

A circular wreath of botanical illustrations surrounds the text. The wreath includes various plants: a large red leaf, a green leaf with a white vein, a fern frond, a cluster of small pink flowers, a large green leaf, a cluster of orange flowers, a large red leaf, a cluster of purple flowers, and a large green leaf. The background is a light blue-grey color.

Douglas Shaffer  
**SB 1077**  
**A Fair Chance  
In Oklahoma**

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# An UnFair Anecdote

March/December 1990  
33 Years Ago

June 2011  
21 Years Later

December 2019  
29 Years Later

*Douglas Shaffer*

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<https://www.linkedin.com/in/douglas-shaffer2021/>

*Division One Disposal, OKC, OK*

General Manager, 9/22/2014 – 10/15/2019

*Shire Lea Village Homeowners Association, Yukon, OK*

President, May 2016 – October 2020

*Premier Solutions, OKC, OK*

Sr. Recruiting Coordinator May 2012 – September 2014

## **Education**

### **Liberty University**

- Doctoral Candidate, August 2022- Present
- Student, Doctor of Strategic Leadership, August 2018 – May 2022

### **Oklahoma Wesleyan University**

- Master of Science, Strategic Leadership, Bartlesville, OK, March 2018

### **Southwest Bible College & Seminary**

- Master of Arts, Christian Education, Jennings, LA, May 2004
- Bachelor of Arts, Christian Education, Jennings, LA, November 2002

### **University of Central Oklahoma**

- Bachelor of Science, General Studies (emphasis on Organizational Leadership), Edmond, OK, December 2015

### **International Bible College & Seminary**

- Bachelor of Arts, Missions, Independence, MO August 2004

### **Rose State College**

- Associate of Arts, General Studies, Midwest City, OK, May 2013

### **Family Radio School of the Bible**

- Associate of Arts, Religious Education, Oakland, CA, May 2003

### **Oklahoma Department of Education**

GED, September 30, 1990

- Specialized Training
- **SWANA (Solid Waste Association of North America)**
  - **Manager of Landfill Operations (MOLO), February 2021**
  - **Transfer Station Operations, February 2021**

**360 Training**

- **OSHA 10**
- **HazWoper 40**
- **DOT 60/60 Supervisor Training (Reasonable Suspicion)**
- **Construction Safety (GHS & OSHA Hazardous Communication)**

**Scissortail Waste Solutions (iTrain Station and CompSource Mutual)**

- **Solid Waste Safety**
- **CDL Supervisor Training**
- **A Supervisor's Role**
- **CDL Driver Safety**
- **Building an Effective Team**
- **Job Safety Analysis & Training**

**Oklahoma Department of Career and Technology Education**

- **Administrative Assistant I, Caddo Kiowa County Technology Center (2001)**
- **Commercial Drivers License (2001)**
- **Brainbench Certifications— Word Processing and Microsoft Office Suite 2000 (Word, Access, Excel, PowerPoint, and Outlook)**

**Evangelical Training Association**

- **Certified Teacher (1995 – Current)**
- **Foundational Church Ministries Certificate, January 1998**
- **Standard Church Ministries Certificate, August 1998**
- **Advanced Church Ministries Certificate, April 1999**
- **Leadership in Church Ministries Certificate, July 2001**

**Toastmasters International, 1992-1997; 2001 – 2003**

- **Competent Gavalier**



Douglas C. Shaffer  
12617 N.W. 7<sup>th</sup> Street  
Yukon, OK 73099

Dear Mr. Shaffer:

As part of The City of Oklahoma City's employment process following a conditional offer of employment, you authorized the City of Oklahoma City to conduct a background verification.

Pursuant to your authorization and for purposes of evaluating your eligibility for employment, the City of Oklahoma City obtained a background report about you from the Oklahoma State Bureau of Investigation.

In a letter dated July 23, 2019, The City of Oklahoma City provided you a copy of your background report and provided you with seven (7) business days to review the report and submit information to refute the validity or clarify the information contained in the report.

This is to notify you that based on information contained in your background report, the City of Oklahoma has decided not to offer you employment at this time.

