

Improving Employment Outcomes for People with Criminal Histories

Criminal Justice Policy Advisory Commission

Hartford, CT

Erica Nelson, Policy Analyst

Council of State Governments Justice Center



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments Justice Center

Mission

We develop research-driven strategies to increase public safety and strengthen communities.



**Justice
Center**

Who We Are

We combine the power of a membership association, representing state officials in all three branches of government, with the expertise of a policy and research team focused on assisting others to attain measurable results.

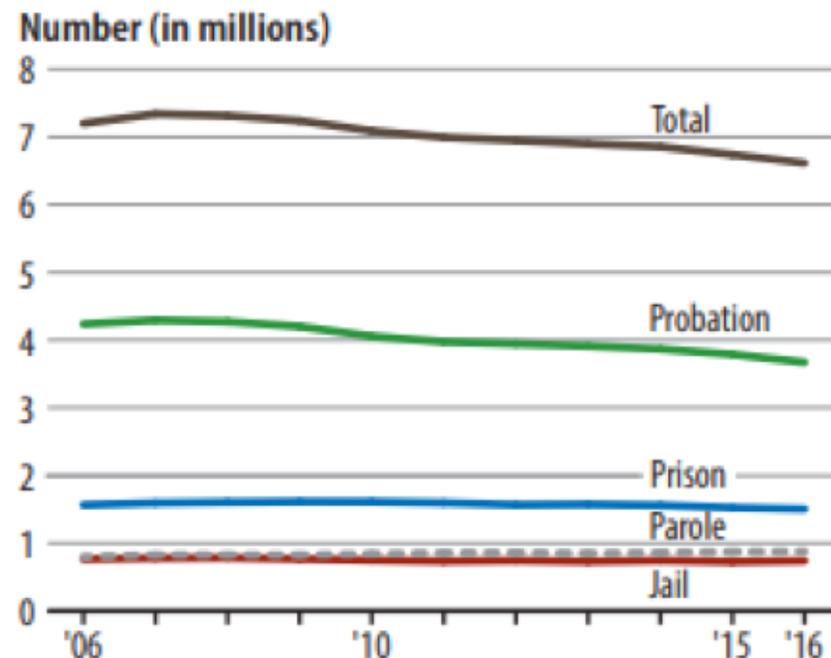
How We Work

- ❖ We bring people together
- ❖ We drive the criminal justice field forward with original research
- ❖ We build momentum for policy change
- ❖ We provide expert assistance.

Correctional systems across the country are managing large populations

1 in 38 adults are under correctional control

Total population under the supervision of U.S. adult correctional systems, 2006–2016



95% of people incarcerated in state prisons will be released

And 68% will be rearrested within 3 years

About 70 million adults in the U.S. have a criminal record, which creates barriers to employment



87% of employers conduct criminal background checks

A criminal record reduces the likelihood of receiving a job offer by nearly

50 percent

Employment is an important aspect of successful reentry, however having a felony conviction and/or having been in prison can make people significantly less employable



** For people who spent time in prison*

Quiz: How many working age adults in the U.S. have a felony record?

(A) ~1 million

(B) ~6 million

(C) ~15 million

Quiz: How many people are out of work in the U.S. because of their felony record?

(A) ~825,000 fewer workers

(B) ~1.8 million fewer workers

(C) ~5.0 million fewer workers

Quiz: Resulting loss of output in U.S. economy?

(A) \$12-\$15 billion

(B) \$57-\$65 billion

(C) \$78-87 billion

Policymakers and practitioners are prioritizing employment as a key issue



“To improve economic mobility for formerly incarcerated people, and for our state as a whole, we need to reduce not only the stigma surrounding this vulnerable population but also the barriers the government has imposed on them.”
– Governor Ned Lamont (D), CT



“Employment is one of the greatest predictors of reentry success...”
– Harold Clarke, Director Virginia DOC



“We need to not just get them a job, but teach them the value of employment, of providing for themselves and providing for their families.”
– John Wetzel, Sec. Pennsylvania DOC



“We are a nation of opportunity and the Fair Chance Act provides a second chance for Americans with a record who have served their time to pursue employment with the federal government or contractors based on personal merit and qualifications”
–Senator Joni Ernst (R), IA

Reduce barriers to employment for people with criminal histories

Improve Job Readiness and Reduce Recidivism

Engage Employers

Reduce Policy Barriers to Employment

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Research on the intersection of reentry and employment

Simply connecting someone to a job has not been shown to reduce recidivism

- Address people's underlying needs related to recidivism

Not everyone with a criminal record need the same services

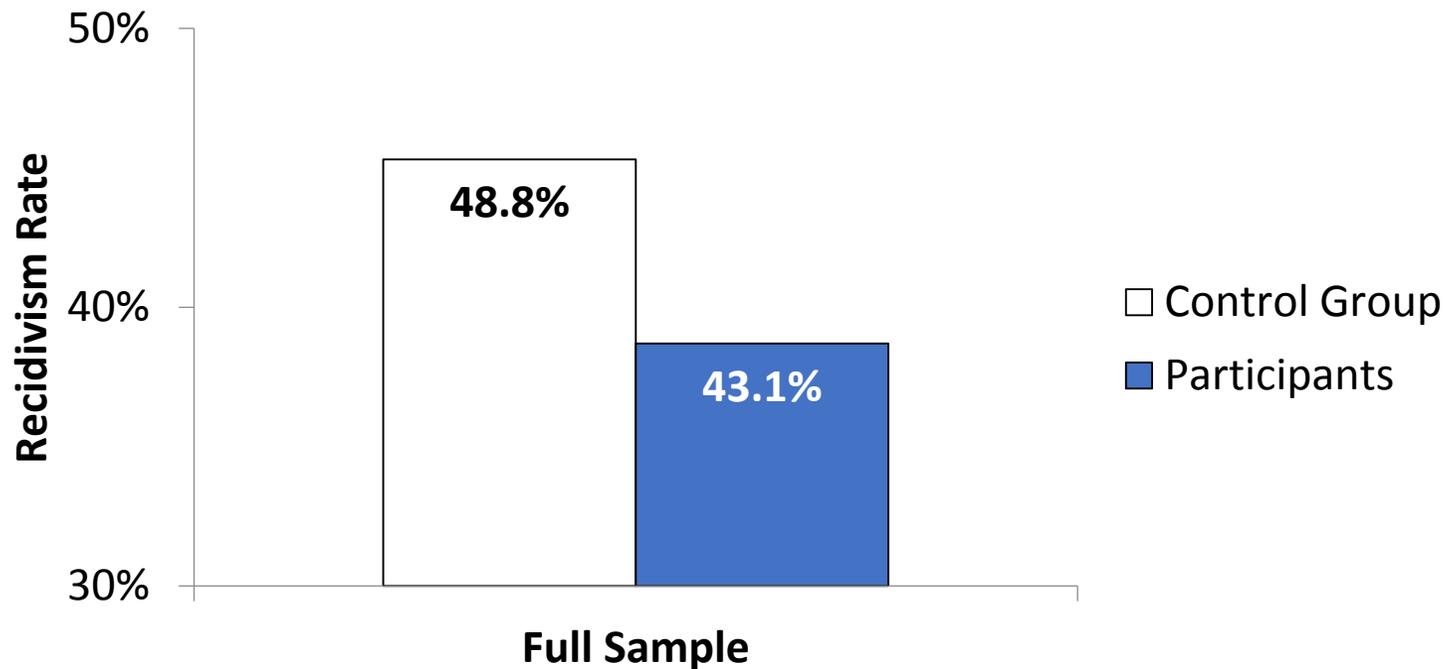
- Assess differences in job readiness and likelihood of recidivism

Higher-risk people require cognitive-behavioral interventions, while those services can make lower-risk clients worse off

