

**IN SUPPORT OF CONNECTICUT H.B. RAISED BILL NO. 5781
AN ACT CONCERNING CERTIFICATES OF EMPLOYABILITY AND REHABILITATION**

**Testimony of Glenn E. Martin
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**Connecticut General Assembly
Judiciary Committee
Public Hearing
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Thank you, members of the committee, for holding this important hearing and for providing stakeholders with the opportunity to address you on this urgent bill. My name is Glenn Martin and I serve as Co-Director of the National H.I.R.E. Network, a national criminal justice policy reform initiative of the Legal Action Center. The Legal Action Centers is a public interest policy and law organization that has spent the past three decades specializing in legal and policy issues related to people with past criminal records, histories of drug and alcohol dependence, and HIV/AIDS. As a natural extension of our criminal justice work, HIRE's sole mission is to address employment barriers qualified jobseekers with criminal records face by serving as a national clearinghouse for information and an advocate for policy change.

In 2004, the Legal Action Center completed a comprehensive 50-State research project entitled, *After Prison: Roadblocks to Reentry*, which examined the legal barriers faced by individuals with past criminal records in the areas of employment, public housing, public assistance and food stamps, voting rights, rights to be adoptive and foster parents, and driver's license privileges. Through this project, we have become exceptionally familiar with the range of state laws affecting people with arrest and conviction records, and have identified employment as a significant barrier to successful reentry of these individuals.

House Bill 5781 would serve to help qualified and work-ready individuals with criminal records by authorizing the creation of a certificate program, similar to those adopted by New York and California, which would operate to remove statutory bars to jobs or licenses and provide individuals with criminal records evidence of employability to share with employers. It is important to point out that while certificates remove blanket bars and serve as evidence of employability, they do not deny employers or licensing agencies' discretion to make decisions weighing factors, such as the need to protect public safety.

Need for Certificates of Employability and Rehabilitation

This year, 630,000 people will be returning home from prison in the United States.¹ Perhaps, even more significant, tens of millions Americans have a criminal history record on file with state or federal criminal justice repositories.² This means that **about 25 percent of the**

¹ "Compendium of Federal Justice Statistics, 2000." Bureau of Justice Statistics (2002); "Reentry Trends in the U.S.: Releases from State Prison." *Bureau of Justice Statistics website at <http://www.ojp.usdoj.gov/bjs/reentry/releases.htm>*.

² 1992 survey by SEARCH for Bureau of Justice Statistics of U.S. Department of Justice, reported in Use and Management of Criminal History Record Information: A Comprehensive Report, (1993). Survey found that 47.3 million individuals had State criminal histories; the FBI also maintains criminal history information on about 25

nation’s adult population live a substantial portion of their lives with a criminal record.³ Many national criminal justice experts and formerly incarcerated people themselves have recognized that productive employment is an important factor affecting successful reentry and the promotion of public safety through a reduction in crime.⁴

Offered by the State of Connecticut, Certificates of Employability and Rehabilitation can serve as an effective resource to support successful reentry—and thus promote public safety—by providing a document that qualified people with criminal records can earn to demonstrate a commitment to rehabilitation when trying to enter or reenter the workforce. A certificate program similar to those adopted by New York and California would operate to remove statutory bars to jobs or occupational licenses and provide individuals with criminal records added evidence of rehabilitation to share with employers when they consider criminal record information during the application process.

In Connecticut, individuals with criminal convictions are eligible to apply to the Connecticut Board of Pardons and Paroles for a conditional or absolute pardon, which relieves the grantee of all legal disabilities including those related to employment and licensure.⁵ An absolute pardon allows for complete “erasure” of an individual’s criminal record and is an effective mechanism to demonstrate that the state considers the former offender rehabilitated. However, a recent report by the Sentencing Project reveals that out of approximately 800 applications for pardons submitted each year, only 25% of them are granted.⁶ Moreover, there remain a number of Connecticut residents who were convicted under federal law or in another jurisdiction who are ineligible to apply for a state pardon, and therefore, have no means of moving beyond the stigma of their criminal record even after much time has passed and having exhibited significant evidence of rehabilitation.

National Context

There are currently six states that offer certificates of rehabilitation or other similar means (e.g., restoration of civil rights) to remove occupational bars apart from executive clemencies. These states are: (1) Arizona⁷, (2) California⁸, (3) Nevada⁹, (4) New Jersey¹⁰, (5) New York¹¹, and (6)

million individuals, with no data available about how many are duplicative of state files.

