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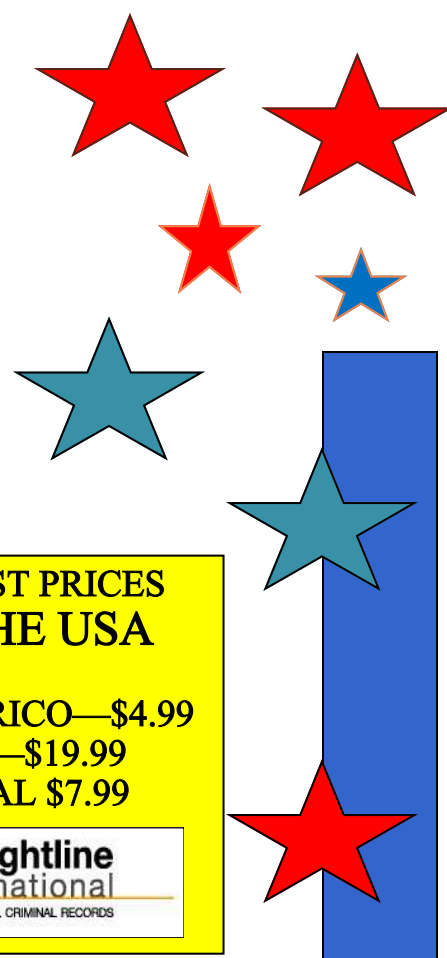
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Cut Crime By Repealing Useless Occupational Licensing Regulations

by Hans Bader

People are more likely to commit crimes if they can’t find a job after being released from prison, according to a study released by the Manhattan Institute. Occupational licensing regulations make it harder for them to find a job. Reason magazine notes that a ten-year study released last year by the Center for the Study of Economic Liberty at Arizona State University found that “formerly incarcerated residents are more likely to commit a new crime within three years of being released from prison if they live in a state where they’re prohibited from getting a license solely for having a criminal record.”

Once upon a time, occupational licensing regulations only restricted access to jobs that had unique privileges (such as lawyers, who can send you a subpoena demanding your diary) or that had unique public safety implications (like a surgeon, who can kill you if unqualified). Not anymore.

Now, many occupations that pose no special risks or need for regulation are off-limits to people who have criminal convictions, or

never committed a crime, but can’t afford to spend years on unnecessary training that is sometimes irrelevant or obsolete. Florida requires interior designers to undergo six years of training, including two years at a state-approved college. Other states force aspiring hair stylists to first attend exploitative beauty schools that often rip off their students. And “twenty-one states require a license for travel guides,” notes the Brookings Institution. Occupational licensing has expanded from covering 5% of the workforce in the 1950s to 30% today.

So there is no reason an ex-con should not be able to hold many of the jobs now off-limits to them due to occupational licensing regulations. It’s not as if consumers benefit. As Ramesh Ponnuru of the American Enterprise Institute notes, researchers have not “found that licensing requirements are effective at improving the quality of service.” Indeed, according to Morris Kleiner of the University of Minnesota, occupational licensing has either no impact or even a negative impact on the quality of services provided to customers.

So they don’t protect consumers, for the most part. But they increase prices for consumers; indeed, a White House report during the Obama administration notes that “the evidence on licensing’s effects on prices

is unequivocal: many studies find that more restrictive licensing laws lead to higher prices for consumers.”

As Ponnuru notes, occupational licensing rules raise prices for consumers, and cut the “wages for the people they exclude. More restrictive requirements to become a nurse practitioner, for example, increase the price of a child’s medical exam by as much as 16 percent.” As the White House report pointed out, there is an enormous variety and inconsistency in state licensing requirements—more than 1,100 occupations are regulated in at least one state, but fewer than 60 are regulated in every state—which hinders interstate mobility. As the Brookings Institution has noted, licensing restrictions are not keyed to public safety at all, since “across all states, interior designers, barbers, cosmetologists, and manicurists all face greater average licensing requirements than do EMTs.”

