

Research Supports Fair-Chance Policies

NELP's conservative estimates indicate that roughly 70 million people in the United States have some sort of a criminal record¹ and nearly 700,000 people return to our communities from incarceration every year. Numerous research studies find that people require a combination of family support, community assistance, and economic opportunity to stay out of the criminal justice system. Having access to employment opportunities is a critical component of this web of support. A steady job provides not just financial resources, but also connections to society.

Unfortunately, finding a job is all too difficult for many people with records. Men with criminal records accounted for about 34 percent of the unemployed prime working age men surveyed in a 2015 New York Times/CBS News/Kaiser Family Foundation poll.² And the Great Recession made it even worse; for example, researchers found in one state that before the Recession, 40 percent of the formerly incarcerated were employed, but in 2008 the proportion had dropped to 10 percent.³

While having a job—especially a low-wage job—is not a guarantee that a formerly incarcerated person will remain out of the criminal justice system, unemployment strains critical family supports and provides financial incentives to engage in illegal behaviors. Thus, removing a barrier that cuts off employment opportunities before the hiring process even begins, is critical to designing a robust policy platform to help millions of Americans with records.

Below is information on studies that offer research and data that support the proposition that removing unjust barriers to employment is good for individuals, families, and communities, increases public safety, and contributes to a robust economy.

A. Removing Job Barriers for People with Records Helps the Economy

- Economists estimated that because people with felony records and the formerly incarcerated have poor prospects in the labor market, the nation's gross domestic product in 2014 was reduced by \$78 to \$87 billion.⁴
- A 2011 study found that putting 100 formerly incarcerated persons back to work would increase their lifetime earnings by \$55 million, increase their income tax contributions by \$1.9 million, and boost sales tax revenues by \$770,000, all while saving more than \$2 million annually by keeping them out of the criminal justice system.⁵

- An analysis in the state of Washington found that providing job training and employment to a formerly incarcerated person returned more than \$2,600 to taxpayers (2014 dollars).⁶
- By the time he has hit his peak earning years, a typical former inmate will have earned \$192,000 less in 2014 dollars than if he had never been incarcerated,⁷ with a commensurate decline in income taxes and a diminished ability for consumer activity with accompanying sales taxes.
- In a study of women released from prisons in Texas, 18 percent of respondents reported depending on public assistance even 8 to 10 months after release.⁸ Another study found that nearly one-fifth of heads of households relying on Temporary Assistance for Needy Families (TANF) had been convicted of a felony or arrested.⁹ These numbers don't fully reflect the need experienced by people with records and their families since some types of violations disqualify applicants for various types of publicly-funded supports.

B. Employing the Formerly Incarcerated Improves Public Safety

- A 2011 study of the formerly incarcerated found that employment was the single most important influence on decreasing recidivism, and that two years after release nearly twice as many employed people with records had avoided another brush with the law than their unemployed counterparts.¹⁰
- A three-year recidivism study found that formerly incarcerated persons with one year of employment had a 16 percent recidivism rate over three years as compared to a 52.3 percent recidivism rate for all Department of Correction releases. Even just 30 days of employment lowered the three-year recidivism rate to 20 percent.¹¹
- An examination of a national experimental public work program for the formerly incarcerated found that even marginal employment opportunities were effective in reducing illegal activity and arrest for those over 27 years of age.¹²
- A study of state-level data concluded that a 1 percent drop in the unemployment rate causes a 2 percent decline in burglary, a 1.5 percent decrease in larceny, and a 1 percent decrease in auto theft.¹³

C. Children and Families Suffer When People with Records Can't Work

- Nearly half of U.S. children have at least one parent with a record.¹⁴
- In the year after an incarcerated father is released, family income drops by approximately 15 percent from what it was before incarceration.¹⁵
- Upward mobility for those with criminal records is significantly diminished; while one-third of men without a record in the lowest quintile of earners were still at that level 20 years later, more than two-thirds of men with records were stuck there.¹⁶

