



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

In support of HB586 – Public Safety – Criminal History Records Check – Fire Departments, Rescue Squads and Ambulance Services

Chair Clippinger, Vice Chair Atterbeary, and fellow members of the Judiciary Committee, I am here today in support of HB586 – essentially a ban the box bill for fire and rescue. We just voted strongly over the pass two years to first ban the box for colleges and this year to ban the box for private companies of 15 or more employees.

You will see in the fiscal and policy note that a background check is approximately \$51. This bill proposes that the applicant is not required to have a criminal background check until after the interview. Now you will hear from the opponents of this bill that not all jurisdictions have the same protocol with respect to when a background check is done, or when an agency would inquire into the criminal history of an applicant. My research in preparation for this bill shows that some departments ask, some don't. Some require the applicant to agree to the background check at the initial application, some don't. Baltimore City and Montgomery County have policy that bans the box for fire and EMS, some departments don't have such a policy.

There is nothing that prohibits an agency from going on Maryland Judiciary Case Search to search an applicant or Googling them. These are quick easy mechanics that can save the agency the time and hassle of calling the applicant in for an interview and "wasting" the agency's time.

You may also hear that there was an incident in which arson was found in someone criminal history and they were not allowed to serve in the department and I believe the individual appealed the decision and lost. Guess what? That's the way the system should work.

You heard the compelling arguments on the floor of the house to override the Governor's veto of HB994 from 2019. You heard our colleague discuss his record

and how he later graduated top of his law school class, became an attorney is now serving in the General Assembly. Did you also know that we have a Maryland Congressman who also had pending criminal charges and with great resources and as a white male, he was able to defeat the charges?

I get it. We are a society that believes, you make your bed, you lie in it. I get that. But for how long? What if who you were is not who you are now? What if you never get to tell the story yourself as to who you have become?

California pulls inmates out of jail to put out wildfires, yet when they are released, they cannot get hired. Bridgeport, Connecticut has what they call a Second Chance program. 5 returning citizens have been hired under that program.

Bill Gates had a criminal record, what if he could never have found future employment? I leave you with a few more questions to ponder. What if a person's medical history was required at the time of the application? What if the question on the application instead of a conviction was "have you ever had unprotected sex?" Think of how many assumptions one can make based upon the answer to that question. "What were your test results in your last mammogram or last prostate exam?"

Personal questions deserve to be explained by the person. For these reasons, I request a favorable vote on HB586.

Bridgeport officials encouraged Chief Richard Thode to start the program based on his experience with a past criminal conviction.

It's not easy becoming a [firefighter](#). There are many hoops to jump through – certifications, written and physical abilities testing, interviews, background screenings. One problem with any part of the process, and the candidate is often out of the running. The [hiring process](#) tends to be unforgiving, even if a problem occurred long in the past.

Given the competitive nature of the process, and the fact that each hiring leaves qualified people behind, why would any fire department want to offer concessions for past legal troubles that show up on background screenings?

One reason is that in some cases, those with a checkered past may already be doing the job. In the state of California, 20% of all wildland firefighters are [inmates in state correctional programs](#). Some of these inmates have been fighting fires for years, sometimes on the most challenging and dangerous fires in the state. Yet when they complete their sentences and are

fully integrated back into the community, they are not eligible to even apply for the same job they had successfully done while incarcerated.

There have been efforts to advance legislation that would change the standards that automatically disqualify certain applicants because of criminal convictions. So far that legislation has failed, and no second chances are available to these potential candidates.

Bridgeport Offers Second Chances

One place where second chances are a reality is the city of [Bridgeport, Connecticut](#), the largest city in the state, with a fire department of 300 career members. Bridgeport currently has a city-wide program – [the Mayor’s Initiative for Reentry Affairs \(MIRA\)](#) – that allows applicants who would normally be eliminated due to past legal problems to get a second look during the application process.

Chief Richard Thode explained that the program started at the behest of elected officials and the mayor, who has a personal connection to the concept of second chances due to his own past criminal conviction.

The program involves a peer review committee selected for each hiring process by the chief and deputy chief of the department. Effort is made to make the committee as diverse as possible, and members sign a confidentiality agreement regarding the information they have access to during the process.

If an otherwise promising candidate is revealed to have a past legal problem that may be forgivable, that person is called to meet with the committee and explain their side of the story.

If hired, people coming in through this process are on probation for a period of time related to their past issues. So far, the department has hired five or six recruits under these conditions.

Thode told the story of one of the firefighters hired in this way. As a teenager, he was arrested on drug charges and spent 8 months in jail. But once he got out of jail, he changed his life. He got a job as a CDL truck driver, got married and had children. In his 30s, he came to the fire department looking for a second chance – and they gave him one. Entering the department in a recruit class of more than two dozen, few people knew that he had gone through a unique hiring experience. Thode added that he has proven to be an asset and valued member of the department.

Representative of Community Diversity

Even with this kind of positive outcome, there is the question of why — why bother making these special efforts for some candidates when there are already more than enough prospective firefighters without those issues?

A big reason why this program is important to the Bridgeport Fire Department is its commitment to including and representing the community it serves. Compared to the rest of the state, people

living in Bridgeport are significantly younger, less affluent and more racially and ethnically diverse. Although residency is not a requirement for employment with the city, the department wants to reach out to residents to become firefighters. In making this effort, Thode said, the department found that a zero-tolerance policy for past legal issues dramatically reduced the candidate pool.

Thode acknowledged that not all department members were supportive of the program at the beginning, but said it is a non-issue now: “The people we have hired through this program, it’s like they still have a debt to pay,” he said. “They’re motivated to prove that ‘I’m a second chance candidate and I’m going show you I’m not a mistake.’ Every person that we have hired under the program has been exemplary. They’re great employees.”

The Bridgeport Fire Department is committed to representing the full diversity of the community they serve — and this includes providing opportunities for some people who may benefit from getting a second chance.

About the Author

Linda Willing is a retired career fire officer and currently works with emergency services agencies and other organizations on issues of leadership development, decision making, and diversity management through her company, [RealWorld Training and Consulting](#). She is also an adjunct instructor and curriculum advisor with the National Fire Academy. Linda is the author of *On the Line: Women Firefighters Tell Their Stories*. She has a bachelor’s degree in American studies, a master’s degree in organization development and is a certified mediator. Linda is a member of the [FireRescue1/Fire Chief Editorial Advisory Board](#). To contact Linda, e-mail Linda.Willing@FireRescue1.com.