

**Gay and Lesbian Activists Alliance of Washington, D.C.**  
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October 15, 2012

Councilmember Marion Barry, Chairperson  
Committee on Aging and Community Affairs  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Councilmember Barry:

Please accept this letter as testimony on Bill 19-0017, the Human Rights for Ex-Offenders Amendment Act of 2011, for the record of the public hearing that was held on October 5, 2012.

We are pleased once again to stand with the DC Prisoners' Project of the Washington Lawyers' Committee for Civil Rights & Urban Affairs, which we honored in 2009 for its work in combating anti-transgender discrimination by the D.C. Department of Corrections. Today we express our support for B19-0017 with changes recommended by the Prisoner's Project.

We have been among the staunchest defenders of all the protected categories in the D.C. Human Rights Act of 1977 and its pre-Home-Rule predecessor, Title 34. Over the years, the list of protected categories has been expanded to keep up with the times, including by adding "gender identity or expression" and "genetic information." The need to protect ex-offenders is of growing concern due not only to preconceived notions about all people with criminal records, but to the large number of our city's residents who are caught up in the criminal justice system for a wide range of offenses, including victimless ones. The latter category includes transgender people who have resorted to prostitution for survival after being unable to find work due to discrimination. The automatic, up-front exclusion of all applicants with criminal records greatly hampers the re-integration of ex-offenders into their communities.

B19-0017 balances the legal rights of ex-offenders with those of employers, housing providers, and educational institutions. It provides a level playing field for qualified applicants for jobs, housing, or education while protecting the rights of prospective employers, landlords/realtors, and admissions officers to consider criminal records relevant to a particular position at an appropriate stage of the hiring or admissions process.

B19-0017 would ensure that applicants are qualified. It would defer background checks until after an application has been evaluated on its merits. It would permit background checks after a conditional offer has been made. It would require an employer, landlord/realtor, or admissions officer to inform the applicant within ten days if a background check reveals a relevant criminal record that requires withdrawal of the offer.

At the same time, B19-0017 would *not* force the hiring or acceptance of unqualified applicants. It would prevent frivolous lawsuits by requiring the Office of Human Rights to issue a probable cause finding on complaints that are filed.

Too many people, including those whose offenses harmed no one in the first place, are trapped at the margins of society due to a widespread knee-jerk reaction to their criminal records. A balanced response to this problem, as represented by B19-0017, is in order.

Thank you for your attention.

Sincerely,

Richard J. Rosendall  
Vice President for Political Affairs

cc: Committee Members