

**January 31, 2018**

# Improving Employment Outcomes for People with Criminal Histories

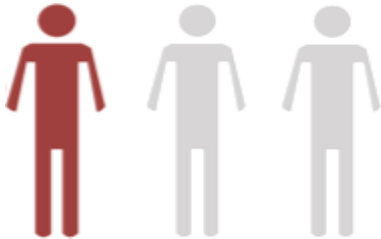
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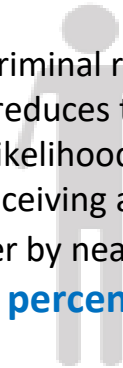
# One in three adults has a criminal record, which creates barriers to employment

**70 million adults** in the U.S.—or 1 in 3—have a criminal record



**87% of employers** conduct criminal background checks

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



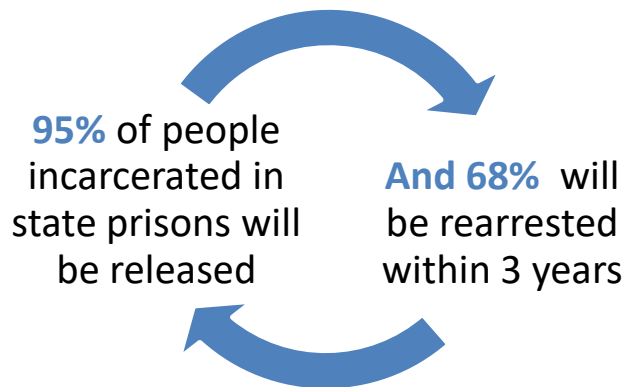
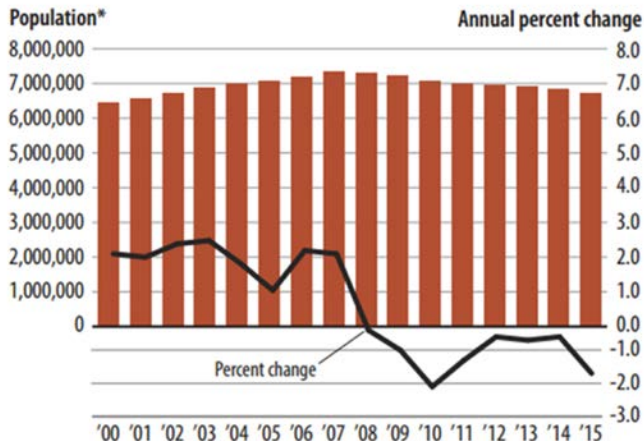
In Wisconsin, an estimated 22 percent of adults have a criminal record

SOURCES: National Employment Law Project (2017); Society for Human Resource Management. *Background Checking – The Use of Criminal Background Checks in Hiring Decisions* (2012). Pager, Devah, *Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men* (2009). Schmitt, John, *Ex-offenders and the Labor Market* (2010). The Sentencing Project, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* (2011)

# Federal, state, and local governments are managing large correctional populations

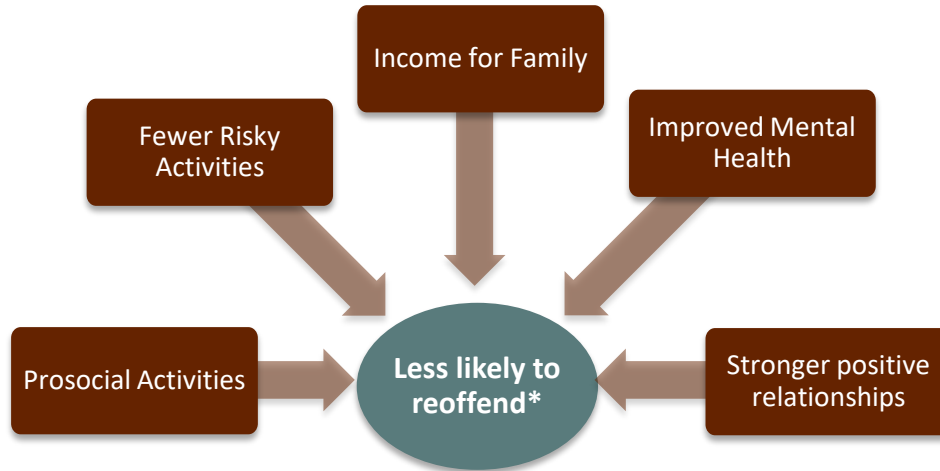
**6.7 million** people in the U.S. are under correctional control