- Match people to services based on assessment results

Some employment programs have been able to reduce recidivism

The Center for Employment Opportunities (CEO) 3-Year Impact on Recidivism

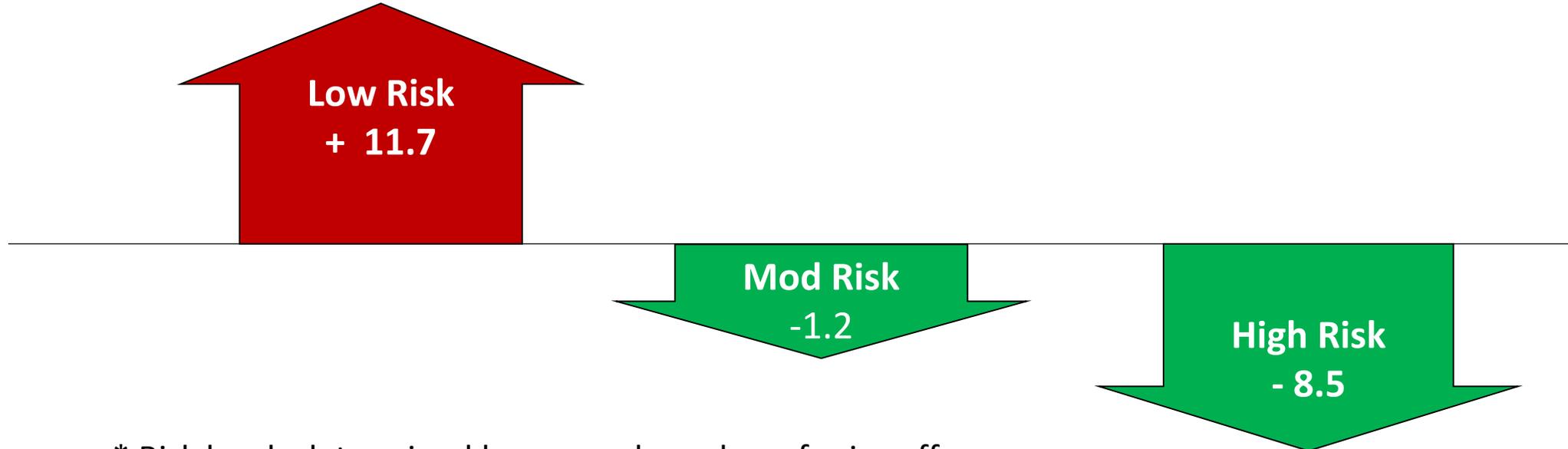


**Significance level = $p < .05$

SOURCE: Redcross et al, "More than a job: Final results from the evaluation of the Center for Employment Opportunities (CEO) transitional jobs program" (2012).

Employment programs must consider risk levels when delivering services*

Differences in reconviction rates between CEO program participants and control group (years 1 and 2)[†]

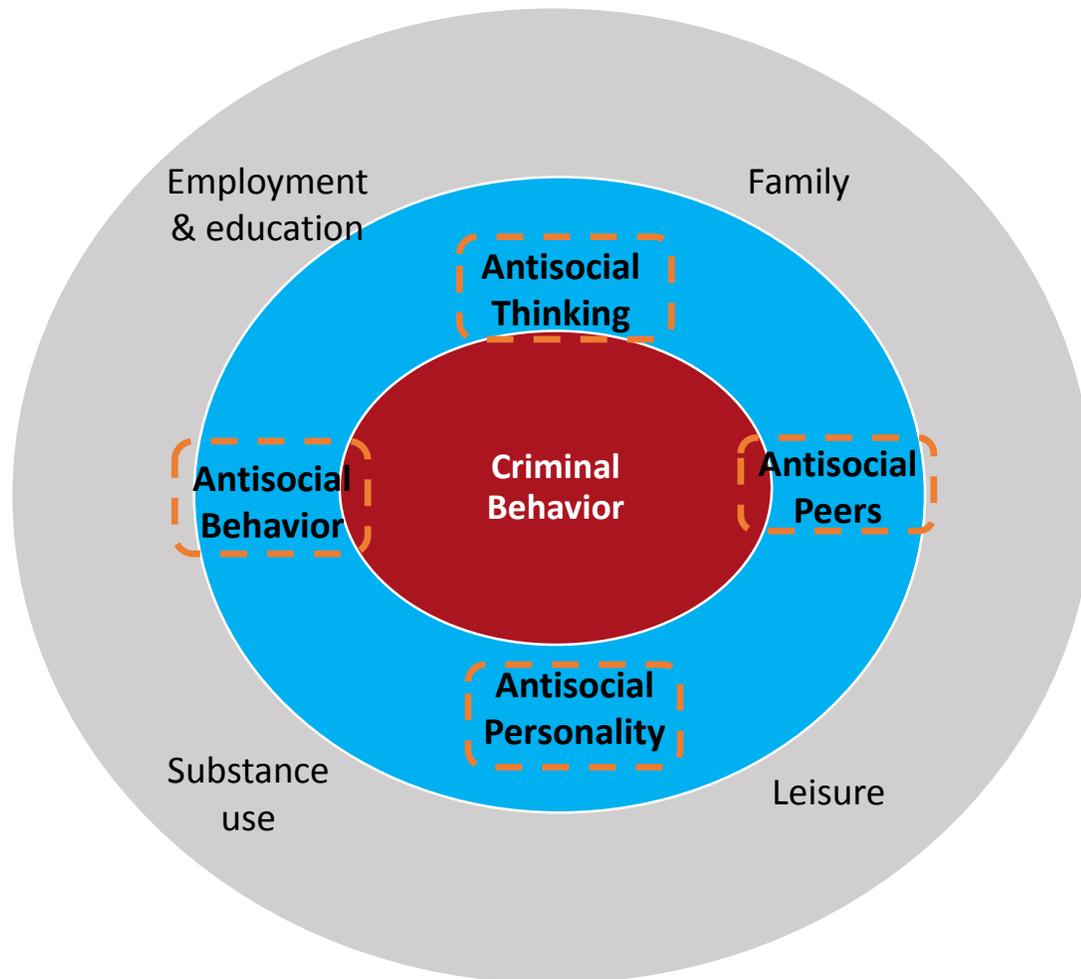


* Risk levels determined by age and number of prior offenses

[†] Recidivism impacts for the high risk group were only statistically significant in year 2

SOURCE: Redcross et al, "More than a job: Final results from the evaluation of the Center for Employment Opportunities (CEO) transitional jobs program" (2012).

To reduce recidivism, target the central eight risk factors



This research is part of the risk-need-responsivity (RNR) principles that inform what works to reduce recidivism

The Big Four risk factors are the most predictive of future criminal activity.

Programs targeting these needs can significantly lower recidivism rates

To promote job readiness, address the common barriers associated with people who are hard to employ

Family, Logistical, and Legal Challenges	Education and Skills Gap	Needs Related to Responsiveness
Responsible for child care	Low education level	Mental illness
High-conflict family situation	Lack of occupation skills	Substance addiction
Transportation problems	Limited work experience	Learning disability
Lack of stable housing	Lack of “soft” job skills	Lack of motivation
Legal barriers to employment	Gaps in work experience	Negative attitudes about work
Lack of proper documentation		Poor physical health

Sources: LaDonna Pavetti, “Helping the Hard-to-Employ,” *Welfare Reform and Beyond: The Future of the Safety Net*, ed. Isabel V. Sawhill, et al., (Washington: Brookings Institution Press, 2002), 135-142; Harry Holzer, Steven Raphael, and Michael Stoll, “Employment Barriers Facing Ex-Offenders,” (presented at Reentry Roundtable on The Employment Dimensions of Prisoner Reentry: Understanding the Nexus between Prisoner Reentry and Work, New York University, May 19-20, 2003; Krista Olson and LaDonna Pavetti, *Personal and Family Challenges to the Successful Transition from Welfare to Work* (Washington, DC: Urban Institute, 1996).

