



Insights

COMMUNITY
PARTNERS

JUST OPPORTUNITY

Creating Fairer Employment Practice
for Justice-Involved Young Adults



“I want to be given a fair chance, based on my abilities and not judged for my past mistakes that I made, so I kind of want to be given a clean slate so that I can show the world or businesses or whatever that I am capable of doing the right thing and being a *person of integrity.*”

-Chris

As many as
1 in 3 Americans
have a criminal record.

ARRESTS LEAD TO CHRONIC DISCONNECTION FOR YOUTH OF COLOR

It is common knowledge that certain communities, primarily those of color, are over-policed as a result of negative perceptions; and despite being a statistical minority in the juvenile population in America, youth of color are overrepresented in the juvenile justice system. This fact contributes to their over-representation in the adult criminal justice system. Youth of color experience significantly higher rates of arrest, juvenile court referrals with case files opened, pre-arraignment detention, commitments to secure facilities, and out-of-home placement compared to white youth, with the greatest racial disparities in lower-severity offenses (Youth.Gov, n.d.) (OJJDP, Disproportionate Minority Contact, 2014). In every state, youth of color are disproportionately represented throughout the juvenile justice system (The Sentencing Project, 2017). According to a recent study published by Stanford University's Open Policing Project, Blacks and Hispanics are more likely to be arrested than white youth and the threshold for a search is much lower for youth of color (Pierson, 2017). The insidious nature of over-policing guided by negative perception—leads to increased interaction with the law and subsequent justice-involvement. In practice, most youth who are arrested by law enforcement are referred directly to juvenile or adult criminal court systems to be formally processed. Based on national arrest data collected by the FBI and reported by the Bureau of Justice Statistics, approximately 68% of all juvenile arrests are referred to juvenile court, 23% were immediately released to their parents, and less than 10 % of juvenile arrests were referred directly to adult criminal court (Puzzanchera & Sickmund, 2014). Therefore, nearly 80% of youth who interact with the juvenile justice system and the adult criminal court system, become justice-involved annually as a result of an arrest (Hockenberry & Puzzanchera, Juvenile Court Statistics 2013, 2015) (Hockenberry & Puzzanchera, Juvenile Court Statistics 2014, 2017) (OJJDP, 2014).

For black youth, disproportionate contact with law enforcement, resulting in higher arrest rates, seems to fuel—at every decision point—the disproportionate representation throughout the juvenile justice system. In 2014, black youth made up approximately 15% of the total juvenile population in the United States;

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¹ Delinquent Act: An act committed by a youth that would be considered a crime if committed by an adult.

² Status Offense: A nondelinquent, noncriminal offense, an offense that is illegal due to being underage (e.g. curfew violation, unruly conduct, running away from home, truancy, or underage drinking).



NOTE:

All visuals and text labeled with a tweet symbol or highlighted in yellow may be shared via Twitter by clicking on the text or symbol

however, they accounted for 35 % of juvenile arrests (OJJDP, Juvenile Arrests, 2016) and represented 36% of all delinquent juvenile court cases, an increase from a decade earlier (National Center for Juvenile Justice, 2013). Black youth also represented 42% of all cases resulting in temporary detention in a secure residential facility, 32% of those placed on probation, 35% of those adjudicated, 40% of those transferred to adult prison, and 58% of those sentenced to adult prison (OJJDP, 2014).

In terms of incarceration rates, youth of color are four times more likely to be incarcerated than their white peers (OJJDP Juveniles in Residential Placement, 2014). For Black youth, the disparities are even worse. The Sentencing Project recently reported, citing Department of Justice data, that in 2015, Black youth are five times more likely than whites to be held in secure residential facilities. Additionally, racial disparities in incarceration rates between white and black youth have increased by more than 20% in recent years. In some states, African American youth were more than ten times as likely to be incarcerated than their white counterparts (The Sentencing Project, 2017).

We can reasonably conclude that disproportionate involvement early in the juvenile justice process, starting with arrest, results in youth of color, particularly Black youth, being overly represented throughout the juvenile justice process. Research has indicated that the aggressive policing of poor communities of color, racial biases by both law-enforcement and juvenile court representatives, and harsher crime laws that make it easier to try youth as adults have all contributed to a disturbing and disproportionate representation of youth of color in the juvenile justice system.