Total population under the supervision of U.S. adult correctional systems and annual percent change, 2000–2015



SOURCES: US DOJ Bureau of Justice Statistics, "Correctional Populations in the United States, 2015." Hughes, Timothy A., and Doris James Wilson. *Reentry trends in the United States*. Washington, DC: US Department of Justice, Bureau of Justice Statistics, (2003). Durose, Matthew R., Alexia D. Cooper, and Howard N. Snyder. *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, (2014).

# Employment is an important part of successful reentry



\*Especially when earnings are above minimum wage

\*Especially with stable jobs

SOURCES: Graffam et al. *Variables affecting successful reintegration as perceived by offenders and professionals*. *Journal of Offender Rehabilitation* 40, no. 1-2 (2004): 147-171; Visher et al. *Employment after prison: A longitudinal study of releases in three states*. Washington, DC: Urban Institute, Justice Policy Center, (2008); Sampson, Robert J., and John H. Laub. *Crime in the making: Pathways and turning points through life*. Harvard University Press, (1995)

**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 underlies effective program design and practice

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



**Assess level of job readiness and likelihood of recidivism**

Not everyone with a criminal record needs the same services



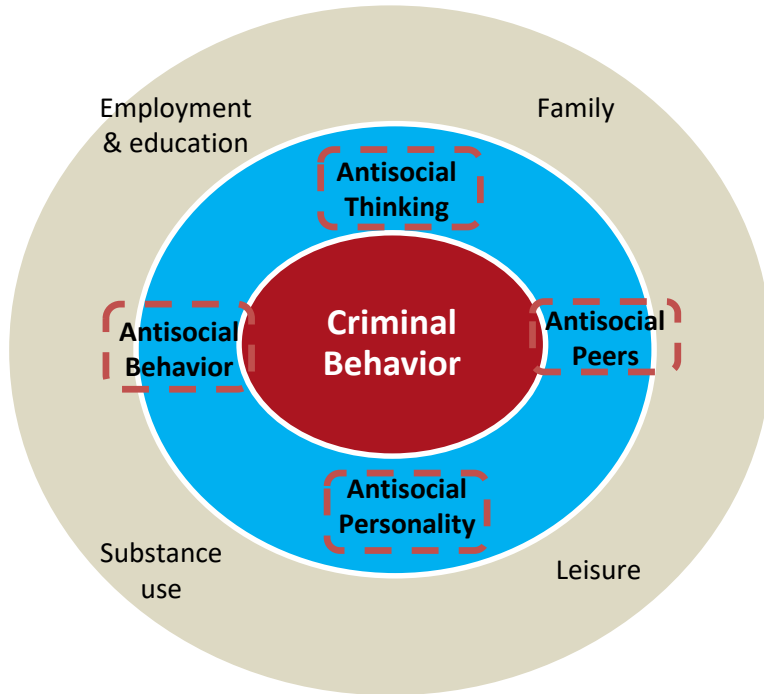
**Address underlying needs related to recidivism**

Higher-risk people require cognitive behavioral interventions, while those services can be detrimental to lower-risk clients



