
Criminal Records & Employment: Data on the Disproportionate Impact on Communities of Color

Updated November 30, 2009

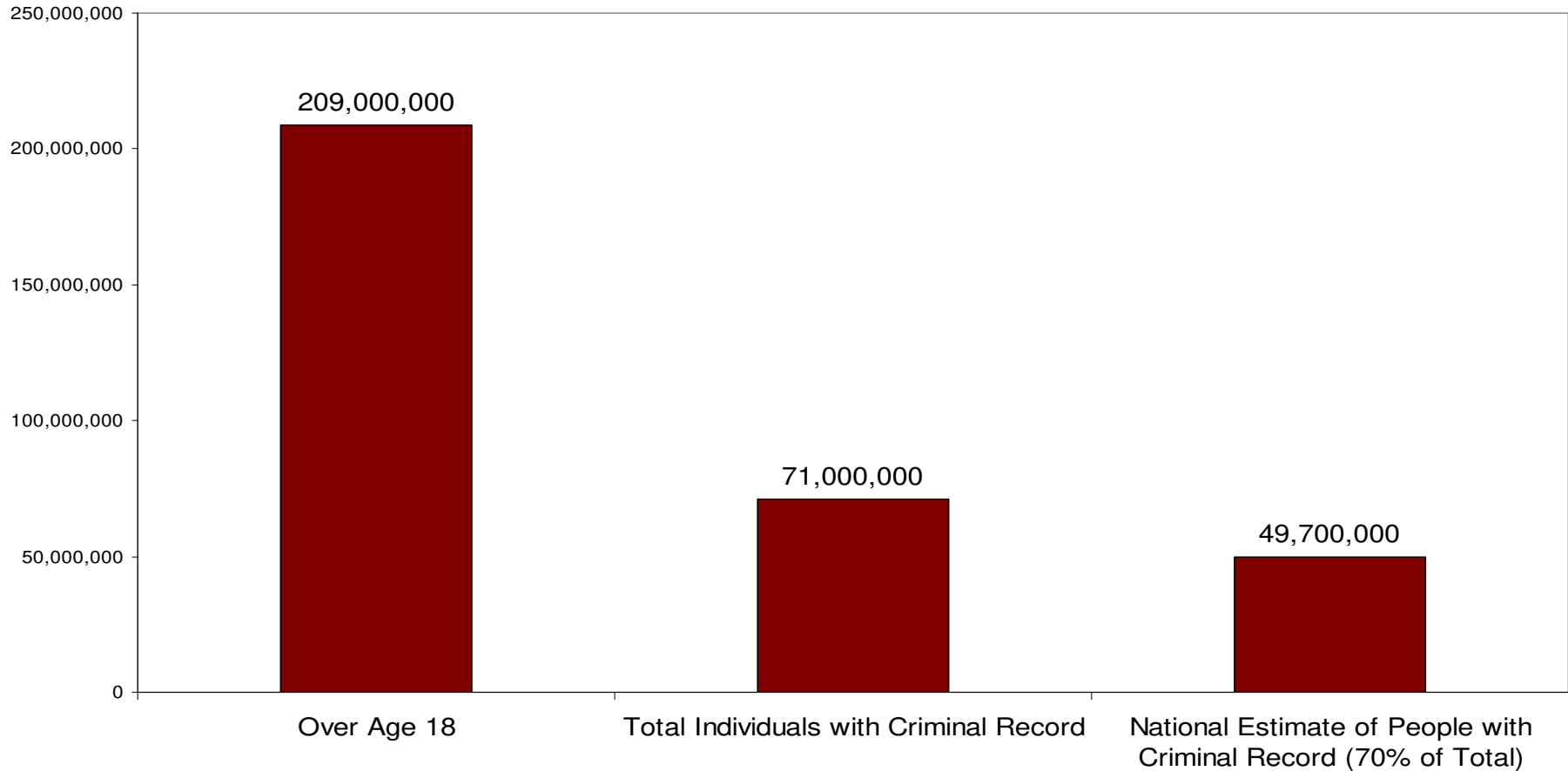
Madeline Neighly
Margaret (Peggy) Stevenson
National Employment Law Project
Oakland, California
510-409-2427
mneighly@nelo.org
pstevenson@nelo.org

National Employment Law Project's Second Chance Labor Project:

Working to reduce barriers to
employment for people with
criminal records.