Case Study: Michigan Department of Corrections' Vocational Village



Provides hands-on education training in **industries with forecasted growth**

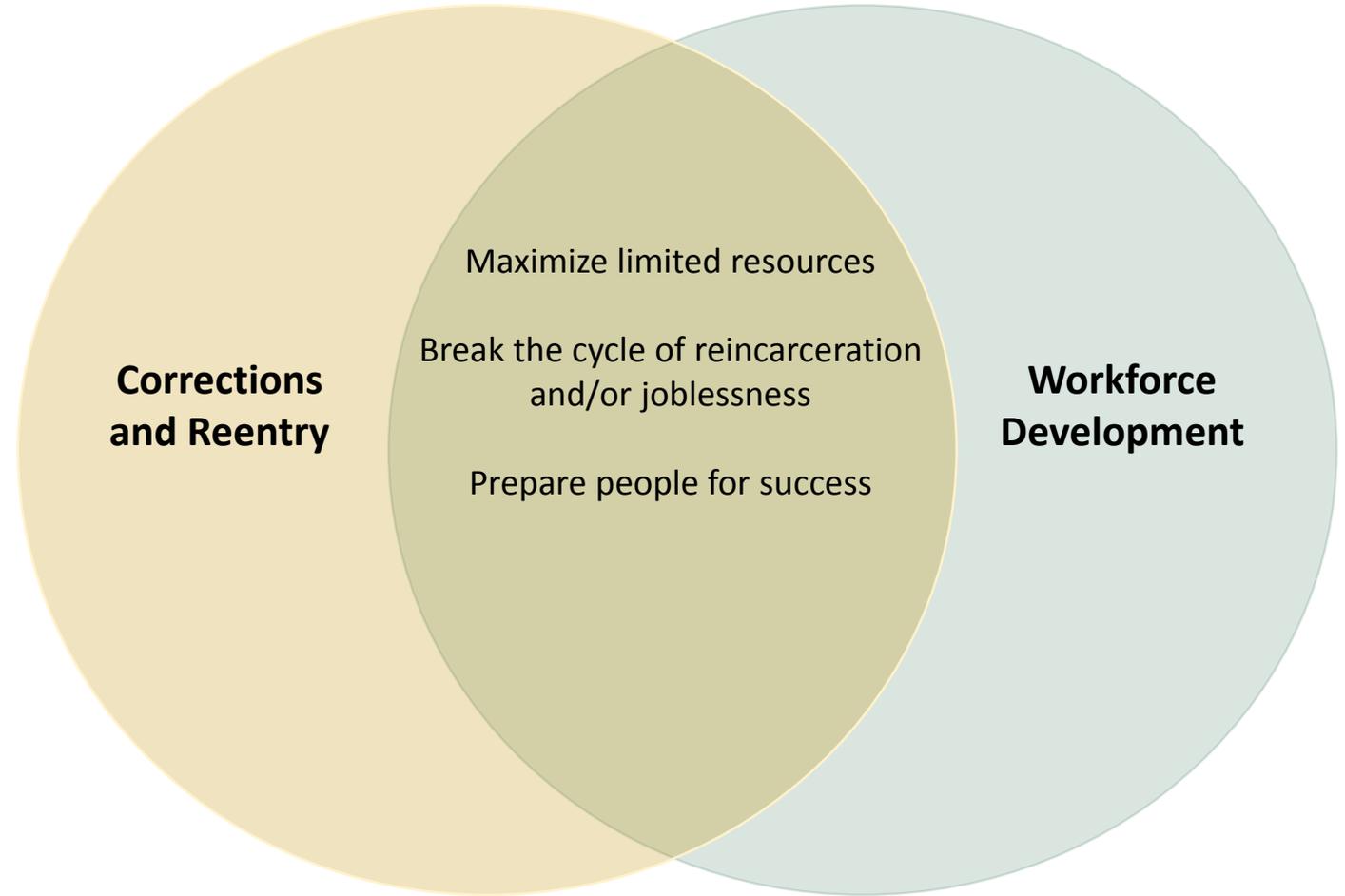
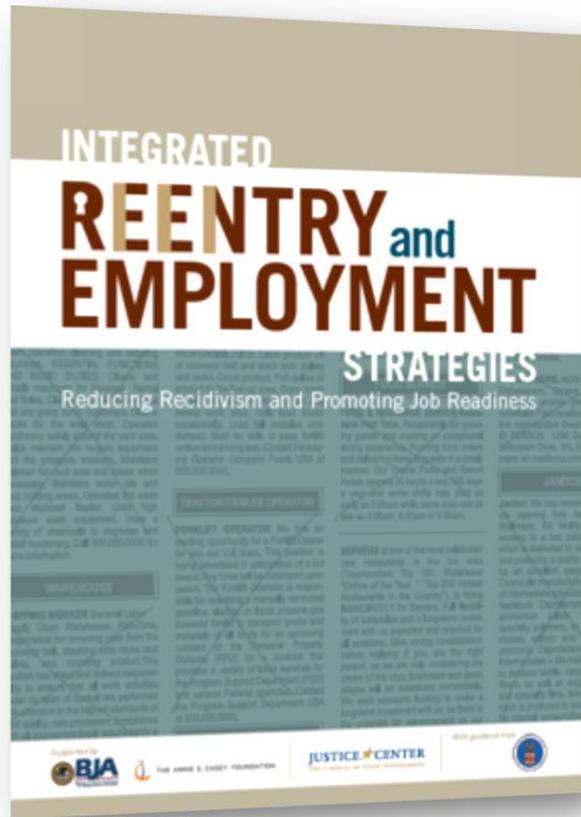
Offers exam preparation and testing for **industry-recognized certifications**

Tailors programs based on risk, needs and job readiness

Facilitate connections to **employers**

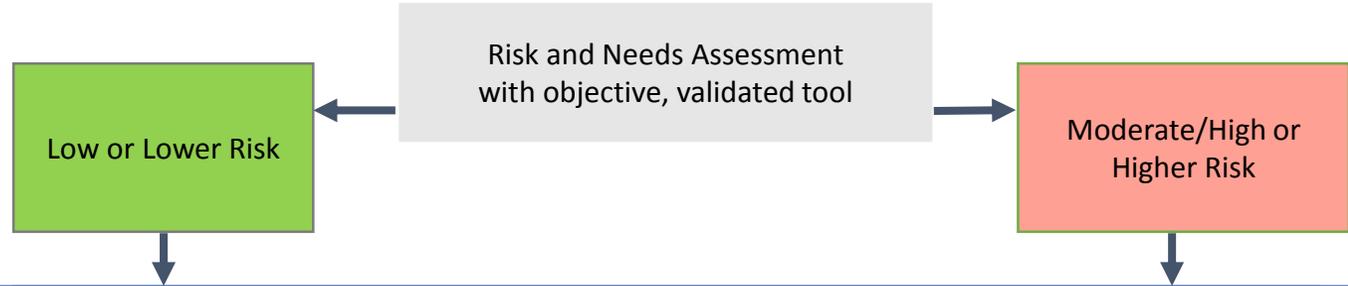


The Integrated Reentry and Employment Strategies (IRES) framework bridges and integrates best practices from the corrections, reentry and workforce development fields