**Match people to services based on assessment results**

# 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

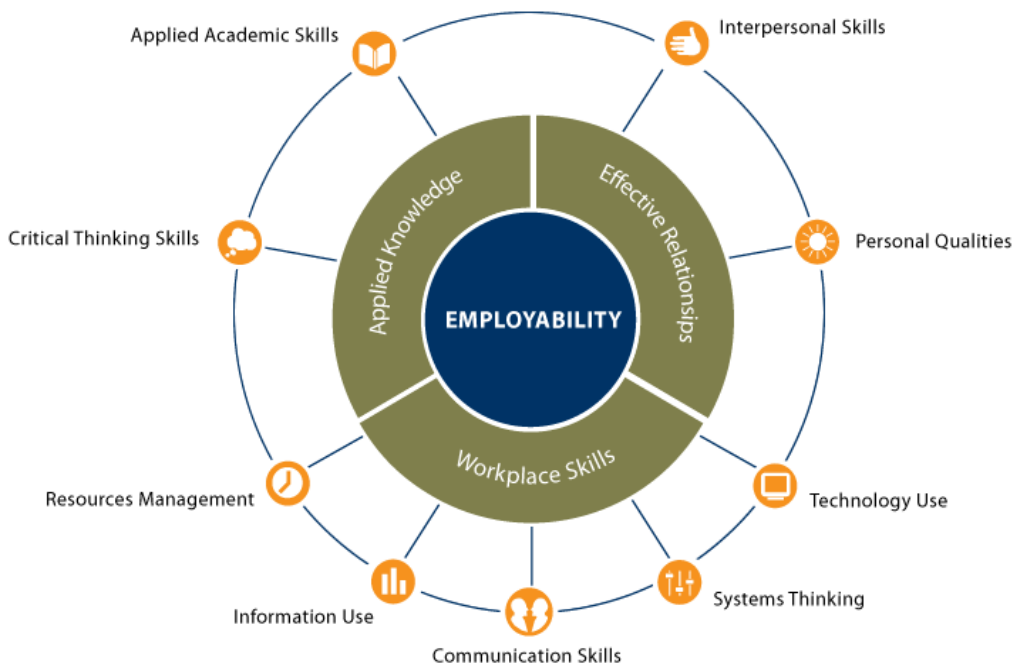
**The Big Four** risk factors are the most predictive of future criminal activity.

**Programs targeting these needs can significantly lower recidivism rates**



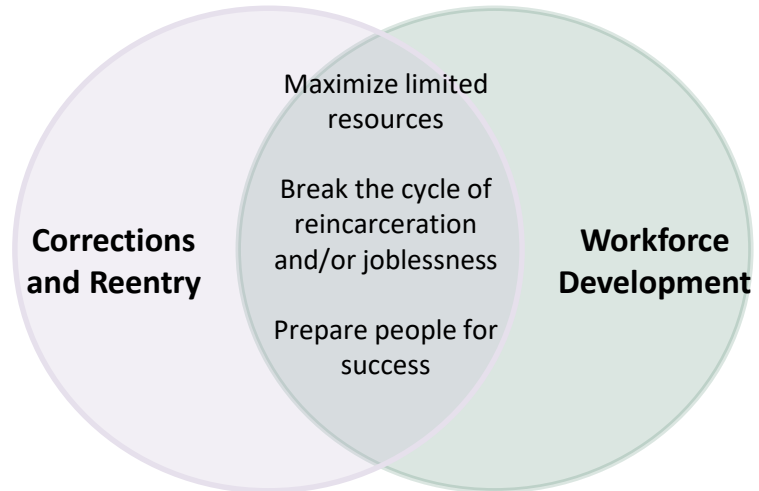
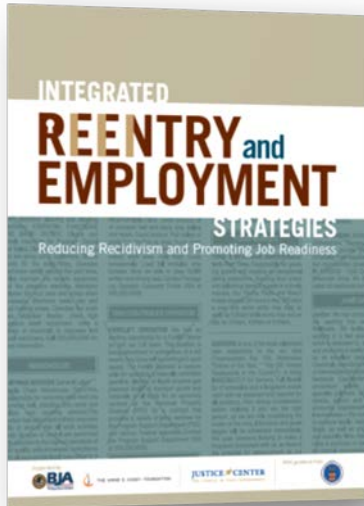
# Employability skills help people succeed in the labor market across all sectors