Trimming occupational licensing laws is a better way to help people with criminal records get jobs than alternatives local governments have tried in recent years. Rather than get rid of occupational licensing laws that cause needless suffering, nine states have sought to force private employers to hire people with

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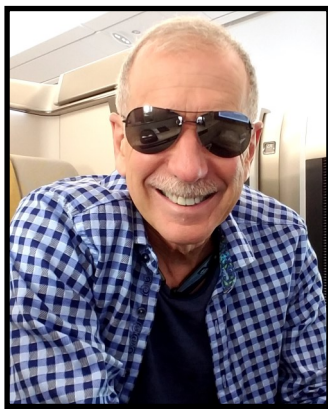
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criminal records for jobs that don’t require licenses, by banning them from asking applicants whether they have a criminal record before extending a job offer. But this coercive approach seems to harm innocent people while doing little to help people with criminal records. As The Atlantic noted in 2016, “banning the box may actually be hurting some of the exact groups of people it was designed to help, according to a few new studies.” Indeed, “[in] a recent paper from the National Bureau of Economic Research, Jennifer L. Doleac of the University of Virginia’s Frank Batten School of Leadership and Public Policy and Benjamin Hansen of the University of Oregon looked at how the implementation of ban-the-box policies affected the proba-

bility of employment for young, low-skilled, black and Hispanic men. They found that ban-the-box policies decreased the probability of being employed by 5.1 percent for young, low-skilled black men...That’s because, they say, when employers cannot access an applicant’s criminal history, they instead discriminate more broadly against demographic groups that are more likely to have a criminal record.”

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PUBLISHER Steven Brownstein

CONTRIBUTORS: Les Rosen, Dennis Brownstein, Phyllis Nadel

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PURPOSE: “Dedicated to pre-employment screenings everywhere”

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Criminal Records
Follow Women
Who Escape
Prostitution And
Seek New Lives

Women trafficked for prostitution as teenagers can become lifelong victims — their criminal records hounding them as they attempt to transition into mainstream society.

In Utah, however, women leaving the sex trade could stand a better chance after the enactment of a law this year that could open doors for those who were trafficked — that is, forced or coerced into prostitution. But even with the new law, getting criminal charges vacated could be challenging because those seeking relief must prove they were trafficked.

Beth Jacobs serves as an example of what has commonly happened to women who escaped forced prostitution.

Beth Jacobs, now 53, was trafficked as a teenager, abducted from a Minneapolis suburb and beaten repeatedly by her abductor.

She awakened naked in a Chicago hotel room where, she said, she was forced to have sex with as many as 15 men a day.

Prostitutes are often seen as evil people, Jacobs said, but women who are trafficked are victims.

"I didn't raise my hand and say, 'I want to be a prostitute,' " she said recently at the Governor's Public Safety Summit in Layton. "I just wanted a ride home."

Although the FBI and other agencies compile statistics on trafficking, law enforcement officials are quick to point out that most prostitution of trafficked women is invisible. However, the National Center for Missing and Exploited Children estimates that 1 in 6 of about 18,500 runaways in 2016 were likely the victims of sex trafficking.

New technology is a boon to prostitution as hookups are made on the web, according to law enforcement agencies.

In 2014, the Urban Institute, a nonpartisan policy research organization, estimated that the underground sex economy ranged from \$39.9 million in Denver to \$290 million in Atlanta.

Jacobs categorized the man who trafficked her as a "gorilla pimp." Today, she explained, there are more "Romeo pimps," who prey on young girls from troubled households or neighborhoods who feel unwanted and unloved.

During her six years as a prostitute, Jacobs was arrested many times. Eventually, she had accumulated a string of misdemeanor convictions. She explained, however, that if she hadn't been trafficked, she never would have been in trouble with law enforcement.

After escaping prostitution, she struggled for years to put her life together, emotionally and practically, seeking such things as education and job training.

"Getting out [of prostitution] was the easy part," she said. "Putting my life back together was the hard part."