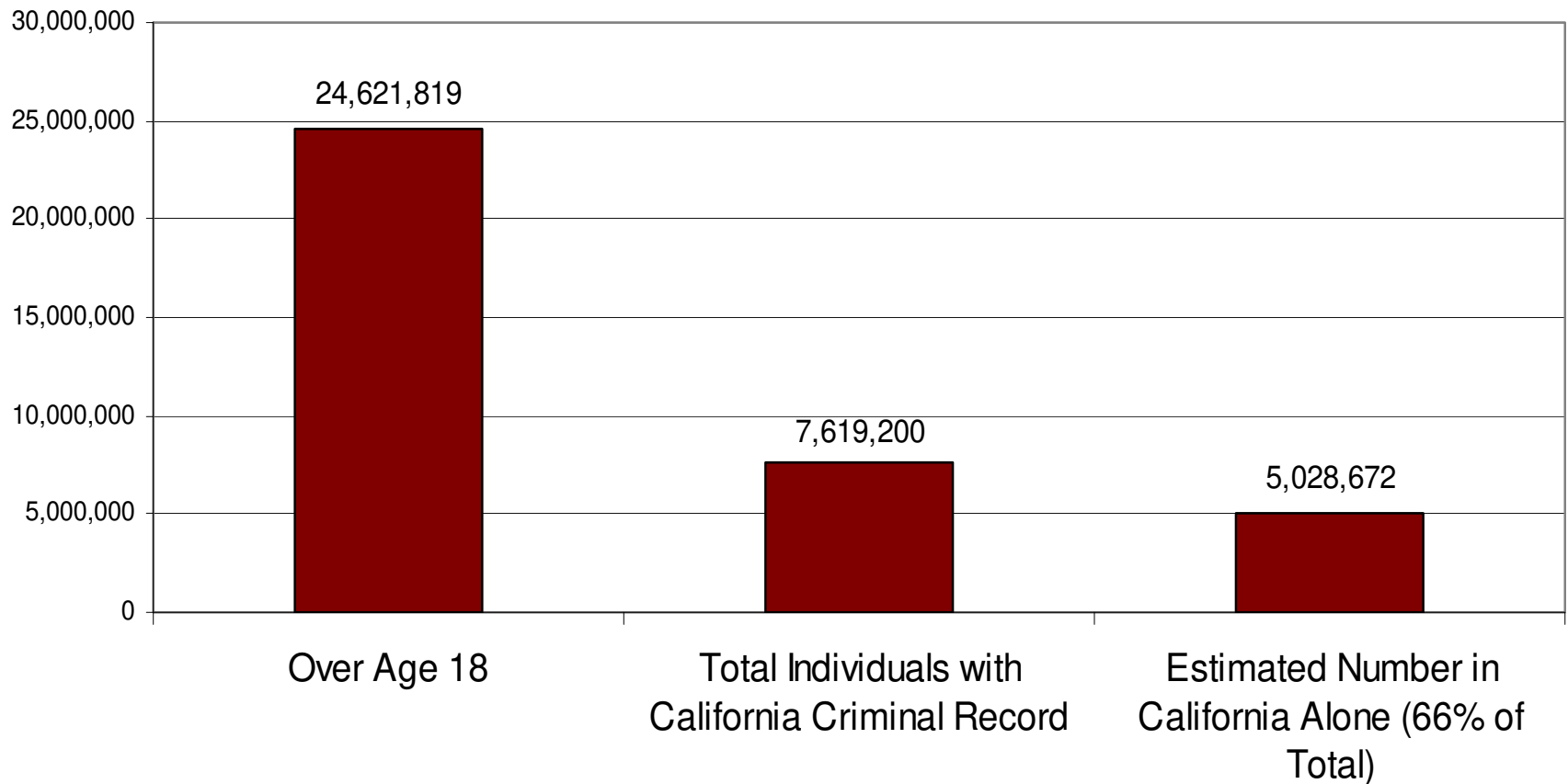
About One in Four U.S. Adults Has a Criminal Record on File with the States

(Bureau of Justice Statistics 2006, Table 2)