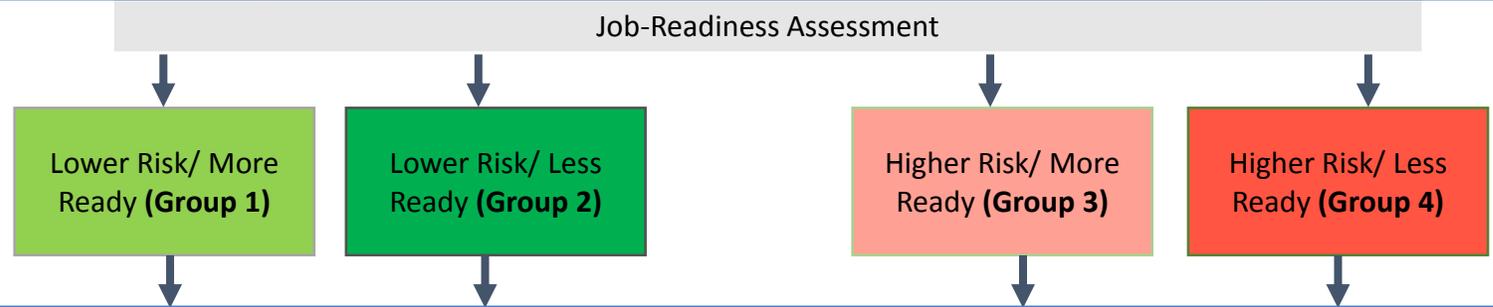


The Resource Allocation and Service Matching Tool guides the delivery of targeted employment services and recidivism-reduction strategies

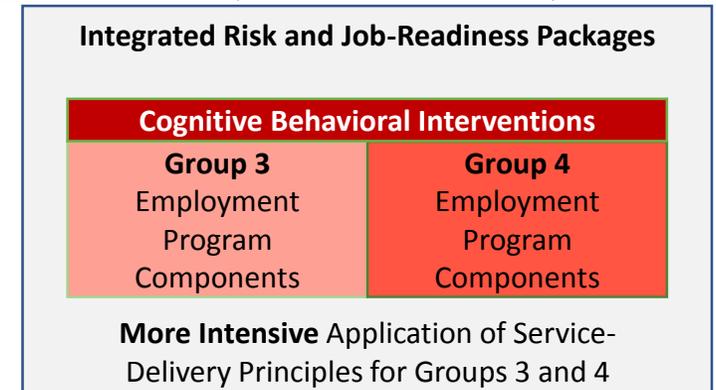
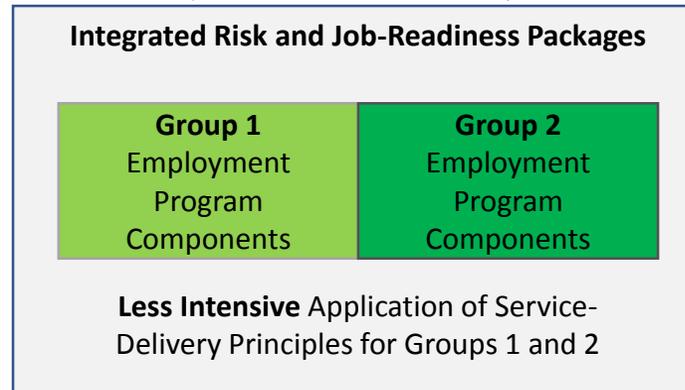
Step 1: Assess Risk & Needs



Step 2: Assess Job Readiness



Step 3: Deliver Targeted Services



To make the most of limited time and resources, target services accordingly



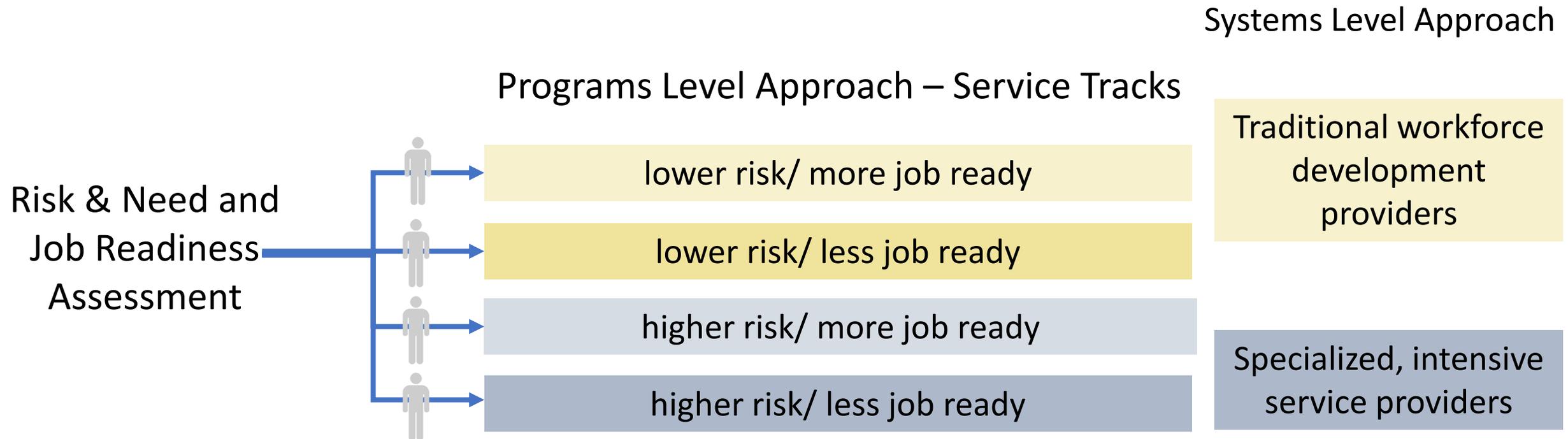
One Client, One Plan

Integrated risk/need and job
readiness assessment

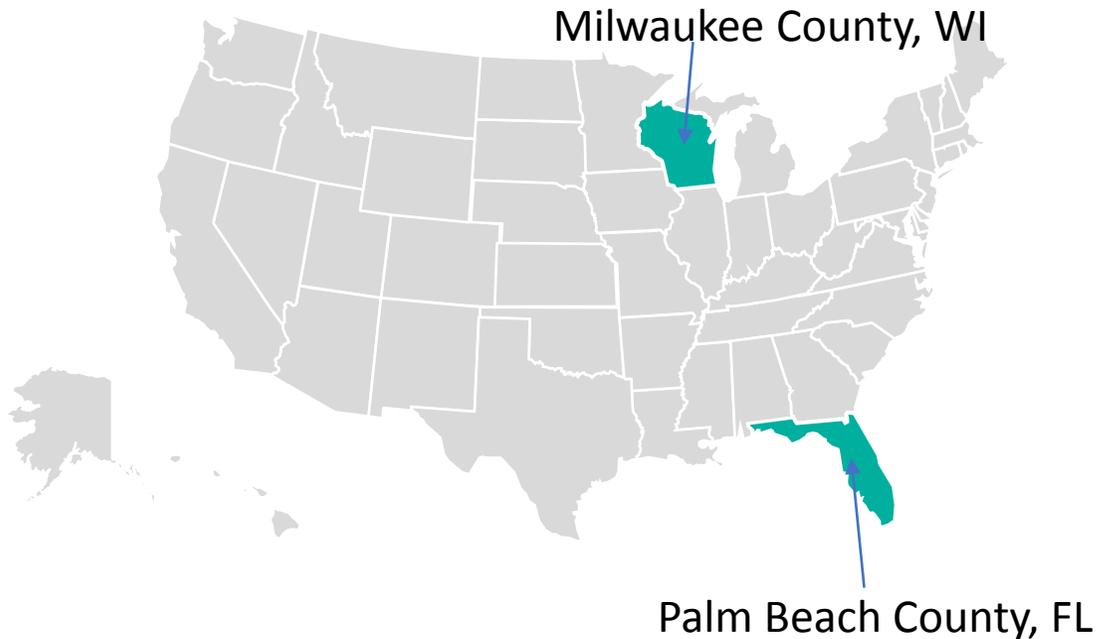
Integrated treatment of risk
and employment needs