She had a criminal record, no job skills, no degree and no self-esteem. Eight years after Jacobs had escaped her pimp — about the time she began to get a footing in her new life — she got called for jury duty.

"They asked me if I had ever been arrested," Jacobs recalled of the day in a courtroom. "I told them I had been arrested hundreds of times, and I just started to cry."

She has been fighting for years to clear her record and has managed to get some of the convictions vacated. But even after decades, she still was terminated by an employer when he discovered her criminal record.

"It's a life sentence, and it shouldn't be," Jacobs said. "That's why I tell everyone, I want people to have the right to tell a judge, 'I was trafficked,' so they can clear up their record."

Rep. Angela Romero, D-Salt Lake City, co-sponsored a bill earlier this year that would provide a path forward for victims of prostitution.

"We have to provide a safety net, so they aren't victimized again," Romero said. "When you look at the background of these individuals, you see a lot of trauma."

Like many teens trafficked for sex, Jacobs came from a troubled childhood. Her father and mother had separated. She lived with her dad, who had a live-in girlfriend.

Some men at a pool hall near her bus stop befriended her. One day she had missed her bus and didn't

want to call her father, who had earlier complained about having to taxi her around. She asked one of the men at the pool hall for a ride home. He would, he said, but wanted to make a quick stop at a party.

There, she said, she was drugged. What followed were six long years of being trafficked for sex. Jacobs said she tried several times to escape, but that only earned her fierce beatings.

After several years as a captive prostitute, Jacobs said she got a new pimp — more of a Romeo.

"I didn't think of him as a pimp, but as a boyfriend," she said. "I needed to be loved. I was brainwashed and broken."

People wonder why prostitutes don't call the police, Jacobs said. And if they do run into cops, why they don't ask for help.

"They tell us what to say."

They give you a script," she said of the pimps. "We aren't going to say, 'I'm getting raped by all these guys.' My pimp takes all my money and won't let me see my family."

The Salt Lake City Police Department has a seven-member squad that focuses on prostitution. Frequently, these officers identify women who are being trafficked but insist they are not, referring to their pimps as boyfriends.

"If they are cooperative, we treat them as victims," said Detective Jeff Johnson. "We try to get them out."

These days, Jacobs is a field trainer for Truckers Against Trafficking and the policy chairwoman for National Survivor Network. She helped spearhead the Offenders Prostitution Program in St. Paul, Minn., which seeks to help trafficked women clear their criminal records.

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Branded For Life

By Peter Korn

Michael W. understands the journey Oregon State University baseball pitcher Luke Heimlich finds himself on.

Hate him, embrace him, fear him or demonize him, but Clackamas County resident Michael W. understands.

Now 37, Michael W. (whose name has been changed here to protect his identity) has been on the same journey since he was 15.

Heimlich was among the top college baseball players in the country last season, primed to lead OSU into the College World Series and become a high draft pick for some Major League Baseball team, until local media discovered he was a registered sex offender.

That revelation created a firestorm. Heimlich did not accompany OSU to the World Series and all 30 major league teams passed on drafting him and offering him a lucrative contract to play professionally.

Some online commentators supported Heimlich, saying he had paid his debt to society and should be allowed to move on.

Others felt differently. One post: "I believe in good and evil and people that molest little kids are evil."

When he was 15, Michael W. says he pleaded guilty to a charge of first-degree child molestation after "exploring my sexuality" with a 10-year-old boy at the home of a family friend. He was sentenced to two years of probation, sex offender treatment and community service. And he was ordered to register as a sex offender, with the requirement that he re-register every year within 10 days of his birthday.

Michael acknowledges that what he did was wrong, and truly harmed his victim. He is certain, however, that he would never do such a

thing again. At 37, though he's enjoyed a moderately successful career as a financial analyst, he knows he got lucky — his last two employers never performed background checks that would have revealed his status as a sex offender.

