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Overcoming Barriers to Employment

2017 Reentry Summit: Instilling Hope, Enhancing Partnerships

Presenters

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The Council of State Governments Justice Center

<https://csgjusticecenter.org/nrrc/>

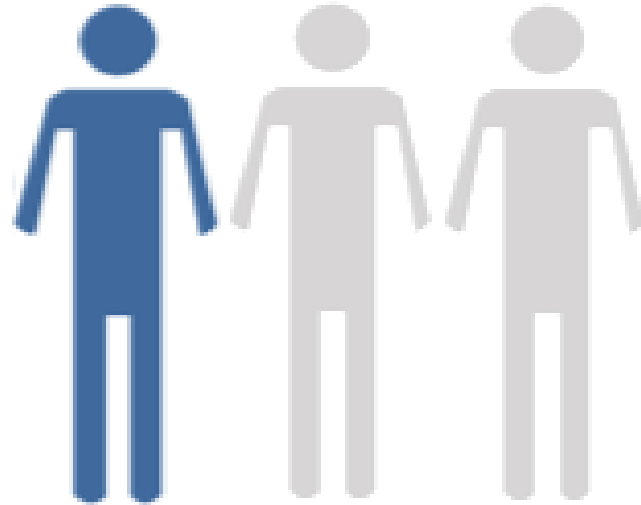
- National nonprofit, nonpartisan membership association of state policymakers from all branches of government
- Provides practical, nonpartisan advice informed by the best available evidence on criminal justice topics.



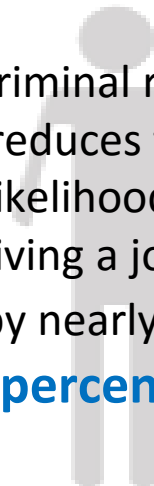
Overview

- Impact of a Criminal Record
- Policies to Reduce Barriers to Employment
- The Clean Slate Clearinghouse

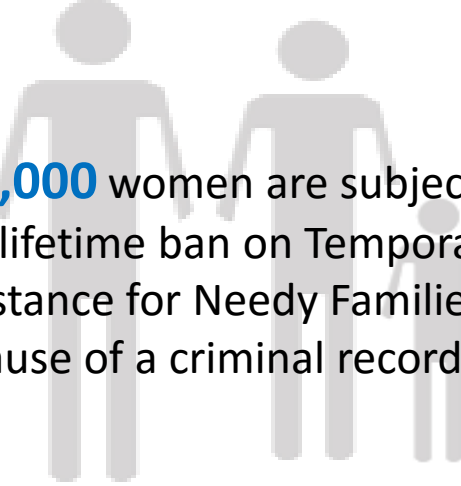
An estimated 70 million adults in the U.S.—
one in three—have some sort of criminal
record.



A criminal record impacts the individual, their family, and the larger community.



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



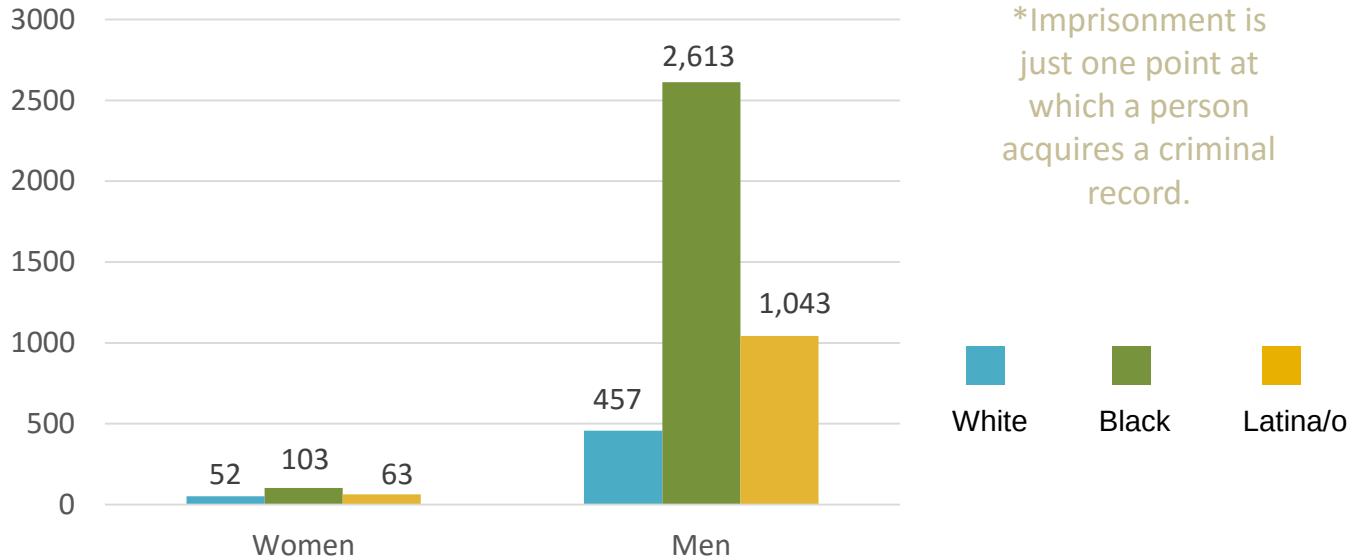
180,000 women are subject to a lifetime ban on Temporary Assistance for Needy Families because of a criminal record.