- One survey of family members of the formerly incarcerated found that 68 percent said those who were parents were having trouble paying child support, 43 percent were challenged in regaining custody of their children, and 26 percent experienced trouble rebuilding relationships with family.¹⁷
- Families of the formerly incarcerated often struggle to provide them with financial help. One study of women with felonies found that 65 percent relied on a family member or spouse for financial support.¹⁸
- Interviews with family members of formerly-incarcerated men found that 83 percent had provided the recently released family member with financial support, but that half those reported that this presented financial challenges for themselves and 30 percent went so far as to call these “financial hardships.”¹⁹

D. Fair-Chance Policies Help People with Records Get Jobs

Employers Refuse to Consider Applicants With Criminal Records

- A study of individuals seeking expungement in Illinois revealed that their records continued to significantly inhibit their employment prospects for many years—irrespective of whether the offense was minor or the person had never been convicted, only arrested.²⁰
- A study of help-wanted advertisements in Virginia found that of more than 192,000 total positions listed, just under 16,000 (or 8.23 percent) were open to hiring an applicant with a record.²¹
- Interviews with Boston-area employers found that employers were especially uncomfortable considering a recently released person with a record.²²
- Other employer interviews indicated that while nearly all employers would “definitely” or “probably” hire applicants on public assistance, with lengthy unemployment spells, or other “stigmatizing characteristics,” only 40 percent would give the same consideration to applicants with criminal records.²³
- Studies have shown that if hiring discrimination takes place, it is most likely (76 percent) to take place at the first interaction: the submission of a job application. Applicants who indicate a criminal record on these applications are much less likely to get a call-back: 34 percent of whites without a record were contacted, while only 17 percent of those with a record did; and among African Americans 14 percent without a record got a callback, but only 5 percent one of African Americans with a criminal record heard back from the potential employer.²⁴

Personal Contact and Context Put a Criminal Record in Perspective, Giving Applicants a Fair Chance

- Studies show that time since release can itself be a predictor of subsequent criminal activity: one found that among those who did not reoffend in the first 10 years after release, only 3.3 percent were reconvicted in the next 10 years;²⁵ another found that the number of formerly incarcerated people who returned to prison peaked at 10 months, and that the risk of re-offense halved every 10 months thereafter;²⁶ and a third found that 6 or 7 years after release, the risk for recidivism among those with criminal records was only marginally higher than among those who had never offended.²⁷
- A survey of California employers found that if they knew the nature of an offense, their willingness to consider hiring a worker varied significantly, with 23 percent willing to hire a person with a drug-related felony, and 84 percent willing to consider applicants with a misdemeanor offense, but a blanket prohibition on hiring those with a “criminal record” does not allow for this kind of qualitative assessment.²⁸
- In a study in which test pairs of potential workers, one with a criminal record and one without, applied for jobs researchers found that having personal contact with the potential employer reduced the negative effect of a criminal record by approximately 15 percent.²⁹
- In a study released in 2014 of how hiring managers consider job applicants with criminal records, one of the central themes of the employers’ accounts of hiring was that applicants can compensate for their criminal records based on their personality and ability to make in-person contact with hiring authorities.³⁰

E. Employers Find Valued Workers

- As part of the White House Fair Chance Business Pledge, over 100 companies, businesses, and employers indicated that they are “committed to providing individuals with criminal records . . . a fair chance to participate in the American economy” including Facebook, Google, Koch Industries, the Coca-Cola Company, Pepsico, and Xerox.³¹
- One study of people with felony convictions serving in the military found that these individuals are promoted faster and were no more likely to be discharged.³²
- One study of former prisoners found that 8 months after release, 80 percent of employed respondents said that their employers knew about their criminal record but that they were satisfied with their work and their wages.³³
- The Human Resources Director for Austin, TX, endorses their Ban the Box policy. “We don’t hire people because they [have records], we hire people because they’re the most qualified...There is a social responsibility for Government to help enable that benefit for the community...There are extremely talented and qualified people who happen to [have records]...They are just as productive as people who do not have criminal records.”³⁴

