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
The Council of State Governments Justice Center

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

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

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. A criminal record reduces the likelihood of receiving a job offer by nearly 50 percent.

87% of employers conduct criminal background checks.

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.

- Skill deterioration*
- Lack of access to pro-social networks*
- Employer bias
- Legal barriers to employment

* 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

“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

“Employment is one of the greatest predictors of reentry success…”
– Harold Clarke, Director Virginia DOC
Reduce barriers to employment for people with criminal histories

- Improve Job Readiness and Reduce Recidivism
- Engage Employers
- Reduce Policy Barriers to Employment
Reduce barriers to employment for people with criminal histories

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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

SOURCE: Latessa, E. Why work is important and how to improve the effectiveness of correctional reentry programs that target employment (2012).
Some employment programs have been able to reduce recidivism

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

Recidivism Rate

50%

40%

30%

Full Sample

Control Group
Participants

48.8%
43.1%

**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)†

- Low Risk + 11.7
- Mod Risk - 1.2
- High Risk - 8.5

* 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.

Source: James Bonta and Don A. Andrews, *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation* (Ottawa: Public Safety Canada, 2007);
To promote job readiness, address the common barriers associated with people who are hard to employ

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

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**
- Low or Lower Risk
  - Moderate/High or Higher Risk

**Step 2: Assess Job Readiness**
- Lower Risk/ More Ready (Group 1)
- Lower Risk/ Less Ready (Group 2)
- Higher Risk/ More Ready (Group 3)
- Higher Risk/ Less Ready (Group 4)

**Step 3: Deliver Targeted Services**
- Integrated Risk and Job-Readiness Packages
  - Less Intensive Application of Service-Delivery Principles for Groups 1 and 2
  - More Intensive Application of Service-Delivery Principles for Groups 3 and 4

**Integrated Risk and Job-Readiness Packages**
- Group 1
  - Employment Program Components
- Group 2
  - Employment Program Components
- Group 3
  - Employment Program Components
- Group 4
  - Employment Program Components

**Risk and Needs Assessment**
- with objective, validated tool
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

Risk & Need and Job Readiness Assessment

Programs Level Approach – Service Tracks

- lower risk/ more job ready
- lower risk/ less job ready
- higher risk/ more job ready
- higher risk/ less job ready

Systems Level Approach

- Traditional workforce development providers
- Specialized, intensive service providers
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
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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

Source: https://obamawhitehouse.archives.gov/issues/criminal-justice/fair-chance-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

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

- Employment-related: 69%
- Other: 31%

Fields/industries most impacted

- Health care: 69
- Education & schools: 41
- Public employment: 33
- Gaming, lottery & racing: 33
- Banking, lending, securities & finance: 30
- Transportation & commercial motor vehicles: 23
- Insurance sales & service: 22
- Real estate & property: 20
- Court personnel, general legal services & bail bonds: 17
- Construction, improvement & repair, engineering, plumbing, HVAC, surveying, design & architecture: 16

bars represent the percentage of consequences in each field or industry.
Employment-related collateral consequences in Connecticut

Mandatory & discretionary employment-related consequences

Mandatory 31%
Discretionary 69%

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

<table>
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<tr>
<th>Fair Chance Hiring (Ban the Box)</th>
<th>Certificates of Rehabilitation</th>
<th>Criminal Record Clearance</th>
</tr>
</thead>
</table>
| 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 | • 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 | • 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 promote employment and civil law changes

Employment & civil law changes (2009–2014)

States have enacted one or more policies

Fair hiring policies

Removing or reducing licensing restrictions

Incentivizing hiring

Reducing employer liability

Certificates of Recovery

Access to information

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

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

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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