

**Testimony of Doni Crawford, Policy Analyst
At the Public Hearing on
Removing Barriers to Occupational Licensing for
Returning Citizens Amendment Act of 2019
Committee on the Judiciary and Public Safety
January 29, 2020**

Good morning, Chairperson Allen and members of the Committee. Thank you for the opportunity to speak today. My name is Doni Crawford, and I am a Policy Analyst at the DC Fiscal Policy Institute (DCFPI). DCFPI is a non-profit organization that promotes budget choices to address DC's racial and economic inequities, through independent research and policy recommendations.

I'm here today to express DCFPI's strong support for removing employment barriers for returning citizens, as envisioned in the Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2019. We recommend that the District:

- Clarify the Definition of “Directly Related” as it Pertains to the Consideration of an Applicant’s Prior History
- Add Time Limits to the Pre-Licensing Petition Process
- Expand Bill to Include Licenses for Health Occupations
- Mandate Education and Outreach About the New Law

Removing Employment Barriers for Returning Citizens is a Matter of Racial Justice

The overwhelming majority of returning citizens to the District are Black men, many of whom were unjustly targeted by over-policing, punitive cannabis laws, and sentencing disparities. In 2015, nearly 96 percent of returning citizens from Bureau of Prison facilities were Black and nearly 95 percent were male.¹ According to The Sentencing Project, people of color as a whole are more “likely to be charged more harshly than whites; once charged, they are more likely to be convicted; and once convicted, they are more likely to face stiff sentences – all after accounting for relevant legal differences such as crime severity and criminal history.”²

Despite the fact that Black and white people use cannabis at similar rates, Black people comprised 91% of cannabis possession arrests in the District in 2010.³ And in 2017, after the possession of small amounts of cannabis was legalized, ACLU DC found that Black people still comprised 80% of arrests for public consumption.⁴ This has large implications for DC's returning citizens as the largest group of DC's returning citizens has a drug offense.

Clarifying the Definition of “Directly Related” to Reduce Undue Harm to Returning Citizens

Our first recommendation is for the District to clarify the definition of “directly related” when Boards consider convictions to reduce undue harm to returning citizens. We join our partners at the Council for Court Excellence (CCE) in recommending that the boards use “clear and convincing evidence,” a standard often used in administrative proceedings. This language will also assist with the appeals process.

Adding Time Limits to the Pre-Licensing Petition Process Will Empower Returning Citizens to Decide How to Devote Their Resources

Criminal records, which include both convictions and non-convictions, continue to have devastating impacts on employment opportunities. The Urban Institute found that roughly one in seven District residents has a publicly available criminal record from the past 10 years, only half of whom were convicted of a crime.⁵ Returning citizens should be able to find out whether these records will disqualify them from licensure before they devote time and financial resources toward pursuing it.

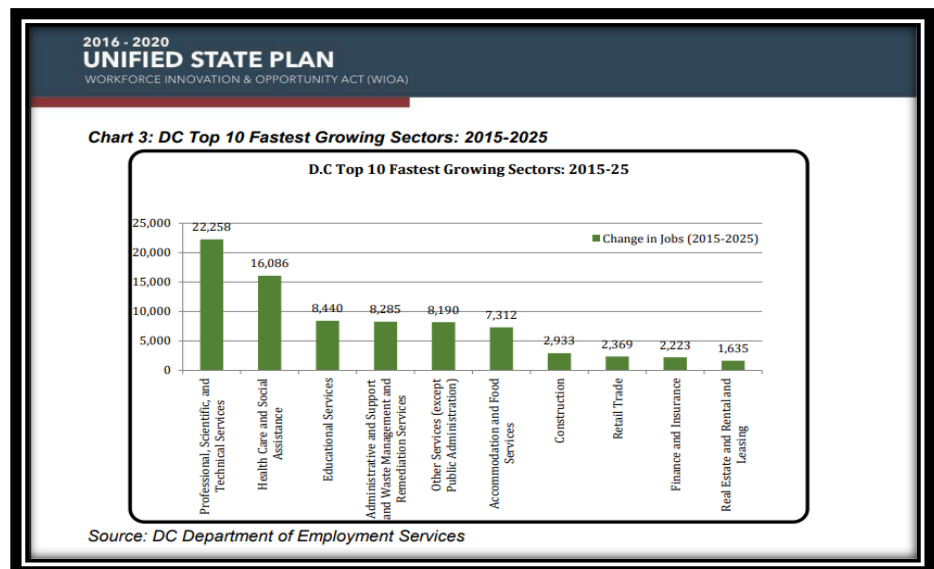
As a result, along with our partners, we recommend that the District add a 60-day time limit for the board to respond to the pre-licensing petition so that a potential applicant can receive a timely decision. We also recommend that data about pre-licensing petition applications and decisions be added to the new reporting required by boards in this bill.

Expanding the Bill to Include Licenses for Health Occupations Would Decrease Recidivism

Occupational licensing requirements are burdensome and restrictive. Over 70 occupations in the District require a professional license, including barber and cosmetology licenses which many returning citizens seek to obtain. And as the Community Justice Project at Georgetown University Law Center and the Council for Court Excellence detail, many licenses require onerous training, education, fee requirements and licensing boards to consider criminal background information as a part of the licensing process, which can prevent returning citizens from acquiring these jobs.⁶

The District should expand this bill to include removing barriers to licensing for health occupations as well. DC’s Workforce Innovation & Opportunity Act (WIOA)

Unified State Plan, identified health care as the second highest growing sector for employment between 2015-2025 (see above).⁷ Greater employment and higher wages decrease the likelihood that a returning citizen will return to prison.⁸ It is vital that we do not unduly restrict employment for returning citizens and lock them out of career opportunities.



Mandating Education and Outreach about the New Law Will Improve Transparency

Finally, we recommend that the District mandate education and outreach about the new law to improve transparency of a very complicated process for returning citizens, Boards and the public. As CCE noted, the bill will not have its intended impact if the people who could benefit most are not aware of the new law, or if the boards are unsure of its application.

Thank you for the opportunity to testify and I am happy to answer any questions.

¹ Ellen McCann, Ph.D., [Ten-Year Estimate of Justice-Involved Individuals in the District of Columbia](#), Criminal Justice Coordinating Council, revised September 2018, pg. 12.

² Nazgol Ghandnoosh, Ph.D., [Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System](#), The Sentencing Project, revised 2015, pg. 12.

³ ACLU DC, [Behind the D.C. Numbers: The War on Marijuana in Black and White](#), Revised July 2013, pg. 4

⁴ ACLU DC, [Racial Disparities in D.C. Policing: Descriptive Evidence From 2013-2017](#), Updated July 31, 2019.

⁵ Joshua Kaplan, [In D.C., Sealing Your Criminal Record Can Be Harder Than Almost Anywhere Else](#), *Washington City Paper*, November 2019.

⁶ Owen Bement, Shea Diaz, and Franziska Schroder, [From Prisons to Professions: Increasing Access to Occupational and Professional Licenses for D.C.'s Returning Citizens](#), The Community Justice Project at Georgetown University Law Center and the Council for Court Excellence, pg. 7-10.

⁷ DC Workforce Investment Council and DC Government, https://dcworks.dc.gov/sites/default/files/dc/sites/dcworks/publication/attachments/WIOA_DC_Uniformed_State_Plan_Final.pdf, pg. 17-21

⁸ Ben Struhl, [Stopping the Revolving Door: What we know—and still need to learn—about reducing recidivism in the United States](#), Abdul Latif Jameel Poverty Action Lab, May 5, 2017.