If you have questions about the City of Oklahoma City's employment policies, please contact Personnel Operations, 420 W Main, Oklahoma City, OK 73102, or 405-297-2530.

Sincerely,



Laurie Allen  
City of Oklahoma City Personnel Department

January 2023  
33 Years Later

*Douglas Shaffer*

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*J.E.M. Foundation (Justice. Equity. Mercy), [www.jem-oklahoma.org](http://www.jem-oklahoma.org)*

Chief Operating/Visionary Officer and Founder, 01/2020 – Present

*Scissortail Waste Solutions, OKC, OK*

Chief Operations Officer, 12/2021-12/31/2022

Director of Operations, 6/01/2020 – 12/2021

*Division One Disposal, OKC, OK*

General Manager, 9/22/2014 – 10/15/2019

*Shire Lea Village Homeowners Association, Yukon, OK*

President, May 2016 – October 2020

*Premier Solutions, OKC, OK*

Sr. Recruiting Coordinator May 2012 – September 2014

The Greens At Lake Overholser  
9900 Hwy 66 W  
Yukon OK 73099

SEP 20, 2023

Douglas Charles Shaffer  
12617 NW 7th ST  
Yukon OK 73099

Dear Douglas Charles Shaffer,

Thank you for your recent rental application. You authorized us to obtain a tenant screening report containing credit and other information about you to help us evaluate whether you meet the rental criteria for the property where you applied. If a copy of our screening criteria was not already provided to you, please contact the property for this information.

Your rental application was declined because you **or** the group you applied with did not meet the property's minimum rental requirements. For privacy reasons, this letter only discloses your individual results to you. If you applied as part of a group, this letter does not include the individual results for any other member of your group.

Your individual result was affected by:

