Improving Employment Outcomes for People with Criminal Histories

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The Council of State Governments Justice Center
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

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

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

95% of people incarcerated in state prisons will be released

And 68% will be rearrested within 3 years

Employment is an important part of successful reentry

- Less likely to reoffend*
- Income for Family
- Fewer Risky Activities
- Improved Mental Health
- Stronger positive relationships
- Prosocial Activities

*Especially when earnings are above minimum wage

*Especially with stable jobs

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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Reduce Policy Barriers to Employment
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

SOURCE: Latessa, “Why work is important and how to improve the effectiveness of correctional reentry programs that target employment,” (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.

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

There is no national consensus on defining or assessing job readiness

Source: US Department of Education
The Integrated Reentry and Employment Strategies (IRES) framework bridges and integrates best practices from the corrections, reentry, and workforce development fields.

Corrections and Reentry
- Maximize limited resources
- Break the cycle of reincarceration and/or joblessness
- Prepare people for success

Workforce Development
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.

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

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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.
Reduce barriers to employment for people with criminal histories

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Reduce Policy Barriers to Employment
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.

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

https://niccc.csgjusticecenter.org

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

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| To seal, expunge, vacate, dismiss, set aside, shield, annul, or destroy a criminal record | 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 |
30 states plus over 150 cities and counties have enacted some form of fair hiring policies

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

- 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

- Extending eligibility
- Reducing waiting periods
- Clarifying the effect
- Expanding access for clearance of juvenile records
- Altering the burden of proof

Criminal Record Clearance Policies (2009–2014)

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

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