



Research Shows “Banning the Box” Effective at Boosting Employment

After incarceration, we expect people to work, pay restitution and support their families. Although most people re-entering society want to do exactly this, millions of Americans frequently encounter barriers to employment. In Colorado, many residents experience unemployment, food insecurity, and housing instability, as a collateral consequence of having a criminal record. By inhibiting re-entry into the workforce and limiting one’s ability to earn an income, these obstacles often affect entire families, thereby fueling both poverty and recidivism rates.

In light of these problems, the Colorado Center on Law and Policy is supporting **HB 1388**, which will address recidivism rates by providing new economic opportunities to individuals and families who encounter barriers to employment. The Responsible Re-entry campaign will focus on addressing preliminary obstacles to employment through “Ban the Box” legislation, which would require most private employers to postpone conducting criminal background checks until after an applicant has had an opportunity to interview.

Data demonstrates that this reform is an effective approach to increase employment rates.

Fair Chance Policies Have Proven Effective

- After the City of Minneapolis implemented its policy, they found that removing the criminal disclosure box from initial applications and postponing background checks until a conditional offer of employment was made decreased the amount of transactional work for City staff, did not slow down the hiring process, and resulted in more than half of applicants with convictions being hired.ⁱ
- As a result of its new criminal disclosure policy, 10 percent of the City of Atlanta’s hires between March and October of 2013 were people with records.ⁱⁱ
- In Durham County, North Carolina, the number of applicants with criminal records recommended for hire has nearly tripled in the two years since its “ban the box” policy passed, with the resulting number of hires increasing from 35 to 97. On average, 96.8 percent of those with records recommended for hire ultimately get the job.ⁱⁱⁱ
- Studies have shown that if hiring discrimination takes place, it is most likely (76 percent) to take place at the first interaction: the submission of a job application. Applicants who indicate a criminal record on these applications are much less likely to get a call-back: 34 percent of whites without a record were contacted, while only 17 percent of those with a record did; and among African Americans 14 percent without a record got a callback, but only 5 percent one of African Americans with a criminal record heard back from the potential employer.^{iv}

Personal Contact and Context Put a Criminal Record in Perspective, Giving Applicants a Fair Chance

- A survey of California employers found that if they knew the nature of an offense, their willingness to consider hiring a worker varied significantly, with 23 percent willing to hire a person with a drug-related felony, and 84 percent willing to consider applicants with a misdemeanor offense, but a blanket prohibition on hiring those with a “criminal record” does not allow for this kind of qualitative assessment.^v
- In a study in which test pairs of potential workers, one with a criminal record and one without, applied for jobs researchers found that having personal contact with the potential employer reduced the negative effect of a criminal record by approximately 15 percent.^{vi}
- In a study released in 2014 of how hiring managers consider job applicants with criminal records, one of the central themes of the employers’ accounts of hiring was that applicants can compensate for their criminal records based on their personality and ability to make in-person contact with hiring authorities.^{vii}

Ban the Box Helps Employers Find Valued Workers

- One study of former prisoners found that 8 months after release, 80 percent of employed respondents said that their employers knew about their criminal record but that they were satisfied with their work and their wages.^{viii}
- Evolv, a company that evaluates large amounts of human resources statistics to help companies profile successful employees, has found that “employees with criminal backgrounds are 1 to 1.5 percent more productive on the job than people without criminal records.”^{ix}

ⁱ Letter from City Council Member Elizabeth Glidden with Attachment of City of Minneapolis Conviction History Summary 2004- 2008 YTD (March 16, 2009) (<http://www.nelp.org/page/-/SCLP/2014/Guides/Glidden-Ltr-Minneapolis2004-2008.pdf?nocdn=1>)

ⁱⁱ Materials on file with the National Employment Law Project.

ⁱⁱⁱ Daryl Atkinson & Kathleen Lockwood, “The Benefits of Ban the Box: A Case Study of Durham, NC,” The Southern Coalition for Social Justice, Oct. 2014 (http://www.southerncoalition.org/wp-content/uploads/2014/10/BantheBox_WhitePaper-2.pdf)

^{iv} Devah Pager, “The Mark of a Criminal Record,” American Journal of Sociology 108(5), 2003: 937-975. (http://scholar.harvard.edu/files/pager/files/pager_ajs.pdf)

^v Jennifer Fahey, Cheryl Roberts, and Len Engel, “Employment of Ex-Offenders: Employer Perspectives,” Boston, Massachusetts: Crime & Justice Institute, 2006. (http://208.109.185.81/files/ex_offenders_employers_12-15-06.pdf)

^{vi} Devah Pager, “Sequencing Disadvantage: The Effects of Race and Criminal Background for Low-Wage Job Seekers,” Statement to the U.S. Equal Employment Opportunity Commission, convened November 20, 2008. (<http://www.eeoc.gov/eeoc/meetings/11-20-08/pager.cfm>)

^{vii} Sarah Lageson, Mike Vuolo, and Chris Uggen, “Legal Ambiguity in Managerial Assessments of Criminal Records,” Law & Social Inquiry, 2014. (<http://onlinelibrary.wiley.com/doi/10.1111/lsi.12066/abstract>)

^{viii} Christy Visher, Sara Debus, and Jennifer Yahner, “Employment after Prison: A Longitudinal Study of Releasees in Three States,” Washington, D.C.: Urban Institute, 2008. (http://www.urban.org/UploadedPDF/411778_employment_after_prison.pdf)

^{ix} Inside the Wacky World of Weird Data: What’s Getting Crunched, <http://www.cnb.com/id/101410448>