

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 16, 2018
1:15 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN AL TAUBENBERGER

BILL 180699 - An ordinance amending Title 10 of The Philadelphia Code, entitled "Regulation of Individual Conduct and Activity," by amending Section 10-615, entitled "Disorderly Conduct and Related Offenses"...

RESOLUTION 171091 - Resolution authorizing the City Council Committee on Public Safety to hold hearings examining compliance with the Ban the Box law since its enactment...

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2 COUNCILMAN JONES: Good

3 afternoon, everyone, and thank you --

4 (Good afternoon.)

5 COUNCILMAN JONES: I like that.

6 They answered back.

7 And thank you for your

8 patience. This hearing is now being

9 called to order. This is a public

10 hearing on the City Council's Committee

11 of Public Safety. The purpose of this

12 hearing is to hear testimony on Bill No.

13 180699 and Resolution No. 171091.

14 Ms. Williams, could you read

15 the titles of the bills.

16 THE CLERK: Bill No. 180699, an

17 ordinance amending Title 10 of The

18 Philadelphia Code, entitled "Regulation

19 of Individual Conduct and Activity," by

20 amending Section 10-615, entitled

21 "Disorderly Conduct and Related

22 Offenses," and Chapter 10-2100, entitled

23 "Marijuana Possession," to provide for

24 certain additional offenses to be

25 enforceable by civil penalties; under

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2 certain terms and conditions; and

3 Resolution No. 171091, a
4 resolution authorizing the City Council
5 Committee on Public Safety to hold
6 hearings examining compliance with the
7 Ban the Box law since its enactment, and
8 further examining the willingness of
9 local area universities to ban the box
10 from college applications.

11 COUNCILMAN JONES: Thank you,
12 Ms. Williams.

13 And I recognize the presence of
14 a quorum of this Committee: Councilman
15 Taubenberger, Councilman Greenlee, and
16 Councilman Johnson and myself, Curtis
17 Jones, Jr.

18 Would you please bring forth
19 the first group to testify.

20 THE CLERK: Inspector Francis
21 Healy.

22 (Witness approached witness
23 table.)

24 COUNCILMAN JONES: Thank you,
25 Inspector, for being always ready and

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2 prepared to represent the City
3 Administration. And say your name for
4 the record and please begin your
5 testimony.

6 INSPECTOR HEALY: My name is
7 Francis Healy. I'm Special Advisor to
8 Police Commissioner Ross. On behalf of
9 the Police Department, thank you for
10 giving the Department the opportunity to
11 voice its opinion on this bill.

12 I will defer to Julie
13 Wertheimer's written testimony, but I'm
14 happy to answer my input basically on
15 Bill No. 180699 as it relates to
16 disorderly conduct offenses and the
17 marijuana possession.

18 COUNCILMAN JONES: I was remiss
19 to say would anybody from the Committee
20 like to have opening remarks? Question,
21 Councilman Greenlee.

22 COUNCILMAN GREENLEE: Thank
23 you, Mr. Chairman.

24 Just one question, Inspector.
25 I know this puts purchasing or attempting

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2 to purchase a small amount of marijuana
3 as a civil issue, right?

4 INSPECTOR HEALY: Correct.

5 COUNCILMAN GREENLEE: It does
6 not affect those who sell to the
7 purchaser, correct?

8 INSPECTOR HEALY: That is
9 correct.

10 COUNCILMAN GREENLEE: And is
11 there any reason to be concerned legally
12 about that, splitting those two?

13 INSPECTOR HEALY: Well,
14 oftentimes purchasers, quite frankly, are
15 individuals who are addicted or using
16 drugs as opposed to the sellers. So
17 there is a distinction under state law
18 for that offense as well. So what we're
19 trying to do is basically put in parity
20 what we have already in place. Right now
21 I believe the District Attorney's Office
22 is declining to prosecute a great number
23 of these purchasing-only cases, so this
24 allows the officers the opportunity to
25 still intervene or especially when the

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2 the community is calling them for help.

3 So it's not like we can't do anything.

4 We report to the community. That's who

5 we serve. So this allows us to take

6 police action so the community can feel

7 free to call us. We can still take

8 police action irrespective on the back

9 end whether somebody is going to be

10 facing criminal charges. But this does

11 distinguish from sellers. Possession

12 with intent to deliver is a different

13 charge than merely purchasing.

14 COUNCILMAN GREENLEE: I just
15 want to make sure there wasn't --

16 INSPECTOR HEALY: And I will
17 say that purchasing was actually -- when
18 we first did this last time, the
19 purchasing may have been an oversight,
20 I'll say maybe on my part. So small
21 amounts of possession of marijuana, we
22 were still processing with CVNs, but
23 people that were purchasing were getting
24 arrested. So there was a little bit of a
25 difference. So this really solidifies it

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2 and makes everything consistent.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Thank you, Mr. Chairman.

6 COUNCILMAN JONES: You're
7 welcome, Councilman.

8 One other clarification for the
9 record. A lot of people are under the
10 misnomer that it is now legal. It is
11 de-criminalized. There's a big
12 difference.

13 INSPECTOR HEALY: There is a
14 big confusion about that. The issue is,
15 it is still illegal under state law. We
16 have not changed that. The City of
17 Philadelphia cannot change that.
18 However, how we enforce it in
19 Philadelphia has been directed by the
20 Mayor's Executive Order. So several
21 years ago City Council allowed these
22 things to be identified as code violation
23 notices. That's why we included them
24 into the code, and by Executive Order of
25 the Mayor, the Police Department is

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2 directed to follow through with the CVN
3 versus the state charge. So that's been
4 very, very successful and helpful,
5 especially a lot in our protests and
6 demonstrations and those type of events.
7 A lot of people that need to be
8 restrained or controlled temporarily has
9 allowed us to do what we need to do
10 without having long-term criminal
11 ramifications.

12 COUNCILMAN JONES: And one
13 other clarifying point is that if you are
14 under the influence of marijuana and
15 commit some other offense, that then is
16 also considered. For example, if someone
17 operates a piece of equipment, whether
18 it's a vehicle or a heavy piece of
19 equipment, under the influence, that goes
20 into consideration in the charges as
21 well.

22 INSPECTOR HEALY: Absolutely.
23 That's well beyond that scope. That's
24 under the Vehicle Code. Those are
25 misdemeanor violations, yes. You'd be

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2 arrested just as you would be driving
3 under the influence of alcohol for
4 alcohol.

5 COUNCILMAN JONES: I just
6 wanted to make a clarification. I was
7 walking Captain Jack Jones, which is my
8 dog, and we were in front of a middle
9 school and there was some young people
10 coming out rolling and getting ready for
11 their death. I guess they thought it was
12 the breakfast of champions. And I
13 explained to them that they shouldn't be
14 doing that, and they said, well, wait a
15 minute, it's legal.

16 I said, no, it's
17 de-criminalized, and I had to go into
18 that lecture. Not that they cared, but I
19 had to make the clarification anyway. So
20 thank you very much for that.

21 Are there any -- and I
22 recognize the presence of Councilwoman
23 Jannie Blackwell.

24 COUNCILWOMAN BLACKWELL: Thank
25 you.

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2 COUNCILMAN JONES: Are there
3 any other questions?

4 (No response.)

5 COUNCILMAN JONES: Hearing
6 none, now we'll hear from Ms. Wertheimer,
7 and thank you for attending.

8 MS. WERTHEIMER: My apologies.

9 COUNCILMAN JONES: That's all
10 right. We're so rarely on time, that
11 that threw you off. You figured you had
12 a grace period. Such is not the case.

13 Would you state your name for
14 the record and begin your testimony.

15 MS. WERTHEIMER: Julie
16 Wertheimer, Senior Director of Criminal
17 Justice for the City.

18 Good afternoon, Chairman Jones
19 and members of the Public Safety
20 Committee. My name is Julie Wertheimer.

21 The Managing Director's Office
22 supports Bill No. 180699, which amends
23 Chapter 10-600 of the City Code to
24 include a new Section 10-615, entitled
25 "Disorderly Conduct and Related

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2 Offenses," and Chapter 10-2100, entitled
3 "Marijuana Possession," to provide for
4 certain additional offenses to be
5 enforceable by civil penalties; all under
6 certain terms and conditions.

7 The intent of this bill is to
8 de-criminalize certain additional
9 low-level public conduct offenses in
10 public places. It will effectively
11 prevent new incidents from entering the
12 criminal justice system by permitting the
13 Philadelphia Police Department to address
14 disorderly public behavior and the
15 purchasing of marijuana for personal use
16 through the civil system.

17 Can I actually abbreviate my
18 testimony?

19 COUNCILMAN JONES: Feel free.

20 MS. WERTHEIMER: I just want to
21 add --

22 COUNCILMAN JONES: Any
23 objection?

24 (No.)

25 MS. WERTHEIMER: I just want to

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2 add one part of this that's a little more
3 editorial on the City's part, which is
4 the original CVN bill from 2016 was one
5 of -- actually was the first of the
6 initiatives we rolled out under MacArthur
7 Safety and Justice Challenge, which, as
8 you know, Councilman, is the entire
9 system's commitment, the executive
10 branch, the legislative branch, the
11 judicial branch, our DA and Defender's
12 efforts, to collectively work with
13 community to safely reduce our jail
14 population and divert people who don't
15 need to be part of the criminal justice
16 system out of the system altogether. And
17 so this expansion with three additional
18 potential eligible offenses will only
19 further those efforts.

20 COUNCILMAN JONES: We agree.

21 At least I do. I'm sure members of the
22 Committee will make their positions clear
23 in a vote, but what was started by you
24 and the respective committees is an
25 important part of reducing the population

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2 and the census and the contact with the
3 criminal justice system.

4 One of the things -- the best
5 form of reentry is never entering at all,
6 to keep people out of the system. I
7 deferred my opening comments so that I
8 can maintain my quorum, but I will when
9 we do the resolution on Ban the Box for
10 college students.

11 So are there any other
12 questions for this panel?

13 (No response.)

14 COUNCILMAN JONES: Seeing none,
15 thank you for your testimony.

16 MS. WERTHEIMER: Thank you.

17 INSPECTOR HEALY: Thank you.

18 COUNCILMAN JONES: We are going
19 to temporarily move out of our public
20 hearing and go into our public meeting
21 with the intent of moving this bill out
22 of Committee with a favorable
23 recommendation.

24 The Chair recognizes Councilman
25 Greenlee.

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2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Chairman. I move that Bill No.
4 180699 be reported out of this Committee
5 with a favorable recommendation and a
6 rules suspension to allow for first
7 reading at our next session of Council.

8 (Duly seconded.)

9 COUNCILMAN JONES: It has been
10 moved and properly seconded that this
11 bill be moved out of Committee with a
12 favorable recommendation and, further,
13 that the rules of Council be suspended to
14 allow first reading of this bill at our
15 next session of Council.

16 All those in favor will signify
17 by saying aye.

18 (Aye.)

19 COUNCILMAN JONES: All those
20 opposed?

21 (No response.)

22 COUNCILMAN JONES: The ayes
23 have it, and Bill No. 180699 has been
24 moved out of Committee.

25 We will now go back into our

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2 public hearing, and would you please, Ms.
3 Williams, read the title of the
4 resolution.

