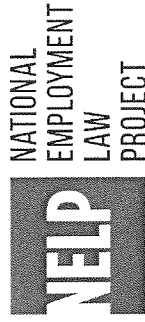


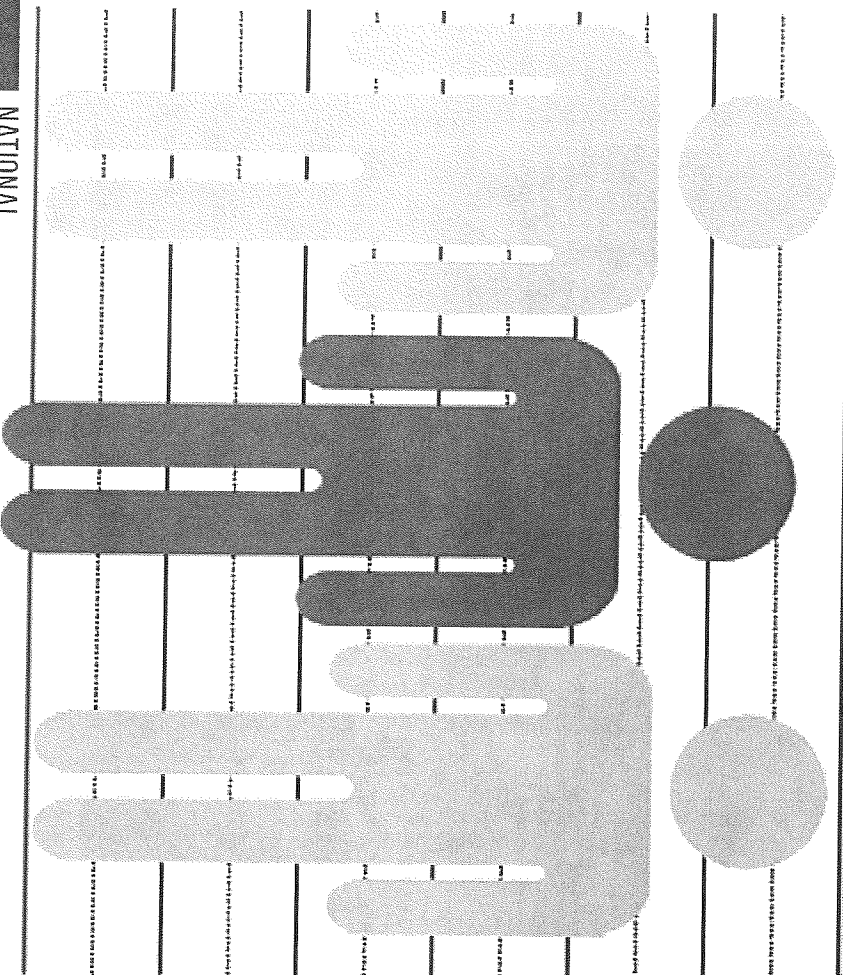
Hearing of the Iowa Governor's Committee on Criminal Justice Reform