Coordinated case plan

Matching people to the most appropriate services based on assessment results



General findings from piloting the IRES framework on a systems level



1. **Leadership** needs to be committed to a collaborative approach
2. Timely use of risk-needs **assessments** and job-readiness **screenings**
3. Staff and individuals involved in the system should have a comprehensive understanding of the **reentry and employment services/programming** provided before and after release
4. Staff should have a **coordinated process** for making service referrals, sharing information, and tracking data
5. **Participant motivation** is necessary to actively engage the returning population in reentry activities

Key takeaways and opportunities

- Implement strategies to integrate best practices from corrections and workforce systems and bring to scale statewide
- Encourage partnerships between corrections, reentry and workforce development agencies
- Leverage federal funding to increase access to services:
 - Workforce Innovation Opportunity Act (WIOA)
 - Discretionary grant programs from the U.S. Department of Justice, Education, and Labor

Reduce barriers to employment for people with criminal histories

Improve Job Readiness and Reduce Recidivism

Engage Employers

Reduce Policy Barriers to Employment

In 2014, business leaders and policymakers convened at the White House to discuss hiring concerns



Former U.S. Secretary of Labor
Thomas E. Perez ; Secretary John
Wetzel, PA Department of Corrections



Derek Bottoms, Vice President of Employment Practices
and Associate Relations, The Home Depot;
Daniel Hardiman, former CEO, True North Companies, Inc.

“Call to Action” to hold similar conversations at the local level

A wide array of companies have signed the Fair Chance Business Pledge



Effective approaches for engaging employers

Collect Information

Identify growth industries

Inventory barriers (e.g., occupational licensing restrictions)

Understand implications of state and local hiring policies

Listen to Employers

Request guidance in development of programs

Identify marketable skills

Understand hiring practices

Establish partnerships

Build relationships with employer champions

Convene employers by sector

Work with chambers of commerce to engage new employers

Create Win-Win Opportunities

Partner with workforce agencies to provide job training services

Create hiring incentives (e.g., wage subsidies)

Key takeaways and opportunities

- Convene employer engagement events to cultivate employer leadership to connect people to jobs with clear career pathways
- Help employers access resources and
 - Practical guidance on fair hiring practices
 - Bonding programs that protect businesses from financial liability
 - Tax incentives
- Establish partnerships between job skills training programs and business sectors

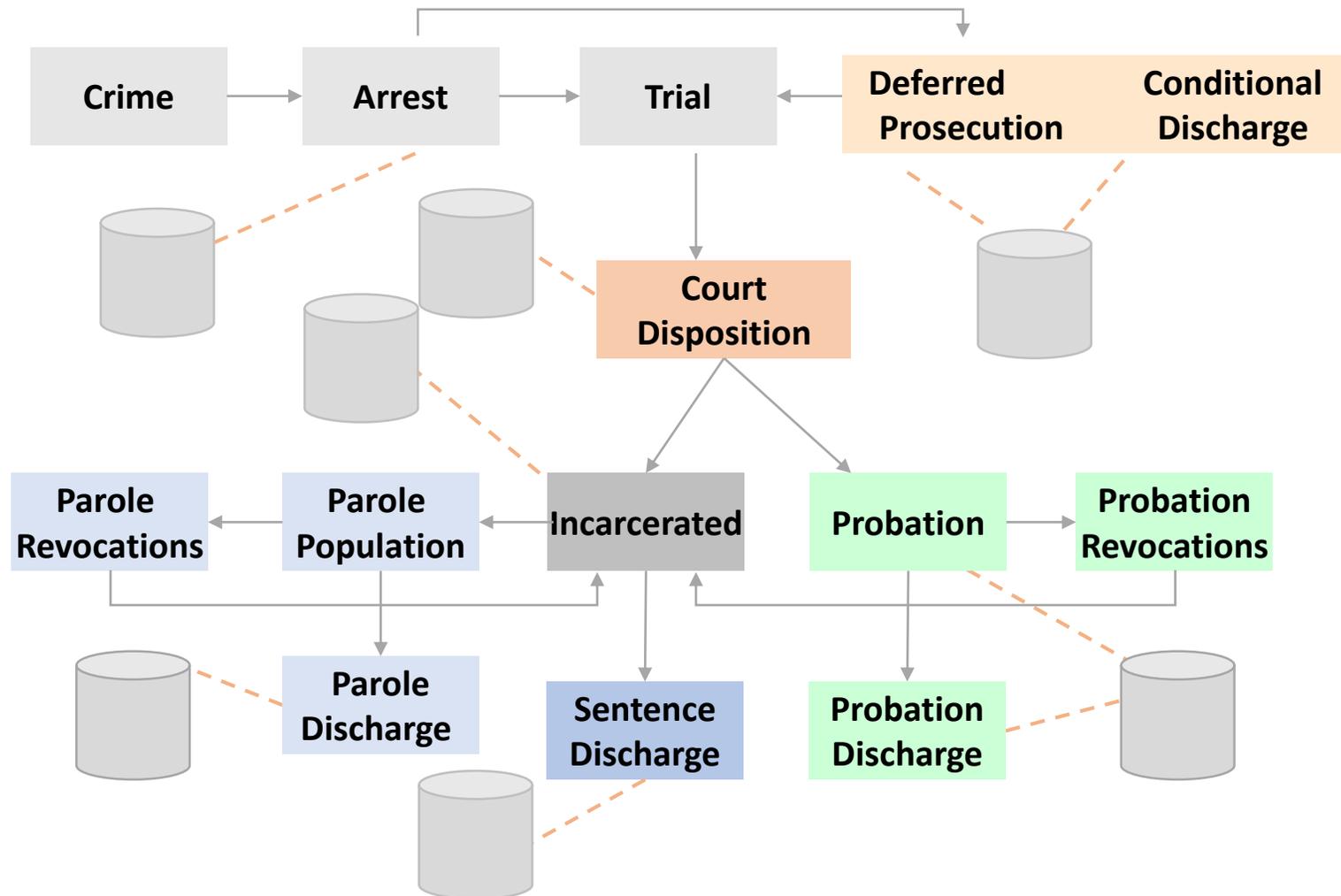
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People can acquire a criminal record at multiple criminal justice system points



Collateral consequence of conviction

There are over 40,000 collateral consequences in state and federal law, half are employment related.

- Collateral consequences are legal and regulatory sanctions and restrictions
- They may hinder people's attempts to gain occupational licenses, the right to vote, housing, public benefits, eligibility for school loans, scholarships, and employment



NATIONAL INVENTORY OF COLLATERAL CONSEQUENCES OF CONVICTION

Inventory | News & Resources | About | Help | Contact Us

Welcome to the NICCC

Collateral consequences are legal and regulatory sanctions and restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities. [More About this Project >](#)

SEARCH COLLATERAL CONSEQUENCES

Use these categories to search and view details of policies relating to collateral consequences of a criminal conviction.

KEYWORDS: Select all that apply

JURISDICTION: Select all that apply

CONSEQUENCE TYPE: Select all that apply

[Search Consequences](#)

[More Search Options >](#)

LATEST NEWS & RESOURCES

[Find More News & Resources >](#)

Second Chance Act Spotlight: Darius Dennis, Norfolk, Virginia

Darius Dennis couldn't have predicted how intertwined his path to reentry and the well-being of his young family would be when he left jail in 2017. Today, more than a year after completing the Strengthening Fathers reentry program, Dennis not only hasn't reoffended, but is working to be an active, engaged father.