5 COUNCILMAN GREENLEE: She did.

6 COUNCILMAN JONES: All right.
7 Could you read it again so that we know
8 what we're talking about.

9 THE CLERK: No problem.

10 Resolution No. 171091, a
11 resolution authorizing the City Council
12 Committee on Public Safety to hold
13 hearings examining compliance with the
14 Ban the Box law since its enactment, and
15 further examining the willingness of
16 local area universities to ban the box
17 from college applications.

18 COUNCILMAN JONES: Thank you,
19 Ms. Williams, for repeating yourself.

20 The Chair also recognizes that
21 Councilman Green is in attendance.

22 I'm going to start with this:
23 I was, in another life, a track coach and
24 I dealt with a lot of young people on
25 their way to somebody's college campus.

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2 One of those young individuals that I
3 came in contact with was from a
4 low-income community and did not have a
5 trust fund, did not have a secure way to
6 get to college and, once he got to
7 college, wasn't sure of how he was going
8 to pay for his room and board and a meal
9 plan. So he decided to be
10 entrepreneurial, and what he decided to
11 do is his retail opportunity was to sell
12 DVDs and CDs. Those DVDs and CDs were
13 not patented. They were bootleg. And in
14 his mind, he thought that was a
15 victimless crime, something that could
16 get him through and be able to pay for
17 his necessities on his way to college.

18 The patent people that
19 represent movies came down very hard on
20 this maybe, I'm going to say, 20 years
21 ago, real hard and really started taking
22 people to task for selling those movies
23 and CDs. Today nobody watches CDs or
24 DVDs, or at least nobody of a certain age
25 still does it.

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2 This young man got a record and
3 was unable to get into college once that
4 little box was checked. It altered his
5 whole career path. He is now a
6 volunteer, still his daughter is a track
7 star and works with her, but he was not
8 able to pursue his college career as an
9 athlete because of this mishap.

10 People make mistakes. The only
11 perfect thing is, depending on your
12 system of belief, is God. Everybody else
13 we should forgive or to keep out of these
14 type of situations where that scarlet
15 letter follows them around forever.

16 This is a furtherance of that
17 kind of pushing of people to the right
18 path and keeping them from a path of
19 limitations and marginalizations.

20 So with that, would you please
21 ask -- well, are there any other comments
22 from people on this Committee?

23 (No response.)

24 COUNCILMAN JONES: Seeing none,
25 would you bring up the first group of

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2 witnesses to testify.

3 THE CLERK: Rue Landau.

4 (Witness approached witness

5 table.)

6 COUNCILMAN JONES: You can

7 bring up more than one.

8 THE CLERK: Jamie Gullen and

9 Tracie Johnson can come up as well.

10 (Witnesses approached witness

11 table.)

12 COUNCILMAN JONES: Thank you

13 all for your patience. Welcome to City

14 Council. And you're not new, so state

15 your name and begin your testimony.

16 MS. LANDAU: Absolutely. Good

17 afternoon, Chairperson Jones and members

18 of the Public Safety Committee. I'm Rue

19 Landau, Executive Director of the

20 Philadelphia Commission on Human

21 Relations. Thank you for the opportunity

22 to testify in support of Resolution

23 171091 examining compliance with Ban the

24 Box since its enactment, and the

25 willingness of local area universities to

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2 ban the box on college applications.

3 The PCHR is a City agency that
4 administers and enforces the Fair
5 Practices Ordinance, the law that
6 prohibits discrimination in housing,
7 employment, public accommodations, and
8 the delivery of City services. Our
9 agency also enforces the Fair Criminal
10 Record Screening Standards Act known as
11 Fair Chance Hiring law and also known as
12 Ban the Box, and it's found in Chapter
13 9-3500 of The Philadelphia Code.

14 I want to pause for a second
15 and just recognize my Deputy Director,
16 Pamela Gwaltney, and Principal Assistant
17 Attorney Karen Forman, who are the people
18 who are on the ground day to day helping
19 to enforce this law.

20 So the purpose of the Fair
21 Chance Hiring law was to eliminate unfair
22 barriers to employment for people with
23 criminal records and enabling them to
24 acquire the employment needed to become
25 re-established with their communities and

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2 contributing members of society. The law
3 as passed in 2011 prohibited questions
4 about criminal history on job
5 applications and during the first
6 interview. It also prohibited questions
7 regarding records of arrest that did not
8 lead to conviction.

9 By 2015, it became clear that
10 to be truly effective, the City's Fair
11 Chance Hiring law needed to be more than
12 remove the box from the application. The
13 law was amended that year to prohibit an
14 employer from running a criminal
15 background check until after the
16 applicant received a conditional offer of
17 employment. If through a background
18 check an employer discovers that an
19 applicant has a criminal history, the
20 applicant must be provided an
21 individualized assessment for a
22 particular job instead of being summarily
23 rejected for employment. The employer
24 may reject an applicant based on their
25 criminal record after the assessment,

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2 only if the employer can reasonably
3 conclude that the applicant would present
4 an unacceptable risk to the operation of
5 the business or to co-workers or
6 customers. A rejection must be presented
7 to the applicant in writing, with an
8 opportunity for the applicant to respond
9 to the determination. These standards
10 are consistent with existing state law
11 and federal EEOC guidance.

12 In 2018, the Fair Chance Hiring
13 law was amended again to explicitly
14 prohibit consideration of juvenile
15 records during the hiring process.

16 I want to thank you, Councilman
17 Jones, for spearheading all of these
18 great protections and also Councilwoman
19 Gym for adding the juvenile protections
20 as well.

21 This system for hiring removes
22 significant barriers to employment and
23 provides true assistance to people with
24 records as they reintegrate into their
25 communities. It also provides greater

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2 clarity and guidance to employers. Since
3 our law was passed in 2011, the
4 Commission has helped to ensure effective
5 implementation of the ordinance through
6 education as well as enforcement.

7 Through outreach efforts, partnerships,
8 and trainings, we have reached hundreds
9 of employers and thousands of people with
10 criminal records. This summer the
11 Commission ran a media campaign to raise
12 awareness and provide information about
13 the law to the general public and
14 targeted audiences impacted by criminal
15 records. Informational ads in English
16 and Spanish promoting the law were placed
17 on bus shelters, websites, classified
18 ads, and social media. Radio ads ran on
19 English and Spanish language stations.

20 Bilingual posters and distribution
21 materials were provided to area prisons,
22 libraries, and governmental district
23 offices. Additionally, outreach teams
24 canvassed high-trafficked spots and gave
25 materials out to places such as barber

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2 shops and coffee shops in targeted
3 neighborhoods.

4 Since the Fair Chance Hiring
5 law went into effect, the Commission has
6 investigated 154 complaints related to
7 non-compliance. Eighty-six of those
8 cases were filed since the amendments
9 went into effect in 2016. The large
10 majority of the cases settle during the
11 investigation process, oftentimes with
12 benefits awarded to the complainants.
13 Only one case has proceeded to an
14 adjudicatory hearing, and it resulted in
15 a \$30,000 judgment for the complainant
16 and training for the respondent by the
17 PCHR.

18 Incidentally, that case was for
19 a coach for young people at a charter
20 school who rejected somebody who only had
21 an arrest many years ago on his record.

22 Other examples of cases
23 demonstrate the benefits of the
24 individualized assessment required in
25 Section 9-3504. For example, an

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2 individual was offered a position

3 delivering merchandise to retail stores.

4 A background check revealed a

5 drug-related conviction and the offer was

6 withdrawn. Had the employer conducted an

7 individualized assessment, they would

8 have found that over seven years had

9 passed since the conviction, the person

10 had no prior convictions, was never

11 incarcerated, and completed parole.

12 Significantly, the individual held a

13 successful position in a similar job

14 until a layoff and was able to provide

15 good employment and personal references.

16 The case was settled through mediation

17 and the individual was offered a

18 full-time job.

19 Another individual was offered

20 a position as a telephone call center

21 representative. The offer was rescinded

22 when a background check revealed a prior

23 drug conviction. The nature of the

24 conviction had no relationship to the

25 duties of the position for which the

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2 individual was well qualified, having job
3 experience, demonstrating call center
4 skills, and excellent references. The
5 complaint was also settled quickly with
6 an offer of employment.

7 Higher education is an
8 important means to enable returning
9 citizens or any individual with a
10 criminal record to acquire additional
11 skills and more fully contribute to their
12 community. Community Legal Services, who
13 you will hear from in a second, recently
14 released a report encouraging colleges
15 and universities in Philadelphia to end
16 the practice of unnecessarily asking
17 applicants to disclose information about
18 juvenile and criminal records on their
19 application. This practice has a
20 disparate impact on youth of color who
21 are over-criminalized at alarming rates.
22 In addition, research has shown that
23 merely asking for the information on the
24 application can prevent people with
25 records from completing applications and

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2 enrolling in school.

3 Local area universities should
4 be encouraged to remove questions of
5 prior criminal arrests and conviction
6 from their application forms and to make
7 non-mandatory the indicator field in any
8 common application submission disclosing
9 a prior record. They also should suggest
10 on their application that primary
11 consideration will be given to the
12 individual's qualifications. If
13 subsequent criminal record information is
14 identified or disclosed, consideration
15 should be given to the relevancy of the
16 conviction to academic pursuits, the time
17 passed since the incident, evidence of
18 good character and remediation and any
19 associated risks. The PCHR, in
20 collaboration with Councilman Jones's
21 office, is preparing to disseminate a
22 letter to the higher educational
23 institutions, all the presidents across
24 the region, in support of this position.

25 Much progress has been made

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2 since the passage and expansion of the
3 City's Fair Chance Hiring law.

4 Educational and outreach efforts have
5 raised awareness of the rights of
6 individuals with criminal records as
7 applicable to employment opportunities.

8 It is hard to assess the long-range
9 impact of Fair Chance laws toward
10 removing the fears and stigmas associated
11 with a criminal record, a fear that often
12 deters a job or educational candidate
13 from initiating an application in the
14 first place, yet the outlook for broader
15 opportunities and better lives is
16 anticipated to continue to improve.

17 Building upon the positive outcomes of
18 Philadelphia's Fair Chance Hiring law,
19 the PCHR supports encouraging local area
20 colleges and universities to enact
21 similar Fair Chance policies for those
22 seeking higher educational opportunities.

23 Thank you again for the
24 opportunity to testify, and I'm happy to
25 take any questions.

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2 COUNCILMAN JONES: So y'all
3 don't know how beautiful you look to me
4 sitting this way to see this much -- a
5 lot of times we pass laws all the time
6 and there aren't people advocating for
7 change. And so I don't want your arms to
8 get tired, but you can stand up there
9 like that for the whole hearing as far as
10 I'm concerned.

11 But I want to thank you and
12 your Commission, because, yes, we
13 embarked upon the Ban the Box law, along
14 with my colleagues, a while ago, but if
15 there is no enforcement on -- you
16 mentioned how many cases you --

17 MS. LANDAU: It was 154 total
18 since 2011, 83 of which recently, but
19 that's not all of the cases that -- those
20 are the cases that we're investigating.
21 We also give out a lot of advice to
22 employers and lawyers who are
23 representing employers every day and a
24 lot of advice to people who are applying
25 for jobs too, but those are the cases

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2 that we've docketed.