Testimony of Maurice Emsellem,
National Employment Law Project
December 2, 2019



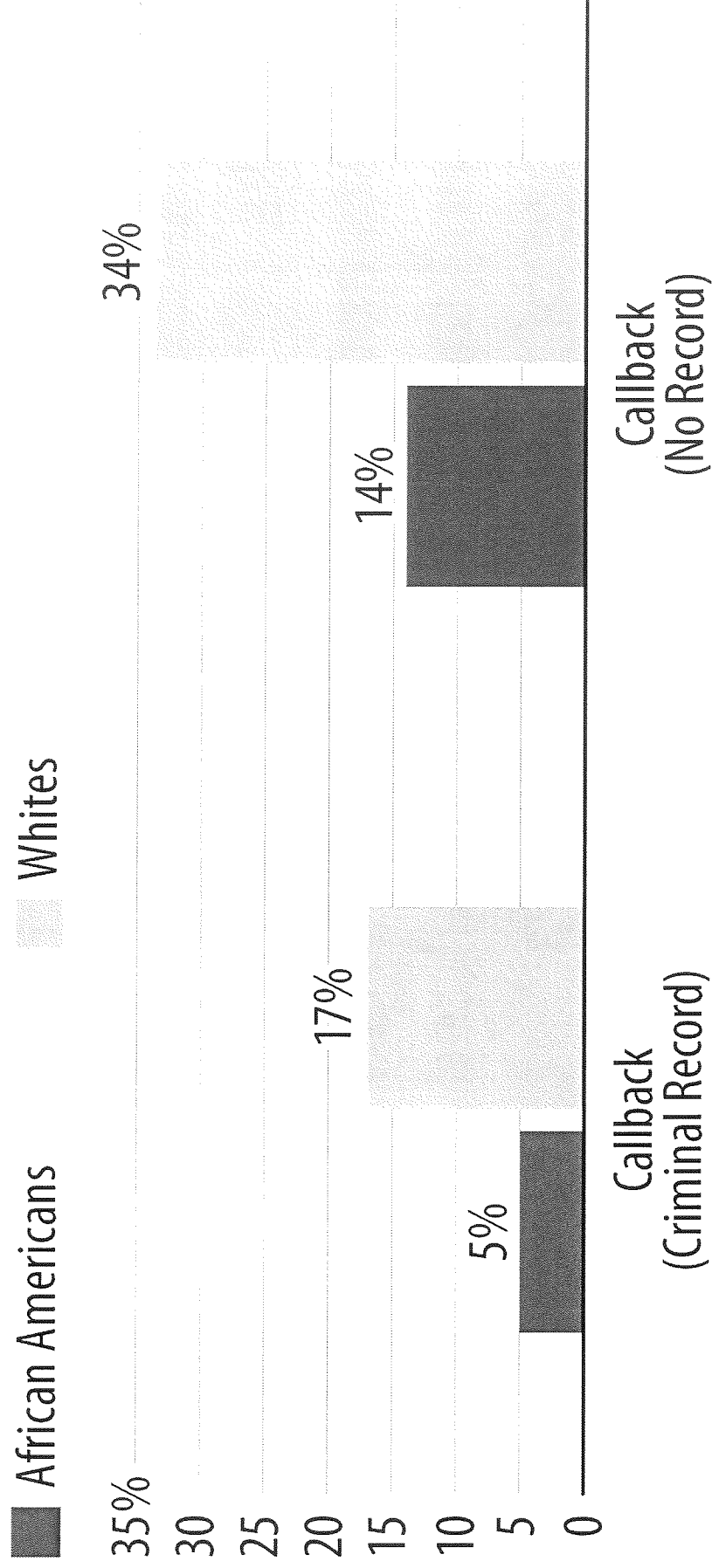
Maurice Emsellem, Director
Fair Chance Program
emsellem@nelp.org
(510) 663-5700

One in Three Adults in the U.S. (70 Million) Has an Arrest or Conviction Record



- 22 percent of lowa adults have an arrest or conviction record
- (566,000 have a felony record)
- Nearly 90 percent of large employers conduct criminal background checks for employment.
- Unemployment rate (27%) is five times higher for people with records.

The Impact of a Criminal Record on Interview Callbacks, by Race



Source: Devah Pager, "The Mark of a Criminal Record," 2003;

Civil Rights Protections Regulate

Arrest and Conviction Background Checks

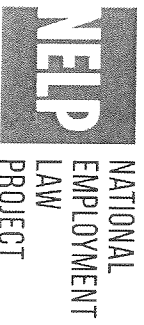
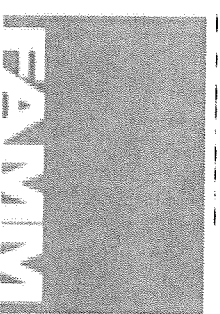
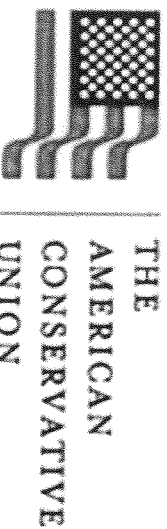
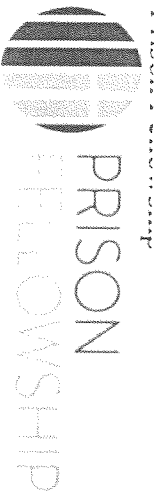
(Title VII of the Civil Rights Act of 1964/2012 EEOC Guidance)

