



Research Shows “Banning the Box” Boosts Employment and Reduces Recidivism

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 boost employment and reduce recidivism rates.

Employing People With Records Improves Public Safety

- A study from 2011 concluded that employment is the most significant factor in decreasing recidivism. Moreover, two years after release, people with records who had gained employment were nearly twice as likely to have avoided further criminal activity.¹
- Another study found that formerly incarcerated people who had found employment for one year had a recidivism rate of only 16% over three years— compared to a 52.3% recidivism rate for all other DOC releases.²
- Research stemming from a national public work program found that even minimal employment opportunities helped reduce illegal activity and arrest for people age 27 or older.³

Ban the Box Helps Lift Families and Children From Poverty

¹ Mark T. Berg and Beth M. Huebner, “Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism,” *Justice Quarterly* (28), 2011: 382-410. (<http://www.tandfonline.com/doi/abs/10.1080/07418825.2010.498383?journalCode=rjgy20#preview>)

² “Safer Foundation Three-Year Recidivism Study, 2008,” Chicago, IL: 2008. (<http://saferfoundation.org/files/documents/Safer%20Recidivism%20Study%202008%20Summary.pdf>)

³ Christopher Uggen, “Work as a Turning Point in the Life Course of Criminals: a Duration Model of Age, Employment, and Recidivism,” *American Sociological Review* (67), 2000: 529-546. (http://www.socsci.umn.edu/~uggen/Uggen_asr_00.pdf)

- In one survey of family members of the formerly incarcerated, 68% of parents stated they experienced trouble paying child support, 43% faced challenges regaining custody, and over a quarter reported hardships with rebuilding familial relationships.⁴
- In another study of women with felonies, 65% acknowledged that they relied on a family member or spouse for financial support.

Fair Chance Policies Effectively Promote Re-Entry to the Workforce

- Research has indicated that if hiring discrimination occurs, it is most likely to happen at the onset of the hiring process: the submission of a job application. For instance, one study showed that for white people, 34% without a record were contacted by employers, compared to only 17% for people with records. For African Americans, 14% without a record were contacted, in contrast to only 5% among people with records.⁵
- In jurisdictions that have implemented ban the box reforms, hiring rates for people with records has increased. For example, after enacting fair hiring policies, the City of Atlanta hired 10% more people with records between March and October, 2013.⁶ Similar, in Durham County, North Carolina, the number of applicants with records who have been recommended for hire has almost tripled since the adoption of ban the box policies.⁷

Ban the Box has Gained Widespread Recognition as a Best Practice for Employers

- Several prominent employers have already implemented ban the box reforms in their hiring policies, including Koch Industries, Walmart, Target, Home Depot, and Bed Bath & Beyond.⁸
- Nationally, more than 100 cities and counties, and 19 states, have enacted ban the box policies. Seven states— Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, Rhode Island, and Oregon— have expanded this policy to the private sector.⁹
- Ban the box has been endorsed as a best practice by the U.S. Equal Employment Opportunity Commission and is supported by the Colorado Society for Human Resource Management.

⁴ Tracey Shollenberger, "When Relatives Return: Interviews with Family Members of Returning Prisoners in Houston, Texas," Washington, D.C.: Urban Institute, 2009. (http://www.urban.org/UploadedPDF/411903_when_relatives_return.pdf)

⁵ 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)

⁶ Anastasia Christman and Michele Natividad Rodriguez, *Research Supports Fair Chance Policies*. The National Employment Law Project, April 2015, <http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf>

⁷ 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)

⁸ Emma Stieglitz, "Koch Industries Decision to 'Ban the Box' Signals Broad, Growing Appeal for Fair-Hiring Practices," April 27, 2015. National Employment Law Project, <http://www.nelp.org/news-releases/koch-industries-decision-ban-box-signals-broad-growing-appeal-fair-hiring-practices/>

⁹ Michelle Natividad Rodriguez and Nayantara Mehta, "Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies," Dec. 2015, National Employment Law Project. <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>