3 COUNCILMAN JONES: So as
4 Councilman Green can speak to, a lot of
5 laws are on the books. A lot of
6 commissions are here. If a tree falls in
7 the woods and no one hears, is there a
8 sound. And without you following up on
9 this, people could and companies could
10 ignore it and act as though it never was
11 passed.

12 So I want to thank you publicly
13 for your diligence, and I know as a Human
14 Relations Commissioner at the state that
15 you're a rock star and we are lucky in
16 the City to have you advocating for these
17 laws.

18 So tell me, how has the
19 receptiveness of universities thus far
20 been? And I know some of them are in the
21 audience. I'm not going to point you
22 out. I know you're there. I see you.
23 But are you hearing any feedback?

24 MS. LANDAU: I'm going to pass
25 that to CLS. Your office and -- you and

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2 I are in the process of drafting a letter
3 that we're going to send to all of them,
4 but I haven't done the outreach to them
5 yet. CLS has. And I'll pass that over
6 to them, but I want to just say thank you
7 to you and also thank you to my team. We
8 are extremely committed to giving people
9 with criminal records in Philadelphia a
10 second chance, and I speak on behalf of
11 my commissioners as well. It is one of
12 the most important things that we do. So
13 thank you for giving us the opportunity
14 as well.

15 COUNCILMAN JONES: Before you
16 go, Councilwoman Gym, would you like
17 to --

18 COUNCILWOMAN GYM: Yeah. Thank
19 you very much, Mr. Chair.

20 I just wanted to say and
21 express my thanks and apologies for being
22 a little bit late, but expressing my
23 support for Bill 180699 as well.

24 But I also want to thank the
25 audience for being out here and raising

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2 attention to this critical issue.

3 College is supposed to be about

4 opportunity. It's supposed to be about

5 possibilities for young people. It's not

6 about closing off avenues because of

7 things that were done in the past that

8 were also redeemed, where there's been

9 redemption for that. And I especially

10 want to thank yourself, Commissioner

11 Landau, for like all the incredible work

12 you and your team did, along with our

13 great partners in the community and all

14 the advocates who are here today, in part

15 because you're helping us change the

16 understanding. We're not going to be

17 able to help our private colleges and

18 universities and even our state colleges

19 and universities understand the

20 consequences of their action unless we

21 make a little bit of noise to do so, and

22 it's got to come from people who have

23 suffered some of the consequences of it.

24 So thank you for your bravery.

25 Thank you for your courage and speaking

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2 out. Thank you, Commissioner, for being
3 so great about all of that.

4 And then just for clarity, I
5 just wanted to get that number right.
6 Could you just repeat it loud and clear
7 for the record. How many cases have you
8 had to deal with with Ban the Box again?

9 MS. LANDAU: So these are 154
10 complaints since the law was originally
11 passed in 2011 and 86 of those since the
12 amendments in 2016, and the amendments
13 mean everything to us. It was very
14 difficult before we had this process of
15 getting -- someone has to get a
16 conditional offer of employment first
17 before their criminal record was run. It
18 was very hard for us to figure out before
19 the amendments why someone didn't get the
20 job. Could have been for a host of
21 reasons, and the employer always had an
22 excuse. Now someone gets a conditional
23 offer of employment and that offer is
24 rescinded, and that gives us a moment,
25 and they tell them why it's rescinded and

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2 then we get to have that conversation,
3 what was the nature of the crime, when
4 did it occur, and what is the connection
5 to the job that you're looking for, as
6 well as all of the evidence of
7 rehabilitation that we're looking for
8 that might include college and higher
9 education.

10 COUNCILWOMAN GYM: Yes. And
11 thank you as well for sending that letter
12 of information and just a reminder about
13 the importance that we can't discriminate
14 against people.

15 But just out of curiosity
16 again, what is the number of
17 investigators in the Commission that
18 works on all of these cases as a whole
19 Commission?

20 MS. LANDAU: Eight.

21 COUNCILWOMAN GYM: Eight, okay.

22 MS. LANDAU: That's not our
23 discrimination cases as well. Those are
24 only the Ban the Box cases.

25 COUNCILWOMAN GYM: You have

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2 eight investigators on only Ban the Box?

3 MS. LANDAU: No. Eight
4 investigators who handle all of our
5 discrimination cases, employment,
6 housing, places of public accommodation,
7 and Ban the Box.

8 COUNCILWOMAN GYM: That's
9 right.

10 MS. LANDAU: A Fair Chance
11 Hiring now.

12 COUNCILWOMAN GYM: And, again,
13 I think you do heroic work for the number
14 of investigators that you have, but I
15 think it's clearly a clear responsibility
16 on our city end that we need to, as we
17 work on strengthening the civil rights
18 and protections for our residents and for
19 our young people, that we're clearly
20 going to have to expand enforcement. I
21 don't think it's so much on the end of
22 letting employers know. Many of them are
23 amongst our largest employers, and
24 certainly colleges and universities have
25 whole legal departments behind them. I

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2 think it's really our people who need to
3 know who are applying to colleges and
4 universities as well as advocates and our
5 other members, that City Council has
6 created a number of labor protections,
7 and we need to be able to hold many
8 people and institutions accountable for
9 them.

10 So I'm personally grateful for
11 all the work that you've done. I think
12 that there needs to be an important
13 conversation about how to expand
14 enforcement within our city and education
15 for a lot of our workers and communities.

16 MS. LANDAU: Great.

17 COUNCILWOMAN GYM: So thank
18 you.

19 COUNCILMAN JONES: Thank you,
20 Councilwoman.

21 The Chair recognizes Councilman
22 Green.

23 COUNCILMAN GREEN: Thank you,
24 Chairman Jones. You made a statement
25 earlier about Ms. Landau and her staff

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2 being a rock star. Since she went to
3 Temple University, I would say she was a
4 diamond.

5 COUNCILMAN JONES: I stand
6 corrected, Councilman. For the record,
7 let the record reflect she is a diamond,
8 not a rock star.

9 COUNCILMAN GREEN: We were in
10 the same class. I won't say how long ago
11 that was, but we just had a reunion on
12 Friday.

13 MS. LANDAU: Yes.

14 COUNCILMAN GREEN: I'm curious
15 in reference to -- I know the work of the
16 Commission on Human Relations is more an
17 investigatory body, but in doing the
18 investigations you're doing and also the
19 work you've done in reference to Ban the
20 Box, I'm curious have you thoughts in
21 reference to how it's impacted the
22 poverty in the City, how it has enabled
23 more people to be hired who may not have
24 been hired?

25 One of the concerns I've had

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2 historically with these type of measures
3 is that under our federal Constitution,
4 you're not supposed to be penalized twice
5 for one crime, and once someone has done
6 their time and have served their time in
7 reference to the Commonwealth and federal
8 government, they should not have to
9 continue to live with that thing going
10 forward, and the Ban of Box has always
11 been one of those type of things that has
12 that stigma when you have those type of
13 initiatives. And so having the Ban the
14 Box legislation that came about through
15 Councilwoman Donna Reed Miller I think
16 helps to address that.

17 So I'm curious from your
18 perspective how it's impacted things in
19 the City from a poverty perspective,
20 especially in reference to hiring.

21 MS. LANDAU: So I can only
22 speak in terms of the cases that we have
23 that come to our office, but they are
24 extremely successful and have been since
25 the first rendition of the law. It was

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2 very easy when employers didn't know
3 about the law. We would just tell
4 them -- we'd basically send them a letter
5 and give them a warning, take this
6 question off your application, and they
7 just did it 99.9 percent of the time.
8 They changed software in their computers.
9 They would go to their national offices,
10 the corporate offices, to start getting
11 that change made. They would make it
12 sometimes just for Philadelphia, and then
13 you had the large corporations like
14 Target who took it off for the entire
15 country.

16 But we don't always know the
17 details in the private settlements of our
18 cases. When we sometimes were a party to
19 them, sometimes when we mediate them, and
20 especially if we found probable cause in
21 a case, we certainly absolutely know the
22 terms of the settlements, but oftentimes
23 most of the times when the cases are
24 settling, they're settling on favorable
25 terms, which would either include money

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2 and benefits to people or they actually
3 got the job, which is oftentimes what
4 people wanted.

5 Again, sometimes these are
6 employers who don't know about the law.
7 Sometimes they did know about the law and
8 were trying to skirt them, and each case
9 is different. But this is highly, highly
10 successful and, again, the barriers that
11 we've put -- not barriers. The steps
12 that we've put in place now where you
13 have to give the conditional offer of
14 employment first has made it so clear,
15 it's a much easier law to enforce than --
16 our discrimination cases come in
17 oftentimes with someone tells us their
18 allegations, the employer tells a
19 different side of the story, you have to
20 do a large investigation, witnesses,
21 documents. It takes a long time to try
22 to put pieces of a puzzle together to
23 figure out what really happened here.
24 Ban the Box -- Fair Chance Hiring is so
25 much more clear for us now, and it's so

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2 clear and so easy that it makes it that
3 it's very successful.

4 So to the extent that getting
5 people jobs and/or giving them a large
6 amount of money and allowing them to go
7 on armed with knowledge that they need
8 for the next job to get another job, to
9 the extent that that's helpful to
10 alleviate poverty, I'd say we're doing
11 pretty well.

12 COUNCILMAN GREEN: One other
13 quick follow-up. This may come from your
14 conversation with colleagues in other
15 cities that may have similar legislation.
16 Have you seen any similar dynamics what's
17 happened in those jurisdictions that's
18 also happening here in Philadelphia?

19 MS. LANDAU: Philadelphia has
20 got one of the best laws. We always --
21 we talk to our -- nationally we talk to
22 our colleagues about that all the time.
23 Baltimore, in fact, just basically took
24 all our law, took our information and
25 copied everything and just put their

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2 logos on it, and we were happy to share
3 that with them once we found out they
4 took it from us. We were very happy to
5 have them do that as well.

6 We are -- I might need a little
7 cheat sheet behind me, but basically what
8 I do know is that we have one of the
9 strongest laws and that other people are
10 trying to strengthen their laws to follow
11 us. But it's a pretty successful
12 venture. This is not -- it used to be
13 taboo to talk about this. It is not
14 taboo anymore. And when we first -- when
15 the law was first passed in 2011,
16 employers didn't want to admit that they
17 were hiring people with records, and I
18 feel like that stigma is going away very
19 fast. In fact, people get to proudly
20 promote they're doing this, because they
21 know it's the right thing in
22 Philadelphia, especially with so many
23 people with criminal records.

24 COUNCILMAN GREEN: I was going
25 to ask about best practices from other

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2 cities, but it seems like we're providing
3 the best practice here, so I will end my
4 questions with that.