- “In my experience, people with criminal records are often model employees. They are frequently the most dedicated and conscientious. A lot of doors are shut to them, so when someone gives them an opportunity, they make the most of it.” Brad Friedlander, CEO Red Restaurant Group.³⁵
- In focus groups conducted by the U.S. Department of Labor’s Center for Faith-Based and community Initiatives in 2002, employers of people with criminal records said: “One of the [people with records] we hired is now a store manager, and another is an assistant manager. Each has excellent management skills and both are great mentors to other [people with records] we’ve hired”; and, “There are many misconceptions out there about [people with records]. We try to look beyond that label and consider each person on his or her merits—on a case-by-case basis.”³⁶
- Terri Jackson, head of a telecommunications company in Denver, CO, has said, “Of all the groups we targeted, [people with records] turned out to be the best employees, in part because they usually have a desire to create a better life for themselves...They are often highly motivated and many have usable job skills that are desirable for an employer. They come to work every day and do not engage in the type of behaviors that will land them back in the penal system.”³⁷
- Mark Chippendale, a former manufacturing executive and current Rhode Island state representative, “In my experience, a lot of times these folks actually make exemplary employees because they work harder and they have something to prove in a way, or that’s how they feel.”³⁸
- “I believe our society should do more to support positive initiatives to encourage the rehabilitation of prisoners. We should create more chances for people who have been in jail to make a positive contribution to the workforce,” Richard Branson, founder of Virgin Airlines and Virgin Group, a consortium comprised of more than 400 companies worldwide.³⁹
- Joey Turner, owner of Brewed, a coffeehouse in Fort Worth, TX, says of his employees with criminal records: “It’s not just a job for them—it’s their life. It’s the on-ramp for them to get back into society. They have inspired our staff because they are so serious.”⁴⁰
- “Numerous studies prove that a job is the key ingredient in the recipe for stronger communities and reducing recidivism. Our role is to create those job opportunities and at a fair, living wage.” Gregg Keeling, President RecycleForce.⁴¹
- Evolv, a company that evaluates large amounts of human resources statistics to help companies profile successful employees, has found that “employees with criminal backgrounds are 1 to 1.5 percent more productive on the job than people without criminal records.”⁴²

F. Fair-Chance Policies Have Proven Effective

- In the District of Columbia, the number of applicants with records increased both numerically and as a percentage of all hires after the fair-chance hiring law took effect. After the law, there was a 33 percent increase in the number of applicants with records hired, which resulted in 21 percent of all new hires in the District being people with records.⁴³
- After the City of Minneapolis implemented its policy, they found that removing the criminal disclosure box from initial applications and postponing background checks until a conditional offer of employment was made decreased the amount of transactional work for City staff, did not slow down the hiring process, and resulted in more than half of applicants with convictions being hired.⁴⁴
- As a result of its new criminal disclosure policy, 10 percent of the City of Atlanta's hires between March and October of 2013 were people with records.⁴⁵
- In Durham County, North Carolina, the number of applicants with criminal records recommended for hire has nearly tripled in the two years since its "ban the box" policy passed, with the resulting number of hires increasing from 35 to 97. On average, 96.8 percent of those with records recommended for hire ultimately get the job.⁴⁶
- Papers released in 2016 suggested that race disparities in job callback or employment rates increased after the adoption of ban-the-box policies.⁴⁷ As NELP has argued, this was the wrong conclusion.⁴⁸ A careful review of the papers reveals that there was an increase in hiring for a majority of blacks after ban-the-box policies were enacted. Ban-the-box has demonstrated success and should be one component of a comprehensive fair-chance hiring proposal.⁴⁹ Unlawful racial discrimination by employers, such as the stereotyping of black men as "criminals," is responsible for discrepancies in employment rates between racial groups and should not be tolerated.⁵⁰ ■

Endnotes

- ¹ In 2012, there were an estimated 100,596,300 subjects (“individual offenders”) in the state criminal history files within the fifty states, American Samoa, Guam and Puerto Rico. U.S. Dept. of Justice, Bureau of Justice Statistics, Survey of State Criminal History Information Systems, 2012 (Jan. 2014) at p.2 (www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf) To account for duplication (individuals who may have criminal records in more than one state), NELP conservatively reduced the numbers cited in the survey by 30% to 70,417,410 subjects. The U.S. Census 2012 population estimate for those that are 18 years and over was 240,185,952. Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States: April 1, 2010 to July 1, 2012, U.S. Census Bureau, Population Division (June 2013). (www.census.gov) Using these estimates, there are 70 million U.S. adults or almost one in three U.S. adults (29%) with a criminal history in the U.S. state criminal history files.
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