But reading about Luke Heimlich's public shaming in recent weeks, and the fact that Heimlich may have forfeited his baseball career, reminds Michael of why every year on his birthday he gets anxious and paranoid and sometimes starts to drink. It reminds him, he says, that society doesn't believe he is to be trusted, and maybe doesn't want him to enjoy a stable and successful life.

In Michael's mind, continuing to have him register as a sex offender isn't about keeping other people safe. At this point, it only makes sense as punishment — a message.

Count Max Williams among those who aren't surprised that a number of people don't want to see Heimlich succeed at a professional baseball career. Williams was executive director of the Oregon Department of Corrections between 2004 and 2012. He was in charge of Oregon prison inmates, and he listened, sometimes with dismay, to Oregonians express their attitudes about felons released after serving their prison terms.

"We say, as public policy, now this person has to go out and be a better citizen, and they get a second chance," Williams says. "But do we mean it? As a matter of public sentiment and a number of policies we operate under, we don't really mean it."

That belief might be rooted in substance. Nearly seven in 10 U.S. felons are re-arrested for a new crime within three years of their release from incarceration. But nobody knows for certain what that number would look like if more resources were devoted to rehabilitation, and attitudes toward released felons were more accepting.

Most felons, upon release,

find their job opportunities extremely limited to fields such as construction, truck driving and telemarketing. A few years ago, ex-cons in many states could not get food stamps or apartments in taxpayer-subsidized buildings (sex offenders and arsonists still need not apply). The door has been opened just a bit for many jobs that require state licensure — felons can ask that their applications be considered rather than accept blanket rejections. But you won't find many felons in nursing school.

When he was in charge of Oregon prisons, Max Williams says about 10 percent of his department's budget went to paying off the debt incurred for the building of new prisons, and about 4 percent was spent on programs for prisoner rehabilitation.

Williams recalls that while he directed Oregon's prison system, the Coffee Creek women's prison started a cosmetology program so inmates could train for careers as hairdressers. Ironically, Oregon law at the time required cosmetologists to be licensed by the state, which meant released inmates never could actually get a license to practice what they were learning.

Williams, now executive president of the Oregon Community Foundation, can't figure out how society is served by keeping women felons from becoming hairstylists and manicurists. Add on the supervision fees and court fees that leave most ex-convicts in debt upon release.

"If you do the crime, you are to be held appropriately accountable under the law," Williams says. "For me the question is what happens after they've paid that debt? We almost guarantee them a life of poverty. We've created a whole new class of enhanced poor people."

As for Luke Heimlich, Williams wasn't surprised all 30 major league teams chose to pass on drafting a potentially valuable pitcher.

"In the world we live in today, deciding you're going to be the team to em-

ploy somebody who is a registered sex offender? It's like Typhoid Mary," he says.

In the course of his lifetime, Williams says, he's seen women and gays make incredible strides in being accepted as equals by society. Not so for the men and women for whom he used to take responsibility.

It's still socially acceptable to discriminate against felons and even to make jokes about them, Williams notes. A joke about an inmate being assaulted in the prison shower? "It's a tagline in comic routines," he says.

It's also a far cry from compassion.

"In our minds (felons) have lost something by violating the social contract, and it's not culturally acceptable to us. It's as though they've lost all their human rights, and we treat them like that," he says.

For the past 12 years, Portland police officer Bridget Sickon has maintained something of an unscientific barometer for measuring public attitudes toward sex offenders. Sickon heads the police bureau's sex offender registration detail. Her job consists of keeping tabs on sex offenders in Portland, which can mean tracking down offenders who haven't registered and trying to help others find places to live and work. She keeps a list of apartment buildings that will rent to sex offenders, and local businesses that will consider them for jobs.

"The list is shrinking," she says.

That tells Sickon that the stigma for sex offenders isn't fading. And while Sickon is sympathetic to felons who made one-time teen or young adult mistakes, she also understands why most people aren't willing to believe in redemption for sex offenders.

When she calls an employer about hiring a sex offender, Sickon consistently hears the same question. The employer doesn't want the details of the sex of-

fender's crime, but he or she always want to know the age of the victim. Raping a woman at knifepoint seemingly doesn't carry the same stigma as molesting a child.