5 Thank you, Mr. Chair.

6 COUNCILMAN JONES: Thank you
7 very much.

8 So I'm going to let you go,
9 because I understand you have obligations
10 at home.

11 MS. LANDAU: Yes.

12 COUNCILMAN JONES: So we thank
13 you for taking the time and doing that.

14 I just want everyone to know
15 for the record, in the second rendition
16 of Ban the Box, there was some dicy
17 language that, quite frankly, my
18 political courage meter and between you,
19 CLS, and the Prison Society, they would
20 not let me out of my office. I mean,
21 literally not let me out until we
22 straightened that out, and I'm forever
23 grateful for that. And so take care of
24 your kids.

25 MS. LANDAU: Thank you so much.

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2 I'll leave my Deputy Director, Pam
3 Gwaltney, and Karen Forman will be here
4 throughout if you need them. Okay?
5 Thank you.

6 COUNCILMAN JONES: Thank you.

7 We usually let the whole panel
8 go first, but she has some obligations at
9 home. So bring the mic to you, state
10 your name for the record, and please
11 begin your testimony.

12 MS. GULLEN: Good afternoon.

13 My name is Jamie Gullen. I'm a
14 Supervising Attorney in the Employment
15 Unit at Community Legal Services and I
16 also co-lead CLS's Youth Justice Project.

17 The Employment Unit at
18 Community Legal Services has been at the
19 forefront of advocating for the rights of
20 people with criminal records for decades.
21 Every year we represent over 1,000
22 low-income Philadelphians who are
23 struggling to access employment
24 opportunities because of a record. Many
25 of our clients are desperate to find any

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2 job, entry-level, minimum wage, but we
3 know at the end of the day, that
4 entry-level minimum wage job are not
5 enough. Our clients and people all over
6 Philadelphia need and deserve access to
7 the education and training that will
8 allow them to have careers that pay
9 living wages so that they can support
10 themselves and their families with
11 dignity.

12 That is why CLS is here today
13 with all of our partners calling on
14 Philadelphia area colleges and
15 universities to end educational
16 discrimination against people with
17 records by banning the box on their
18 applications, ending the practice of
19 asking about prior criminal histories.
20 We are asking Philadelphia City Council
21 to help us in encouraging colleges and
22 universities to ban the box.

23 The Common Application, which
24 is a centralized process through which
25 applicants can apply to many schools at

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2 once, just recently announced that it is
3 ending its practice of asking about
4 criminal histories on the Common
5 Application. This was a huge victory
6 that only came about because of the
7 tireless efforts of advocates around the
8 country, many of whom are here today.
9 But now the ball is really in the court
10 of the local area colleges and
11 universities, who each, one by one, will
12 make a decision about whether they're
13 going to continue this practice of asking
14 about prior records. So it's even more
15 important that we're here today asking
16 our local area colleges and universities
17 to step up and end this practice.

18 This practice is problematic in
19 multiple ways. First, it's very unclear
20 how information disclosed on college
21 applications is actually being used. A
22 study conducted among New York colleges
23 found that fewer than half of the schools
24 that collected criminal record
25 information had any sort of policies in

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2 place about how that information would be
3 reviewed. And 60 percent of colleges
4 provided zero training to admissions
5 officers about how to review and evaluate
6 criminal records information.

7 Three-quarters of colleges that collected
8 the information used it in making
9 decisions about admissions, and
10 one-quarter had absolute automatic bars
11 that prevented people with certain types
12 of records from being admitted.

13 Because the admissions process
14 is a bit of a black box, it's impossible
15 to know exactly how our Philadelphia area
16 schools are evaluating this information,
17 but we call upon Philadelphia area
18 colleges and universities to release
19 whatever information they do have
20 regarding their policies, training
21 protocols, and admissions outcomes for
22 individuals who disclose a prior criminal
23 record on an application.

24 In addition to the outright
25 denials, just asking about whether

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2 somebody has a record on a college
3 application has a deterrent effect on
4 students completing that application in
5 the first place. A study among the State
6 University of New York system, or SUNY
7 system, found that when somebody checked
8 the box saying they had a prior felony
9 conviction, 62 percent of people who
10 checked that box did not actually end up
11 completing the application. This is
12 called felony application attrition, and
13 it particularly impacts applicants of
14 color who, because of racial bias in our
15 system, are more likely to have a record.
16 Because of the discriminatory and
17 detrimental impact that was found from
18 the SUNY system asking this question,
19 SUNY removed its questions from its
20 application starting in 2018.

21 In a city like Philadelphia
22 that has the highest poverty rate of any
23 big city in the country, this issue is
24 even more critical than it was in New
25 York. It's estimated that 500,000

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2 Philadelphians have some kind of prior
3 record. Philadelphia also has one of the
4 highest rates of mass incarceration of
5 any big city in the country. A recent
6 study found that had mass incarceration
7 not occurred between 1980 and 2004, the
8 poverty rate would be 20 percent lower
9 today. So if Philadelphia is serious
10 about reducing its poverty rate,
11 ameliorating the impact of mass
12 incarceration on its residents must be a
13 top priority. Because of the higher
14 wages associated with higher education,
15 ending educational discrimination for
16 people with records is critical to this
17 effort.

18 Moreover, education is one of
19 the most effective ways to prevent
20 individuals from returning to prison.
21 Individuals who engaged in some kind of
22 educational programming or training were
23 43 percent less likely to return to
24 prison, and had employment rates up to 28
25 percent higher upon release. So if

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2 Philadelphia is serious about ending mass
3 incarceration, ending educational
4 discrimination and increasing access to
5 education both inside and outside of
6 prison is critical.

7 Colleges and universities have
8 justified their discriminatory practices
9 by claiming that criminal record
10 screening is important for campus safety.
11 While screening for prior records may
12 seem like an easy way to accomplish this
13 noble goal, it is unfortunately
14 ineffective. One study found that 96
15 percent of college seniors who had
16 engaged in some kind of misconduct on
17 campus had no prior criminal records.
18 Another study showed that crimes on
19 campus are often committed by students
20 with no records and are more likely to
21 be --

22 COUNCILMAN JONES: Repeat that
23 again.

24 MS. GULLEN: Ninety-six percent
25 of college seniors who were found to have

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2 engaged in misconduct on campus had no
3 prior criminal record. Another study
4 found that people who committed offenses
5 on campus were much more likely to be
6 associated with binge drinking, Greek
7 life, and college athletics and were not
8 likely to have a prior criminal record.

9 That is why a notable national
10 survivor-led organization called Know
11 Your IX that empowers students to end
12 sexual violence on campus supports this
13 campaign to ban the box on college
14 campuses.

15 Recent research also shows that
16 individuals with records may actually be
17 more likely to succeed when they're given
18 an opportunity than those without
19 records. A study of individuals with
20 records who enlisted in the military
21 showed that those who had prior records
22 were actually promoted more quickly and
23 to higher ranks and were no more likely
24 to leave for poor performance than other
25 enlistees. So we must hold local

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2 colleges and universities accountable to
3 be basing their admissions policies in
4 evidence-based practices rather than
5 falling back on tired stereotypes about
6 people with prior records.

7 We must also look to leaders
8 like Community College of Philadelphia,
9 CCP, who are demonstrating that inclusion
10 works. The Vice President for Academic
11 and Student Success at CCP, Dr. Samuel
12 Hirsch, has explained why CCP does not
13 screen for criminal records on its
14 application, stating "Community College
15 of Philadelphia strongly supports open
16 access to higher education because it
17 serves as the foundation for strong,
18 prosperous communities. Individuals who
19 have paid their debt to society and
20 served their sentence deserve a chance to
21 fully develop the academic abilities that
22 will enable them to contribute in
23 meaningful ways across the City. With
24 more than a quarter of local residents
25 currently living below the poverty line,

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2 there is a pressing need to educate even
3 greater numbers of Philadelphians."

4 CCP's Reentry Support Project
5 is a model in not only accepting people
6 with prior records but supporting them so
7 that they can be successful in achieving
8 their goals. We need more of our local
9 colleges and universities to step up and
10 be leaders alongside CCP so that people
11 have an option when they complete their
12 degree at CCP to go on and obtain a
13 four-year degree.

14 Philadelphia is full of
15 motivated and capable individuals with
16 prior records who will become the future
17 leaders of our city if they're given the
18 chance. Rather than block their
19 potential and miss out on their badly
20 needed contributions, Philadelphia area
21 colleges and universities should adopt
22 best practices and remove questions about
23 juvenile and criminal records from their
24 applications. This simple change will
25 not impact campus safety, but it will

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2 open the door to opportunity to countless
3 people who will further their educations
4 and careers while enhancing the diversity
5 and vitality of our campuses,
6 communities, and our city as a whole.

7 Thank you to Councilman Jones
8 and to City Council for holding this
9 hearing today and inviting us to speak on
10 this issue of great importance to our
11 city.

12 COUNCILMAN JONES: Thank you so
13 much for your testimony.

14 Would you now proceed, and then
15 we'll ask questions afterwards.

16 MS. JOHNSON: Thank you. My
17 name is Tracie Johnson and I am the Equal
18 Justice Works Fellow sponsored by
19 Greenberg Traurig in the Employment Unit
20 at Community Legal Services. Thank you,
21 Councilman Jones and the rest of City
22 Council, for the opportunity to testify
23 before you today about the urgent need to
24 ban the box on college applications and
25 why doing so is necessary for our city,

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2 our young people, communities of color
3 and, more increasingly, for women.

4 As a legal intern at CLS and
5 now as a Fellow, I have done extensive
6 research on the criminal records
7 screening policies at a variety of
8 Philadelphia area colleges and
9 universities. I have found that when an
10 applicant answers affirmatively to the
11 criminal records question, the college
12 admissions committee at a given school
13 will often review the record, ask
14 applicants to complete supplemental forms
15 or come in for additional interviewing.
16 As you can imagine, this additional
17 process can cast serious doubts on an
18 applicant's own belief about their
19 ability to be admitted into college and,
20 as such, applicants can become fearful of
21 being rejected and decide not to complete
22 their application and basically
23 self-select out.

24 None of the schools surveyed in
25 my research have data on the attrition or

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2 denial rates of applicants who answer
3 affirmatively to the criminal records
4 question. However, the State University
5 of New York, SUNY, conducted a study
6 looking at the attrition rates for
7 applicants with felonies on their
8 criminal record. The study revealed that
9 each year 2,924 applicants check the box
10 disclosing a felony conviction. Of those
11 applicants, 1,828 do not complete the
12 application. Colleges and Community
13 Fellowship, a non-profit dedicated to
14 helping women with criminal convictions
15 earn college degrees, reports that two
16 out of three people that start a college
17 application and select yes to the
18 question regarding criminal history do
19 not finish the application. This
20 evidence is a huge barrier to accessing
21 higher education for people with criminal
22 records.

23 Asking about criminal records
24 on college applications has a
25 disproportionate impact on young people

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2 of color. Due to inequities such as the
3 over-policing of black and brown
4 neighborhoods and the alarming rate at
5 which students of color are funneled into
6 the criminal justice system because of
7 school discipline issues, young people of
8 color are particularly likely to have
9 juvenile or criminal records. Black
10 youth are 3.64 times more likely to be
11 arrested and prosecuted in juvenile court
12 in Philadelphia than their white peers.
13 Black youth make up only 13.4 percent of
14 the youth population, but accounted for
15 45.5 percent of juvenile arrests. Black
16 young adults aged 18 to 24 in
17 Pennsylvania account for 31.6 percent of
18 arrests, while older black adults account
19 for 26.8 arrests.