\*Criminal History Does Not Meet Property Requirements

August 2023  
33 Years Later

Unemployed  
Homeless  
In Bankruptcy

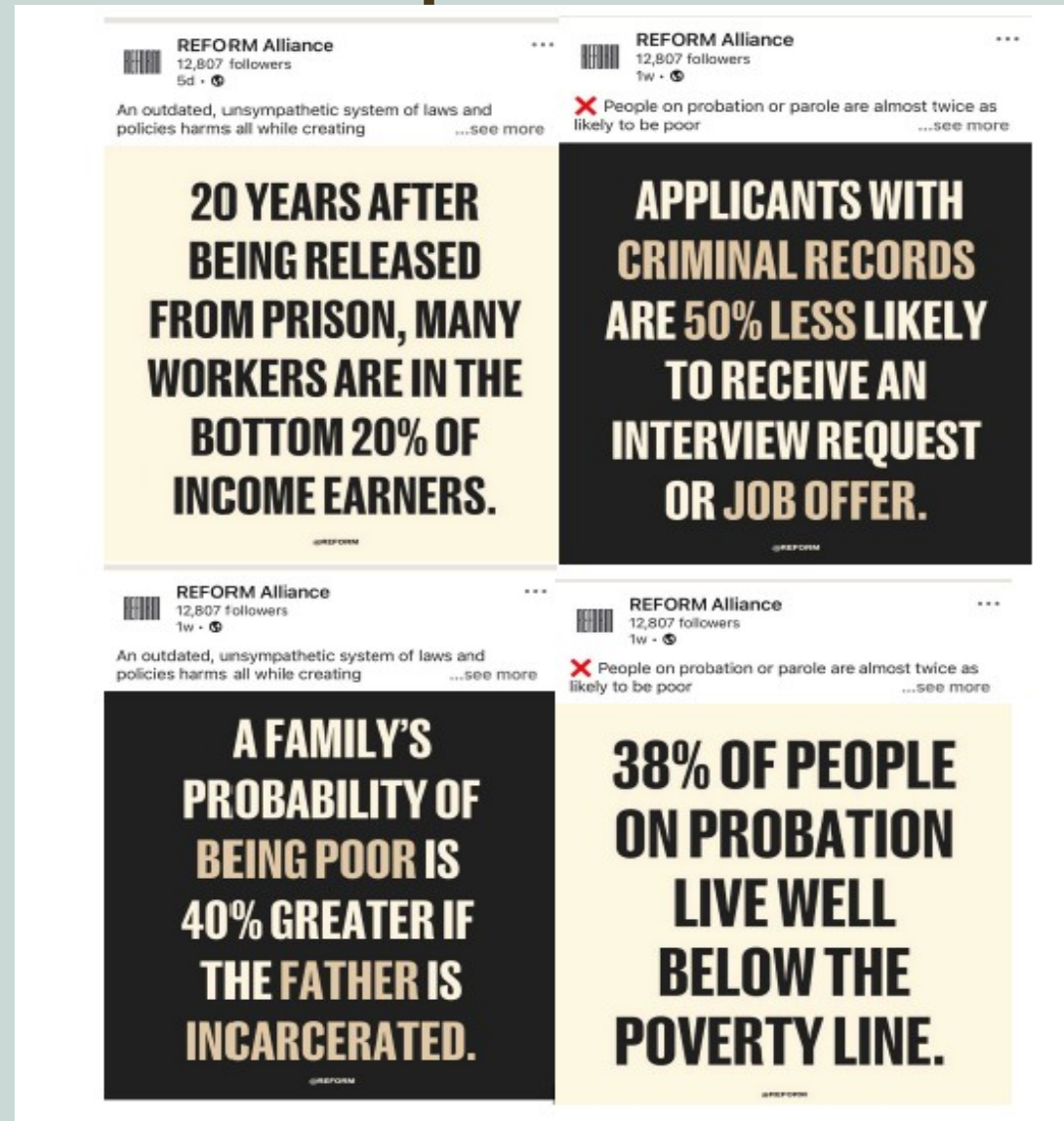


# Introduction

In 2016 then Governor Mary Fallon took the first ever step toward a Fair Chance culture in Oklahoma by signing Executive Order 2016-03 that banned asking about criminal history on the application and throughout the interview process until a contingent offer had been made to an individual. This Executive Order only applied to State agencies.

Governor Stitt used Executive Order 2019-07 to continue that Ban the Box Executive Order but failed to do so again in his second term.

# The problem





More than 80 million Americans have a  
criminal record.  
That's a quarter of the entire U.S. population:  
1 in 4 Oklahomans.





# The problem Cont.

**\$78 TO \$87 BILLION**

loss to annual GDP by excluding  
people with records from work

**27%**

the unemployment  
rate of formerly  
incarcerated people

**ALMOST  
HALF**

reduction in the  
likelihood of a job  
offer as a result of  
a criminal record

**OVER  
600k**

people are  
released each  
year from prison



# 50%

of Managers want to hire the best candidate for the job

# \$635 million

state-level annual savings by decreasing recidivism by 10%

# 13%

lower turnover in employees that have a conviction

# 45,000

State and federal release conditions that formerly incarcerated people must meet after they are released from prison

## By the Numbers:

- ♦ **The No. 1 predictor** of recidivism is joblessness.
- ♦ State and federal statutes mandate or sanction approximately **45,000** release conditions that formerly incarcerated people must meet after they are released from prison, including what they can do for a living, where they live, and whether they can vote.
- ♦ For the first year following their release from prison, **70%** of people who are formerly incarcerated report no income at all. By their second year of release, **55%** earn approximately **\$10,000** per year.
- ♦ Lowering the recidivism rate by just **10%** could save states an average of **\$635 million** annually.
- ♦ People with a conviction history tend to be more loyal with **13%** less turnover, creating an estimated **\$800** in savings per employee.
- ♦ **50%** of managers want to hire the best candidate for the job regardless of their conviction history.

# What is Fair Chance Hiring?

Fair Chance Hiring refers to a set of policies and practices—sourcing, evaluating, hiring, retaining, and promoting employees—aimed at providing individuals with a conviction or arrest history an equal opportunity to secure good, impactful, well-paying jobs.

