

MISCELLANEOUS TEAM

Mayor's Task-Force on Institutional Racism and Systemic Inequities

Anti- Racism Recommendations and Solutions

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The group's recommendations and solutions are outline in five (5) points, removing barriers to employment for previously incarcerated and homeless individuals with criminal backgrounds.

1.

THE PROBLEM

NON-EXISTING RE-ENTRY PIPELINE FOR PREVIOUSLY INCARCERATED CITIZENS

THE RECOMMENDATION

INTEGRATE A STEM (*Science, Technology, Engineering, and Math*) PROGRAM AT TRAVIS COUNTY CORRECTIONAL COMPLEX AND OTHER PRISONS

Austin has become a desirable city for many well-to-do Hi-Tech corporations and organizations. With the city's expansion, hospitality, and desirable tax incentives, other Hi-Tech corporations and organizations will be compelled to establish in Austin in order to groundswell and carry out their occupational and commercial legacy. A fair amount of [middle and high schools are using STEM](#). See footnote.¹ Here, Hi-Tech employers work closely with students and help them manifest latent talent and unexploited skill(s). STEM programs instill optimism in students and provide an indispensable work ethic that any number of employers will come to value.

THE SOLUTION

Institute STEM into the Travis County Correctional Complex for inmates serving a sentence of three (3) months or more;

Institute STEM into surrounding prison facilities for inmates:

- a) Eligible for probation or parole;
- b) Who have gone (3) months or more without disciplinary write-ups;
- c) Who have maintained the appropriate classification level;

Teaching STEM in correctional complexes and jails should be the ante to establishing in the city of Austin. More importantly, this training will give incarcerated students the incentive to maintain good behavior. Above all, STEM will lay the groundwork early for students to quickly adapt to societal norms, gain optimism about re-entry, and provide an indispensable work ethic their future employer will come to value.

¹ <http://djournal.com/news/tupelo-schools-implement-new-stem-initiative/>

2.

NON-EXISTING RE-ENTRY PIPELINE FOR *HOMELESS* PREVIOUSLY INCARCERATED CITIZENS

THE PROBLEM

THE RECOMMENDATION

Previously incarcerated individuals (PII) that become transient are at risk of being immersed in a culture of poverty. A “Barracks-Like” facility for this group may reduce the risk of recidivism or relapse when compared to a straight release directly into society. The domestic *Barracks-Like* facility (or “Job-Corps”) for adults should remain free from being deemed or named: halfway house; program for the homeless; sober living house, etc. Specifically, names or designations as *school*, *academy*, and *studies* like the example below are more appropriate:

“*The (Innominate) Academy*”

Names like “*The (Innominate) Academy*” are appropriate because it will motivate re-entry and lessen the shame that comes with residing in a facility. This school should still provide monitoring and support; howsoever, it is advisable for any trainer or mentor not to operate or design the school like traditional halfway houses.

***As for funding, the city of Austin could conduct an analysis of the cost of not implementing re-entry programs.

THE SOLUTION

Since this charge addresses racism, specifically against blacks, previously incarcerated men and women who meet the qualifications and are black or classified as black would benefit from this school. To qualify, the PII should:

1. Submit an intake application 45-days before being released from jail/prison;
2. Demonstrate good/acceptable behavior while incarcerated;
3. Complete the STEM program if provided or one (1) re-entry program offered in TCCC or prison;
4. Be prepared to study and obtain their G.E.D (*if the individual has no high school diploma*).*
5. Funding may come from a Request for Proposal (RFP) and/ court fees.²

An appropriate re-entry period would be 6 to 9 months at the school. The school should afford programs to the students and center more on education, job readiness, and career development. The school would exclude those who have chronic or long-term mental illness or individuals who are incapable or unequipped by their disabilities to re-enter.

Expectations: The school’s vision is to see students graduate after 9 months, have continuity in employment at their “jobs of choice”³ rather than “default”⁴ jobs, and to be the pipeline the student

² As Megan and Judge Livingston stated, we could let the entities figure the funding out.

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requires to obtain an affordable home or apartment of their own. The school can provide incentives such as an electricity voucher and water voucher for the month.

3.

