November 20, 2012

The Honorable Phil Mendelson
Chair, Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Room 412, John A. Wilson Bld.
Washington, DC 20004

Dear Chairman Mendelson:

I write on behalf of the American Bar Association and its nearly 400,000 members nationwide to express our support for Bill 19-889, Re-entry Facilitation Amendment Act of 2012 (“the Act”), and to urge the Council of the District of Columbia to further strengthen the Act.

For years the ABA has urged jurisdictions to enact legislation to prohibit collateral sanctions that unjustifiably frustrate reentrants’ successful return to their communities and to provide some mechanism whereby returning citizens can seek relief from such sanctions. See ABA Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons, Standard 19-1.2(a) (3d ed. 2003), which is attached. We urge jurisdictions to establish procedures for reentrants to obtain review and relief from unreasonable disqualification or discrimination based on their criminal records and to encourage the employment of people with criminal records through legislative mandates and incentives. Id.; Standard 19-3.2 and 19-3.3. Bill 19-889 is in furtherance of the concerns embodied in our Standards, as it sets out steps to reducing collateral consequences for those District of Columbia residents with criminal records.

The ABA is excited that the important issue of collateral consequences to incarceration is becoming a priority for federal and local governments, especially with the issuance of EEOC’s Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII, the introduction of the Uniform Collateral Consequences Act of 2010 in six states, and this proposed legislation in the District of Columbia. We hope that Bill 19-889 is just the beginning in the ongoing consideration and review of an estimated 40,000 federal and state collateral consequences faced by reentrants in the United States.

The ABA strongly supports Bill 19-889, and in doing so we join with the many other organizations and individuals that have urged the Council to both strengthen and pass this bill. We urge the Council of the District of Columbia to enact Bill 19-889 and consider
additional measures to better facilitate re-entry of those city residents formerly involved in the criminal justice system.

Sincerely,

Thomas M. Susman