## EMPLOYABILITY SKILLS FRAMEWORK

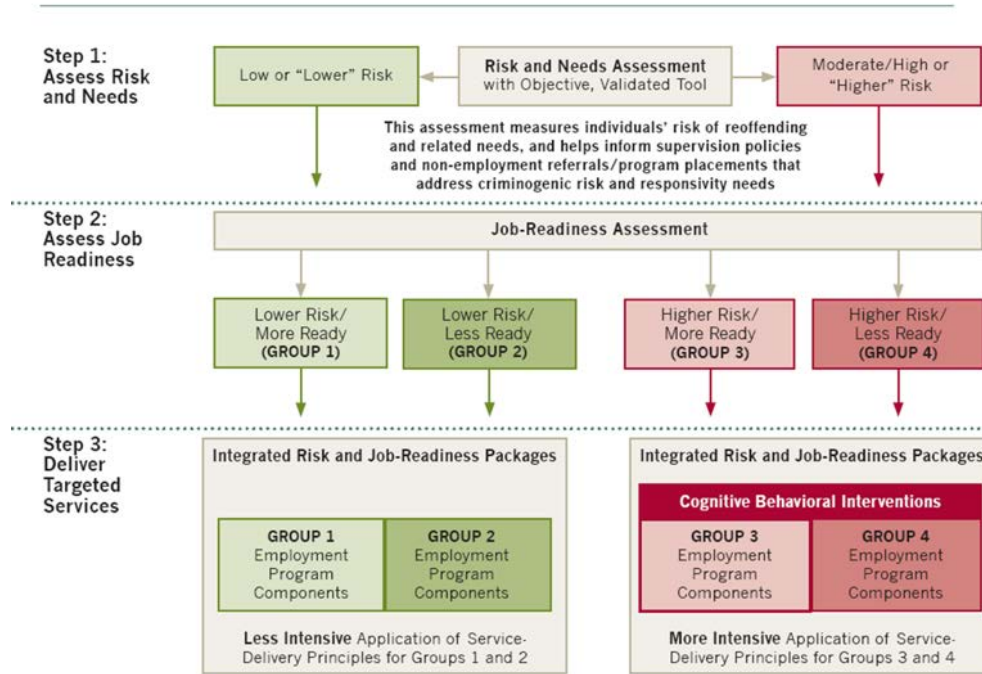


There is no national consensus on defining or assessing job readiness

# 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 and recidivism-reduction programs



# Applying the IRES Framework in Milwaukee County

Milwaukee County was one of two sites chosen to implement the IRES framework



The project is led by an executive committee, which includes **Lt. Governor Kleefisch (R)**, **Senator Taylor (D)**, **Representative Hutton (D)**, **Mayor Barrett (D)**, **WI DOC Secretary Litscher**, and Wisconsin Department of Workforce Development **Secretary Allen**.

Year One

**Information gathering**

**Complete**

Year Two

**Planning & Implementation**

**Complete**

Year Three

**Evaluation**

**In progress**

Source: <https://csgjusticecenter.org/wp-content/uploads/2016/06/Executive-Summary-Milwaukee-IRES.pdf>