³ Adult (18 and over) population of U.S. in 1992 was 188,868,000. Resident Population Estimates of the United States by Age and Sex: April 1, 1990 to November 1, 1999, *United States Census Bureau* (December 1999).

⁴ Factors suggesting the correlation between a reduction in recidivism and employment include the employment status of parolees who violate conditions of parole. In a study conducted for the New York State Division of Parole, 89% of New York parolees who violated parole were not employed at the time of the violation.

⁵ Conn. Gen. Stat. § 54-142a (d).

⁶ Margaret Colgate Love, *Relief from the Collateral Consequences of a Criminal Conviction*, <http://www.sentencingproject.org/pdfs/rights-restoration/Connecticut.pdf>. Retrieved 3/9/06.

⁷ ARIZ. REV. STAT. §§ 13-904-06

⁸ CAL. PENAL CODE §§ 4852.01 (a)-(d).

⁹ NEV. REV. STAT. § 213.157.

¹⁰ N.J. STAT. ANN. § 2A:167.5.

¹¹ N.Y. Correct. Law. §§ 752-754.

Illinois¹². The various forms of certificates offered by each state differ in their effectiveness, eligibility criteria, and procedures. For example:

- **Arizona:** For offenders with two or more felonies, civil rights are restored only by application for a release from disabilities to the judge who discharges the offender at the end of the probation period or the judge by whom the offender was sentenced.
- **California:** A certificate of rehabilitation may be obtained that declares that an individual convicted of a felony is rehabilitated. While a certificate alone cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar.
- **Illinois:** Certificates of Relief from Disabilities (CRDs) can be issued by the Prison Review Board or by a court to anyone convicted of a nonviolent crime or offense, but not more than one felony. CRDs serve to restore eligibility for fifteen specified occupational fields that otherwise bar people with criminal convictions.
- **Nevada:** Individuals can apply for restoration of civil rights once they have served their sentence and are released from prison. Individuals may also apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole.
- **New Jersey:** If not incompatible with the welfare of society, the Parole Board may grant certificates of good conduct to assist an individual's rehabilitation that preclude licensing authorities from flatly disqualifying or discriminating against an applicant based upon a criminal conviction.
- **New York:** Certificates of rehabilitation take two forms: Certificates of Relief from Disabilities ("CRDs") and Certificates of Good Conduct ("CGCs"). Both lift occupational bars.

1. CRDs are available to individuals with any number of misdemeanor convictions but no more than one felony conviction. The sentencing court and the Board of Parole have the authority to grant CRDs. As of February 2003, approximately 99,070 CRDs were granted.

2. CGCs are available to individuals with two or more felony convictions and any number of misdemeanor convictions. As of February 2003, the Board of Parole granted approximately 1,826 CGCs.

3. Once a Certificate is issued, notation of the issuance is evident on all rap sheets issued by the Division of Criminal Justice Services, New York's official state repository for criminal records, making evidence of issuance easily available to employers, licensing agencies and others who have a statutory right to a rap sheet review.

¹² Ill. Public Act 93-0207, 93-0914.

Fiscal Implications

Because there is an existing tribunal in place, namely the CT Board of Parole and Pardons, the cost of implementation will be minimal. In New York, for instance, the issuance of over 100,000 certificates in 30 years has been handled by three part time employees. In Illinois, the cost of implementing a new Certificate procedure was absorbed into the budget of affected agencies quite seamlessly.

Usefulness of Certificates for Jobseekers with Criminal Records

The National HIRE Network's years of work in New York State with individual clients has afforded us the opportunity to see, anecdotally, how effective certificates can be in helping qualified jobseekers with criminal records to return to gainful employment. Individuals who were once facing blanket bars to employment and licensure are afforded the opportunity to be evaluated individually, based on such factors as length of time since conviction, age at the time of conviction, severity of conviction, relationship between the crime and the job or license being sought and whether the person possesses a Certificate.

Benefit to the State of Connecticut

When focusing on recidivism statistics around the country, we see that the majority of people rearrested are not employed at the time of rearrest. Whether viewed from a public safety standpoint, or a purely fiscal perspective, any mechanism that increases employment opportunities for people with criminal records, while not compromising public safety and saving taxpayer dollars, is worth serious consideration. The Legal Action Center and its National HIRE Network commend this committee for considering the creation of this mechanism and urges the Connecticut state legislature to pass this important measure. Thank you for the opportunity to testify here today.