"What's important is the age," Sickon says. "That's where you go into that societal thinking that the most heinous thing you can do is sex-offending a child. That's more heinous than killing somebody."

Sickon has studied Portland's sex offenders and found that 85 percent of them victimized a minor.

After 12 years, Sickon says she's become pretty adept at determining which of the sex offenders she oversees are unlikely to do it again, and which are "hard-wired" and likely to re-offend. The problem, she says, is that even with all her experience, she estimates she can only predict which offender fits into which category about 70 percent of the time.

So in Sickon's mind, the problem isn't people's unwillingness to believe in rehabilitation. "It's more erring on the side of caution," she says. "It's normal to want to safeguard the people you love."

When responding to surveys, Americans consistently say they believe in rehabilitation, according to University of Cincinnati criminologist Ed Latessa. And in recent years some gains have been made in removing barriers for ex-cons.

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Criminal Requests

Branded, cont.

In Oregon, Ban the Box legislation passed last year requires employers to give applicants a first interview before checking their criminal record. And some Oregon companies can get paid state incentives to hire ex-cons. But mostly, Latessa says, ex-cons lack what women and sexual minorities successfully used to make gains.

"Convicted felons don't have any political clout," Latessa says. "They're a powerless group."

Public safety is only part of the reason society puts up so many barriers for ex-cons, says ex-corrections director Williams. We believe in retribution, he notes, and it says so right in the Oregon Constitution. As for the idea that the United States was once a country full of compassion and open to second chances, it might be more myth than history, he adds.

"Have you ever watched a

Western movie where there was a hanging?" Williams says. Most of the people in the crowd, he's noticed, are cheering.

Deena Castrejon keeps nine jailhouse mug shots taken when she was in her thirties on the wall behind her desk at Bridges To Change in Hillsboro. Today, the 46-year-old Castrejon, with her red pony tail and easy smile, mentors ex-convicts in recovery. In her teens and twenties she ran drugs for gangs.

Castrejon keeps the photos on display as a reminder of how far she's come and to show clients how much a person can change.

The dramatic change in Castrejon was at least partially inspired by how others viewed her, two people in particular.

The first was a prison guard she encountered when she was 31. "A guard asked me , 'How old are you?'" Castrejon recalls. I was 31. And he said, 'Oh,

you'll never change.' And that stuck with me. I thought, how dare you. I'll never change. It planted some kind of seed in me."

But Castrejon's hurt and anger (she was sexually abused as a child) were hard to shake, even as she started recovery programs. At twelve-step meetings the rest of the alcoholics and addicts would be making bets on how long she'd last in recovery. But a man who owned a janitorial service and was also in recovery hired her and she stayed at that job nine years, eventually becoming operations director.

People's attitudes toward felons matter a great deal to the felons, Castrejon says. But in her world, fixed attitudes don't make sense because sometimes, the people you want to steer clear of are the very same people you want to protect.

Castrejon is a single mother of six children. Her eldest son, abused as a child by a neighbor, abused his

sister and brothers as a ten year old. For years, Castrejon says, she was angry at her son. Then she began to recognize he was also a victim, not only of sex abuse, but also because he had spent most of his early years living with a mother who was a drug addict. Today that son is 30, ten years out of prison, married with a young son of his own, and in recovery. He runs a cleaning franchise purchased by his mother. The family cycle, maybe, is broken.

Castrejon transformed herself. One glance at the photos behind the desk of her angry, wasted earlier version makes that clear. But it took her until she was in her thirties, when she was finally ready. Studies show that most property criminals stop committing new crimes by their thirties, and most violent criminals stop by age 40.

But trying to keep most felons in prison until they age out of the desire or ability to commit new crimes is both unjust and financially unfeasible, in Castrejon's view. And it won't work for those who have been victims as well as offenders, she says. Which leaves one option.