Technology and Criminal Record Clearance

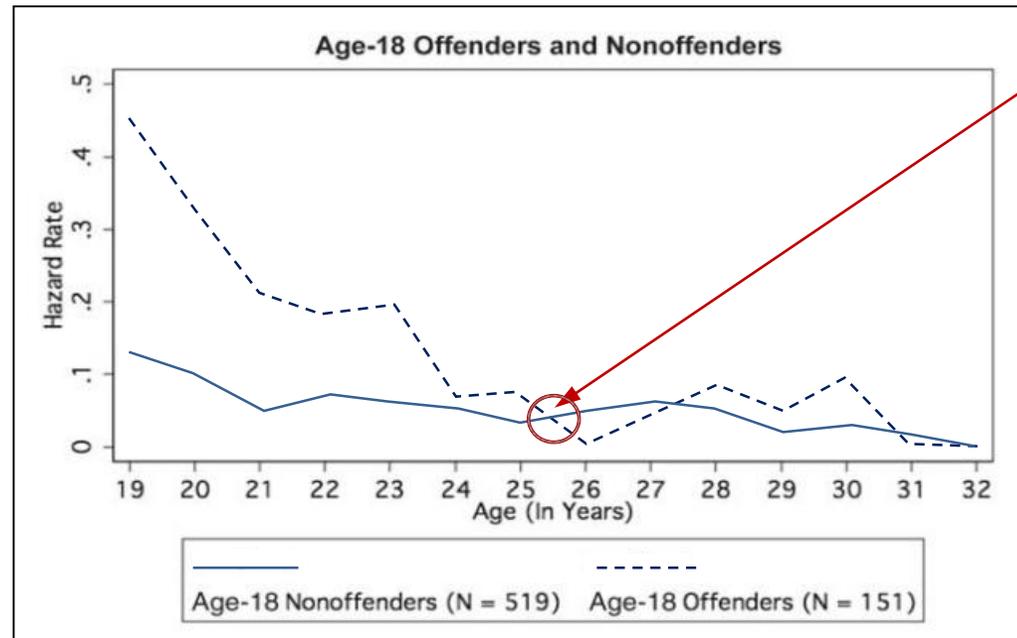
This webinar explores how technology has influenced criminal record clearance processes and improved service delivery around the country.

Clean Slate CLEARINGHOUSE

<https://niccc.csjusticecenter.org>

Connecticut has 554 collateral consequences

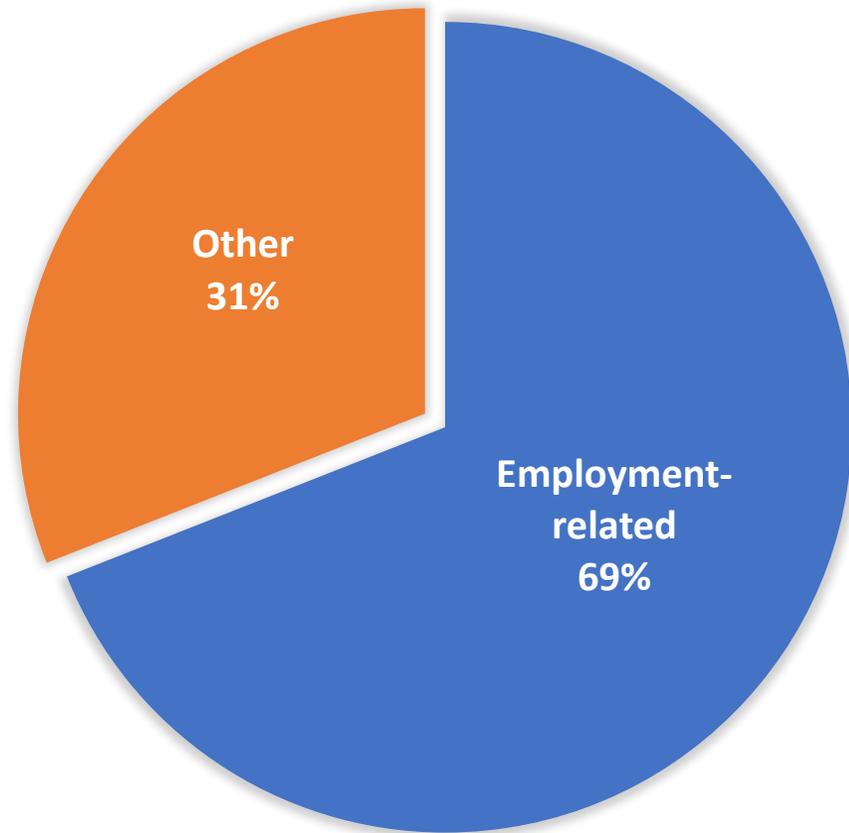
Risk of re-arrest dissipates with time, but over 31,000 state collateral consequences are permanent



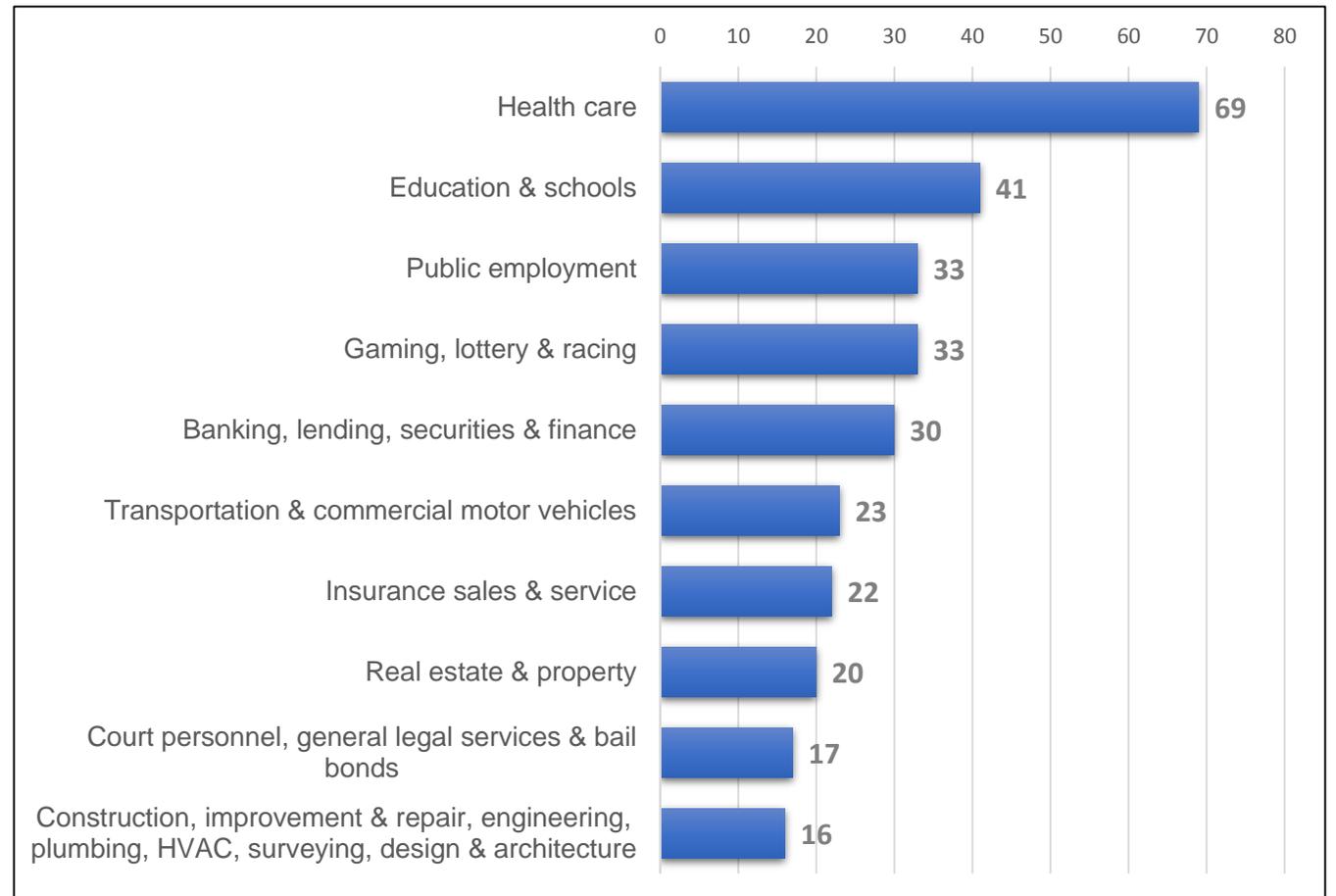
A person with a criminal record who remains arrest free for **about 7 years** has a similar risk of offending as the general population.