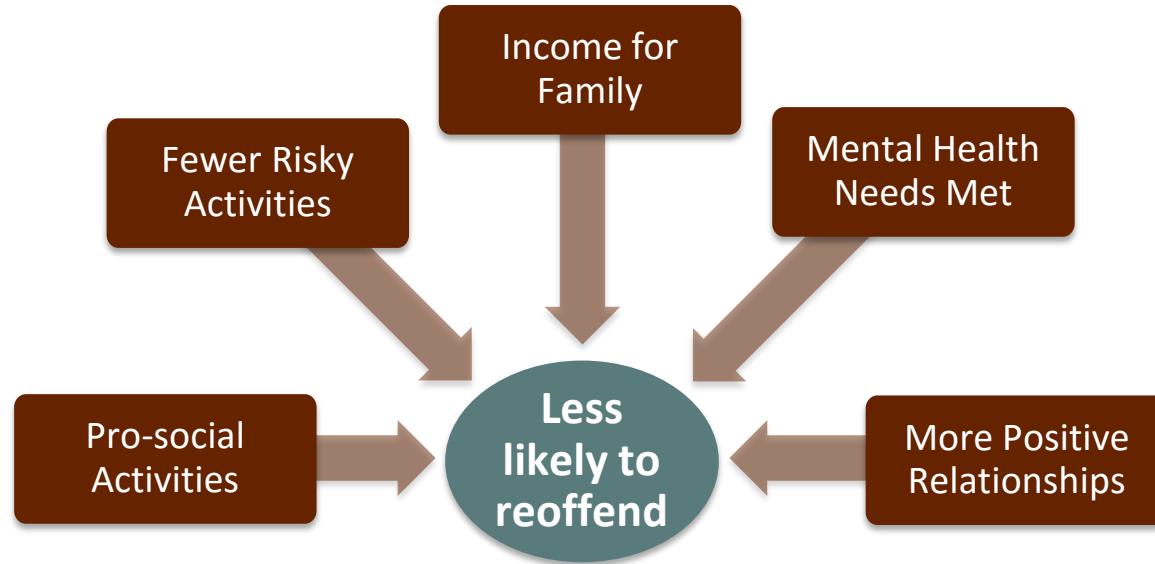
The U.S. economy loses about **\$82 billion** in annual GDP when people with records are under-employed.

Criminal records have greater impacts on people of color and communities of color.

*Rate of Imprisonment per 100,000,
by Gender, Race, and Ethnicity, 2015



Employment is one of several important factors in a person's successful reentry.



- Especially when earnings are above minimum wage
- Especially if the job is stable

Getting a job is difficult for job applicants with a criminal record.



87% of employers
conduct criminal
background checks on
some or all applicants.

Criminal records trigger various “collateral consequences.”

There are more than 40,000 collateral consequences in state and federal law, which affect employment, housing, civic participation, and other areas.