"If we don't help them it keeps going

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An App That Checks Criminal Records Won't Make Dating Safer

by Nichi Hodgson

If you could ask a potential date any question, what would it be? “Finding out if they had a criminal record,” ran a troubled discussion on Netmums recently, a cry reiterated by Katie Price on Loose Women this week. Now, there’s an app for that: Gatsby, a salve for dating worries that runs criminal record and sex offender register checks on its members every month “to create the safest platform available”, claims CEO Joseph Penora.

“Dating without the baggage”, runs the US app’s tagline – but how could it possibly promise that in the UK?

On the one hand, it sounds like a good idea – rape during a first date committed by men the victims have met on dating apps rose six-fold between 2009 and 2014, reports the National Crime Agency. But currently, criminal record disclosure in England and Wales relies on self-reporting, and it’s the genuinely contrite who would do it – those working on their own rehabilitation. Those without compunction, meanwhile, obviously don’t volunteer information. Gatsby’s operators cannot scroll through a list of recent criminal convictions for England and Wales to double-check users are being honest. There’s a risk people could use the app thinking they were safer than they are.

In any case, predicting the likelihood of a crime on the basis of previous offences is controversial. We know how significant a mitigating “first offence” is in sentencing and how someone who is incarcerated as a juvenile is more than a third more likely to reoffend. But when it comes to personal relationships, most abuse is systemic, with 90% of rapes in England and Wales committed by someone known

to the victim prior to the offence. Approximately 85,000 women are raped in England and Wales each year, compared with 12,000 men. Most sexual violence the world over still takes place in longterm relationships, and too many sex offenders slip through the net with a record of unreported abusive behaviour, often known only to terrified-into-silence victims before they reach the courts. Gatsby will do nothing to identify them.

It’s true that knowing someone’s current criminal status could be a matter of life or death – you only have to consider the number of men that abuse or kill their partners while on bail for their prior abuse to see there’s a desperate need for a better way to keep tabs on the dangerous. But while Gatsby may be well-intentioned, it also proposes a myopically glib approach to criminal conviction. Should someone who received a caution as a teenager for drunken and disorderly behaviour, or found themselves on the sex offender register for sending a nude picture of themselves to another teenager, be lumped in with a serious sexual predator?

What our ancestors had to their advantage was a social network that watched them form relationships. What Gatsby’s creators would have done better to tackle wasn’t a date’s potential criminality, but their lack of accountability. The dating industry is beginning to see this as a problem at the root of everything – from the murders of four young men committed by Stephen Port, who used the dating app Grindr to find his victims, to so-called “catfishing”. Of course, people have always been

jilted, left pregnant, defrauded and abused. But what our ancestors had to their advantage was a social network that watched them form relationships, making it much harder for criminals to wreak havoc on an individual.

The newest dating apps, meanwhile, are proving it possible to integrate that sense of community protection into tech today. Take BeLinked, which verifies users through LinkedIn, or The Inner Circle, which builds in accountability via Facebook connections dis-

played on your profile, and holds events where you can meet a date in a safe, public venue.

Gatsby isn’t the solution to a growing problem of an age-old exploitation. In-

stead, it’s a dangerous misrepresentation of the problem that will dupe victims and potential victims alike.



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When To Use The
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The criminality search being suggested or offered by a growing number of pre-employment screening companies can be used by HR for various purposes; none being compliant as a stand alone search.

At best, it is a complementary search. In the past it was called a media search.. checking online

newspaper archives and other postings for information.. it was strictly an add- on.

More often than not it was used to find some deep dark secrets about an individual. It usually included social media sesrches,too.

Some companies sprouted up specializing in these media searches. None too successful, but as a niche they seemed competent. It always made good reading... continued soon

China Becomes
Transparent

by Steven Brownstein

When I started doing Chinese criminal record research and retrieval back in the 90's it was near impossible. I had limited success save for the larger cities, i.e., Shanghai, Beijing, etc.

Fast forward to today. China is becoming very transparent. They are very progressive. My access is amplified to all the Provinces.