20 Now, given the racial bias and
21 inequity that exists throughout the
22 criminal justice system, asking about
23 criminal records on college applications
24 has civil rights implications. Title VI
25 of the Civil Rights Act of 1964 prohibits

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2 entities, including schools that receive
3 federal funding, from discriminating on
4 the basis of race, color or national
5 origin. Asking about criminal records on
6 applications is a practice that
7 disproportionately causes young people of
8 color to opt out of applying to college
9 or suffer rejection due to their criminal
10 records. There is no justification for
11 asking about criminal history on college
12 applications, especially given its
13 exclusionary impact.

14 To be sure, there is no
15 research indicating that screening for
16 criminal records on college applications
17 or turning away applicants with criminal
18 records make colleges any safer.
19 Research does show that opening the doors
20 to higher education for applicants with
21 records makes society safer. College and
22 Community Fellowship reports that 66
23 percent of incarcerated non-degree
24 earners nationwide are likely to return
25 to prison within three years of their

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2 release. The likelihood drops to 5.6
3 percent for Bachelor degree recipients
4 and less than 1 percent for Master degree
5 recipients. Therefore, asking about
6 criminal records on college applications
7 shuts out scores of young people, women,
8 and people of color with criminal records
9 without any legitimate justification.

10 Through my fellowship work, I
11 examined the ways in which criminal
12 justice issues have an intersectional
13 impact on the lives of young women of
14 color. Women are the fastest growing
15 demographic in the prison population, in
16 part due to the failed war on drugs.
17 Black women in particular are now as
18 likely to be incarcerated as white men.
19 Over two-thirds of incarcerated women are
20 also mothers, and many are the sole wage
21 earners in their families. As such,
22 women are increasingly suffering the
23 consequences of having a criminal record.
24 I have had the privilege of working with
25 smart, ambitious women who are denied

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2 access to meaningful and gainful
3 employment because of their record.
4 Being excluded from higher education adds
5 to that employment barrier, keeping women
6 trapped in low-wage jobs.

7 I work with women who aim to
8 become teachers, nurses, and small
9 business owners. I work with women who
10 are mothers and the primary caretakers of
11 their families. Banning the box on
12 college applications will help young
13 women of color I work with attain an
14 education that will afford them access to
15 meaningful high-growth work, which will
16 ultimately help them provide for
17 themselves and their families that depend
18 on them, thus breaking the cycle of
19 intergenerational poverty.

20 I testify before you today in a
21 very hopeful spirit. I am hoping that
22 City Council will help us bring attention
23 to this important issue. I also hope
24 that communities that care about this
25 issue feel the tide changing, because it

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2 was our collective work that helped put
3 pressure on the Common Application to
4 drop the question from their application.

5 And I also hope that Philadelphia area
6 colleges and universities will follow
7 suit and drop the question from their
8 respective applications. And my very
9 sincere hope is that applicants who are
10 paying attention to this work feel
11 supported and more confident applying to
12 colleges and pursuing their dreams.

13 Again, thank you, Councilman
14 Jones and City Council, for inviting me
15 to speak today about an issue that's
16 really dear to my heart.

17 COUNCILMAN JONES: Thank you
18 for your testimony, and I'm going to give
19 the mic to Councilman Green first and
20 then Councilwoman.

21 COUNCILMAN GREEN: Thank you,
22 Mr. Chair.

23 Thank you both for your
24 testimony and for the work that Community
25 Legal Services is doing in this area.

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2 The first question, have you
3 had any conversation with any of the
4 local colleges and universities? I know
5 you mentioned CCP, but I'm curious about
6 some of the other colleges and
7 universities in response to this inquiry.

8 MS. JOHNSON: Yes. So in my
9 research, I have been reaching out to
10 colleges and universities. I have
11 reached out to University of
12 Pennsylvania, Temple, and LaSalle and
13 left messages for Drexel and Philadelphia
14 University. So so far no college has any
15 information about denial rates or
16 attrition rates, and they just have
17 really different policies about what
18 they're going to do moving forward now
19 that the Common Application has dropped
20 the question. I know University of
21 Pennsylvania does plan to still ask about
22 the question through supplemental forms,
23 and LaSalle and Temple have said that
24 they will not follow through with
25 supplemental forms if asked about -- if

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2 they get an application through the
3 Common App that doesn't ask about the
4 question, but that still doesn't mean
5 that they're not going to drop it from
6 their own personal application.

7 So I have spoken with, I would
8 say, three Philadelphia area colleges and
9 universities and will continue to reach
10 out to others and see what happens once
11 this new cycle of Common Apps come
12 through.

13 COUNCILMAN GREEN: The reason I
14 ask the question, because as I reflect on
15 the original Ban the Box legislation done
16 in Council in 2011 and then the Fair
17 Chance Hiring law in 2015, that, the
18 especially the latter legislation, could
19 be a model for those institutions, that
20 once an applicant is accepted, then do
21 some type of check if you feel you need
22 to do so after the acceptance. Because
23 that's not -- one, it takes the stigma
24 and discriminatory aspects of having that
25 on the application and, two, if you feel

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2 there's a need to or there's a process,
3 you can do that in your interview
4 selection process or just application
5 process. You can do a background check
6 after the committee made some initial
7 decision of granting acceptance to the
8 school. Because I agree with you in your
9 perspective that people may be
10 discouraged in applying when they see
11 that type of information request on an
12 application and thinking they will not
13 get accepted anyway, so why complete the
14 application.

15 And I guess from my experience
16 going through the admission process, both
17 through undergraduate and also law
18 school, ultimately what I think an
19 admission officer is trying to do is
20 identify someone that she or he will be a
21 good fit for the school, and someone that
22 has gone through some type of life
23 experience, especially when you think
24 about the college essay process and
25 others, those who have been able to go

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2 through a life experience have come out
3 of that a different person and is able to
4 say this is something I did and I've been
5 able to achieve and now I'm here trying
6 to enhance myself through education, are
7 the type of people that you probably
8 would want in your school. And when you
9 have something on your application that
10 basically sends a red flag or a red light
11 to a potential applicant, well, you may
12 not get accepted, you shouldn't come,
13 that's not allowing not only the school
14 to benefit from potential applicants who
15 could be prominent alumni when they
16 finish, but also it's robbing the student
17 population of other people that could be
18 part of that population that they also
19 can learn from. Because college is not
20 just an opportunity for individuals to
21 learn from a professor, but also from
22 individuals to learn from each other as
23 well as professors. And I think using
24 the Fair Chance Hiring law could be a
25 model for colleges and universities that

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2 if you feel you need to do some type of
3 investigation, that should be done after
4 the application process occurred and when
5 an initial acceptance has been made.

6 So thank you.

7 COUNCILMAN JONES: Councilwoman
8 Gym.

9 COUNCILWOMAN GYM: Thank you
10 very much, Mr. Chair.

11 And, again, I just want to
12 acknowledge the tremendous work that CLS
13 has done in this area. We're incredibly
14 grateful. Earlier we were talking a
15 little bit about how Commissioner Landau
16 is a rock star, but I want to emphasize a
17 rock is here, like as in like stalwart,
18 sticking with it, not just entering and
19 exiting stage and rocking it, but just
20 staying with us as incredible partners as
21 we try to work through the complicated
22 areas in which really discriminatory
23 practices can find their way through
24 maybe not the most overt ways in which
25 these things happen, but through the

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2 really insidious ways in which like Ban
3 the Box and criminal justice records can
4 have on and disciplinary records actually
5 can have on future opportunities.

6 So a couple of questions are,
7 do you -- we've been doing a lot of work
8 obviously together as well on the
9 juvenile justice front. Do you have a
10 sense of how high school disciplinary
11 records can be used against college
12 applicants? Like is it the same thing
13 as -- I know the Ban the Box thing is not
14 like particularly sophisticated here. So
15 can high school disciplinary records be
16 used against applicants in colleges as
17 well and how?

18 MS. GULLEN: Yes. The Common
19 Application actually when it came out
20 recently to say we're going to stop
21 asking about criminal histories on the
22 Common Application, they explicitly
23 stated they were not banning the box, so
24 to speak, for student disciplinary
25 records. The reason they put forth was

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2 that there was more consistency about how
3 that information was being disclosed and
4 used, and so they didn't feel the same
5 urgency around dropping that question
6 from its application.

7 So unfortunately student
8 discipline history is still going to be
9 asked on the Common Application, whereas
10 the criminal history question will be
11 left up to the individual schools. And
12 at least at all of the applications I
13 believe we've looked at for individual
14 schools that either have their own
15 application in addition to the Common App
16 or just have their own applications, they
17 ask both about criminal history and about
18 prior disciplinary records. And I would
19 say it's the same kind of black box
20 situation, where people don't really know
21 how that information is being used
22 because schools are not keeping data on
23 that, may not have policies on that, may
24 not train their admissions staff about
25 how to view that, and especially with

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2 issues that Tracie referenced with the
3 school-to-prison pipeline, we know that
4 that is another barrier. So that is
5 something that needs to be continued to
6 be part of this conversation as well.

7 COUNCILWOMAN GYM: And I really
8 do want to thank both of you, but
9 especially Ms. Johnson for like
10 articulating out so clearly the racial
11 implications of how this impacts
12 especially our young women, but of course
13 our black men and boys especially. And I
14 think you touched on this already, but
15 you've just noted it's like a lack of
16 knowledge, if not some level of
17 ignorance, on behalf of admissions staff
18 at these universities about what the
19 responsibilities are and certainly about
20 the nuances. Could you just speak a
21 little bit more to what your
22 understanding has been about how well
23 admissions staff are even -- I mean, I'd
24 like to know how well they're trained,
25 but are they even aware or conscious of

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2 some of these concerns that you're
3 raising as well?

4 MS. JOHNSON: So basically from
5 the conversations that I've had with
6 schools, Philadelphia area colleges and
7 universities, once that question is
8 affirmatively answered, there's an
9 additional review process, and so they're
10 just putting an extra set of eyes on this
11 question in particular.

12 From the admissions folks that
13 I've talked to, they said they still
14 consider all of this information along
15 with the student's academic record. From
16 one woman, I think it was the woman who
17 works at LaSalle, they said they look at
18 whether it was -- how serious their
19 record may be. And, again, just given
20 like the research that Jamie testified
21 to, which is the training that people
22 have about what they can consider -- what
23 considerations they make and their
24 understanding of how people come to be
25 involved with the criminal justice

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2 system, I will argue that -- I don't have
3 research on how all of that type of
4 necessary skill is applied to reviewing
5 the criminal records question, but I do
6 understand, as Councilman Green said,
7 they want to see how students are going
8 to be a good fit, but I don't know
9 particularly about what type of training
10 is being done at Philadelphia area
11 colleges and universities.