**Fair Chance Hiring recognizes that individuals with a record face significant barriers to employment, even after they have served their sentence or completed their probation. These individuals often face discrimination during the hiring process based solely on their conviction history, regardless of their qualifications or ability to perform the job.**

Fair Chance Hiring seeks to level the playing field by postponing inquiries about an applicant's conviction history until later in the hiring process, typically after an initial interview or conditional job offer has been made. This allows jobseekers with records to showcase their skills, qualifications, work experience, and values without being judged based on their past mistakes.

The goal of Fair Chance is to provide people with a conviction or arrest history an opportunity to rebuild their lives, find stable employment, and reduce the likelihood of recidivism. By giving applicants a Fair Chance to be considered for employment based on their merits, rather than their conviction or arrest history, employers can tap into a larger pool of talent and contribute to creating a more inclusive and equitable workforce. Fair Chance Hiring aims to increase employment opportunities, reduce discrimination, and promote social and economic inclusion.

## Recidivism

*/re'side,viz(ə)m/*

the tendency for people to encounter the justice system after concluding prior terms of prison or probation





## WHAT IS NEGLIGENT HIRING?

Negligent hiring is a civil (non-criminal) cause of action in which an employer is found liable because they hired someone they knew, or should have known, was likely to harm others in the position for which they were hired.

The first requirement is that the employer knew, or should have known, the information about the employee that creates the risk of harm at the time they hired them. When an employer is held liable for negligent hiring, the reason is often because they did not conduct any background screening or review before they hired the employee involved.

The second key requirement is that the harm caused by the employee was foreseeable in light of the nature of the employee's background and the harm they caused after being hired. Courts require that there be a connection (referred to as a nexus) between the nature of the employee's prior behavior and the nature of the subsequent harm. Without such a connection, the employer is usually not liable.

# Employer Concerns

## WHAT IS NEGLIGENT RETENTION?

Negligent hiring is often confused with negligent retention. In fact, they are quite different. In negligent hiring, the employer's mistake is hiring someone whose previous conduct makes them unsuitable for the job. Negligent retention involves continuing to employ someone (with or without a criminal record) when their post-hiring conduct indicates that they are a risk to fellow employees or customers.

A classic case of negligent retention is *Middlebrooks v. Hillcrest Foods, Inc.*[1] The employee was a cook in the employers' restaurant. Despite violent altercations with customers, the restaurant continued to employ him. The court held that it was foreseeable that he would do so again and found the employer liable when he engaged in a racist and threatening outburst against a group of Black customers.

The key to avoiding negligent retention liability is for employers to promptly take appropriate disciplinary action when an employee behaves in a manner that indicates they are a threat. Rejecting applicants because of conduct before they are hired has no impact on negligent retention.

# 5 Steps to Protect Your Company from Negligent Hiring

## 1 Document & Consider All Job Responsibilities for Every Position in Your Company

Employers who conduct record checks and thorough background screens that also include employment history, skills, and job-relevant competencies when making hiring decisions are rarely held liable.



## 2 Obtain Accurate Records

Be diligent in ensuring the criminal record information is complete and accurate. It is not wise to rely solely on self-reported information. But, allow candidates to review negative information and dispute inaccuracies.

## 3 Conduct Individualized Assessments

Employers should conduct individualized assessments of job candidates to ensure they have a comprehensive view of talents, backgrounds, experiences, skills, and credentials good candidates may present.



## 4 Don't Fail to Investigate

The most common way employers become liable for negligent hiring is by not conducting a background check. Where jobs with heightened risk are concerned, courts expect employers to evaluate applicants' backgrounds before hiring.

## 5 Get Help

The more employers know about evaluating occupational risks concerning all job duties in their company, the more they will be able to hire people that may have a record but will be assets without serious risk of liability.



# Established Facts

REDEMPTION IN THE PRESENCE OF  
WIDESPREAD CRIMINAL BACKGROUND  
CHECKS\*

ALFRED BLUMSTEIN

KIMINORI NAKAMURA

The H. John Heinz III College Carnegie Mellon University

KEYWORDS: redemption, criminal background checks, criminal-history records, employment

## SUMMARY

As background checking has become a routine practice for many employers, and an increasing number of criminal records have become electronically accessible, those who made a mistake many years ago but have since lived a law-abiding life face hardships in finding employment. The risk of recidivism declines with time clean, so we know that a person who has stayed clean for an extended period of time must be of low risk. The question is the extent to which the risk drops over time, and at what point in time the risk is deemed low enough. This article addresses these questions by examining the hazard of those who were first arrested in 1980

# What is the Actual Risk?

According to the exhaustive quantitative study conducted by Blumstein & Nakamura (cited above), at some point, different for differing crimes and age groups, and with no contact with law enforcement, but equally applicable to all, ...