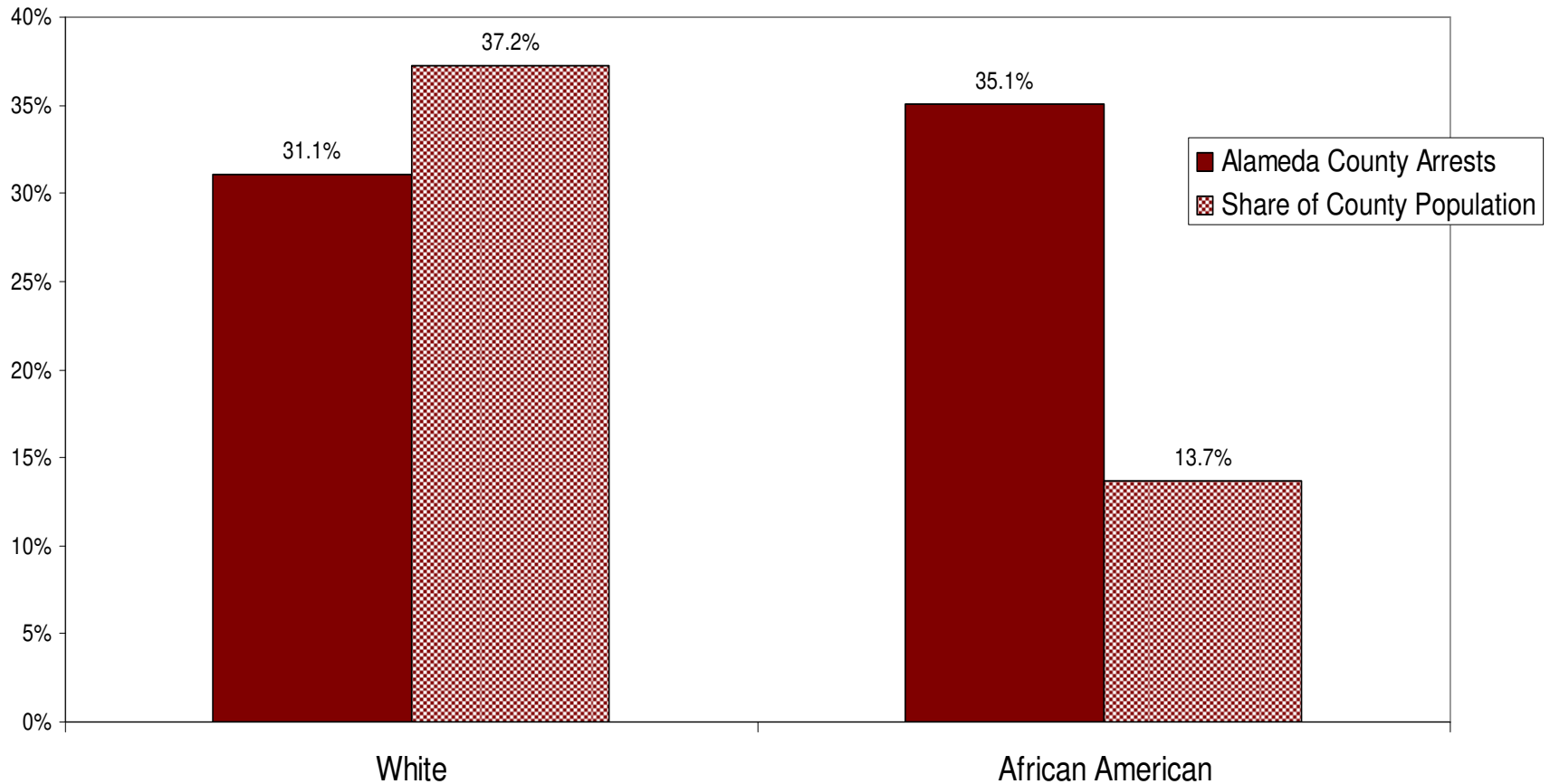
One in Five Adult Californians Has a State Criminal Record

(Bureau of Justice Statistics, 2001; U.S. Census 2000)