12 COUNCILWOMAN GYM: And no one
13 has asked you to do a training for them
14 or anything?

15 MS. JOHNSON: No, although I
16 would love to.

17 COUNCILWOMAN GYM: I'd love for
18 you too as well.

19 So I think those are very
20 helpful. I'd love to keep working with
21 you on that. Your recommendations for us
22 are extremely helpful and important. I
23 know right now we're having a national
24 discussion in our federal courts about
25 affirmative action. As an Asian

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2 American, I am firmly in support of
3 affirmative action. I also like to point
4 out that anyone being denied a place
5 because of merit is likely denied a place
6 because of legacy admissions, and these
7 are just the ways in which young people
8 who should always see college as a time
9 of opportunity often see things being set
10 up in ways in which certain classes of
11 individuals can get access to an elite
12 college or university through the legacy
13 admissions -- it's actually been called
14 that -- while others are completely
15 seeing doors shut down simply because of
16 what we know to be pretty discriminatory
17 actions that happen through the
18 disciplinary and criminal justice
19 process.

20 So I really want to thank CLS,
21 both of you, all of our advocates for
22 raising your voices and shining a light
23 on it, because it's really going to have
24 to be a major change in how we look at
25 these practices and undo them.

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2 So thank you.

3 MS. JOHNSON: Thank you.

4 COUNCILMAN JONES: Thank you,
5 Councilwoman.

6 Are there any other questions
7 for this -- Councilwoman Blackwell.

8 COUNCILWOMAN BLACKWELL: Thank
9 you.

10 Thank you both.

11 Ms. Johnson, did you say
12 that -- you said you visited various
13 colleges and/or universities.

14 MS. JOHNSON: So I didn't
15 visit. So through Penn, it was an e-mail
16 exchange about their policies, and with
17 Temple and LaSalle it was a phone
18 conversation. And so I have been -- and
19 I reached out to Philadelphia University
20 and Drexel University. So I've been
21 trying to begin having those
22 conversations about their policies,
23 informing schools about the Common
24 Application dropping the question and
25 wanting to know what they would do now

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2 that the question has been dropped,
3 whether they use supplemental forms, ask
4 for additional interviewing, and what's
5 their stance on dropping the application,
6 and so far every school has said as of
7 now they do not plan to drop the question
8 from their application.

9 COUNCILWOMAN BLACKWELL: None
10 of those colleges or universities plan to
11 drop it?

12 MS. JOHNSON: None of them. At
13 least none of the schools that I have
14 spoken to and had a conversation with. I
15 plan to talk with more schools also, but
16 none of them have plans to drop the
17 question from their application.

18 COUNCILWOMAN BLACKWELL: Thank
19 you.

20 COUNCILMAN JONES: Thank you,
21 Councilwoman.

22 I do know that this is a
23 resolution, not an ordinance. We want to
24 create a public record, and what we are
25 doing, along with the Human Relations

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2 Commission, is formulating a letter
3 requesting that they consider this, and I
4 would imagine subsequent dialogue between
5 advocacy groups and the universities will
6 ensue.

7 We're going to take an action
8 step, and sometimes debunking fact from
9 fiction is a step in the right direction.
10 Other times letting people know that this
11 is in many cases a city and regional and
12 national asset that we depend on to
13 produce educated individuals in a diverse
14 way, without discriminating, and then
15 we're going to push that point.

16 So seeing no more questions,
17 thank you for your testimony, and we
18 appreciate your advocacy.

19 MS. JOHNSON: Thank you.

20 MS. GULLEN: Thank you.

21 COUNCILMAN JONES: Ms.

22 Williams?

23 THE CLERK: Yes.

24 COUNCILMAN JONES: Do you have
25 the next witnesses to testify?

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2 THE CLERK: Mary Baxter, Jym
3 Baker, and Sage Carson.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN JONES: Thank you
7 guys for your patience. Please approach
8 the witness table. And do you have
9 handouts there? Are those handouts?

10 MR. STRANDQUIST: No.

11 COUNCILMAN JONES: Okay. Just
12 checking.

13 Welcome.

14 MR. BAKER: Good afternoon.

15 COUNCILMAN JONES: Have a seat,
16 pull the mic to you, state your name for
17 the record and please begin your
18 testimony.

19 MS. CARSON: Hello. My name is
20 Sage Carson and I am the manager of Know
21 Your IX. I am here today to represent
22 Know Your IX, a survivor and youth-led
23 project of advocates for youth that works
24 to rescue survivors and empower students
25 to end sexual violence in schools.

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2 As survivors whose experiences
3 with sexual violence had detrimental and
4 lasting impacts on our education, we are
5 deeply concerned by current approaches to
6 juvenile and criminal records that bar
7 access to education. And as an advocate
8 who works to ensure all students have
9 access to education, we are particularly
10 concerned by the discriminatory effects
11 of current approaches to juvenile and
12 criminal records on students of color.

13 Sexual violence is an epidemic
14 on college campuses. About one in five
15 women and gender non-conforming people
16 will be assaulted while they are
17 students. And as survivors who have
18 experienced this violence firsthand, we
19 are invested in the safety of students on
20 campus.

21 However, we also know that
22 asking about criminal records is not a
23 solution, particularly when the vast
24 majority of assaults on campuses are
25 perpetuated by people without criminal

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2 records. Furthermore, many survivors,
3 including myself, were assaulted by
4 privileged men without a criminal record,
5 and holding folks with criminal records
6 to different standards will do little to
7 hold these privileged perpetrators of
8 sexual violence accountable.

9 If schools are concerned about
10 safety and educational opportunities for
11 survivors, they should move to provide
12 survivors with various procedural
13 protections, provide students with access
14 to crisis counseling, and as well as
15 provide education on consent and alcohol.

16 Instead of keeping schools
17 safe, the practices of asking about
18 criminal history bars many survivors from
19 education altogether. Eighty-four
20 percent of girls in juvenile detention
21 have experienced family violence, and 90
22 percent of girls in juvenile systems
23 self-disclose trauma. Girls and
24 especially black girls are often referred
25 to the criminal legal system from schools

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2 who have been criminalized for their
3 behavior and those behaviors that are
4 common among those that experience
5 trauma, such as fighting with peers,
6 disrupting class, and talking back.
7 Girls are additionally criminalized for
8 acts of survival, such as running away,
9 truancy, and sex trafficking. Girls who
10 have faced trauma and sexual violence
11 should have the same rights to access to
12 education as other survivors.

13 As survivors who have fought
14 and depended on Title IX, which protects
15 students' access to education after
16 experiencing discriminatory gender
17 violence, we strongly support banning the
18 box proposals that safeguard students'
19 civil rights. Racial disparities are
20 documented in the arrest and prosecution
21 of every type of crime. In fact, the
22 criminal legal service is so pervasive in
23 the lives of black men that more black
24 men have spent time in prison than have a
25 college degree. Because of the overt

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2 racial disparities in the criminal legal
3 system, policies and practices that
4 screen for criminal backgrounds are not
5 racially neutral. As a result, these
6 practices violate Title VI of the Civil
7 Rights Act. They betray the principles
8 of the Civil Rights Movement, which
9 sought to expand higher education
10 opportunities for all.

11 Denying educational
12 opportunities to young people doesn't
13 make our communities any safer when
14 education has been proven to be one of
15 the most effective methods to reduce
16 recidivism. Policymakers must work to
17 dismantle legal and financial barriers
18 that bar people from access to education.

19 Instead of invoking survivors
20 in defense of discriminatory policies,
21 schools should ban the box and recognize
22 that once an individual serves out their
23 sentence, their punishment should end.
24 If schools feel the need to learn about a
25 student's criminal record in order to

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2 provide education support to that
3 student, that inquiry should take place
4 after a student has been admitted to the
5 institution.

6 Thank you.

7 COUNCILMAN JONES: Thank you
8 for your testimony.

9 And please begin yours. State
10 your name for the record.

11 MR. BAKER: My name is Jym
12 Baker, affectionately known as the other
13 Jim Baker, and I'll explain that a little
14 bit later.

15 COUNCILMAN JONES: Kind of
16 know.

17 MR. BAKER: I'm glad to be
18 here, and I thank you so much for having
19 me. I thank you, CLS, for allowing me to
20 give a testimony. This is my second time
21 this year being in front of you. I was
22 here earlier this year with President
23 Guy. We were talking about the reentry
24 program from CCP.

25 COUNCILMAN JONES: Yes. I

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2 remember.

3 MR. BAKER: And as always, it's
4 an honor and a privilege, Ms. Blackwell.
5 Your husband was my hero.

6 COUNCILWOMAN BLACKWELL: Thank
7 you.

8 MR. BAKER: I'm here, it's
9 bittersweet. I'm speaking on something
10 that I'm just now beginning to live
11 firsthand. I've been home for a little
12 bit over three and a half years after
13 being incarcerated, locked in a bathroom
14 for almost two decades. I came home,
15 anxious to begin to live and to educate
16 myself, because while I was in -- I got
17 incarcerated the late '90s, and during
18 that time -- I didn't come home until
19 2015. During that time, they took the
20 colleges out of the institutions, where
21 we were left to fend for ourselves, to
22 not only reeducate ourselves but
23 rehabilitate ourselves and to actually
24 find out and figure out what we wanted to
25 be when we grew up.

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2 I'm still doing that now, and
3 I'm happy to say that education was that
4 thing that not only freed me but it
5 empowered me. While I was upstate, I had
6 the privilege and the blessing to be
7 educated by most of the juvenile lifers
8 who is coming home now. They not only
9 showed us how to live behind the walls,
10 they showed us how to be responsible
11 adults.

12 So, again, it's bittersweet,
13 because I'm not just home to discuss
14 recidivism and to even campaign for
15 advocacy for rights, but I am my
16 brother's keeper, and restorative justice
17 is my middle name. I want to convince
18 men to be the men that they have all been
19 called to be.

20 So I affectionately call myself
21 the other Jim Baker because I'm a
22 self-proclaimed minister. I don't
23 believe I need any education from a
24 college book to be a minister. In fact,
25 my faith tells me and what Paul tells me,

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2 that I am called to reconcile those that
3 have been reconciled. So I know that
4 this ministry that I've started now has
5 got a purpose and a plan, and that
6 purpose is to educate every black man,
7 young and old, because I am an old dog
8 that has been taught a new trick.

9 I came home in my 50's after
10 being incarcerated in my 30's and I'm,
11 again, not bitter, but I'm excited about
12 showing others how to live, because I've
13 now learned how to die to self -- to live
14 for others.

15 So education has been my way of
16 not only coping. The reentry program at
17 CCP has showed me how to not only
18 transition academically, but it showed me
19 how to socially get back in to good
20 graces with family, friends, and my
21 community.

22 I've started again the ministry
23 that I affectionately called MAD Boys
24 Ministries, and the acronym is Mature
25 Aggression with Dignity, meaning that

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2 we're allowed to be mad, as Paul says,
3 but we can't sin. So to be angry and sin
4 means that there's a whole lot of
5 obligation on the man to not only to
6 stand up for what he believes in, but to
7 be that same man in the face of
8 adversity.

9 So I figured this thing out.
10 Education is the key. I've been
11 campaigning with the Reentry Think Tank,
12 which is one of the many numerous
13 organizations that I've been graced and
14 pleased to be a part of. I'm a fellow
15 servant with the Reentry Think Tank, and
16 this past summer we have been campaigning
17 strong for this Ban the Box thing.