Policy Window: A Fair Chance

With as many as 1 in 3 Americans having been arrested and possessing a criminal record, federal, state policies and business leaders are working to implement new initiatives to increase employment rates and expand talent pools to fill critical jobs. In 2016, the White House launched the Fair Chance Business Pledge that encourages businesses, universities, and organizations to commit to postponing criminal history questions until after a candidate is considered qualified for employment; and a conditional offer of employment was made. Nearly 300 businesses, universities, and organizations have signed the



Study Finds Nearly 1 in 3 of All Youth Interview Were Arrested



Nearly Half of All Black Men Experienced non-traffic related arrests.

Fair Chance Business Pledge to date; including American Airlines, Google, Intel, Microsoft, Target, Prudential, and Walmart. All across America, states have adopted similar campaigns. For example, in 2017, the State of New York launched the [Work for Success Campaign](#) to encourage businesses to hire qualified individuals with criminal records and show their support for fair-chance hiring practices by signing a New York State public pledge (Work For Success, 2018). It is nearly impossible to know the percentage of criminal records that are comprised of only arrests and arrest/non-conviction data; however, simply having a criminal record creates significant employment barriers. Research conducted in New York City found that having a criminal record reduced the likelihood of a call back or job offer from employers by nearly 50% (Pager & Western, 2009). According to the study, racial disparities exacerbated challenges individuals experienced when applying for employment with a criminal record. The study also found that employment prospects dramatically increased when applicants with a criminal record had an opportunity to interact with hiring managers (Pager & Western, 2009).

HIRING FAIRS: A SOLUTION TO PERCEPTION BIAS

LeadersUp designs its hiring fairs to combat perception bias especially amongst youth of color by leveraging the unique assets of various partners and align their interests to forge secure full-time career connections for young adults. Through a cross-sectoral approach, the hiring fair galvanizes young adults, employers, talent development partners⁴, civic leaders and local influencers, to come together around a shared interest of connecting trained talent to viable employment opportunities in a win-win for all stakeholders. Moreover, the hiring fairs address the seemingly intractable issues of access and exposure to opportunity, especially for more vulnerable populations (i.e. low-income and justice-involved) by bringing all employers to one location. Our hiring fairs require that employers provide interview opportunities with on-the-spot offers. With this procedure, the hiring fairs address the challenge of accessibility by providing an offer *prior* to receiving a completed job application. The results of which, also address technology barriers head-on and provide an opportunity for candidates to interview before navigating technology, resumes, background checks, and other hiring processes. In addition to addressing some of these barriers via on-the-spot interviewing and hiring, the hiring fairs also provide a protective factor for job applicants with records who may otherwise face discrimination on the basis of their criminal history, which have often been shown to have records that are inaccurate, not applicable, or just incorrect.

Through our hiring fairs, we have found that job seekers with criminal records fare better than those without justice-involved recor in terms of getting hired.

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Based on our own empirical analysis, LeadersUp hiring fairs have shown that young adults who identified as needing re-entry support were hired at rate of 65.6%, compared to 52.2%. To address perceptions about ability, willingness to work, and other factors often confronting justice-involved young adults, our empirical data suggests that just one single opportunity to interview without overt knowledge of one's background, yields a favorable outcome for young adults who can prove themselves without application bias. This provides more insight into how perception of employability can be influenced during the initial job application phase due to one's criminal background.

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AT OUR HIRING FAIRS,
YOUNG ADULTS WHO
IDENTIFIED AS NEEDING RE-
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AT A NATIONAL RATE OF

65.6%

VS

52.2%



400

**BOYS AND MEN
OF COLOR
CONNECTED TO
OPPORTUNITY**

18%

**OF ATTENDS WERE
JUSTICE-INVOLVED
YOUTH**

11

**FAIR CHANCE
EMPLOYERS**

50

**EMPLOYMENT
OFFERS**

68%

**INTERVIEW
TO HIRE RATIO**

**NEARLY
IDENTICAL
TO THE
INTERVIEW-TO-
HIRE RATIO OF
NON-JUSTICE-
INVOLVED
PARTICIPANTS**

**IMPACT OF THE
LEADERSUP
HIRING FAIR
MODEL**



CONCLUSION

By spending upwards of \$80 billion dollars each year to manage the world's largest criminal justice system, America remains the global leader in incarceration. Though it is often difficult to estimate in real-time how many young adults actually interact with our robust criminal

