January 16, 2015

«Company»

«Address 1»

«Address 2»

«City», «State» «Postal Code»

**Re: Pre-Employment Screenings of Criminal Records:**

**What Every Employer Should Know**

Dear Employer,

As highlighted in the *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964* (“Enforcement Guidance”) published by the Equal Employment Opportunity Commission (“EEOC”) on April 25, 2012, there has been a major increase in the number of people with criminal records in the working-age population.[[1]](#footnote-1) This increase is due largely to the number of Americans who have had contact with the criminal justice system over the last two decades. According to the Department of Justice’s Bureau of Statistics, it is projected that 6.6% of all persons born in the United States in 2001 will serve time in state or federal prisons during their lifetimes.[[2]](#footnote-2) If the current incarceration rates remain the same, approximately one in seventeen White men are expected to serve time in prison during their lifetime;[[3]](#footnote-3) whereas the rate increases to one in six for Hispanic men, and one in three for African American men.[[4]](#footnote-4) Thus, it is likely that the American workforce will suffer from a lack of diversity and talent because of one’s ex-offender status. The United States Attorney’s Office for the Southern District of Alabama is taking the initiative to ensure that employers are aware of the Enforcement Guidance.

The enclosed voluntary survey is based upon that Enforcement Guidance, which explains that a policy or practice that excludes everyone with a criminal record may violate Title VII of the Civil Rights Act. Title VII prohibits policies or practices that are race neutral but have a disparate impact in application. As such, it is our hope that this survey will allow your organization an opportunity to assess your practices and policies. Moreover, it will assist our office in determining the training needs of employers in our community.

In addition to the survey referenced above, enclosed are the following:

A copy of a publication entitled *Arrest and Conviction Records in Employment: Best Practices,* a project of the U.S. Equal Employment Opportunity Commission. Please feel free to share this publication.

A letter outlining our District’s Project H.O.P.E. (Helping Offenders Pursue Excellence), which provides information on community and business benefits for employing ex-offenders.

Please provide your completed survey, with all attachments, within the next 60 days. If you have any questions, please contact Assistant United States Attorney Suntrease Williams-Maynard, who is assigned to the Civil Rights Enforcement Unit within my office, at 251-415-7163, or via email at [suntrease.williams-maynard@usdoj.gov](mailto:suntrease.williams-maynard@usdoj.gov). You are welcome to email your responses, or you may choose to mail the completed survey and attachments.

Thank you in advance for your cooperation.

Sincerely,

KENYEN R. BROWN

UNITED STATES ATTORNEY

Enclosures

1. Survey
2. *Arrest and Conviction Records in Employment: Best Practices* Publication
3. Project H.O.P.E Letter

1. *See* John Schmitt & Kris Warner, Ctr. For Econ. & Policy Research, Ex-Offenders and the Labor Market 12 (2010), [www.cepr.net/documents/publications/ex-offenders-2010-11.pdf](http://www.cepr.net/documents/publications/ex-offenders-2010-11.pdf) (“In 2008, ex-prisoners were 2.9 to 3.2 percent of the total working-age population (excluding those currently in prison or jail) or about one in 33 working-age adults. Ex-felons were a larger share of the total working-age population: 6.6 to 7.4 percent, or about one in 15 working-age adults [not all felons serve prison terms].”). [↑](#footnote-ref-1)
2. *See* Thomas P. Bonczar, Bureau of Justice Statistics, U.S. Dep’t of Justice, Prevalence of Imprisonment in the U.S. Population, 1974-2001, at 3 (2003), <http://bjs.ojp.usdoj.gov/content/pub/pdf/piusp01.pdf> [hereinafter Prevalence of Imprisonment ] (“Between 1974 and 2001 the number of former prisoners living in the United States more than doubled, from 1,603,000 to 4,299,000.”). [↑](#footnote-ref-2)
3. Prevalence of Imprisonment, *supra* note 3, at 1. [↑](#footnote-ref-3)
4. *Id*. at 8. [↑](#footnote-ref-4)