18 As I said, I've been home three
19 and a half years, and in that three and a
20 half years, I've graduated with honors
21 from CCP. I was scheduled to start
22 school this September at West Chester,
23 but found out what Ban the Box tastes
24 like.

25 I graduated with honors. They

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2 were excited about that. My essay they
3 said was exemplary, like I knew how to
4 put them words together, but once they
5 saw me check that box that I was a
6 convicted felon, they've been dragging
7 their feet ever since. Not only that,
8 but my three other cohorts and colleagues
9 that were accepted also for the
10 application process, which meant that we
11 had to interview, we were all called to
12 interview the same day and there was an
13 armed police officer in that room. I
14 myself, I suffer from PTSD from the
15 military. I was locked in missile silos
16 for sometimes eight days at a time. So
17 needless to say, me being incarcerated,
18 locked in a bathroom kind of triggered
19 some of that stuff. So when I came home,
20 I found out that cognitive behavior and
21 holistic treatments are not only good for
22 the goose, but it's good for the gander.
23 I've been showing men how to recapture
24 their life and to even dream again. So
25 education has been the key.

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2 So when we were sitting in the
3 room and the armed guard was in there,
4 the guy that went in before me freaked
5 out. He couldn't take it. He had to
6 leave. He was sweating, almost felt sick
7 to his stomach. So our mentor who was
8 with us told us that we was going to stop
9 that process, and because we stopped it,
10 we didn't say that we weren't going to do
11 it. We said we wanted to postpone it so
12 that we can prepare for it.

13 Once they found that out,
14 again, they've been dragging their feet
15 and doing all kinds of tricks and things
16 just to make it harder for us to get in
17 there.

18 But I thank my God that I got a
19 little resilience with this age, a little
20 fortitude in my pocket, that this isn't
21 going to stop me, and it isn't going to
22 stop me because I got to do this for
23 Pookie and Ray-Ray. Pookie and Ray-Ray
24 on them corners -- and a little side
25 note, I lost my mom this past February.

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2 So she wasn't able to see me walk down
3 the aisle, but it was a guy on the
4 corner, S, who had got killed two days
5 before me that I was convincing him that
6 if he would just go to school, he would
7 figure out what he wanted to be when he
8 grew up. So he had this plan to pop a
9 bottle of champagne with me, but I kept
10 telling him, yo, we can't be saying that
11 all loud, I'm on parole.

12 So when he passed, my mother
13 passed after, and it made it extremely
14 hard for me to graduate on time. But as
15 I said, I had to do it for others, not
16 just for myself. So once I did that, I
17 was a little proud as a peacock, but
18 still trying to figure out what the next
19 step is. Although I know what I like to
20 do, I know what I want to be when I grow
21 up, I still want help to find out and
22 figure out these things so that I don't
23 keep bumping my head or doing things
24 because I'm on parole or because it's
25 mandated or stipulated. I'm trying to

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2 regain not only my rights, but I'm trying
3 to regain my dignity too.

4 And so these things like Ban
5 the Box has really been a hurdle that has
6 been really hard to climb over. And I
7 live by this African proverb that I use
8 with my ministry, which says that if you
9 want to go fast, run by yourself, but if
10 you want to go far, run with others. So
11 I'm asking City Council, my cohorts, and
12 colleagues to come run with me, because I
13 want to go far.

14 Thank you.

15 COUNCILMAN JONES: Thank you so
16 much. I don't know Pookie, but I do know
17 Ray-Ray.

18 MR. BAKER: Right.

19 COUNCILMAN JONES: And I'm
20 sorry for what you're experiencing in
21 your next leg of your journey, but have
22 patience, because as we enlighten others,
23 doors open. I like to say that this
24 Council closes jails and opens
25 opportunities, and this is a step in the

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2 right direction to do that. We intend to
3 be as persistent and as patient as we
4 have to be to make change.

5 MR. BAKER: Thank you.

6 COUNCILMAN JONES: So we
7 appreciate you.

8 Councilwoman Blackwell and then
9 Councilwoman Gym.

10 COUNCILWOMAN BLACKWELL: Yes.

11 I would certainly like to say
12 that our doors are open. I'm right down
13 the hall. We're happy to be of
14 assistance. We've been around here for a
15 very long time, and it would be a
16 pleasure to try to work with you to help
17 you go where it is you would like to go.

18 MR. BAKER: Thank you.

19 COUNCILWOMAN BLACKWELL: Thank
20 you.

21 COUNCILMAN JONES: You haven't
22 spoken. Okay. We saved you.

23 MS. BAXTER: Thank you.

24 COUNCILMAN JONES: Wait a
25 minute. Councilwoman Gym, did you have

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2 a comment?

3 COUNCILWOMAN GYM: Yes, very
4 briefly.

5 I want to thank this panel
6 especially. Folks who are closest to the
7 pain have to be part of the solution, and
8 it's really -- we express a ton of
9 gratitude for you for sharing your
10 stories, Ms. Carson for being a survivor
11 and for speaking out for victims and
12 showing solidarity too as well. It's
13 deeply moving to all of us on Council,
14 and we're just very grateful for all of
15 you.

16 And I think one of the things
17 that I'm interested in is whether you've
18 seen any receptivity from higher
19 education. It doesn't have to be the
20 college or universities themselves, but
21 folks who are involved in higher
22 education to be part of the reentry
23 coalition that you've built out together.
24 Have you seen interest from folks who are
25 in and around higher education?

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2 MR. BAKER: It's hard to gauge
3 because when the lights are on, they nod
4 their heads, but you have to usually go
5 back and knock on the door again to see
6 if they're going to follow up those
7 things that they initiated.

8 COUNCILWOMAN GYM: Yeah. So
9 we'll keep looking for those folks, make
10 sure that they're at the table,
11 absolutely. I think among the things
12 that I tried to do on City Council is
13 work really hard with Community Legal
14 Services and others to make sure that we
15 completely close the possibilities of
16 asking about juvenile records in terms of
17 hiring, and certainly if we're closing
18 access to juvenile records, we should be
19 opening up doors of opportunities for
20 education. I mean, that's really what
21 it's all about. It's not just about
22 employers. It's also about all
23 opportunities for education. So we want
24 to see that happen, and I know the
25 Councilwoman as Chair of the Committee on

1 10/16/18 - PUBLIC SAFETY - BILL 180699, ETC.

2 Education, of course our great Chair of
3 Public Safety, Councilman Curtis Jones,
4 Jr., and myself as Chair of Children and
5 Youth are going to do everything we can
6 to be in partnership with you to make
7 sure that we see some advancement in this
8 area too.

9 Thank you.

10 MR. BAKER: Thank you.

11 COUNCILMAN JONES: Thank you,
12 Councilwoman.

13 Councilman Green.

14 COUNCILMAN GREEN: Thank you,
15 Mr. Chair.

16 I just wanted to just follow
17 up. Thank you, one, for your willingness
18 to testify and being an advocate and
19 being a light to others and sharing your
20 story and taking your walk on the path
21 that you've been doing so.

22 In reference to -- it was at
23 West Chester -- and I just want to make
24 sure I understand for the record -- that
25 you have been accepted?

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2 MR. BAKER: I've been accepted
3 for the next steps. I do have an
4 interview and then a follow-up interview.

5 COUNCILMAN GREEN: Now, is that
6 the normal part of the application
7 process, that you would submit an
8 application and then have an interview?

9 MR. BAKER: I had no idea up
10 until now, but the irony and the grace in
11 this is that my student financial aid is
12 still good at Community. So the classes
13 I was going to take there are cheaper at
14 Community, so I'm still on that path.

15 So September is the start date,
16 knock on wood, but if it doesn't come
17 through, I'm not going to stop. I'm
18 going to keep knocking on that door and
19 probably go to another college in the
20 meantime.

21 COUNCILMAN GREEN: So your
22 interview is coming up?

23 MR. BAKER: Yes.

24 COUNCILMAN GREEN: And you're
25 interviewing with either the provost or

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2 assistant dean of admissions?

3 MR. BAKER: Admissions.

4 COUNCILMAN GREEN: Admissions,
5 okay. And so they basically acknowledge
6 to you that your academic work at
7 Community College of Philadelphia has
8 been exemplary, great opportunities,
9 great things, but they still have this
10 concern that they have in reference to
11 you being a student in their university?

12 MR. BAKER: Yes.

13 COUNCILMAN GREEN: Okay. And
14 in your application package, did you have
15 letters of recommendation, other things
16 that were included with that, either from
17 Community College of Philadelphia or from
18 other individuals or organizations?

19 MR. BAKER: Well, I'm glad you
20 asked that. I'm going to revise it now,
21 because the Vice President of CCP wants
22 to put some more stuff in there.

23 COUNCILMAN GREEN: That's what
24 I was going to suggest. Because I would
25 think that considering --

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2 MR. BAKER: Start cashing in
3 some of my favors.

4 COUNCILMAN GREEN: We must be
5 thinking alike. I was thinking that
6 because of what you've been able to do at
7 CCP, that I would think that either
8 someone in the hierarchy of that
9 institution could send a letter of
10 recommendation or even make a phone call
11 on your behalf to West Chester
12 University, because just like other
13 colleges and universities, CCP sends
14 students to West Chester, just like they
15 send students to Temple and other
16 universities and colleges. So they would
17 have a perspective on the type of
18 student, the caliber of student that's
19 going to be successful at this
20 university, and it's clear based on your
21 academic record and your standing at
22 Community College of Philadelphia you've
23 met that threshold and some. So I would
24 hope that Community College of
25 Philadelphia will be able to make that

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2 entree on your behalf to the leadership
3 of West Chester University, saying that
4 this is the type of person that really
5 should be in your university because he
6 can make a demonstration to other
7 students about what life is about and how
8 you can be a successful leader on campus.

9 MR. BAKER: Thank you.

10 COUNCILMAN GREEN: Thank you.

11 COUNCILMAN JONES: Thank you,
12 Councilman.

13 Young lady, would you state
14 your name for the record and begin your
15 testimony.

16 MS. BAXTER: Yes. Good
17 afternoon. My name is Mary Enoch
18 Elizabeth Baxter. I'm a mother,
19 musician, artist, criminal justice reform
20 advocate, and higher ed champion. I am
21 also on the Board of Temple University's
22 Hope Center for College, Community, and
23 Justice, as well as a Philadelphia Mural
24 Arts Re-Imagining Reentry Fellow featured
25 on a massive mural at the Municipal

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2 Services Building right now. I'm also a
3 Right of Return Fellow where I've been
4 working extensively on the Dignity for
5 Incarcerated Women Act and a Reentry
6 Think Tank Fellow, and we've worked on
7 the Ban the Box campaign over the spring
8 and throughout the summer.