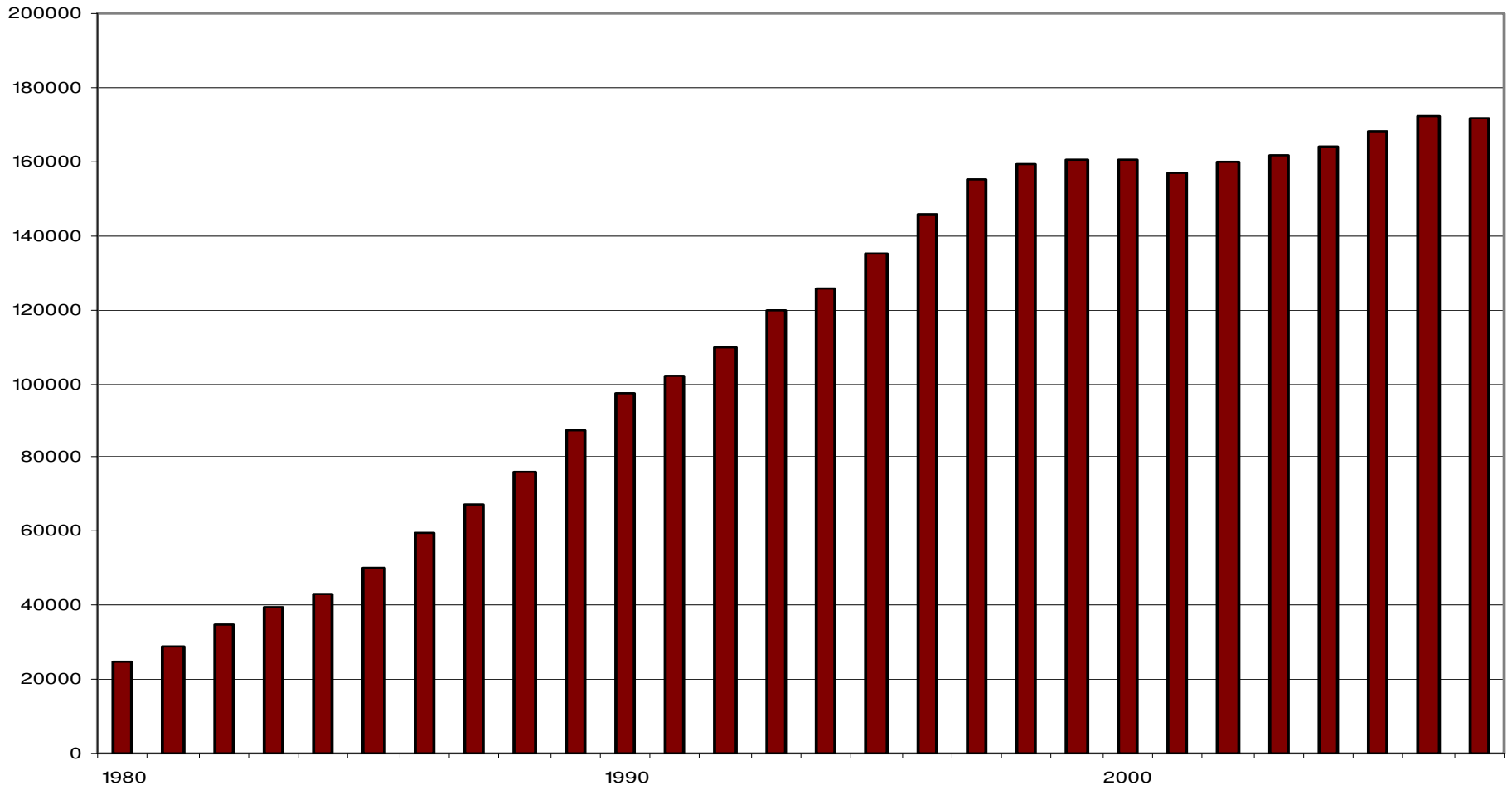


Disproportionate Impact of Arrests on African Americans in Alameda County, California

(Adult and Juvenile Arrests Reported, 2006)



Rising Rates of California Imprisonment from 1980 to 2007



State population grew by less than 60%

Prison population grew nearly 600%
from 24,569 to 171,444

African Americans are Incarcerated at a Rate Six Times that of Whites

All Men and Women (ages 18 and over)

White	1 in 245
African American	1 in 41
Latino	1 in 96