Employment-related collateral consequences in Connecticut

Portion of all 554 consequences related to employment

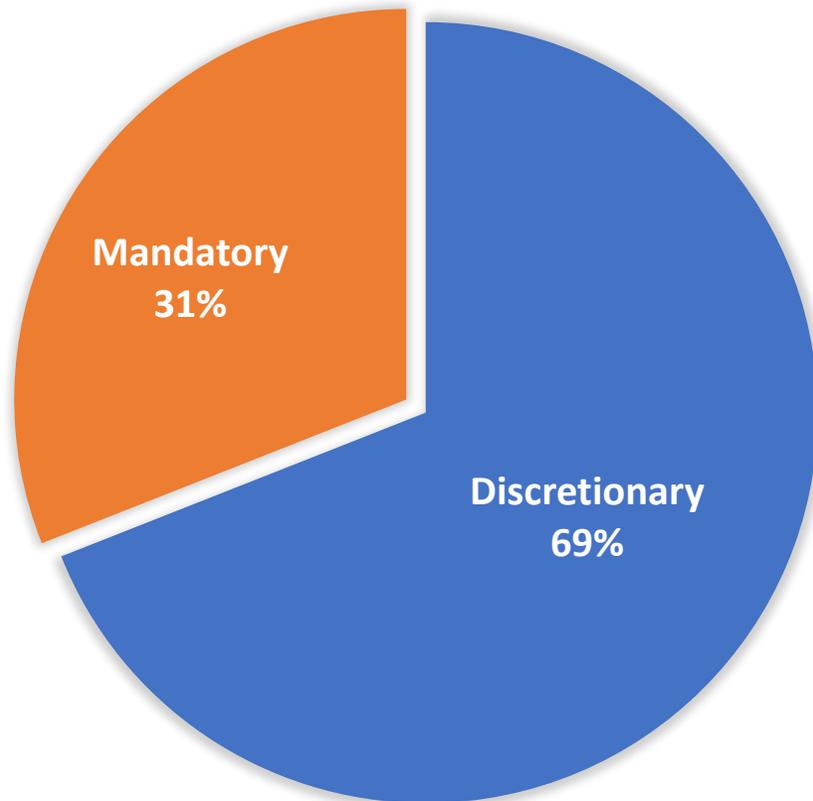


Fields/industries most impacted



Employment-related collateral consequences in Connecticut

Mandatory & discretionary employment-related consequences



General limits on the exercise of discretion in public employment & licensing

Conn. Gen. Stat. § 46a-80(c):

Cannot be automatically disqualified due to conviction.

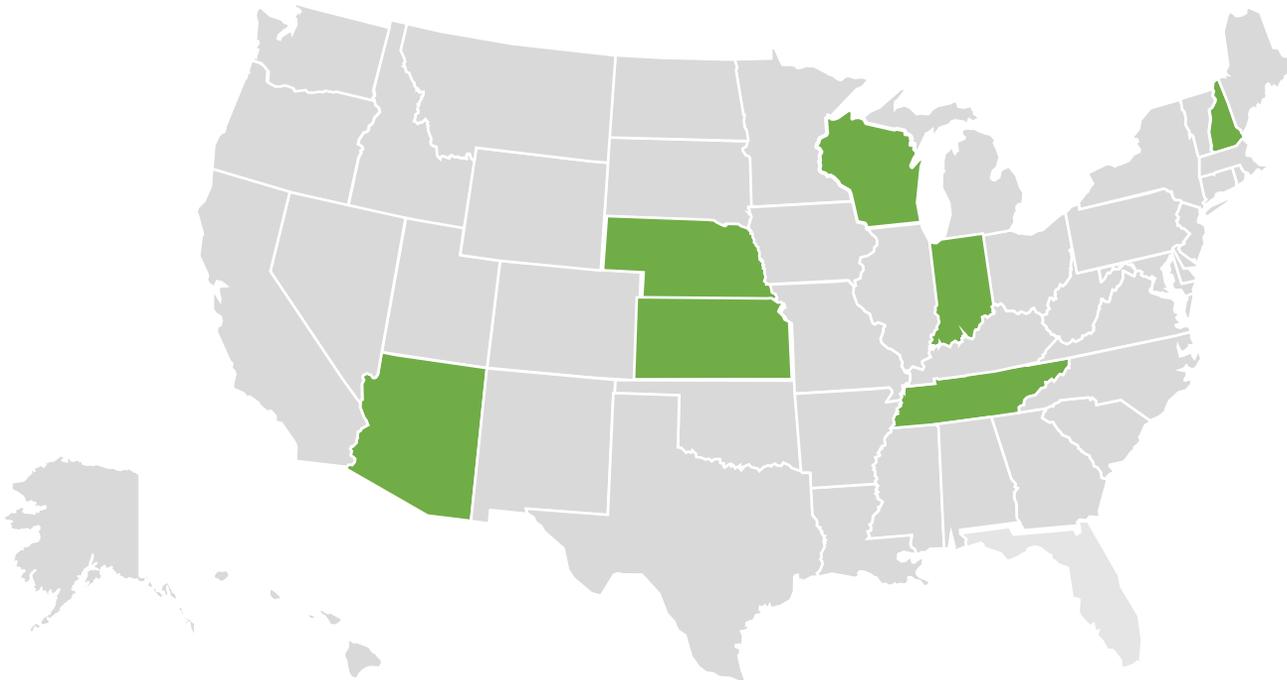
Criminal conviction may only be used to determine suitability after considering:

1. the nature of the crime and its relationship to the job
2. information pertaining to the degree of rehabilitation of the convicted person
3. the time elapsed since the conviction or release

Preliminary decision provisions

Allows applicants with records to receive an eligibility decision before applying or pursuing education/training

States that have enacted preliminary decision provisions in the last two years



Arizona
Indiana
Kansas
Nebraska
New Hampshire
Tennessee
Wisconsin

Reforms to mitigate the impact of criminal records

Fair Chance Hiring (Ban the Box)

Guides the consideration of criminal records in hiring decisions, including

- Prohibiting certain criminal record information from consideration;
- Considering only job-related offenses; and
- Providing applicants a chance to explain their criminal record

