Presentation Outline

I. Organization Overview

II. What We Do

III. Understanding the Need

IV. Panelist Presentations

V. Q & A
We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.
How We Work

• We bring people together.

• We drive the criminal justice field forward with original research.

• We build momentum for policy change.

• We provide expert assistance.
Our Goals

• Break the cycle of incarceration.

• Advance health, opportunity, and equity.

• Use data to improve safety and justice.
Fair Chance Licensing Project

• Assist states in economic recovery.
• Enhance access to well-paying jobs.
• Improve reentry and public safety.
• Provide businesses with qualified candidate pools.
Fair Chance Licensing Hub

Criminal History and Economic Mobility

- A 2022 analysis by the Prison Policy Initiative of U.S. Bureau of Justice Statistics data tracking the progress of a cohort of people released from federal prison in 2010 found that
  - 33 percent never found a job in the 4 years after release;
  - 60 percent or more were jobless at any given time in those 4 years; and
  - For those looking for work, the unemployment rate remained around 36 percent during all 4 years.
- For people who found jobs, most were unstable, and earnings were far below the U.S. median income.
- A 2022 Rand Corp. study using data from 1997 to 2017 estimates that 46 percent of unemployed men have a conviction record for a non-traffic offense by age 35.
## Incarceration, race, gender, and joblessness

<table>
<thead>
<tr>
<th></th>
<th>Joblessness among U.S. general population (age 35 to 44)</th>
<th>Formerly incarcerated (age 35 to 44)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black men</td>
<td>7.7%</td>
<td>35.2%</td>
</tr>
<tr>
<td>Black women</td>
<td>6.4%</td>
<td>43.6%</td>
</tr>
<tr>
<td>White men</td>
<td>4.3%</td>
<td>18.4%</td>
</tr>
<tr>
<td>White women</td>
<td>4.3%</td>
<td>23.2%</td>
</tr>
</tbody>
</table>

Why licensed work?

~20%
Percentage of U.S. population that hold a license required to perform a particular occupation or profession (Kleiner and Vorotnikov, At What Cost?)

$7.36
Hourly wage dollars that licensed workers earn over unlicensed workers (national median) (Kleiner and Vorotnikov, At What Cost?)

13,000+
Number of provisions of state and federal statutes and regulations that create barriers to licensure for people with criminal histories (Umez and Gaines, After the Sentence, More Consequences)
Conviction-Based Barriers to Licensure across the Country

13,000 + Provisions of state law that impose barriers to licensure

1/3 Must be imposed without exception if a person has a disqualifying conviction

3/4 Persist indefinitely (person likely to be subject to the barrier for life absent expungement, pardon, or other relief)

Source: Umez and Gaines, After the Sentence, More Consequences
Discretionary barriers can deter qualified workers who pose no risk from entering licensed fields, even if they would NOT ultimately be disqualified.

Should I pursue a physical therapy license with a conviction?

Years of training schooling + Thousands of dollars in expenses + Handcuffs = ?

Licensure uncertain
Mitigating Licensing Barriers and Protecting Public Safety

Over half of the states have enacted broadly applicable fair chance licensing laws in one form or another.

Recent reforms are based on three key principles:

1. Licensing bodies should have the authority to deny applicants with past convictions that directly relate to the tasks and duties of a licensed activity such that licensure would create an appreciable risk to public safety.

2. Workers should not be barred from licensure solely because of a past conviction; instead, they should be given individualized consideration that accounts for their past and current circumstances and the unique nature of their criminal conduct.

3. Licensing policies and practices involving determinations about the criminal history of applicants should be transparent and consistently applied.
Major Categories of State Reforms

- **Substantive guidance on how convictions are considered**
  - Individualized consideration requirements
  - Consistent factor-based assessment
  - Direct relationship requirements

- **Transparent and accessible procedures and protections**
  - Pre-qualification
  - Robust appeal and reconsideration structures and due process reinforcements
  - Online information

- **Limits on the types of convictions and dispositions that can be considered**
  - Older convictions
  - Less serious offenses
  - Arrests without conviction
  - Pardoned, sealed, or expunged records
Sources


Criminal History

Focus on convictions/pleas that, when considered with the functions and duties of the profession, bear a “substantial” relationship to the ability to safely or competently practice.
Every profession has a landing page with a Criminal History tab available for information specific to that profession.
Criminal History Guidelines

Disclaimer: The Division uses this matrix simply as a starting point in making its licensing or disciplinary decisions, and therefore it is provided only for general informational and guidance purposes. Every applicant and licensee is unique, with individual circumstances that may involve aggravating or mitigating or other factors, including patterns of conduct that may affect any final decision. Please consult your attorney if you have questions.