All	1 in 102

(Pew Center on the States, “One in 100: Behind Bars in America 2008”)

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All Men and Women (ages 18 and over)

White	1 in 245
African American	1 in 41
Latino	1 in 96
All	1 in 102

Men (ages 18 and over)

White	1 in 106
African American	1 in 15
Latino	1 in 36
All	1 in 54

African American (Men ages 20-34)..... 1 in 9

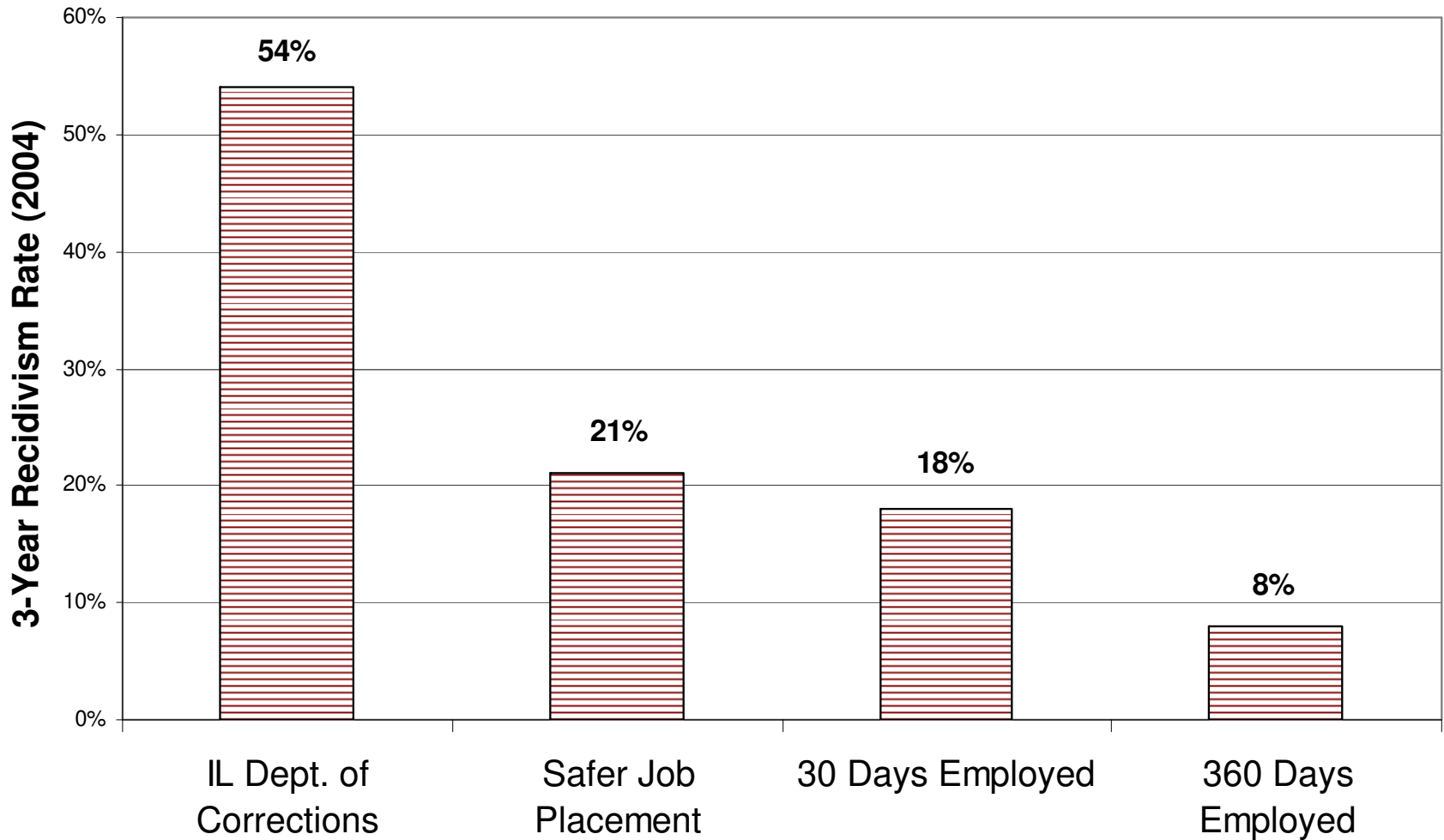
(Pew Center on the States, “One in 100: Behind Bars in America 2008”)

