

COMMISSION ON RACE & ACCESS TO OPPORTUNITY

Minutes of the 4th Meeting of the 2022 Interim

September 28, 2022

Call to Order and Roll Call

The 4th meeting of the Commission on Race & Access to Opportunity was held on Wednesday, September 28, 2022, at 3:00 PM, in Room 129 of the Capitol Annex. Senator David P. Givens, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator David P. Givens, Co-Chair; Representative Samara Heavrin, Co-Chair; Senators Karen Berg and Whitney Westerfield; Representatives George Brown Jr., Nima Kulkarni, and Killian Timoney; Dr. OJ Oleka and Erwin Roberts.

Guests: Myra Covault, First Vice-Chair, Lincoln Trail Area Development District Workforce Crisis Task Force; Donielle Lovell, Co-Chair, Lincoln Trail Area Development District Removing Obstacles Subcommittee; Julia Springsteen, Co-Chair, Lincoln Trail Area Development District Removing Obstacles Subcommittee; Dale Robinson, Co-Founder, Wanda Joyce Robinson Foundation; Amy Snow, Co-Founder and President, Wanda Joyce Robinson Foundation; Kasandra Brown, Program Recipient, Wanda Joyce Robinson Foundation; Xzayvion Brown, Program Recipient, Wanda Joyce Robinson Foundation; Nariyah Tillman, Program Recipient, Wanda Joyce Robinson Foundation.

LRC Staff: Brandon White and Brett Gillispie

Lincoln Trail Area Development District – Workforce Crisis Task Force

Myra Covault, First Vice-Chair of the Lincoln Trail Area Development District (LTADD) Workforce Crisis Task Force; Donielle Lovell, Co-Chair of the LTADD Removing Obstacles Subcommittee; and Julia Springsteen, Co-Chair of the LTADD Removing Obstacles Subcommittee, presented to the commission. LTADD's mission is to facilitate public/private partnerships on issues in the Lincoln Trail Area in order to further the region's economic development. The goal of the Workforce Crisis Task Force is to utilize these public/private partnerships to address the workforce supply shortage currently affecting the region by identifying strategies to increase workforce participation.

Ms. Lovell stated the sanctions that follow an individual when they are finished serving time in prison are that a person is often not eligible for certain professional certifications and job opportunities, no voting rights, and lack of public and housing benefits, and stereotypes that harm their reentry process. People of color are further harmed

by these stereotypes, which most heavily impact Black men, stating that a Black man without a felony record has roughly the same chance of receiving a call back for a job interview as a white man with a felony record. Employment opportunities are a key factor in recitivism for former offenders, as they help create new networks and social capital for the individual and help foster autonomy and increased self-efficacy. However, even traditionally felon-friendly industries often have a demonstrable aversion to hiring Black community members. While prisoners are able to acquire credentials while in prison, they are often viewed with a negative stigma when the offender is released due to their record.

Ms. Springsteen said that the leisure and hospitality, machine worker, and non-profit industries are recovering from the pandemic at a slower rate than other industries, and that expanding expungements in Kentucky will help those industries to find workers. Additionally, she said that expunging a prior offender's criminal record leads to an average of 25% increase in their wage earnings, providing them with much needed relief and increasing the Commonwealth's tax base. Describing the program provided by Baptist Health Hardin, she stated that if the expungement applicant provides the initial application fee of \$40, the hospital will provide an expungement benefit of up to \$1,000 for each 12 months of continuous employment. The maximum benefit is not to exceed \$5,000. Ms. Springsteen added that Ms. Lovell's research indicated that employers often do not distinguish between a misdemeanor and felony conviction when considering a candidate. Ms. Springsteen suggested that the General Assembly needs to reduce or eliminate the waiting period for expungement, which currently lasts five years after the end of their incarceration plus any probationary period.

Ms. Covault said that in her previous role as Vice President of Human Resources at Baptist Health Hardin led to her involvement in the expungement program. She said seeing the issues faced by offenders struggling to return to the workforce and the retention issues in staffing Baptist Health Hardin led her to partner with Dr. Lovell and Ms. Springsteen to develop the expungement program.

In response to a question from Rep. Timoney, Dr. Lovell stated that when offenders earn credentials in prison, it can often negatively affect their chances when applying for jobs due to the stigma against prior offenders, and that employers need to be educated in order to realize that prior offenders might be able to fill their needs. She added that prior offenders are often told that if they serve their debt to society and do the work they need to get ahead, that they will be able to reenter the workforce, but this often doesn't happen due to the existing stigma that they are trying to combat among employers.

In response to a question from Sen. Westerfield, Dr. Lovell stated that there are heightened impacts on communities of color regarding criminal offenses, and that she will be providing specific data points on that issue.

Sen. Westerfield voiced his opposition to the legislation passed in the General Assembly allowing the expungement of records and to the reduction of the fees to apply for expungement.

In response to a question from Sen. Westerfield, Ms. Covault said that recruitment and retention is continually a frustration of HR managers, and that she hoped that the expungement program would be an example for private sector employers to look to.

In response to a question from Sen. Westerfield, Ms. Covault said that Baptist Health Hardin will hire candidates with felony convictions as long as that conviction does not directly relate to the job that they are performing, but that the expungement program is an added step in employee retention and helping employees reach their goals.

In response to a question from Sen. Givens, Ms. Covault further specified that they would not hire candidates with felony convictions relating to the position that they would be performing, and she provided the examples that they would not hire an individual with abuse-related convictions to work with patients or finance-related convictions to work in a finance-related position. Dr. Lovell added that for many individuals with prior convictions, expungement can help them not only successfully get a job but also have upward mobility with their new employer beyond entry-level positions.