9 But none of this would have
10 been possible without access to higher
11 ed. I just want to reiterate that. At
12 Community College of Philadelphia, my
13 criminal background, it wasn't
14 scrutinized. I excelled there. I was
15 able to maintain a 3.7 GPA. I'm a member
16 of Phi Beta Kappa, Student Leadership
17 Society as well, but my hope and
18 aspirations were kind of halted when it
19 came time to apply for four-year
20 colleges, when I got on the Common
21 Application and was faced with the
22 question about my criminal record, having
23 two felonies and just being made to
24 relive a lot of the traumatizing events
25 that transpired during my incarceration

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2 and after. I just remember logging in
3 and just logging out, and this went on
4 for a couple months. And it was like the
5 day before that I had to get it in or the
6 deadline was there and I just pushed
7 through.

8 But that's me. I'm resilient.
9 I've been through a lot. I've been able
10 to just press forward, but a lot of my
11 peers and cohort members, they aren't.
12 We have 70 percent of people that fill
13 out this application that stop once they
14 reach that question.

15 So I'm just here to share my
16 story, and I hope it is well received.

17 COUNCILMAN JONES: And it is.

18 What do you want to do with
19 your education? You had a lot of titles,
20 so are you going to pick like one or two?

21 MS. BAXTER: My hope is to
22 start a multi-media program, maybe open
23 up a culture and arts center where we
24 engage at-risk youth. So I'm more on the
25 preventative side, like before they even

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2 get in the system, because a lot of times
3 once you're in it, you never leave.

4 COUNCILMAN JONES: I didn't ask
5 you. Pastor, right?

6 MR. BAKER: No.

7 COUNCILMAN JONES: Reverend?

8 MR. BAKER: Self-proclaimed
9 pastor.

10 COUNCILMAN JONES: I'll take
11 it.

12 MR. BAKER: My pulpit is in the
13 streets.

14 COUNCILMAN JONES: What do you
15 want to do with your education?

16 MR. BAKER: I want to give
17 jobs. I want to create something.

18 COUNCILMAN JONES:
19 Entrepreneur?

20 MR. BAKER: Yeah. And it's
21 been good, because as you know them
22 streets, if it don't make dollars, it
23 don't make sense. So I showed them how
24 my hustle, like if I kept that 3.A [sic],
25 I got a stack for it. If I kept it over

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2 2, I got two stacks for it, and that's
3 the thing that translates. Like I told
4 them that I didn't figure out what my
5 niche was until like my second or third
6 year in. And so I told them that if you
7 just stick around, you still pay the
8 bills, and then you just figure out along
9 the way. And then the marvelous thing
10 about it is that the networks that I
11 bumped into is like the Reentry Think
12 Tank, the Carsel (ph) community, and even
13 the President of Community College
14 dropping me off or dropping something off
15 for me, they see that, and it's like
16 tangible evidence. It's that fate, that
17 substance that things hope for, that
18 evidence that they see I got that they
19 want too.

20 So I really just want to figure
21 out how to just educate them. I'm going
22 to continue going to school, not just to
23 keep my loans in deferment, but I just
24 want to go to school so that I can
25 eventually get a doctorate and rewrite

1 10/16/18 - PUBLIC SAFETY - BILL 180699, ETC.

2 the textbooks.

3 COUNCILMAN JONES: Thank you so
4 much, guys, for your testimony. The only
5 thing I will say is that education
6 doesn't stop in the classroom. When
7 you're in the hallways, when you're in
8 the study halls, when you're in the
9 lunchroom, when you're at the activities,
10 you're meeting positive people that can
11 be a catalyst for other opportunities.
12 And so you surround yourself with
13 successful people, success seems to find
14 you quicker.

15 So are there any other
16 questions for this panel?

17 (No response.)

18 COUNCILMAN JONES: Seeing one,
19 thank you for your testimony.

20 MR. BAKER: Thank you.

21 COUNCILMAN JONES:
22 Ms. Williams, can you read the next
23 witness group to testify?

24 THE CLERK: Mark Strandquist
25 and Courtney Bowles.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN JONES: Thank you
5 guys for your patience. Please have a
6 seat and pull the mics to you, and in
7 either order, state your name for the
8 record and begin your testimony.

9 MS. BOWLES: Good afternoon,
10 City Councilmembers. Thank you for your
11 time today. My name is Courtney Bowles.
12 I'm an artist, activist, teacher, and I
13 have the incredible honor of being the
14 Co-Director of the Reentry Think Tank,
15 which is a program that looks to
16 individuals in reentry as the experts
17 that the City needs to hear from most.

18 Over the past year, we've
19 partnered with Community Legal Services
20 on the campaign to ban the box from
21 college applications. We created a
22 petition and have had over 1,000
23 individuals across the City show their
24 support. We've gone to Temple University
25 three times where we've had productive

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2 conversations with students, teachers,
3 neighbors, alumni, campus staff, and
4 college graduates, all of whom have
5 agreed with us that higher education
6 should be accessible to everyone.

7 I want to point out this giant
8 stack of paper here. We brought over
9 1,000 signatures today as evidence that
10 your constituents agree that we should
11 ban the box. We'd also like to
12 acknowledge the evidence packets that you
13 also were presented with earlier. These
14 are filled with powerful artwork created
15 by those in reentry, reflecting their
16 dreams, hopes, and demands surrounding
17 access to higher education. Of
18 particular note is a copy of the Ban the
19 Box poem that you all will hear in a
20 moment. It's written by fellows of the
21 Reentry Think Tank and printed on sheets
22 of paper made from criminal records by
23 women in the People's Paper Co-Op Arts
24 and Advocacy Fellowship.

25 There are so many talented and

1 10/16/18 - PUBLIC SAFETY - BILL 180699, ETC.

2 brilliant people in Philadelphia who are
3 struggling with barriers that reentry
4 creates, some of whom you've heard from
5 today, and yet they still manage to
6 thrive and help make Philly a better
7 place. Imagine what our city could look
8 like if we all had access to fulfilling
9 our dreams of college education.

10 Thanks so much for your time
11 today, and I passionately encourage you
12 to ask Philadelphia colleges and
13 universities to ban the box.

14 COUNCILMAN JONES: Thank you
15 guys.

16 MR. STRANDQUIST: Thank you,
17 Councilman Jones and City Council, for
18 holding this hearing. My name is Mark
19 Strandquist. I'm honored to share the
20 room with so many amazing lawyers and
21 advocates and want to give just a quick
22 shout-out to all the amazing women from
23 the People's Paper Co-Op and Reentry
24 Think Tank for holding up these beautiful
25 signs that they made for the hearing. So

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2 thank you all for being such powerhouses.

3 So I have spent the past ten
4 years working with incarcerated youth,
5 adults, and formerly incarcerated men,
6 women, and teens in Philly, in Virginia,
7 and around the country. Our projects all
8 look to folks in the system or people who
9 have been through the system as the
10 experts that society needs to hear from
11 most, and connect their sort of dreams,
12 demands, stories with advocates and
13 organizers to impact change.

14 Our projects have closed
15 prisons, passed laws, are training an
16 entire police force in Richmond,
17 Virginia. And locally we've interviewed
18 over 1,200 Philadelphians with criminal
19 records, asking the question if you were
20 in power, what would you do to keep
21 people free. So 1,200 Philadelphians
22 were interviewed. The vast majority of
23 those people who responded talked about
24 educational opportunities. Not because
25 education is a silver bullet. We all

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2 know that employment, housing, mental
3 health services, all of these things are
4 part of the network of support that
5 people need, but that they understand
6 that education allows for people to
7 unshackle them from their past, to unlock
8 future potentials.

9 People don't want to be stuck
10 in a dead-end job. People don't want to
11 be sort of forced into low-wage labor for
12 the rest of their lives, and education is
13 an amazing pathway to achieving the
14 futures that all of us want for
15 ourselves, our families, and our loved
16 ones.

17 I am going to shut up and play
18 a video, because this work again is about
19 listening to those most affected. And if
20 you in your packets find the poem that
21 says Ban the Box at the top. Again,
22 that's on paper made from shredded
23 criminal records. We asked Reentry Think
24 Tank Fellows who are advocates from all
25 over Philly to create a piece about

1 10/16/18 - PUBLIC SAFETY - BILL 180699, ETC.

2 educational freedom and what it would
3 mean for their lives.

4 So thank you again for
5 listening to so many amazing advocates
6 and for giving us space for this
7 important conversation.

8 (Video played.)

9 (Applause.)

10 MR. STRANDQUIST: I imagine you
11 all recognized a few faces in that video
12 from some of the brilliant folks who
13 testified today, but wanted to give a
14 shout-out to Jym, Mary, Mumar Bey,
15 Anthony, David Garvin, and many others
16 from the Reentry Think Tank who are in
17 the audience today who made that film
18 possible.

19 So thank you again for your
20 time.

21 COUNCILMAN JONES: If we want
22 to put that on our respective websites
23 and Facebooks, how do we do that?

24 MR. STRANDQUIST: So if you go
25 to reentrythinktank.com, you can find it

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2 yourself, but we will do the due
3 diligence and just e-mail them to your
4 staff.

5 COUNCILMAN JONES: Do we have
6 to buy it? It's fine.

7 MS. BOWLES: No.

8 MR. STRANDQUIST: No, no, no.
9 Everything we make is for sharing for
10 free.

11 COUNCILMAN JONES: Oh, okay.
12 So repeat for the public, where do we go?
13 (Audience member talking
14 without microphone.)

15 MS. BOWLES: You go to
16 reentrythinktank.com.

17 COUNCILMAN JONES:
18 Reentrythinktank.com, got it. All right.

19 MR. STRANDQUIST: But I second
20 Faith's --

21 (Audience member talking
22 without microphone.)

23 MS. BOWLES: Thank you all.

24 COUNCILMAN JONES: Some of you
25 were in that video too. There you go. I

1 10/16/18 - PUBLIC SAFETY - BILL 180699, ETC.

2 recognize you.

3 Okay. So are there any
4 questions for this panel?

5 (No response.)

6 COUNCILMAN JONES: Seeing none,
7 what I want you to know is that we're
8 going to take this opportunity and the
9 things that we heard today and we're
10 going to ask our education community who
11 benefit from not being taxed in the City
12 of Philadelphia to help us to further the
13 education and then economic contribution
14 of people who go to those institutions
15 get jobs and pay their way through their
16 tax contributions. So we're going to do
17 that, and we want to work with you and
18 offer an opportunity to teach us more.
19 I've seen many of you testify before, and
20 I know sometimes it seems like you're
21 just talking and we're not listening, but
22 believe we hear you and we have -- we're
23 on it, I will tell you that. And I think
24 the needle is moving in the right
25 direction. There are no such things as

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2 throwaway people. Everybody deserves an
3 opportunity for a second act and a third
4 act if you need it.

5 So thank you for dedicating
6 your time and your treasury and some
7 occasions. You could be doing all kinds
8 of other things, but you're doing this,
9 and we appreciate it.

10 (Audience member talking
11 without microphone.)

12 COUNCILMAN JONES: Okay.
13 Matter of fact, in three weeks, right?

14 (Audience member talking
15 without microphone.)

16 COUNCILMAN JONES: We got it.
17 All right. So without that,
18 thank you all, and this concludes our
19 public hearing on the Public Safety
20 Committee.

21 Thank you very much.
22 (Committee on Public Safety
23 concluded at 2:55 p.m.)

24 - - -
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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
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