

Overview of Proposal
Prohibiting Discrimination on Basis of Arrest or Conviction Record
Reentry Council
March 29, 2011

Background

The lifelong collateral consequences of having a record of arrests and/or convictions include barriers to accessing sustainable and lawful employment, safe and affordable housing, and full participation in civic life. The Reentry Council's Annual Report contains two recommendations directly related to reducing unnecessary barriers to housing and employment based on arrest or conviction record.

The Need

- One in four adults in California (almost 7 million Californians) has a misdemeanor or felony arrest or conviction record.
- A recent evaluation of the San Francisco Public Defender's Office Clean Slate Program found that only 36% of Clean Slate clients were employed, and 38% received public benefits. 49% of Clean Slate clients were parents, and 47% of Clean Slate clients were African American.
- Commercial background checks are inexpensive to conduct, and used broadly by employers and others. 92% of large employers in a recent survey reported using criminal background checks.

Summary of Proposal

- Would prohibit discrimination on the basis of an arrest or conviction record
 - within San Francisco in employment, housing, business establishments, or public accommodations;
 - in employment by City/County contractor;
 - in provision of services by City/County contractor.
- Decisions about employment or housing may not be based on a conviction, unless the conviction is determined to be substantially related to the employment or housing sought.
- When background check reports are used, individual should be notified, provided grounds for adverse determination and copy of report, to extent permitted under law.

Next Steps

- The recommendation contained herein shall apply except to the extent permitted by federal, state, or local law. The City Attorney's Office would provide necessary analysis and advice on this and related issues before finalizing the ordinance or compliance guidelines are finalized.
- Reentry Council staff and members would continue to work with Human Rights Commission staff, and all other affected and interested stakeholders including the Mayor's Office to refine proposal for further consideration by the Human Rights Commission, Board of Supervisors, and the Mayor.