Certificates of Rehabilitation

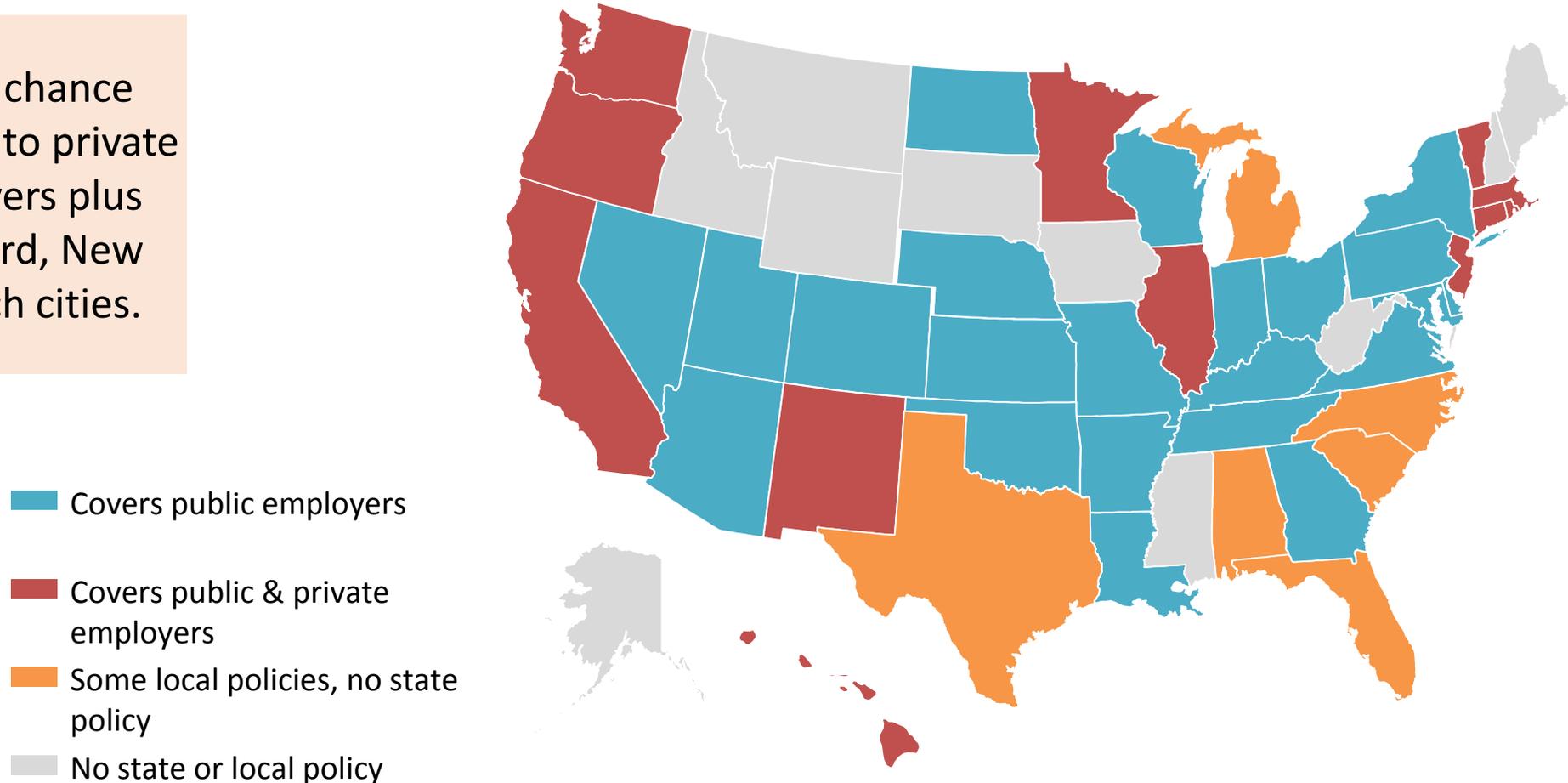
- State or local agencies issue certificates affirming that a person has met rehabilitation and training standards
- Certificates may include provisions that shield employers from negligent hiring claims

Criminal Record Clearance

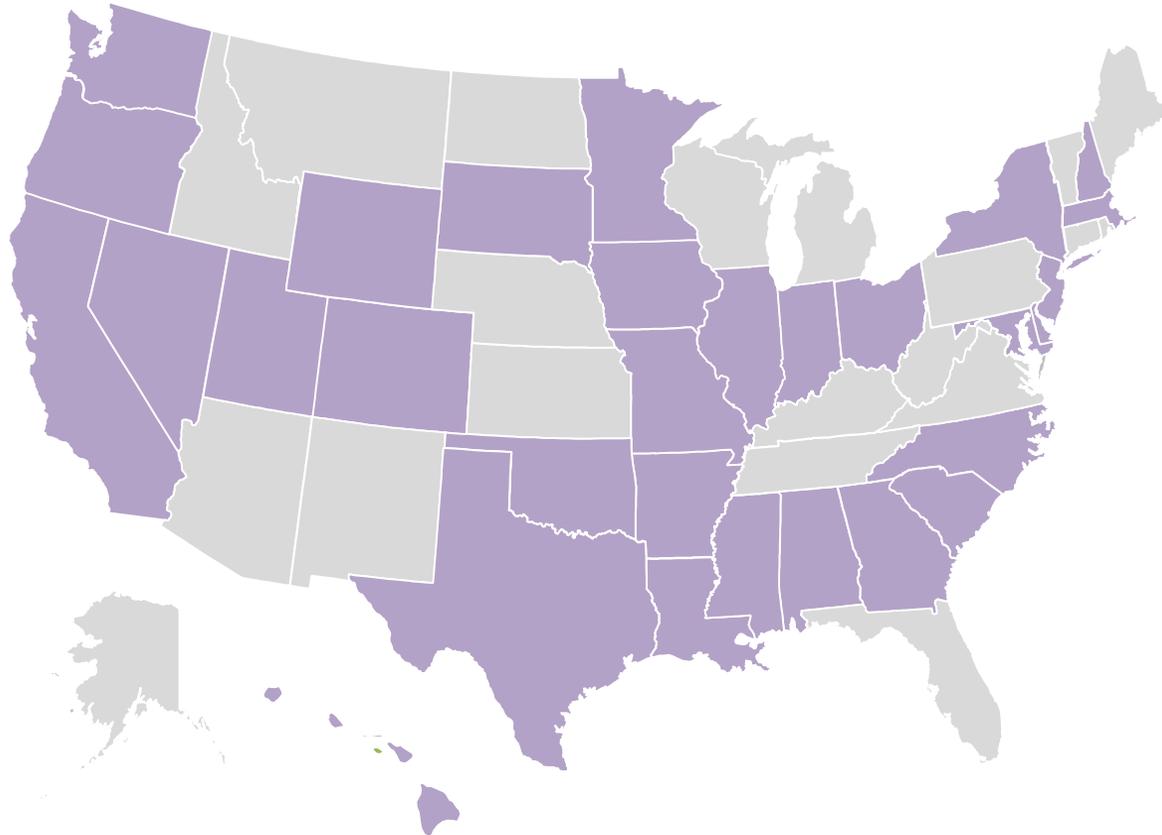
- To seal, expunge, vacate, dismiss, set aside, shield, annul, or destroy a criminal record
- Record clearance policies may relieve a person from disclosing the existence of a criminal record when seeking employment

34 states and over 150 cities and counties have adopted fair chance hiring policies

Connecticut's fair chance hiring policies apply to private and public employers plus Bridgeport, Hartford, New Haven and Norwich cities.



National, bipartisan momentum is building across the country to enact criminal record clearance policies



Criminal Record Clearance Policies (2009–2014)

States have enacted one or more policies

Extending eligibility

Reducing waiting periods

Clarifying the effect

Expanding access for clearance of juvenile records

Altering the burden of proof

The Clean Slate Clearinghouse highlights juvenile and adult record clearance around the country

Clean Slate
CLEARINGHOUSE

ABOUT NEWS LEARN ABOUT YOUR STATE FIND A LAWYER COMPARE STATES TRAININGS RESOURCES

The Clean Slate Clearinghouse provides people with criminal records, legal service providers, and state policymakers with information on juvenile and adult criminal record clearance policies in all U.S. states and territories.



Do you want to learn about clearing your record?

See an overview of adult and juvenile record clearance policies in your state



Do you want to find legal services in your state?

See legal policies and statutes related to record clearance in your state



Do you want to compare state record clearance policies?

Compare aspects of record clearance policies across states

www.cleanslateclearinghouse.org

Key takeaways and opportunities

Enact fair-hiring initiatives, criminal record clearance legislation (sealing, expungement, etc.) and preliminary decision provisions

Ensure use of certificate of employability

Access the [National Inventory of the Collateral Consequences of Conviction](#) for a list of civil penalties triggered by a criminal record and the [Clean Slate Clearinghouse](#) for up-to-date information on record clearance and mitigation

Questions and Answers

Thank you!

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