# Michigan Department of Corrections' Vocational Village



**Structures participants' time** with employment training and risk-reduction programs

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

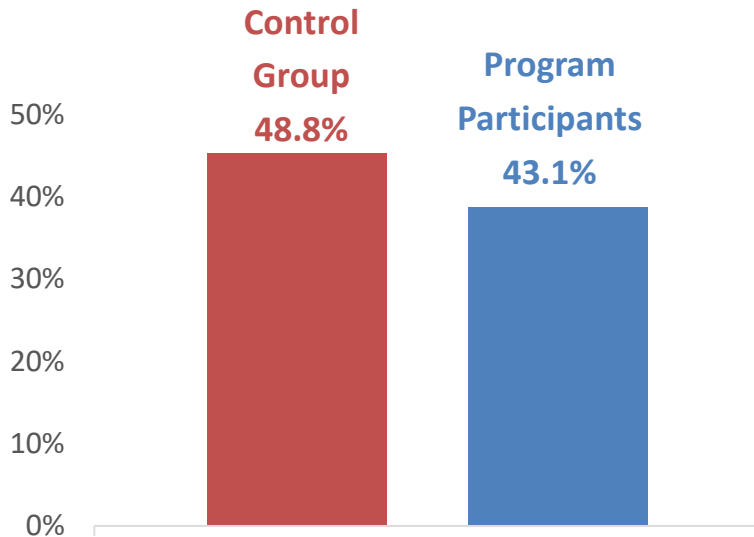


Offers exam preparation and testing for **industry-recognized certifications**

**Tailors programs based on risk, needs and job readiness**

# CEO provides life skills and transitional employment

## 3-Year Recidivism Rate Center for Employment Opportunities



CEO participants' recidivism rates were 5.6 percentage points lower than for people who didn't receive the program.

Results were statistically significant.

SOURCE: Redcross et al, "More than a job: Final results from the evaluation of the Center for Employment Opportunities (CEO) transitional jobs program," (2012). The study uses a random assignment design. People assigned to the program group were given access to CEO's jobs and other services while the control group was offered basic job search assistance at CEO and other services in the community. Recidivism is defined as re-conviction within three years of random assignment.

## Policy Options—Improve Job Readiness and Reduce Recidivism

Encourage partnerships between corrections, reentry and workforce development fields.

Implement strategies to integrate corrections and workforce systems and bring to scale statewide.

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



# A wide array of companies are signing the Fair Chance Business Pledge



American Airlines



# Effective approaches for government officials to engage 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)

# Toolkit for Convening Employer Engagement Events



[csgjusticecenter.org/nrrc/hosting-an-employer-engagement-event/](https://csgjusticecenter.org/nrrc/hosting-an-employer-engagement-event/)

Planning an Employer Engagement Event

Creating an Invitation

Developing an Agenda

Employer Panel Questions

Talking Points

Additional Resources

Employer Surveys

Media Outreach and Coverage

Next Steps

## Policy Options—Engage Employers

Convene employer engagement events.

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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# Introduction to collateral consequences

There are 40,000 collateral consequences in state and federal law.

**Half are job-related**

Wisconsin statutes have 702 collateral consequences (2013)

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.

Although risk of re-arrest dissipates with time, over 31,000 state collateral consequences are permanent.

Source: <https://niccc.csjusticecenter.org>, Kurlychek et al. *Enduring risk? Old criminal records and predictions of future criminal involvement*. *Crime & Delinquency* 53, no. 1 (2007), 64-83; Blumstein, Alfred, and Kiminori Nakamura. *Redemption in the presence of widespread criminal background checks*. *Criminology* 47, no. 2 (2009): 327-359