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>0-1 years</th>
<th>2-5 years</th>
<th>6-10 years</th>
<th>10+ years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse or Neglect of a Child with a Disability</td>
<td>Review</td>
<td>Review</td>
<td>Issue</td>
<td>Issue</td>
</tr>
<tr>
<td>Abuse, Neglect, or Exploitation of a Vulnerable Adult</td>
<td>Review</td>
<td>Review</td>
<td>Issue</td>
<td>Issue</td>
</tr>
<tr>
<td>Alcohol Restricted Driver</td>
<td>Issue</td>
<td>Issue</td>
<td>Issue</td>
<td>Issue</td>
</tr>
<tr>
<td>Animal Cruelty</td>
<td>Issue</td>
<td>Issue</td>
<td>Issue</td>
<td>Issue</td>
</tr>
</tbody>
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KEY:
- **Proceed with Application**
- **Requires Manager Review & Possible Interview**
- **Licensure Prohibited**
### Criminal History Guidelines

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**KEY:**

- **Proceed with Application**
- **Requires Manager Review & Possible Interview**
- **Licensure Prohibited**

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>TIME FRAME (most recent charge)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-1 years</td>
</tr>
<tr>
<td>Abuse or Neglect of a Child with a Disability</td>
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<td>Issue</td>
</tr>
<tr>
<td>Animal Cruelty</td>
<td>Review</td>
</tr>
<tr>
<td>Arson</td>
<td>Deny</td>
</tr>
</tbody>
</table>
# Criminal History Guidelines for Nursing

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## Key
- **Proceed with Application**
- **Requires Manager Review**
- **Requires Board Interview**
- **Licensure Prohibited**

## Charge Table

<table>
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<tr>
<th>Charge</th>
<th>0-1 yrs</th>
<th>2-5 yrs</th>
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<td>Issue</td>
<td>Issue</td>
<td>Issue</td>
<td>Issue</td>
</tr>
<tr>
<td>Animal Cruelty</td>
<td>Interview</td>
<td>Review</td>
<td>Issue</td>
<td>Issue</td>
</tr>
<tr>
<td>Assault By A Prisoner</td>
<td>Deny</td>
<td>Deny</td>
<td>Deny</td>
<td>Deny</td>
</tr>
<tr>
<td>Assault</td>
<td>Interview</td>
<td>Review</td>
<td>Issue</td>
<td>Issue</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>Deny</td>
<td>Deny</td>
<td>Deny</td>
<td>Deny</td>
</tr>
<tr>
<td>Battery</td>
<td>Interview</td>
<td>Interview</td>
<td>Interview</td>
<td>Interview</td>
</tr>
<tr>
<td>Burglary / Burglary Of A Vehicle</td>
<td>Interview</td>
<td>Interview</td>
<td>Interview</td>
<td>Interview</td>
</tr>
<tr>
<td>Child Abuse</td>
<td>Deny</td>
<td>Deny</td>
<td>Deny</td>
<td>Deny</td>
</tr>
</tbody>
</table>
Removal of “good moral character” from statute
Individualized Consideration
Utah Code 58-1-401(7)

• Age when crime committed
• Time elapsed
• Completion of sentence
• Rehabilitation efforts (drug/alcohol/other)
• Education/training pursued
• Employment history
• Testimonials/recommendations
• Any relevant information they provide
DOPL will NOT consider as evidence of unprofessional conduct:

• Arrest not followed by conviction

• Convictions for which incarceration ended more than 7 years before DOPL’s consideration (exclusions for certain felonies (such as felony related to criminal sexual act or criminal fraud/embezzlement))

• Expunged crimes
Streamlined Qualifying Questionnaire

<table>
<thead>
<tr>
<th>Qualifying Questionnaire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Read thoroughly, and answer each question. Do not leave any question blank. A “yes” answer does not necessarily mean you will not be granted a license; however, DOPL may request additional documentation if the information submitted is insufficient.</td>
</tr>
</tbody>
</table>