Some Hard Facts About the Criminal Justice System

- More than 700,000 people are released from U.S. prisons every year (four times more than 25 years ago).
- Nearly two-thirds of the people released from prison served time for non-violent offenses, including drug offenses (37%) and property offenses (25%).
- 2 out of 3 non-violent offenders released from prison each year are people of color (48% African American, 25% Latino).

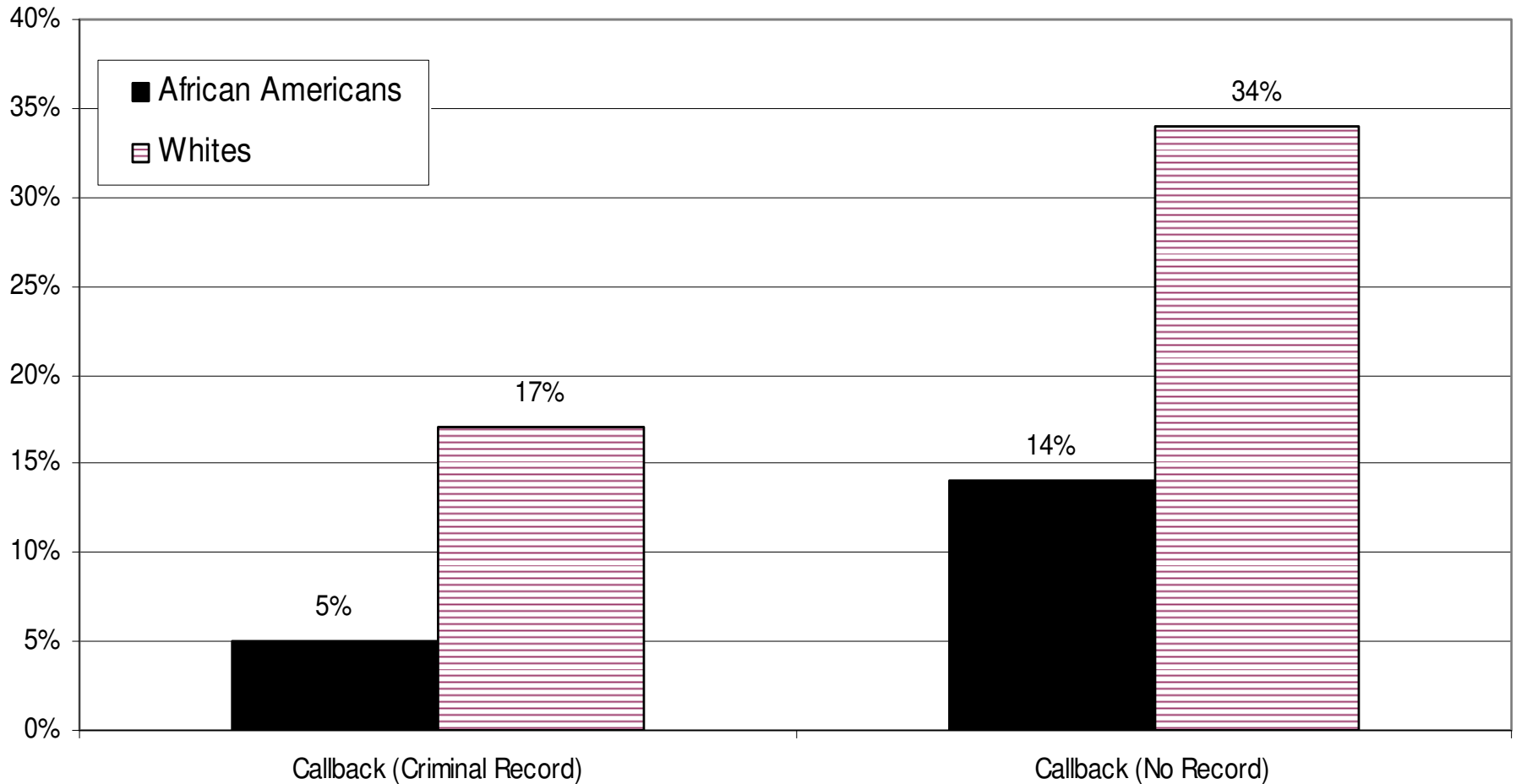
Employment Significantly Reduces Recidivism