- “Disparate impact” on people of color results from arrest and conviction history background checks
- Arrests and blanket bans strongly disfavored.
- “Green” factors & “individualized assessment”:
 - Nature of the offense
 - Nature of the job sought
 - Age of the offense
 - Evidence of rehabilitation



Strong Conservative and Progressive Support for Ban the Box Laws

- Support for the bi-partisan federal Fair Chance Act (which applies to federal agencies and federal contractors) is high across the ideological spectrum, receiving support from 73% of conservatives, 87% of moderates and 93% of liberals.

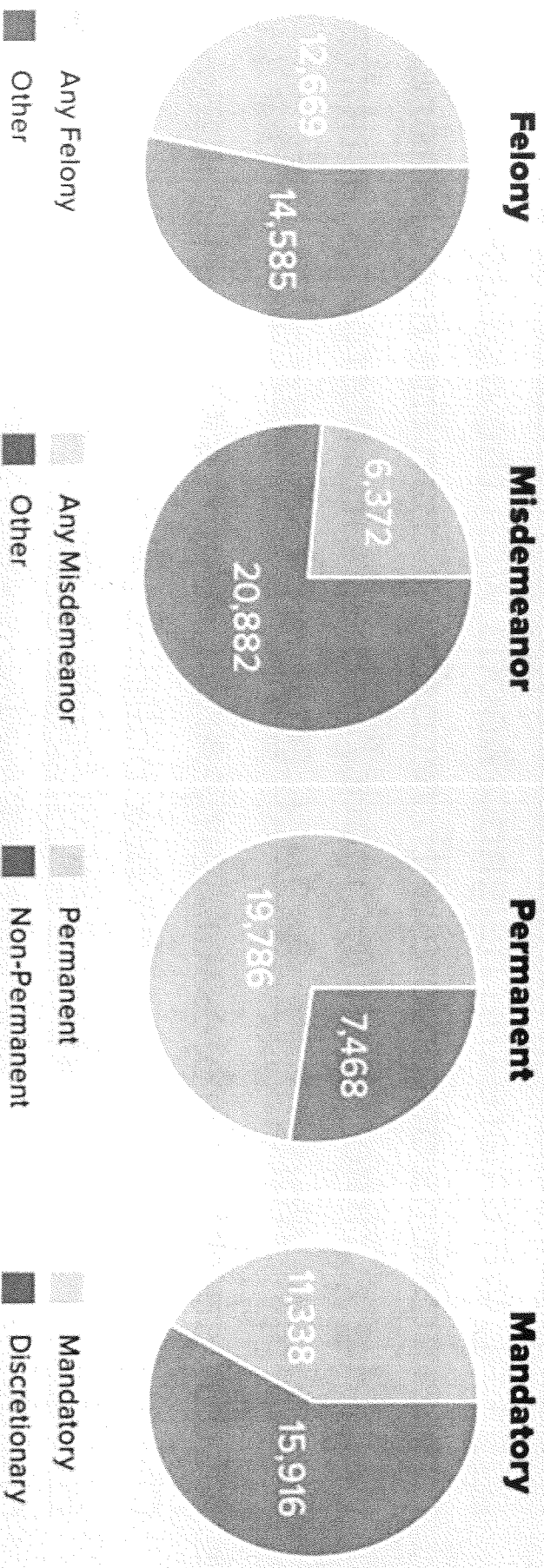


Studies Document Positive Impact of Ban the Box Policies

- A 2019 study by Stan Veuger of the American Enterprise Institute and Daniel Shoag of Case Western University found it increases employment in the nation's most criminalized neighborhoods by 4 percent, which are the neighborhoods with the highest concentrations of people with records. (“Ban the Box’ Measures Help High Crime Neighborhoods” (American Enterprise Institute Economics Working Paper 2016-08, updated March 2019)).
- A 2017 study by Professor Terry-Ann Craigie of Connecticut College found that ban the box policies increase public employment for people with records by 30%. (“Ban the Box, Convictions and Public Sector Employment” (SSRN: January 27, 2017)).

