

JUST OPPORTUNITY

Creating Fairer Employment Practice for Justice-Involved Young Adults

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With as many as 1 in 3 Americans expected to interact with the criminal justice system in their lifetime, and an annual budget that exceeds \$80 billion dollars, America boasts the largest and most active criminal justice system in the world.

It also remains the global leader in mass incarceration and with more than 2.5 million young adolescents and adults between the ages of 16-24 being arrested annually, the number of justice-involved continues to grow. This report examines how initial interaction with law enforcement begins with arrest, and not conviction, and can lead to a lifetime of chronic disconnection from employment and work for young adults of color.

According to the Kirwan Institute for the Study of Race and Ethnicity, there exists an implicit bias driven by negative perceptions of youth of color that can have lifelong impact on their education and employment trajectories. Arrest data highlights that youth of color experience significantly higher rates of arrest compared to white youth, with the greatest racial disparities in lower-severity offenses (Youth.Gov, n.d.) (OJJDP, Disproportionate Minority Contact, 2014). In fact, in every state, youth of color are disproportionately represented throughout the juvenile justice system. For example, in 2014, black youth made up approximately 15% of the total juvenile population in the United States but they accounted for 35% of juvenile arrests. Perception and implicit bias leads to over policing and

increases the chances of arrest, and subsequent incarceration for youth of color. These records follow young adults of color and oftentimes are wrongfully logged given the complex nature of our criminal justice system—but not without permanent consequence to their livelihoods.

Though it is nearly impossible to know the percentage of criminal records that are comprised of only arrests and arrest/non-conviction data, simply having a criminal record creates significant employment barriers. And for the record, anyone who has been arrested on a felony charge or who has been arrested for a misdemeanor and the arrest was reported by a state criminal justice agency to the FBI national database, has a criminal record. This has significant implications for employment because studies cite that just having a criminal record of any type reduced the likelihood of a call back or a job offer from an employer by nearly 50%. Finally, people of color with criminal records face even more challenges in their employment trajectory, with one study citing that the negative effective of a criminal record was nearly double for black applicants than for white applicants. This report asserts that those same young adults who are at higher risk for arrest face challenges navigating employment well into adulthood, but not without some challenges to businesses, especially in a talent shortage.

Many studies suggest that hiring individuals with criminal records is no riskier than hiring those without, and in many ways, the hiring improve the bottom line of businesses. For example, a recent study published by Northwestern University suggests that individuals with criminal records have much higher retention rates, are no more likely to be involuntary separated, and are far less likely to leave voluntarily (Minor, Persico, & Weiss, 2017). The Northwestern study along with many others, allows us to conclude that hiring those with criminal records may result in reduced cost associated with

recruitment, training and involuntary turnover. Higher retention rates ultimately lead to reduced recruitment, lower onboarding and training costs, and positively impacts the business bottom line. During a recent roundtable hosted by the White House, “Greyston CEO Mike Brady dispelled some of the myths around hiring ex-offenders, whom he called “fully functional and productive members of our team. “Our history is a demonstration that people coming out of the criminal justice system make for an amazing workforce,” said Brady, in a follow-up interview” (Buchanan, 2018).

Arrest records can be misleading and may unnecessarily prevent individuals from gaining employment. In response to the prevalence of criminal records in America combined with the high demand for talent, public and private sectors should follow the fair chance employment initiative

“Our history is a demonstration that people coming out of the criminal justice system make for an amazing workforce...”

*Mike Brady
CEO, Greyston*

- and ban the box policies that encourage businesses to re-examine hiring practices and extend more opportunities to a significant proportion of America’s workforce with criminal records.
- The benefits of fair chance employment policies and Ban the Box legislation—where employers consider a job’s qualifications first—have the potential of yielding significant

public, private and social returns. It is estimated that at the national level the gross national product is reduced between \$78 and \$87 billion dollars by policies that prohibit the hiring workers with criminal records, and fair chance policies exist to provide employers with the latitude to refine practices and expand opportunities for youth and young adults. The results of which can constitute a win-win for all. According to the National Employment Law Project (NELP), 31 states and 150 cities and counties have adopted a ban the box or related fair chance hiring policies, including California and Illinois. NELP also reports that

Employment prospects dramatically increased when applicants with a criminal record had an opportunity to interact with hiring managers (Pager & Western, 2009).

there are 11 states (including California and Illinois) and 17 cities (including San Francisco, Los Angeles, and Chicago) that have mandated removal of criminal history questions from job applications from private business within their respective jurisdictions. The opportunity for fair chance is here and we invite businesses to examine their practices and be a part of the Fair Chance Coalition

We believe that the act of arresting youth is the single most important determining factor of defining justice-involvement and serves as a critical leading indicator that has a profound negative impact on a young adult’s ability to participate in the labor market and to successfully transition into adulthood. With as many as 1/3 of Americans having a criminal record, we know that we can no longer afford to bypass this untapped source of ready to work talent. We boast a track record of designing hiring fairs to create meaningful interactions between hiring managers and jobseekers with criminal records, and we have found that those job seekers had a higher interview to hire ratio at 65% – when compared to other job seekers without a criminal record. We invite businesses to participate in the Fair Chance Coalition and gain access to:



Hiring fairs that combat perception biases and creates access to the ready to work talent that benefits your bottom line.



A collaborative network of fellow businesses to advance local and enterprise-level shifts to sustain talent pipeline development.



Tools, resources and professional development opportunities to better understand and support justice-involved young adults at your company.