EMPLOYER NOT FURNISHED WITH APPROPRIATE DISCRIMINATION TRAINING Relative to Previously Incarcerated Applicants

THE PROBLEM

THE RECOMMENDATION

Employers are gatekeepers and require training when it encompasses interviewing or hiring PII. In §4-15-8 (a)⁵, an appropriate training session for employers about compliance is voluntary rather than compulsory. Broadening current Municipal Code using the Texas Labor Code can assist PII with re-entry. Discrimination unfairly denies all encouraged and qualified PII applicants equal opportunities in the interview process, places them in vulnerable positions, contributes to poverty, and reintroduces them to crime. *See* Ordinance No. 2010324-019. Broadening the Municipal Code with the Texas Labor Code would reconstruct employer conventions, lessen officialism, and help employers become advocates of cultural diversity.

THE SOLUTION

(CHAPTER 4-15 — Fair Chance Hiring) of the Municipal Code should include: Employment Discrimination Training for Employers with 15 or More Employees:

- (a) Employers or agencies with 15 or more employees shall take a compulsory discrimination-training program that centers on hiring and interviewing PII with criminal backgrounds.
- (b) The training program must provide the employer with information regarding re-entry, recidivism, and relapse relating to employment discrimination against individuals with criminal backgrounds.
- (c) All new employees in HR, management, and supervisory positions with 15 or more employees shall attend the training program required by this section no later than the 30th day after the date the employee is hired by the organization or corporation and shall attend supplemental training once (1) every year.
- (d) Any consultant, non-profit member, or advocate providing re-entry training shall bring materials for use by employers in providing employment discrimination training as required by this section.

³ Jobs applicants prefer.

⁴ Jobs applicants don't want (entry level, convenience stores, laborious jobs) but take to gain an income.

⁵ Civil Penalty.

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- (e) Each consultant, non-profit member, or advocate providing re-entry training shall require an employer who attends a training program required by this section to sign a statement verifying the employer's attendance at the training program. The city of Austin shall file the statement in a personnel file.

4.

PREVIOUSLY INCARCERATED CURSED WITH THE "PETER PAN PRINCIPLE"

The "Peter Pan Principle" (PPP) is a statement that every employee in a hierarchy tends to rise to the level of his or her incompetence. Used in this context for this charge, the PPP is a statement used against applicants who have been previously incarcerated.

THE PROBLEM

THE RECOMMENDATION

In spite of individualized assessment⁶, employers view applicants with unfavorable backgrounds as a liability and are reluctant to extend employment offers. Employers and their attorneys will argue Texas is an at-will state; howsoever, Title VII and prohibits discrimination based on race, color, national origin, etc. Because employers may harbor implicit bias, Federal Statutes impose limits on the [at-will doctrine](#).⁷ Title VII prohibits "not only decisions driven by racial or ethnic animosity, but also decisions infected by stereotyped thinking."⁸ Thus, an employer's decision to reject a job applicant based on racial or ethnic stereotypes about criminality—rather than qualifications and suitability for the position—is unlawful disparate treatment that violates Title VII.⁹ For this reason, employers may extend, to potential applicants with unfavorable backgrounds, an opportunity to attend "Perquisite" Classes (DWI, defensive driving; anti-theft, credit or bad check writing, and anger management classes). This "*art of the possible*" will ultimately scale down risk associated with hiring those with criminal backgrounds¹⁰ and build trust between the potential employee and employer. The City can

⁶ See § 4-15-2 Definitions. (G) (1)(2)(3) of Municipal Code.

⁷ At will-doctrine simply means employer and employee can terminate relationship at any time. See, Employment Discrimination and Retaliation: [Can't We All Just Get Along](#) and [McDonnell Douglas Corp. v. Green](#), 411 U.S. 792 (1973), and [Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964](#).

⁸ *Race & Color Discrimination*, *supra* note 15, § V.A.1.

⁹ A 2006 study demonstrated that employers who are averse to hiring people with criminal records sometimes presumed, in the absence of evidence to the contrary, that African American men applying for jobs have disqualifying criminal records. Harry J. Holzer et al., *Perceived Criminality, Criminal Background Checks, and the Racial Hiring Practices of Employers*, 49 J.L. & Econ. 451 (2006), <http://www.jstor.org/stable/pdfplus/10.1086/501089.pdf>; see also Harry Holzer et al., Urban Inst., Employer Demand for Ex-Offenders: Recent Evidence from Los Angeles 6""7 (2003), http://www.urban.org/UploadedPDF/410779_ExOffenders.pdf (describing the results of an employer survey where over 40% of the employers indicated that they would "probably not" or "definitely not" be willing to hire an applicant with a criminal record).