# The National Inventory of Collateral Consequences of Conviction is a tool for policymakers and practitioners

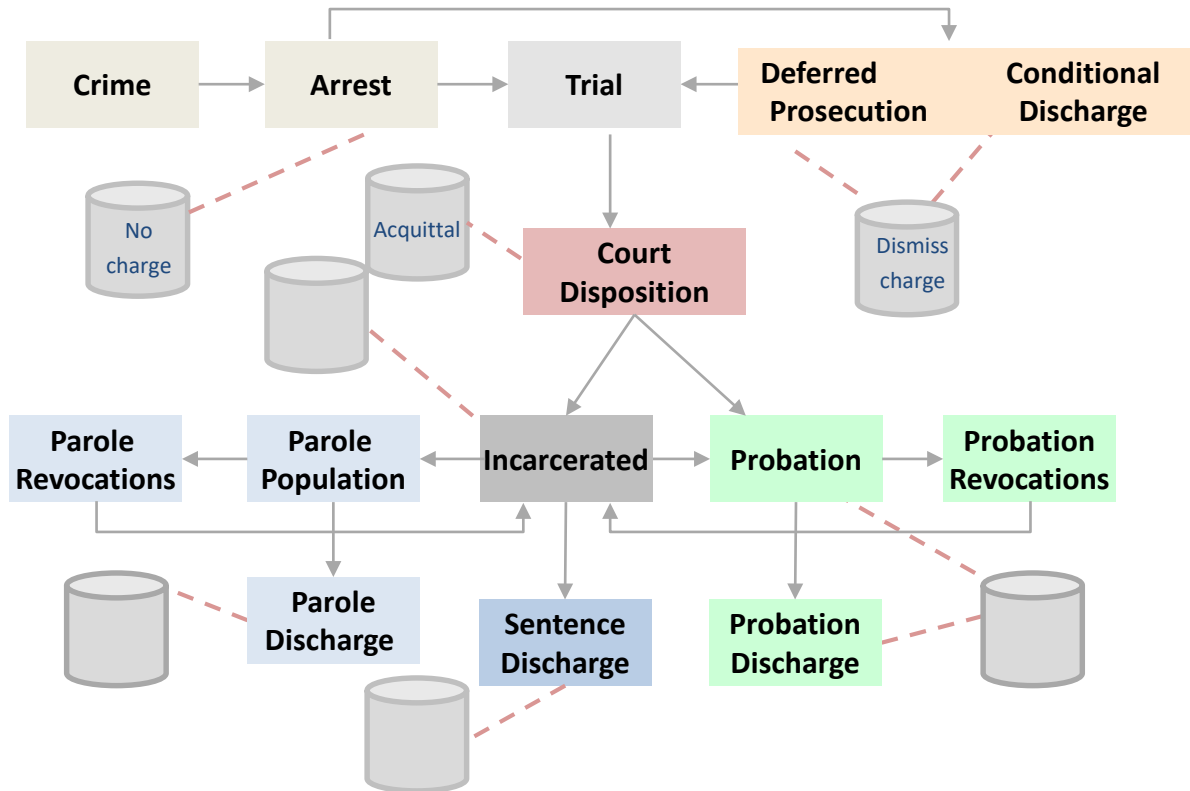
<https://niccc.csgjusticecenter.org>

## NATIONAL INVENTORY OF THE COLLATERAL CONSEQUENCES OF CONVICTION

The collateral consequences of a criminal conviction—legal sanctions and restrictions imposed upon people because of their criminal record—are hard to find and harder to understand. Now it will be easier to do both. Congress directed the National Institute of Justice to collect and study collateral consequences in all U.S. jurisdictions, and NIJ selected the ABA Criminal Justice Section to perform the necessary research and analysis. The results are now being made available through this interactive tool.



