- In the City of Seattle: Personnel Rule 10.3 requires the City to conduct background checks only for positions where there is a business necessity. Applicants denied employment based on a criminal record will be notified and can appeal the decision.

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