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June 2, 2016

Alderman Anthony Beale
Chairman, Committee on Transportation and the Public Way
34 E. 112 Place
Chicago, IL 60628

Dear Alderman Beale,

When I served as U.S. Attorney General, I asked Attorneys General in every state and Cabinet secretaries throughout the federal government to consider how they could eliminate policies and regulations that impose unnecessary burdens on individuals reentering society.

For non-law enforcement purposes, fingerprint-based background checks are just such a practice. They are based on the FBI's Criminal Justice Information System (CJIS), which even the FBI has acknowledged is incomplete and lacks information about the final outcomes of a significant percentage of cases. That means that its records often do not indicate whether a person who was arrested was even charged or ultimately convicted. Because of these issues with law enforcement databases, a fingerprint-based check can prevent people from getting a job even if they were never found guilty of a crime.

Requiring fingerprint-based background checks for non-law enforcement purposes can have a discriminatory impact on communities of color. With nearly 50 percent of African-American men and 44 percent of Latino men arrested by age 23 nationwide, the practice of denying work based on law enforcement records with incomplete and inaccurate information disproportionately disadvantages people who have been arrested. The impact becomes even more acute when looking at communities such as Chicago, where 80 percent of working age African-American men have criminal records and nearly half of young black men are unemployed.

The FBI database has a clearly-defined purpose: to aid law enforcement during investigations. It facilitates investigators who are then expected to follow up on information found in the database to determine whether it is complete or not. It was not designed to be used to determine whether or not someone is eligible for a work opportunity. Relying on it for that purpose is both unwise and unfair.

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I strongly encourage local leaders and policymakers to enact practices that can ensure safety without limiting economic opportunities for those who need them most.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Eric H. Holder Jr.", with a stylized flourish at the end.

Eric H. Holder Jr.

EHH/vsb

cc: Mayor Rahm Emanuel and Members of the City Council of Chicago