justice system, studies report that as many as 1 in 3 Americans will have acquired some form of criminal record in their lifetime. The implications of this pervasive trend on employment is far-reaching, as lifelong barriers to economic mobility for individuals and their families result in insurmountable levels of poverty and disconnection. LeadersUp has partnered with forward-thinking employer partners to address this problem head-on, and we are able to showcase that young adults who are justice-involved are much more than how they appear on paper. Through our hiring fairs - that effectuate access, exposure, and a bi-directional exchange between employers and young adults, our firm position is on the need to identify new sources of talent potential in order to meet our national labor shortage. LeadersUp has been on the cutting edge of connecting the dots for employers and justice-involved young adults to achieve mutually beneficial wins in employment.

We author this report to highlight how negative perception and bias impact those most susceptible to repeated and systematic interaction with the criminal justice system and the role it has on their lifelong employment (and education) outcomes. **In fact, some data indicates that without mass incarceration—especially pronounced in California where LeadersUp is headquartered—the U.S. poverty rate would have dropped by 20% between 1980 and 2014 (Schanzenbach, 2016).**

Overwhelmingly, this has broad implications for our nation's ability to compete effectively in a 21st Century economy where there is a widening talent divide that continues to hurt businesses. Finally, though the conversation often begins with incarceration, this report highlights that arresting youth, especially youth of color, can lead to profound disconnection: this is where perception change must begin and we invite employers to be a part of a coalition to advance fair chance practices for this untapped source of talent potential.

LeadersUp has convened employers in the SF Bay Area, Chicago, and Los Angeles, to work together in connecting with justice-involved young adults, and has launched the Fair Chance Coalition to embrace justice-involved individuals as a new and reliable source of talent potential. In California, state and local legislation has suggested a growing appetite to create greater opportunity for formerly incarcerated individuals to more successfully re-enter as productive contributors to the workforce and society as a whole. Annually, there are over 600,000 people being released from state prisons and another 11 million from jails. At least 95% of all state prisoners will be released from prison at some point (Office of Bureau Justice, 2018). In 2014, California approved Proposition 47, and this legislation has significantly contributed to the number of young adults that were able to re-petition their sentences by reducing the classification of most “non-serious and nonviolent property and drug crimes” from a felony down to a misdemeanor (Ballotpedia, 2014).

A year later, President Barack Obama and his administration led the national charge to launch the Fair Chance Business Pledge, a call-to-action for all members of the private sector to improve their communities by eliminating barriers for those with a criminal record and creating a pathway for a second chance (The White House, 2016). California adopted Fair Chance legislation in early 2018 and its businesses can leverage this legislation as an opportunity to better tap into an underutilized segment of America's talent force. In Los Angeles, Mayor, Eric Garcetti, signed into law the “Fair Chance Initiative” – an ordinance that restricts employers from asking job applicants about criminal convictions until after a conditional offer of employment has been made (Office of LA Mayor Eric Garcetti, 2016). Los Angeles County has also adopted this practice by establishing an ordinance and protocols that eliminate appropriate restrictions for potential applicants pursuing county employment opportunities. Los Angeles is just one of 150 cities and counties advancing progressive legislation to ensure a fair chance, and California is one of 31 states committed to the same cause (NELP, 2018).

In light of an unprecedented labor shortage and historically low unemployment rates, we can no longer afford to bypass swaths of talent potential and jeopardize local business success and global economic competitiveness. We invite you to partner with LeadersUp to join the movement in connecting with justice-involved young adults. Through our Fair Chance Coalition, you'll be a part of a collaborative network to advance local and enterprise-level practice change, interface and connect to a pipeline of trained talent, and gain access to tools, resources and professional development opportunities to better understand and support justice-involved young adults in their career pathways. This report provides a deeper analysis of the relationship between arrest and employment, and highlights the promising gains that progressive companies can experience in working with LeadersUp to advance diversity, equity and inclusion goals that include an often-overlooked population for everyone's mutual benefit.

*For more information please contact Suzanne Brown, National Director of Talent Solutions,
at suzanneb@leadersup.org or 213.808.9776*



 LeadersUp  LeadersUp  @Leaders_Up  Leaders_Up  Leaders_Up
www.LeadersUp.org