Ex-felons become no more likely to reoffend than someone who has never offended at all.



# Areas of focus

## Hiring Culture

- Provide opportunities for all free people, regardless of the mistakes of their past, to have a fair chance to market their experience and value to a company without the undue bias of prematurely confronting the reality of a past.
- Continue to allow business to make their own hiring decisions, only balancing those rights with those who have paid their debt to society
- Reposition when and how background reports are used in the hiring process, not prohibit their use.

## Housing Culture

- Provide the opportunity for timely, affordable, and safe housing for all Oklahomans by eliminating the use of background reports in housing decisions
- Oklahoma Criminal statutes already provide limitations on where certain types of offenders can live. There doesn't need to be an unfettered use of criminal background reports that provide no genuine value and only work to discriminate and weaken Oklahoma as a whole.



# Let's Start the Next Chapter

## Highlights of SB 1077

- Amendments to Title 24
  - Allows for the request and consideration of background reports only after a contingent offer of employment has been made to a candidate
  - Provides consistency and fairness in the background reporting process by requiring every entity that might provide a background report other than for criminal investigations and judicial proceedings to comply with the Fair Credit Reporting Act (FRCA).

# Let's Start the Next Chapter

## Highlights of SB 1077

- Amendments to Title 24
  - Exempts certain bodies from the amendments such as law enforcement, health institutions, military, etc. where a heightened sense of security and information about an individual becomes necessary.
  - Requires employers who will not hire an applicant with a felony to disclose that in their job description and job postings, wherever they may post them.
  - Provides indemnity to employers who make hires under the provisions of these amendments.

# Let's Start the Next Chapter

## Highlights of SB 1077

- Amendments to Title 24
  - (On the floor proposed Amendment)
    - Add “Section H. Criminal history and/or background reports, defined as consumer reports or otherwise, may not be requested or utilized in the determination of housing decisions, whether for purchase, rent, lease, or other condition or structure of agreement for housing purposes.”

# Let's Start the Next Chapter

## Highlights of SB 1077

- Amendments to Title 57
  - Incentivizes ex-felons on probation or parole to enhance their employability skills by extending certain limited achievement/sentence reduction credits available to inmates to those on probation or parole.
  - Incentivizes ex-felons in reentry and on probation or parole to maintain consistent employment by extending certain limited achievement/sentence reduction credits available to inmates to those on probation or parole.
  - Incentivizes ex-felons on probation or parole to adapt to the mores of society by incentivizing them to behave well in order to continue to earn the good time/sentence reduction credits they were earning while in prison.



# Summary

The single greatest indicator of an ex-felon's success is his/her ability to maintain gainful employment.

The single greatest indicator of an ex-felon's failure and recidivism is his/her inability to secure gainful employment.

Oklahoma has a national reputation for being tough on crime. Recent years has seen District Attorneys working with legislators to make smart reforms to sentencing structures. We have seen a plethora of steps since 2016 in the area of Justice reform. It is time to take the next step... and provide the necessary tools those in reentry need to successfully reintegrate into society. We say we want them to succeed. We say we want to reduce recidivism... but historically we have denied them the two most significant resources needed... employment and housing.



CHAPTER 1

# Progress

## Oklahoma's Reform Story Continues to Be Written

At the end of 2016, Oklahoma had the highest incarceration rate in the country, with Oklahomans 65% more likely to be in jail or prison than someone who lived in another state. Recognizing that these high rates of incarceration were not making Oklahoma safer, more just, or more productive, voters and policymakers started to make long overdue changes to the criminal justice system.

Learn More



Woman reunites with family outside of prison gates.

<https://turningthepage.fwd.us/c/hapter1/>



Thank  
you



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