



CITY OF PHILADELPHIA

Office of the Mayor
215 City Hall
Philadelphia, PA 19107
(215) 686-2181
FAX (215) 686-2180

JAMES F. KENNEY
Mayor

To whom it may concern,

We are writing to object to the proposed regulations 16A-66 (Consideration of Criminal Convictions) and to ask that they be reworked to bring Pennsylvanians with criminal records into the licensed occupations. The new regulations that have been proposed by the BPOA are highlighting the many tentacles of the systemic oppression and caste system that is targeting marginalized communities. The goal of occupational licensing reform is to open occupations to people with old and unrelated criminal records. OLR also helps businesses experiencing worker shortages, such as the nursing profession. Without well-paying job opportunities, those who have been adversely affected by the criminal justice system have very few positive options, many re-offend and society as a whole is greatly impacted.

Recidivism rates are not just random, amorphous, hypothetical statistical anomalies. Most of these rates are tangibly connected to real crime that harm property, degrade communities, and impact people. To create, enact and then reinforce barriers to stop the successful rehabilitation and reintegration of incarcerated men women and children is harmful to all of society consistently and intentionally. The individual returning citizens life trajectory, is forever altered.

Any potential victims of new crime created from desperation are traumatized, wounded, they suffer loss of property and frequently much worse. Our priority as a society concerning reentry should be creating systemic portals of opportunity, that provide a true avenue of success for men, women and children who truly have changed and want to become productive members of society. The practice of holding unrelated past offenses over the head of a returning citizen to prevent them from earning a livable wage, not only perpetuates the cycle of criminality but it has real life consequences for the entire Nation. Careers such as nursing, licensed barbers, physical therapists, and cosmetologists, are life sustaining careers that are needed to have a successful, productive life.

However, the current rules cause undue delay and in some cases the expenditures of excess time and money. Currently, a person is given a chance to show in a hearing that they should be licensed, yet that chance would not occur until they apply for a license after their training is completed. People cannot take the risk of spending years and money going to school for a new profession, only to be presumed to be unfit to be licensed at the hearing. This scenario was exactly what Act 53 was enacted to reform. Being presumed unfit is insulting and disconcerting to people with a criminal record who have worked hard to rebuild their lives and successfully reintegrate into society. We assert that each offense must have a time limit for how long the presumption continues.

Furthermore, we contend that the proposed Lists of “Directly Related” Offenses are too broad and must be revised. According to 63 Pa. C.S. §3102, “the nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession, trade or occupation for which the individual seeks licensure”. Thus, the “directly related” lists should be revised so that all listed crimes actually meet this definition.

Therefore, we recommend that the list of offenses that lead to people being presumed unfit must be as narrow as possible. As such, the lists of “directly related” offenses must be revised. We further contend that people should not be presumed unfit for their entire lives. There must be time limits on how long the person’s offense is held against them. Thus, each offense must have a time limit for how long the presumption continues.

Sincerely,

Erica Gibson
Senior Policy Manager
Office of Mayor Jim Kenney
City of Philadelphia

Assata M. Thomas
Executive Director
Office of Reentry Partnerships
Managing Directors Office
City of Philadelphia