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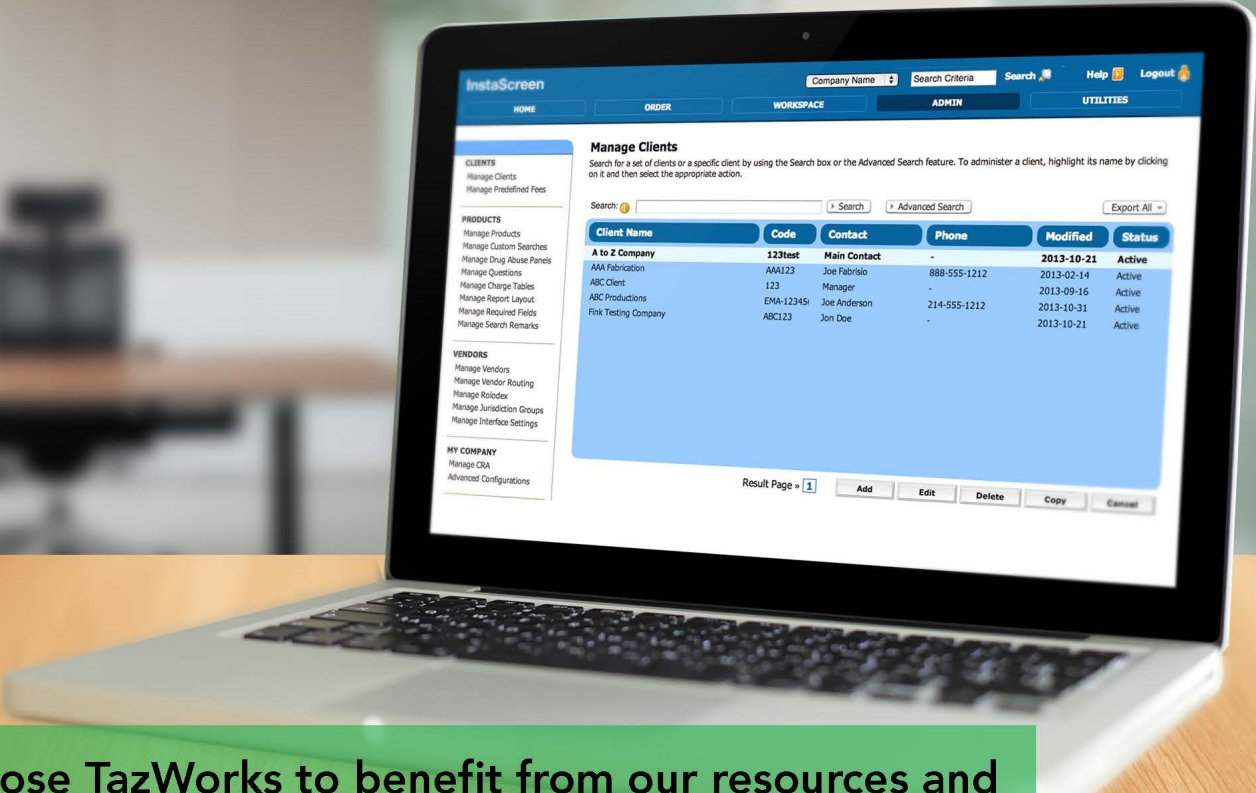
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Background screening is arguably the worst part of the recruiting process — both for recruiters and prospective employees. It’s time consuming, requires a lot of data entry and adds delays and anxiety to the hiring process. Companies that are trying to win over promising candidates are looking to their background screening vendors to make this process less painful.

“In the war for talent, candidate experience has become very important,” said Clare Hart, CEO of Sterling Talent Solutions in New York. “They want to get employees into the organization sooner, and to be sure they have a positive experience getting there.”

Mary O’Loughlin, managing director of health care at HireRight in Irvine, California, agreed. HireRight’s 2017 background screening report shows reducing time to hire has become the most significant background challenge companies face. “Speed has become a critical component of the screening process.”

A Note From Phyllis Nadel



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