(Results of Chicago's Safer Foundation Job Placement for 1,600 People Recently Released from Prison)

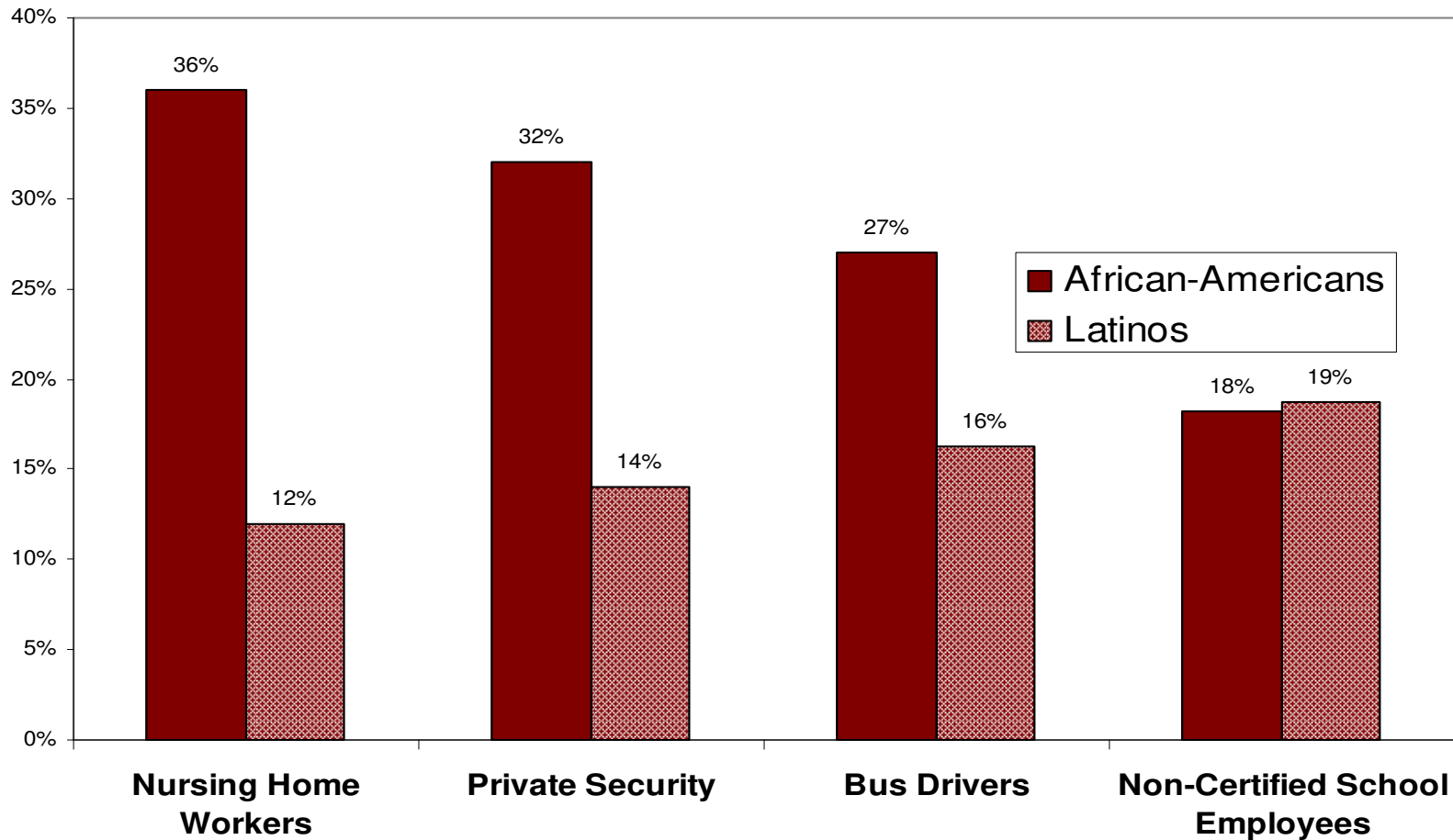


Employment Testing Survey Documents Impact of a Criminal Record on Callbacks, by Race

(Devah Pager, "The Mark of a Criminal Record," *American Journal of Sociology* (March 2003).)

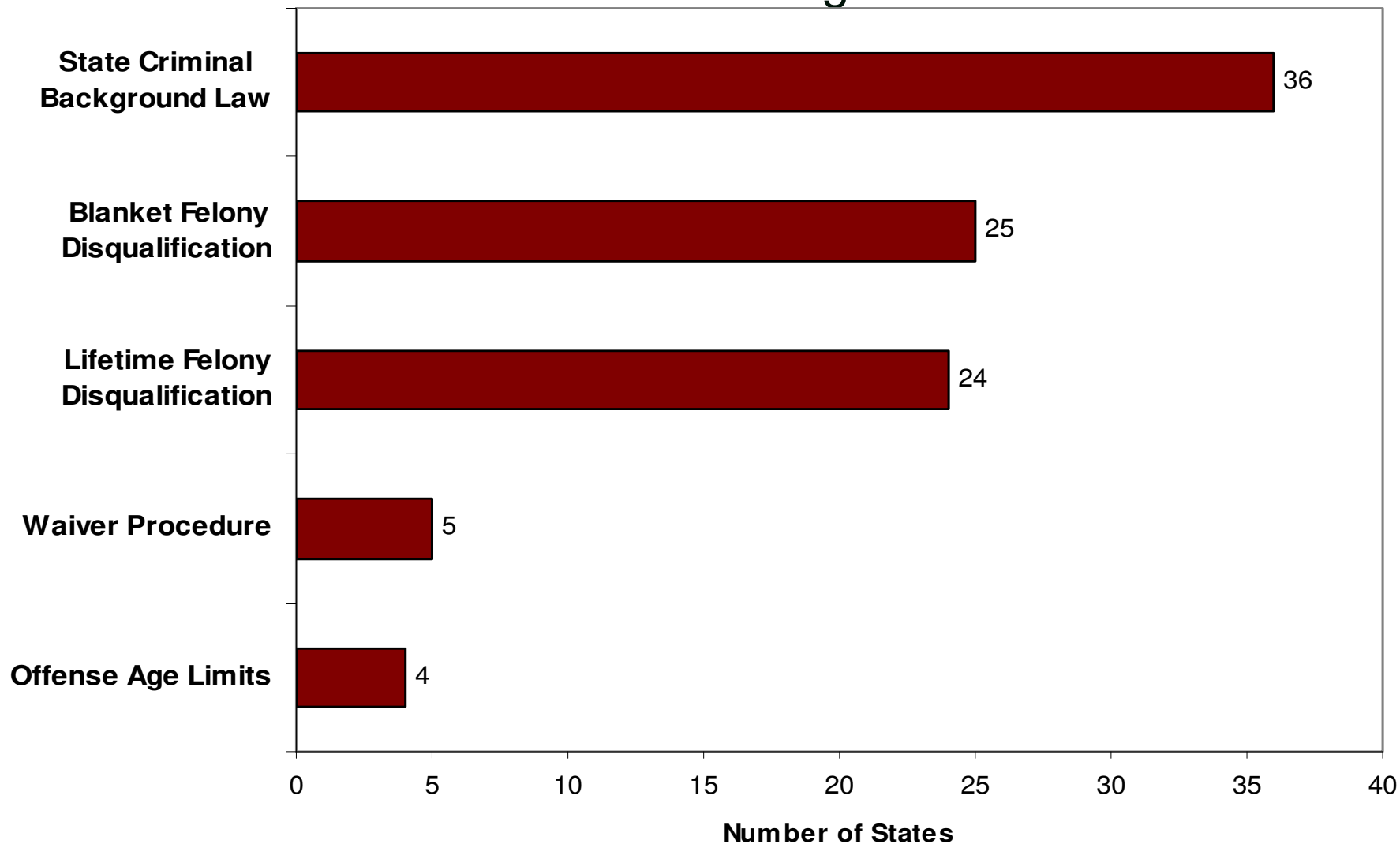


Racial & Ethnic Profile of Selected “At-Risk” Industries Subject to Laws Denying Employment for Criminal Records



