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HANO defends easing criminal background check policy, to standing-room-only crowd

[Richard A. Webster, NOLA.com | The Times-Picayune](#) By [Richard A. Webster, NOLA.com | The Times-Picayune](#)

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David Gilmore told a standing-room-only crowd at the [Housing Authority of New Orleans'](#) Tuesday board meeting that the proposed change to the agency's [criminal background check policy](#) is not intended to create an open-door policy that would allow an unabated flow of ex-felons into public housing. "It is intended to retain some standards relative to admission and employment but not an effort to throw all of those cautions to the wind and turn this place into an open facility where anybody walks in the door and they're all set," said Gilmore, HANO's administrative receiver.

After attempting to satisfy the fears of people on one side of the argument, Gilmore opened the floor to the other side, public housing residents, attorneys and activists who described the proposal as a positive, but deeply flawed first step to right a long-standing wrong.

Adrienne Wheeler with the Justice and Accountability Center of Louisiana said HANO's proposal to ban people who present a clear and present danger to the community would violate the guidelines of the Equal Employment Opportunity Commission and expose the housing agency to lawsuits because the standard is too vague and open to interpretation.

Gilmore listened to and agreed with many of the comments but pushed back against some, such as Randall Recasner's plea to eliminate background checks for employment until people have a chance to go through the interview process.

"When you sign the application that you've been convicted, they just throw it in the trash," Recasner said.

Gilmore said people should never be pre-judged based on their criminal history but said he didn't understand why it made a difference whether the background check took place at the beginning or end of the process. "I don't see much point in pulling you all the way through the application process and make you believe you will be hired if I know I'm going to look at criminal history anyway," he said.

HANO's revision of its background check policy is designed to eliminate obstacles men and women face when returning to society after spending time in the criminal justice system, according to a statement on HANO's website.

"Their criminal history is likely a bar to admission to most affordable housing opportunities, making post-incarceration reunification of families a near impossible dream," HANO says in the preamble to its proposed policy

statement. "(HANO) recognizes that, whether explicit or implicit, its practices have served to perpetuate the problem... and accepts that it has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members."

The new policy asserts that applicants will no longer be automatically barred from employment or housing at HANO unless it is determined that they pose a public threat or their criminal history includes acts of child abuse, sexual predation or domestic violence.

People who fall into the first category, posing a potential threat, can appeal their case before a panel. HANO will require that anyone it does business with, whether as a contractor, consultant or landlord, adopt this policy.

HANO will accept public comments on the proposal through Feb. 5 after which it will finalize the new policy.

Public housing residents and activists criticized the proposal in a letter sent to Gilmore Friday; instead of making it easier for a former inmate to find housing or employment, HANO's new policy would expand the number of people automatically banned based on past criminal activity, according to the letter signed by Colette Tippy, lead organizer of Stand with Dignity.

The only people automatically banned under the current policy of the U.S. Department of Housing and Urban Development are those who have manufactured methamphetamine on public housing property and anyone subject to a lifetime status on the sex offender registry. HANO's new policy expands the automatic ban to include people convicted of domestic violence and child abuse.

Public housing residents and activists who gathered Thursday at the offices of the Workers' Center for Racial Justice to discuss HANO's proposal agreed that child abuse and domestic violence charges can be complicated and shouldn't result in a lifetime ban.

"I was outside my apartment fussing with someone and a neighbor called the police, not the person I'm fussing with, but I go to jail for domestic violence," said Stand member Sean Lawson. "It doesn't have to be physical to catch that charge. So now if I want to get an apartment I can't."

HUD's policy on lifetime bans covers only housing but HANO's includes employment and demands that its contractors institute the same policy, further hindering the ability of ex-convicts to turn their lives around, Tippy said.

"Why would you ban anyone who has a domestic violence charge from working on a construction site? That's not going to decrease the violence," she said. "If you have someone who is actually violent, removing their ability to take care of themselves will cause significantly more stress. It's important to understand the impact on people's lives."

HANO met with Stand several times last year to discuss the need to change its criminal background check policy and asked the group to submit a draft proposal. Stand sent 15 pages of requested changes in October; HANO officials

responded in early January, presenting the group with a one-page policy statement.

"Unfortunately, Mr. Gilmore just ignored everything we sent and wrote something not even in line with what we submitted," Tippy said.

Gilmore declined to comment on the policy revision before the public hearing.

Stand proposed that background checks be limited to three years; only be conducted after a job is offered and not during the application or interview process; and should only take into account convictions and not arrests. Stand also insists that families should not be evicted or banned because of the actions of one family member and that the housing agency should not ban people for categories of crimes that are vague and do not pose a public threat.

Alfred Marshall, a Stand organizer, was convicted 12 years ago for burglary, served five years and has stayed out of trouble for the past seven years and yet he said he still has trouble finding work. If the application includes a box to be checked if the person applying has a criminal history, Marshall said he knows he won't get a call back much less an interview. He recently thought he was going to be hired as a cook but the company did a criminal background check dating 10 years and turned him down.

"I'm working on the right path but that took something out of me," he said. "I've been doing all the things I need to do to fit back into society so why don't I have a chance to have a decent job?"

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