

November 16, 2021

Mitchell "Mitch" Landrieu
Senior Advisor and Infrastructure Coordinator
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Landrieu,

As a group of organizations representing America's businesses, civil rights leaders, criminal justice reform advocates, and a national community of both crime survivors and individuals living with convictions, we want to thank President Biden and you for your leadership in the creation and implementation of the Build Back Better Agenda. This once-in-a-generation policy package promises to fundamentally influence the foundation of this nation and the communities within it, building a more equitable and care-focused society for all.

Now that Congress has passed the Infrastructure Investment and Jobs Act, we stand in a moment of utmost opportunity. Recognizing this, the Alliance for Safety and Justice and the undersigned organizations urge the Biden Administration to ensure that individuals living with past convictions are able to fully participate in the employment opportunities provided by this legislation. Now is the time to take meaningful steps to mitigate the numerous and overwhelming barriers to a healthy, safe, and stable life for those with convictions, and end the cycle of post-conviction poverty.

We know that the Biden Administration understands the economic and moral imperative of addressing the barriers to opportunity faced by tens of millions of Americans living with old convictions. Over 70 million people in the United States are estimated to be living with a criminal record, the vast majority of whom are no longer incarcerated or under any form of community supervision.¹ Nearly half of all children in the United States have at least one parent living with a conviction.² People who have been incarcerated suffer disproportionately from serious physical and mental illness, due to pre-incarceration exposures to health-harming conditions as well as adverse effects of the experience of incarceration itself.³ Moreover, Black and brown Americans represent a disproportionate percentage of that population due to generations of systemic and institutionalized racism, over-policing, mass incarceration, and the War on Drugs.

¹ Friedman, Matthew (2015, December), Just Facts: As Many Americans Have Criminal Records as College Diplomas. The Brennan Center for Justice. Retrieved from:

<https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas>

² Vallas, R (2015, December). Removing Barriers to Opportunity for Parents with Criminal Records and Their Children. Washington, DC: Center for American Progress. Retrieved from:

<https://www.americanprogress.org/issues/poverty/reports/2015/12/10/126902/removing-barriers-to-opportunity-for-parents-with-criminal-records-and-their-children/>

³ American Public Health Association (2020, October) .Advancing Public Health Interventions to Address the Harms of the Carceral System. Retrieved from:

<https://www.apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2021/01/14/Advancing-Public-Health-Interventions-to-Address-the-Harms-of-the-Carceral-System>

Far too many individuals in our country are in a cycle of post-conviction poverty that maintains pervasive economic instability. Research shows that economic stability is a preeminent factor in stopping cycles of crime and making communities safer. Yet, according to the Alliance for Safety and Justice's surveys, 46 percent of people with an old criminal record and 69 percent of people with felony records have difficulty finding a job.⁴ As a result, individuals with old records are unemployed at a rate of over 27 percent, which is higher than the national unemployment rate during any historical time period including the Great Depression.⁵ However, nine of ten employers, four of five landlords, and three in five colleges and universities still use background checks to obstruct and eliminate applicants with criminal records.⁶ By ensuring that persons with past records can access the jobs that this generational piece of legislation will create, the Biden Administration can help break cycles of poverty, live up to its commitment to equity, and spur this nation's economy at a time of utmost need.

In addition to this moral imperative, we know that the infrastructure bill will create millions of new jobs at a time when employers across the country are facing severe labor shortages. Individuals with convictions have paid their debts to society and want to participate in the labor force. Addressing barriers to their participation provides benefits to the individual, their families and communities, our nation's employers, and the American economy as a whole. The nation's economy currently loses \$78 billion dollars each year because of employment barriers of an old felony record. Today, the Biden Administration can take action to change that.

The undersigned organizations encourage the Biden Administration to take the following steps:

- Require that all federal agencies receiving funding from the Infrastructure Investment and Jobs Act ensure that individuals living with convictions are able to access jobs created by the bipartisan infrastructure framework's programs and funding.
- Aligned with President Obama's directive⁷ and EEOC enforcement guidance⁸, ensure that all contractors and subcontractors hired using funding from this legislation are following federal nondiscrimination laws for employees based on their criminal records.
- Specifically address the barrier of occupational licensing, which for too long has kept individuals with convictions away from good-paying jobs.
- Create incentives for contractors and subcontractors to hire individuals with convictions.

⁴ Toward Shared Safety: The first-ever national survey of America's safety gaps (2020). Washington, DC: The Alliance for Safety and Justice, Retrieved from: <https://wesharesafety.us/>

⁵ Couloute, L, & Kopf, D (2018, July). Out of Prison & Out of Work: Unemployment among formerly incarcerated people. Washington, DC: The Prison Policy Initiative. Retrieved from: <https://www.prisonpolicy.org/reports/outofwork.html>

⁶ Clean Slate Toolkit: Unlocking Opportunity Through Automated Record-Clearing (2018). Center for American Progress, Retrieved from, <https://www.americanprogress.org/issues/poverty/reports/2018/11/15/460907/clean-slate-toolkit/>

⁷ Office of Federal Contract Compliance Programs (2013, January): Directive 2013-02. Washington, DC: U.S. Department of Labor. Retrieved from, <https://www.dol.gov/agencies/ofccp/directives/2013-02>

⁸ Equal Employment Opportunity Commission (2012, April). Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act. Washington DC: Title VII, 29 CFR Part 1601, 29 CFR Part 1606, 29 CFR Part 160. Retrieved from, <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions#1>

- Widely publicize the Work Opportunity Tax Credit to companies that receive funding from the infrastructure bill.

Once again, the undersigned organizations commend your office, the Biden Administration, and Congress for their role in developing this vital legislative package and recognizing the overwhelming need for investments in this country's infrastructure and communities. Today, we urge you to make sure that those living with convictions are not once again obstructed in their pursuit of a safe, stable, and healthy life for themselves and their families.

Respectfully,

Alliance for Safety and Justice
All of Us or None
A New Way of Life
Center For Employment Opportunities
A New Way Of Life Reentry Project
CLASP
Clean Slate Initiative
Color of Change
Communities United for Restorative Youth Justice
Community Solutions
Crime Survivors for Safety and Justice
Cure Violence Global
Dave's Killer Bread Foundation
Formerly Incarcerated Convicted People and Families Movement
Futures Without Violence
The Health Alliance for Violence Intervention
Inseparable
JustLeadershipUSA
Legal Services for Prisoners with Children
National Alliance of Trauma Recovery Centers
National Urban League
Professional Community Intervention Training Institute/BUILD
REDF
The Sentencing Project
Urban Peace Institute
US Justice Action Network
Vera Institute of Justice

cc: Shalanda Young, Acting Director, Office of Management and Budget