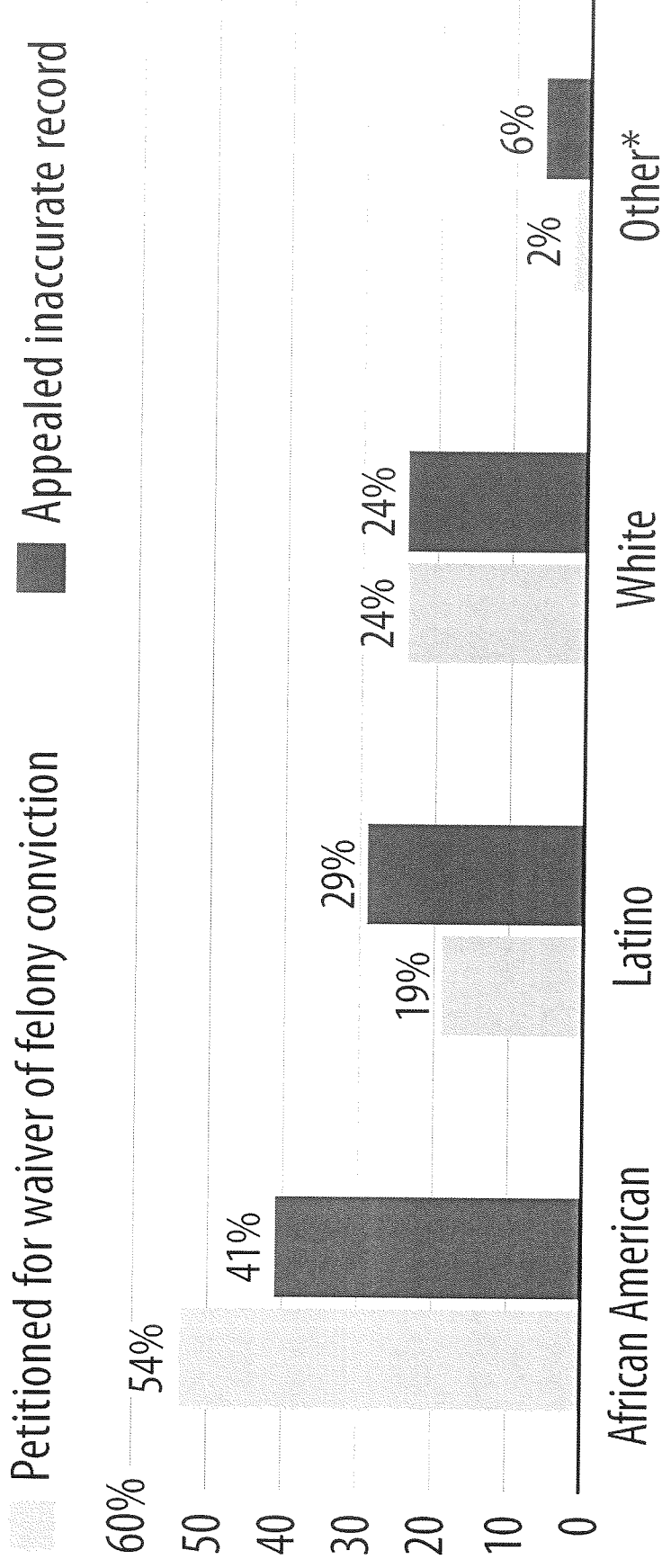
Nearly 30,000 Occupational Licensing Laws (381 in Iowa) Restrict Jobs for People with Records (Source: CSG Collateral Consequences Inventory)

Types of Disqualifications Among State Licensing Restrictions



Source: NELP, "Uncensored and Untapped: Removing Barriers to State Occupational Licenses for People with Records" (2016)

Racial Impact of TSA's Port Worker Criminal Background Check Protections



*Primarily immigrants.

Source: National Employment Law Project analysis of Transportation Security Administration data.

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