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.



niccc.csgjusticecenter.org

Overview

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- **Policies to Reduce Barriers to Employment**
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States are employing different strategies to reduce the impact of a criminal record on employment.

Fair chance hiring or “Ban the box”

policies provide guidance on the consideration of a criminal record in hiring decisions, including:

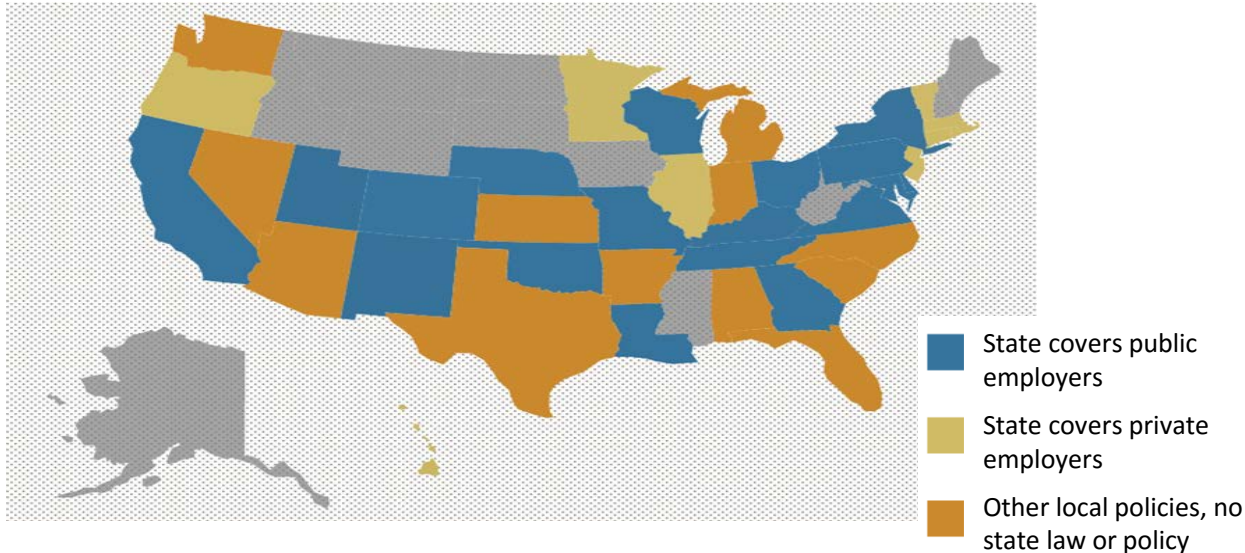
- Prohibiting certain criminal record information from consideration;
- Considering only specific job-related offenses; and
- Providing job applicants an opportunity to explain their criminal record.

“Criminal record clearance” policies allow an individual to:

- Seal, expunge, vacate, dismiss, set aside, shield, annul, or destroy their criminal records.
- *Record clearance policies relieve a person from disclosing the existence of a criminal record when seeking employment.

*Varies by state and clearance policies

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



Fair Chance Hiring in Wisconsin

Wisconsin Act 150

- Prohibiting requests for information about a person's conviction record before the applicant has been "certified" for the position.

The Wisconsin Fair Employment Act (WFEA)

- Limits information public and private employers can seek from applicants.
- Employers may not discriminate against applicants and employees on the basis of an arrest or conviction record

Expungement and sealing are the most commonly used terms for record clearance.

Generally **Expungement**

means that records...

- **Are destroyed.**

Generally **Sealing** means

that records...

- **Are not publicly available.**

But depending on the state, expunged or sealed records:

- May be disclosed for licensing or other purposes;
- May be used for criminal justice purposes;
or
- May be inspected with a court order.

State record clearance policies have many dimensions.

What types of records are eligible for record clearance ?

What is the effect of record clearance in the state?

How long does a person have to wait to get their record cleared?

Is the record clearance process automatic or petition-based?

What are the fees associated with the record clearance process?

- 1. Eligibility**
- 2. Effect**
- 3. Timing**
- 4. Process**
- 5. Cost**

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One in three adults in the U.S. has a criminal record.

Record clearance—removing criminal history information from easy public access—may provide people with an opportunity to put their pasts behind them. 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. [Read More »](#)



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.