Rep. Kulkarni expressed her support for the expungement program and added that she does not believe that the state should not require a prior offender to pay for expungement.

In response to a question from Rep. Kulkarni, Ms. Springsteen stated that the federal Work Opportunity Tax Credit provides funding for employers who will hire several different disadvantaged groups including disabled veterans and individuals with felony convictions. That program will make up to \$2,400 per employee available to an employer once an individual with a felony conviction has worked 120 hours for that employer.

In response to a question from Rep. Heavrin, Ms. Springsteen suggested one or two years as a new waiting period for expungement as opposed to the current five years. Dr. Lovell added that recidivism is high in the United States due to both the stigma and the lack of resources faced by individuals with criminal records. She added that individuals are far more likely to be incarcerated if they have experienced poverty, and in particular, if they've experienced childhood poverty.

In response to a question from Rep. Heavrin, Ms. Covault said that Baptist Health Hardin does not ask a candidate whether or not they have a criminal record on their application.

In response to a question from Dr. Oleka, Ms., Covault said that they have tried to discuss the expungement program at any available opportunity. She added that she has been disappointed in the response from employers to the program, and that the level of interest that LTADD and Baptist Health Hardin was hoping would be generated in the expungement program has not materialized.

Rep. Brown expressed his support for the expungement program and stated that he thinks that the five year waiting period is too long. He said that the General Assembly needs to be doing more to increase access to opportunity for disadvantaged groups.

Wanda Joyce Robinson Foundation

Dale Robinson, Co-Founder, Wanda Joyce Robinson Foundation (WJRF); Amy Snow, Co-Founder and President, WJRF; Kasandra Brown, Program Recipient, WJRF; Xzayvion Brown, Program Recipient, WJRF; and Nariyah Tillman, Program Recipient, WJRF presented to the commission. The Wanda Joyce Robinson Foundation is a nonprofit founded to support youth impacted by incarceration. WJRF works with families with an incarcerated parent in three key areas: education, connection, and prevention. They provide financial support and resources to school-based K-12th grade Kids Rising Up through Support and Healing (KRUSH) groups based in Frankfort and Franklin County. They provide assistance with college and career planning and the Adam Hyatt Memorial Scholarship for graduating seniors impacted by incarceration. The foundation facilitates connections between families and their incarcerated caregiver. They partner with the Franklin County Regional Jail in order for children to visit virtually or in person with their incarcerated parent. They provide support groups for children and families impacted by incarceration. They work to prevent children impacted by incarceration from becoming involved with the criminal justice system by offering mentoring programs to these children, and through the Operation Making A Change (OMAC) program for at risk youth.

Ms. Snow said that WJRF is focused on healing justice and strengthening families. Kentucky's incarceration rate is more than double the national average, and that 12% of Kentucky children are impacted by parental incarceration. WJRF provides families a monthly caregiver support group, parent cafes, quarterly family fellowship events, and assistance with basic needs. WJRF provides mentors for her children, and that she loves having a support group of people who are dealing with the same issues that she and her family are struggling with.

Ms. Snow said that many parents remain incarcerated due to a lack of funds to post bond. Incarcerated parents have 12 months to come up with a permanency plan with the Department of Community Based Services. Children of color are entering the foster care system at a much higher rate than their white counterparts. Local schools need 2-5 KRUSH groups per school in order to meet their needs, and she is advocating for a statewide KRUSH program. Greenup County is experiencing a 60% improvement in test scores for students who participate in KRUSH.

Ms. Tillman said that she likes that KRUSH provides her with a safe space to discuss how she struggles with having an incarcerated parent without fear of judgement, and that it helps children come together and make friends.

Mr. Brown said that he is a part of the high school outreach program, and that his mentor and the other teenagers in his group are there to support him.

Ms. Snow said that 30% of the highest tiered students in Kentucky's Persistence to Graduation report are impacted by incarceration, which can be reduced with programs like the ones provided by WJRF. Drug prevention has to start in elementary school because fourth and fifth graders are using drugs due to mental health and incarceration-related issues.

Ms. Snow said that WJRF is seeking support for a Kentucky Bill of Rights for Children of the Incarcerated. Mr. Robinson went over the list of rights in a similar bill passed by the state legislature of Oregon.

Mr. Robinson said that this bill of rights is important to him personally because he spent 10 years in federal prison while he had two children. Incarceration is often generational, saying that his father was imprisoned. Mr. Robinson made a point to stay in contact with his children while he was incarcerated and told them that he planned on opening a gym. He faced setbacks due to his criminal record, but he now owns a gym franchise. If he had not been able to communicate with his sons and if they had not had good mentors while he was incarcerated, that it was very likely that they would have also been incarcerated. Mr. Robinson believes that WJRF needs the funding to expand into different cities in Kentucky. He also advocated for the adoption of a bill of rights for children with incarcerated parents.

In response to a question from Sen. Westerfield, Mr. Robinson stated that there would be exceptions in the bill of rights when it may be harmful or dangerous for the children to be in a relationship with an incarcerated parent. Ms. Snow added that she was not aware of any funding allocated to the bill of rights by the state of Oregon, and that they would consider whether or not parental rights have been terminated and whether the child has been neglected or abused. All visitation done by WJRF is screened through DCBS. Mr. Robinson added that the bill might come with a price tag, and Sen. Givens expressed support for funding that might need to be allocated towards it.

In response to a question from Dr. Oleka, Ms. Snow said that she would need to discuss with the board of directors what level of funding WJRF would need to achieve their statewide vision. They would welcome any discussion about state resources in order to reach that goal.

In response to a question from Rep. Brown, Mr. Robinson stated that the Wanda Joyce Robinson Foundation is named for his mother.

There being no further business, the meeting was adjourned at 4:37 p.m.