Private Security Officers (Unarmed)

Features of State Criminal Background Check Laws

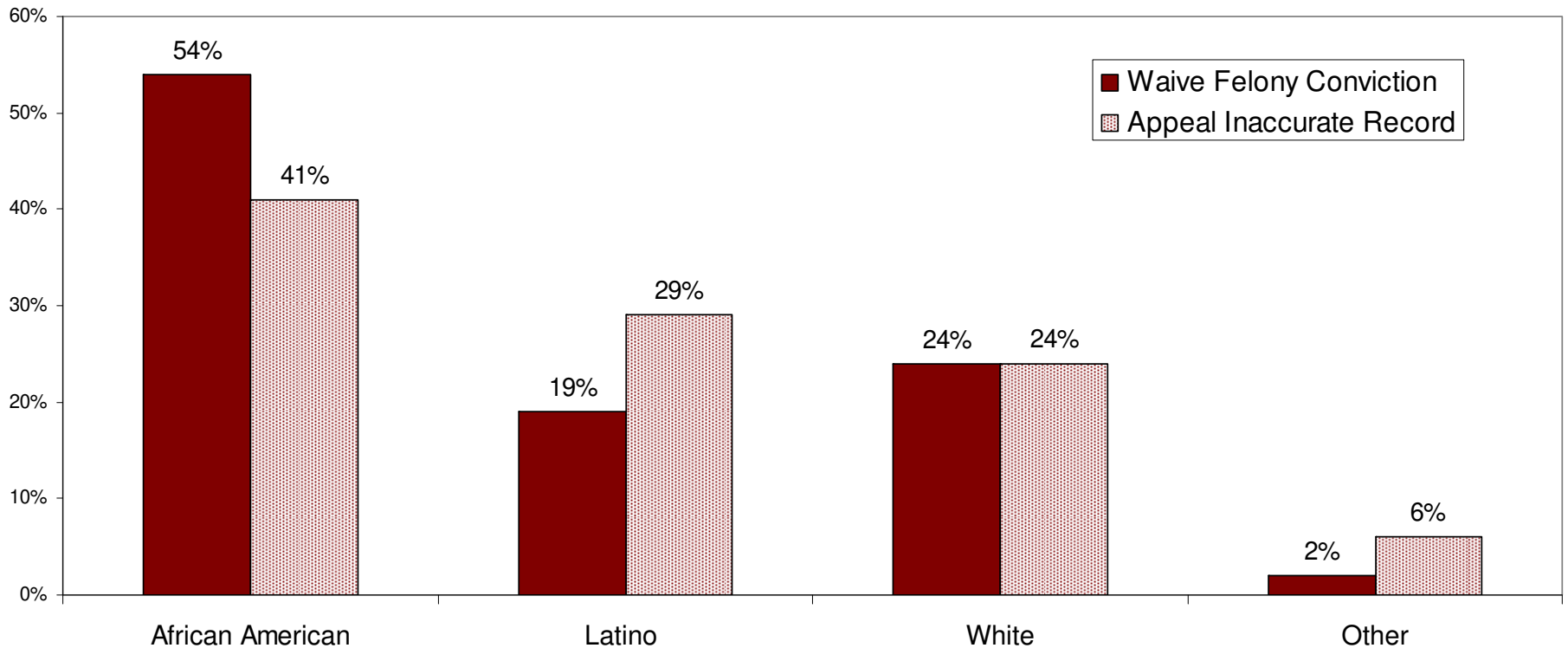


New Criminal Background Checks Authorized by Federal Laws

- Since September 11, federal laws have required background checks of transportation workers (3-4 million port workers and truck drivers) to identify terrorism security risks.
- Recent federal laws authorize FBI background checks of school employees, nursing home workers, private security officers, and all workers employed in federal buildings and on federal construction projects.
- Minimum worker protections apply only to transportation workers (including “waiver” procedures to take into account rehabilitation and excluding consideration of many felonies occurring more than 7 years ago).

Disproportionate Impact of Port Worker Criminal Background Checks on People of Color

(Profile of NELP TSA Cases N=134)



Core Standards for Reform of Federal & State Screening Laws

- Limit criminal background checks required by law to occupations that specifically involve public safety and national security.
- Limit disqualifying offenses (especially non-violent drug offenses) that are not job-related.
- Impose time limits on disqualifying offenses, eliminating unwarranted lifetime disqualifications.
- Waive in current workers. Allow for individual waivers from disqualifying offenses for new hires, providing opportunity to document record of rehabilitation.
- Clean-up incomplete FBI rap sheets produced for employment screening purposes, similar to the procedures that apply for gun purchase checks.

National Employment Law Project

Contact Information

Hotline for applicants denied
employment based on criminal record:

(510) 409-2427

Peggy Stevenson & Madeline Neighly

www.nelp.org