



**Testimony for the House Judiciary Committee  
February 11, 2020**

**HB 586 Public Safety – Criminal History Records Check – Fire  
Departments, Rescue Squads, and Ambulance Services**

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**SUPPORT**

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The ACLU of Maryland supports HB 586, which would prohibit employers in Fire Departments, Rescue Squads, and Ambulance services from conducting criminal history records checks on job candidates before the first in-person interview. It also requires the formation of a peer review committee to make recommendations regarding employment post-background check.

Studies show that employment opportunities can reduce recidivism rates.<sup>1,2</sup> Yet, for far too many Marylanders, a criminal record—regardless of how minor the offense, such as minor possession of marijuana, which this body decriminalized in 2014. Moreover, these collateral consequences are particularly stark for communities of color.

**Criminal records exclude individuals from employment.**

The existence of a misdemeanor criminal record can and does create a barrier to employment for many Marylanders. More than 80% of U.S. employers perform criminal background checks on prospective employees.<sup>3</sup>

**Misdemeanor convictions disparately disadvantage individuals, families, and communities of color**

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<sup>1</sup> See for example Nally, Lockwood, Taiping, and Knutson, *The Post-Release Employment and Recidivism Among Different Types of Offenders With A Different Level of Education: A 5-Year Follow-Up Study in Indiana* (noting that recidivist offenders were likely to be unemployed or under-educated)

<sup>2</sup> Decker, S. H., Spohn, C., & Ortiz, N. R. (2014). *Criminal Stigma, Race, Gender, and Employment: An Expanded Assessment of the Consequences of Imprisonment for Employment*. *National Institute of Justice*. Retrieved from [http://thecrimereport.s3.amazonaws.com/2/fb/e/2362/criminal\\_stigma\\_race\\_crime\\_and\\_unemployment.pdf](http://thecrimereport.s3.amazonaws.com/2/fb/e/2362/criminal_stigma_race_crime_and_unemployment.pdf)

<sup>3</sup> Burke, M.E., 2004 Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management, Alexandria, Va.: Society for Human Resource Management, 2006.



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The over-criminalization of communities of color—largely due to the ‘war on drugs’—has produced the startling result that one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen White men.<sup>4</sup> In addition to facing higher imprisonment rates, racial minorities, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their White counterparts.<sup>5</sup>

With higher conviction rates, persons of color unnecessarily bear the brunt of collateral consequences stemming from misdemeanor convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuate the cycle of imprisonment plaguing communities of color.

**Prohibiting pre-interview checks allows candidates to be evaluated for their skills first and not for a record.**

Public safety is not threatened as the information is still known. The review board allows candidates an opportunity to explain their records, such as listed charges that should have been expunged.

For the foregoing reasons, we urge a favorable report on HB 586.

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<sup>4</sup> Saki Knafo, 1 In 3 Black Males Will Go To Prison In Their Lifetime, Report Warns (HUFFINGTON POST, Oct. 4, 2013).

<sup>5</sup> Id.