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





# Options to mitigate the impact of criminal records

## 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

## 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

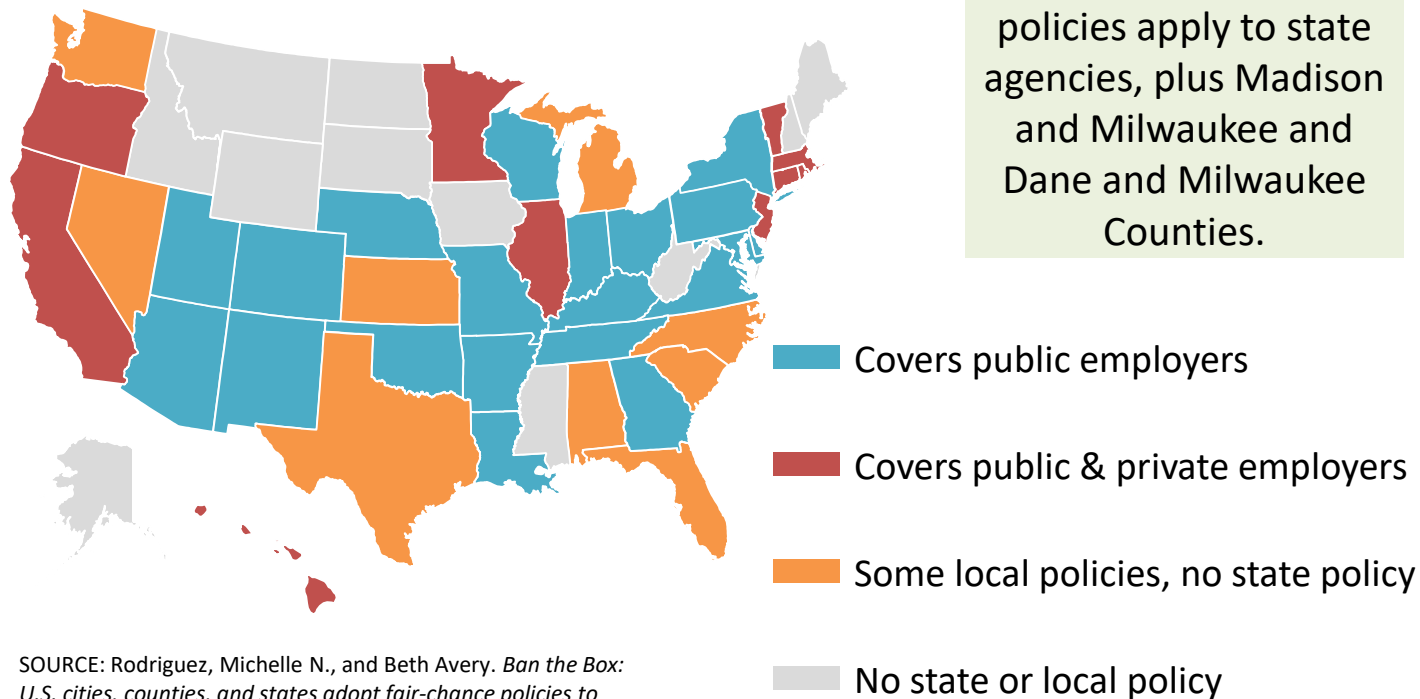
## Certificates of Rehabilitation

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

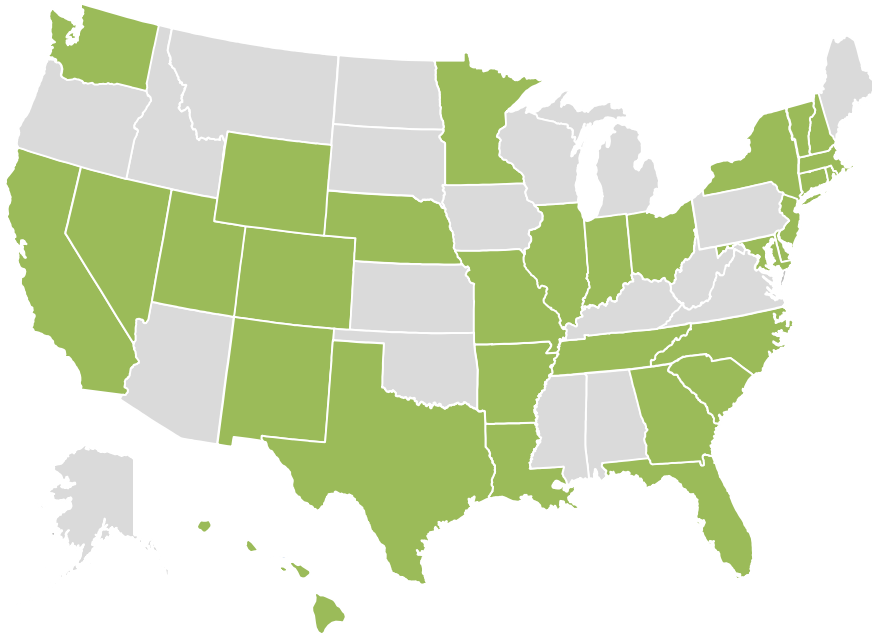
# 30 states plus over 150 cities and counties have enacted some form of fair hiring policies

Wisconsin's fair hiring policies apply to state agencies, plus Madison and Milwaukee and Dane and Milwaukee Counties.



SOURCE: Rodriguez, Michelle N., and Beth Avery. *Ban the Box: U.S. cities, counties, and states adopt fair-chance policies to advance employment opportunities for people with past convictions*. National Employment Law Project (2017).