¹⁰ In some situations, PII will have a clinical diagnosis of a DSM-5 mental disorder such as intellectual disability (intellectual developmental disorder), schizophrenia, major neurocognitive disorder, gambling disorder, or

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incentivize employers with water and electric vouchers along with recognition at City Council meetings for bringing aboard a PII. Amend the Municipal Code to implement bullet point 4.

THE SOLUTION

There is no statistical evidence to substantiate that PII commit criminal acts while on the job nor is there evidence that suggest PII contributes to shrinkage, commit thefts, assault more employees, operate motor vehicles more recklessly, arrive to work intoxicated or under the influence. For this reason, a fourth prong should be added to [4-15-2](#) (G) of the Municipal Code.

When an applicant meets all three prongs to 4-15-2 (G) and an employer has evaluated the applicant's criminal history; howsoever, remains reluctant in their hiring decision, the employer **MUST** extend the 4th prong:

(4) Cognitive Behavioral Training Program (CBTP) or "Perquisite¹¹" Class.

When applicant successfully completes the class, the employer is strongly encouraged to bring applicant aboard. Many CBTP have been aligned with the courts and the probation and parole departments to provide effective and comprehensive drug, alcohol, anti-theft, and anger management education. Several of the classes are fee-based. For this reason:

- (a) A Cognitive Behavioral Training Program voucher shall be created;
- (b) A website created where employers can submit applicants that are extended vouchers;
- (c) Applicant must show identification to receive voucher which in turn, shall be notated in a database;
- (d) Applicant shall attend CBTP, upon completion;
- (e) Employer is strongly encouraged to bring applicant aboard.
- (f) ***Incentives for companies to encourage hiring for PII.

pedophilic disorder, and Point 4 shall not be interpreted that individuals with such a condition will meet any standard criteria in the ordinance or shall be offered the 4th prong.

¹¹ Not to be confused with prerequisite. Perquisite is a thing regarded as a special right or privilege enjoyed as a result of one's position.

5.

THE PROBLEM

BARRIERS EXIST THAT IMPEDE PII FROM OBTAINING THEIR GOVERNMENT VITALS

THE RECOMMENDATION

Criminal institutions can provide PII who lack the necessary government vitals to reintegrate into society with verifiable documentation to present at government institutions (SSA, Vital Statistics, DMV). PII sometimes have a difficult time re-entering society because they lack the necessary vitals to obtain employment. They may not have identification or two forms of ID that many employers require. Sometimes, a PII may have unpaid fees that prevent them from obtaining their government vitals. Although fees of licenses, social security cards, etc. are State regulated, the City could provide vouchers and/or legal aid for PII.

THE SOLUTION

Once the incarcerated individual notifies the criminal institution that he or she lacks the necessary vitals to reintegrate upon release and after the individuals identify has been verified, the institution shall:

- (a) Provide the individual with a color photocopy of his or her mug-shot along with a signed and stamped affidavit ordering the release of any required GV from the institution testifying that the individual's:
 1. Identify has been verified;
 2. Date of release

- (b) The City shall approve funding for vouchers and create a volunteer legal aid program to assist in removing barriers that exist for obtaining government vitals.
 1. The City should provide vouchers for fees associated with obtaining a birth certificate, social security card, and identification cards.
 2. The City can require PII to attend a free WorkSource class to qualify for voucher.
 3. The City should provide access to volunteer legal aid for PIIs who cannot obtain their license due to surcharges or other fees.¹²
 4. The attorneys who sign onto the program will be doing so for free and receive pro bono hours for their work.
 5. The City shall develop a system for recruiting attorneys to participate and on-boarding attorneys who participate.
 6. The City shall provide any documentation needed for the volunteer attorneys to receive pro-bono credit for their contribution.

¹² Mechanisms exist for fees to be reduced or to be waived; legal counsel will need to find a way to navigate this.