

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND
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JULY 11, 2017

Establishing a Fair Chance Ordinance for Los Angeles County

In California, it has been estimated that nearly one in four adults have arrest or conviction records. Involvement in the criminal justice system and/or incarceration can have devastating socioeconomic consequences. Thousands of people in Los Angeles County (County) are directly impacted by barriers to reintegration based primarily on these records. Many individuals are plagued by dated lower-level arrest or conviction records that may be deterrents when applying for jobs. Requiring disclosures of criminal history information may exclude a prospective applicant from additional consideration for employment.

Further, the applicant’s criminal history can be revealed through the advancements of technology in the use of criminal background checks. Hundreds of companies offer low-cost services by way of the internet to uncover concealed information. The disclosed information has the potential to yield negative results on employment and/or housing opportunities for persons with criminal histories, causing damaging collateral effects on families and communities. Discriminatory impacts of denying opportunities to those with criminal records can be demoralizing.

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The health, safety, and well-being of communities in the County depend on increasing access to employment for people with prior arrest or conviction records, with the goal of effectively reintegrating individuals into the community and enabling them to provide for their families. Systemic barriers to effective employment and reintegration are associated with increased recidivism, which in turn, may further jeopardize public safety, disrupt the financial and overall stability of affected families, and impede jurisdictions from achieving their maximum potential of economic growth.

In response to these challenges, the County has advanced Equal Opportunity Employment for all. As early as 1998, the Board of Supervisors (Board) took steps to ensure that individuals with a felony or misdemeanor conviction had a fair opportunity for employment by assessing whether the conviction had a nexus to the position. In 2013, the California state legislature passed AB 218, also known as Ban the Box, which took effect on July 1, 2014 and amended labor practices to prohibit state and local governments from asking about conviction backgrounds on job applications.

The County has made progress in this area. However, additional reforms are necessary to maximize the pool of talented, qualified workers for employers and to fully utilize the productive capacity of people with prior arrests or convictions, for the improvement of the economy and more robust communities. Clarifying and widely communicating County policies on the use of criminal history information in employment decisions can further prevent the exclusion of individuals who may be qualified potential employees. Improving efforts to increase access to employment for underserved

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populations can benefit the County and lead to a more diverse workforce. The enactment of a Countywide ordinance to reduce employment barriers for individuals would further advance criminal justice reform efforts in the County as well as ensuring equal opportunities for all.

Establishing supplementary and concise procedures does not require an employer to give preference to anyone or to hire an unqualified person with an arrest or conviction record. Rather, these efforts are an attempt to eliminate discriminatory obstacles for competent candidates and to increase access points of opportunity. The County is the largest employer in the region, and as such, the Board has a responsibility to set forth standards of behavior that other employers can emulate.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Instruct the Director of the Department of Human Resources (DHR), the Chief Executive Officer (CEO), the Directors of the Department of Workforce Development, Aging and Community Services (WDACS), the Department of Consumer and Business Affairs (DCBA), and the Office of Diversion and Reentry (ODR), in consultation with County Counsel, and in collaboration with court-appointed public interest law firms and other key stakeholders and organizations providing assistance with post-conviction cases and/or providing supportive reentry services, to develop a set of recommendations for establishing Los Angeles County (County) Fair Chance Ordinance policies and procedures, which would eliminate appropriate restrictions for potential

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applicants for County employment opportunities due solely to criminal conviction and/or adjudication in the juvenile justice system. This process would include but not be limited to:

- a. Researching and reviewing other jurisdictions that have Fair Chance Ordinances to capture relevant provisions that are currently not instituted in the County;
- b. Developing comprehensive strategies for posting in County jobsites, and on its employment brochures and websites, an official Fair Chance Ordinance Notice for prospective County employees;
- c. Developing a Fair Chance Review Process for use by County departments before taking an adverse employment action against an applicant who has a prior criminal history;
- d. Expansion of the Fair Chance Ordinance definition to a broader population of underserved constituents (e.g. veterans, homeless individuals, former foster youth, those with disabilities, etc.) by developing outreach strategies, criteria, and eligibility standards that will allow the County to significantly improve its ability to reach qualified workers within these populations of underserved constituents;
- e. Development of expanded training and curriculum to provide workers within the populations of underserved constituents the necessary support to develop workforce skills to be employment-ready; and

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- f. Develop a process for all relevant departments and agencies to report back to the Board on the implementation of these efforts and the number of workers within the populations of underserved constituents that have been hired.
2. Instruct the Directors of WDACS and DCBA, in collaboration with the CEO and the Director of DHR, and other relevant departments and agencies, to research and review the best practices and methodologies of those community-based outreach programs that conduct education and outreach to employers, employees and potential applicants for employment regarding rights and procedures. This resulting research and information should be incorporated in the report back and include recommended communication strategies and materials that align with the departments' recommendations regarding a Fair Chance Ordinance in the County.
3. Report back to the Board, in writing, in 90 days with an analysis of existing and innovative concepts, including both challenges and opportunities, along with projected operational and budget implications, with recommendations on the feasibility of establishing a comprehensive Fair Chance Ordinance for the County.

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(DJJ/MN)