# National, bipartisan momentum is building across the country to promote employment and civil law changes



Employment &  
civil law changes  
(2009–2014)

Fair hiring policies

Removing or reducing  
licensing restrictions

Incentivizing hiring

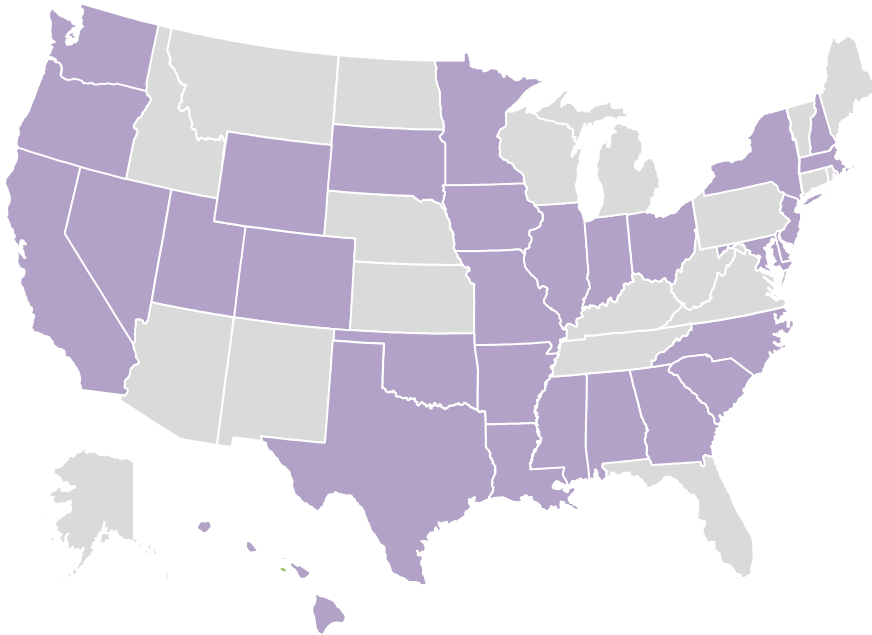
Reducing employer  
liability

Certificates of Recovery

Access to information

Source: Vera Institute of Justice Center on Sentencing and Corrections (2014) "Relief in Sight? States Rethink the Collateral Consequences of a Criminal Conviction, 2009-2014"

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



## Criminal Record Clearance Policies (2009–2014)

Extending eligibility

Reducing waiting periods

Clarifying the effect

Expanding access for clearance of juvenile records

Altering the burden of proof

Source: Vera Institute of Justice Center on Sentencing and Corrections (2014) "Relief in Sight? States Rethink the Collateral Consequences of a Criminal Conviction, 2009-2014"

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

## Clean Slate CLEARINGHOUSE

[www.cleanslateclearinghouse.org](http://www.cleanslateclearinghouse.org)



### Learn About Your State

Learn about policies for clearing records in your state.



### Find A Lawyer

Find a lawyer who specializes in record clearance.



### Compare States

Compare record clearance policies across all states and territories.

## Policy Options—Reduce Policy Barriers to Employment

Enact fair chance hiring policies to promote the removal or delay—when appropriate—of criminal records from consideration in making hiring decisions and granting occupational licenses

Policy approaches include fair-hiring initiatives, criminal record clearance legislation (sealing, expungement, etc.), and certificates of rehabilitation

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

# Key Takeaways - Policy Options Recap

## Improve Job Readiness and Reduce Recidivism

- Implement strategies to integrate corrections and workforce systems and bring to scale statewide
- Leverage federal funding to increase access to services

## Engage Employers

- Convene employer engagement events
- Help employers access information on fair hiring, bonding, and tax incentives
- Establish partnerships between job skills training programs and business sectors

## Reduce Policy Barriers to Employment

- Enact policies concerning fair chance hiring and incentives, criminal record clearance, and certificates of rehabilitation
- Access the *National Inventory of the Collateral Consequences of Conviction* for a list of civil penalties established by a criminal record and the *Clean Slate Clearinghouse* for up-to-date information on record clearance and mitigation