1. □ Yes □ No Have you ever had a license, certificate, permit, or registration to practice a regulated profession denied, conditioned, curtailed, limited, restricted, suspended, revoked, reprimanded, or disciplined in any way? |

2. □ Yes □ No Have you ever been permitted to resign or surrender your license, certificate, permit, or registration to practice in a regulated profession while under investigation or while action was pending against you by any professional licensing agency or criminal or administrative jurisdiction? |

3. □ Yes □ No Are you currently under investigation or is any disciplinary action pending against you now by any local, state or federal licensing, enforcement or regulatory agency? |

4. □ Yes □ No Have you ever been declared by any court to be incompetent by reason of mental defect or disease and not restored? |

5. □ Yes □ No Have you ever had a documented case in which you were involved as the abuser in any incident of verbal, physical, mental, or sexual abuse? |

6. □ Yes □ No Have you been terminated, suspended, reprimanded, sanctioned, or asked to leave voluntarily from a position because of drug or alcohol use or abuse within the past five (5) years? |

7. □ Yes □ No Are you currently using or have you recently (within 90 days) used any drugs (including recreational drugs) without a valid prescription, the possession or distribution of which is unlawful under applicable state or federal laws? |

8. □ Yes □ No Have you ever unlawfully used any drugs for which you have not successfully completed, or are not now participating in a supervised drug rehabilitation program, or for which you have not otherwise been successfully rehabilitated? |

9. □ Yes □ No Do you currently have any criminal action pending?* |

10. □ Yes □ No Have you pled guilty to, no contest to, entered into a plea in abeyance or been convicted of a misdemeanor in any jurisdiction within the past ten (10) years? * |

11. □ Yes □ No Have you ever pled guilty to, no contest to, or been convicted of a felony in any jurisdiction?* |

12. □ Yes □ No Have you ever been incarcerated for any reason in any correctional facility (domestic or foreign) in any jurisdiction or on probation/parole in any jurisdiction?*
Streamlined Qualifying Questionnaire

QUALIFYING QUESTIONNAIRE

Read thoroughly, and answer each question. Do not leave any question blank.

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2. □ Yes □ No Do you CURRENTLY have any criminal action active or pending?

3. □ Yes □ No WITHIN THE PAST 10 YEARS, have you pled guilty to, no contest to, entered into a plea in abeyance, or been convicted of a misdemeanor in any jurisdiction?

4. □ Yes □ No Have you EVER pled guilty to, no contest to, entered into a plea in abeyance, or been convicted of a felony in any jurisdiction?
Individuals may apply for criminal history determination BEFORE pursuing training, education, etc. for a particular career requiring a license.

Advance Criminal History Determination Application

Criminal History Guidelines

Application for Criminal History Determination

This application is for non-licensed use ONLY. If you are needing a criminal history determination for multiple license types, you will need to complete a separate application for each. Do not use when applying for or renewing a license.

Download Application Form

Some licensing laws prohibit certain criminal history. You may submit this application at any time BEFORE applying for a license (even before completing any training or education for the license).

A Criminal History Determination Application IS NOT a BCI Report. To obtain a BCI Report, contact the Utah Bureau of Criminal History at the following link: https://bci.utah.gov/criminal-records/criminal-records-forms/

Application Process

What To Disclose In Your Application

Only the criminal incidents that you include in the application will be considered. Any omissions, either intentional or unintentional, may invalidate a Determination.
Thank you!

Visit dopl.utah.gov/criminal-history-guidelines/ or each professional page for more information about criminal history and professional licensing in Utah.
<table>
<thead>
<tr>
<th>Pg.16/17 §1715. (A)</th>
<th>Miscellaneous Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Criminal Background. Applicants shall not be disqualified from or denied issuance of a certificate of registration based on a prior criminal record</td>
<td></td>
</tr>
<tr>
<td>Specifies LSBC position on subject matter.</td>
<td></td>
</tr>
</tbody>
</table>
LCIW Student Instructors at LCIW Cosmetology School
“The students at LCIW are so hungry for knowledge and training that it is very rewarding for her as a teacher. Lauren reports they come overly-prepared and eager.”
Instructor Practical Exam Administered at LABOC
Thank You!

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https://csgjusticecenter.org/resources/newsletters/

For more information, please contact Josh Gaines at jgaines@csg.org

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