Criminal Records & Employment: Data on the Disproportionate Impact on Communities of Color

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National Employment Law Project’s Second Chance Labor Project:

Working to reduce barriers to employment for people with criminal records.
About One in Four U.S. Adults Has a Criminal Record on File with the States

(Bureau of Justice Statistics 2006, Table 2)

- Over Age 18: 209,000,000
- Total Individuals with Criminal Record: 71,000,000
- National Estimate of People with Criminal Record (70% of Total): 49,700,000

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One in Five Adult Californians Has a State Criminal Record
(Bureau of Justice Statistics, 2001; U.S. Census 2000)

- Over Age 18: 24,621,819
- Total Individuals with California Criminal Record: 7,619,200
- Estimated Number in California Alone (66% of Total): 5,028,672

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Disproportionate Impact of Arrests on African Americans in Alameda County, California

(Adult and Juvenile Arrests Reported, 2006)

Chart showing the disproportionate impact of arrests on African Americans in Alameda County compared to their share of the county population. The chart indicates that the percentage of Alameda County Arrests for African Americans is 35.1%, while their share of the county population is 13.7%. The percentage of Alameda County Arrests for Whites is 31.1%, with their population share being 37.2%.
Rising Rates of California Imprisonment from 1980 to 2007

State population grew by less than 60%

Prison population grew nearly 600%
from 24,569 to 171,444

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African Americans are Incarcerated at a Rate Six Times that of Whites

All Men and Women (ages 18 and over)
White ................................................................. 1 in 245
African American .............................................. 1 in 41
Latino ............................................................... 1 in 96
All ...................................................................... 1 in 102

(Pew Center on the States, “One in 100: Behind Bars in America 2008”)

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African Americans are Incarcerated at a Rate Six Times that of Whites

<table>
<thead>
<tr>
<th>Group</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
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All Men and Women (ages 18 and over)

<table>
<thead>
<tr>
<th>Group</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>1 in 106</td>
</tr>
<tr>
<td>African American</td>
<td>1 in 15</td>
</tr>
<tr>
<td>Latino</td>
<td>1 in 36</td>
</tr>
<tr>
<td>All</td>
<td>1 in 54</td>
</tr>
</tbody>
</table>

Men (ages 18 and over)

<table>
<thead>
<tr>
<th>Group</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>1 in 9</td>
</tr>
</tbody>
</table>

African American (Men ages 20-34) 1 in 9

(Pew Center on the States, “One in 100: Behind Bars in America 2008”)
Some Hard Facts About the Criminal Justice System

- More than 700,000 people are released from U.S. prisons every year (four times more than 25 years ago).

- Nearly two-thirds of the people released from prison served time for non-violent offenses, including drug offenses (37%) and property offenses (25%).

- 2 out of 3 non-violent offenders released from prison each year are people of color (48% African American, 25% Latino).
Employment Significantly Reduces Recidivism
(Results of Chicago’s Safer Foundation Job Placement for 1,600 People Recently Released from Prison)

<table>
<thead>
<tr>
<th>Time Period</th>
<th>3-Year Recidivism Rate (2004)</th>
</tr>
</thead>
<tbody>
<tr>
<td>IL Dept. of Corrections</td>
<td>54%</td>
</tr>
<tr>
<td>Safer Job Placement</td>
<td>21%</td>
</tr>
<tr>
<td>30 Days Employed</td>
<td>18%</td>
</tr>
<tr>
<td>360 Days Employed</td>
<td>8%</td>
</tr>
</tbody>
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Employment Testing Survey Documents Impact of a Criminal Record on Callbacks, by Race

(Devah Pager, “The Mark of a Criminal Record,” *American Journal of Sociology* (March 2003).)

- **African Americans**
  - Callback (Criminal Record): 5%
  - Callback (No Record): 34%
- **Whites**
  - Callback (Criminal Record): 17%
  - Callback (No Record): 14%
Racial & Ethnic Profile of Selected “At-Risk” Industries Subject to Laws Denying Employment for Criminal Records

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Private Security Officers (Unarmed)
Features of State Criminal Background Check Laws

- State Criminal Background Law: 36 states
- Blanket Felony Disqualification: 25 states
- LifetimeFelony Disqualification: 24 states
- Waiver Procedure: 5 states
- Offense Age Limits: 4 states

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New Criminal Background Checks
Authorized by Federal Laws

- Since September 11, federal laws have required background checks of transportation workers (3-4 million port workers and truck drivers) to identify terrorism security risks.

- Recent federal laws authorize FBI background checks of school employees, nursing home workers, private security officers, and all workers employed in federal buildings and on federal construction projects.

- Minimum worker protections apply only to transportation workers (including “waiver” procedures to take into account rehabilitation and excluding consideration of many felonies occurring more than 7 years ago).
Disproportionate Impact of Port Worker Criminal Background Checks on People of Color
(Profile of NELP TSA Cases N=134)

- African American: 54% Waive Felony Conviction, 41% Appeal Inaccurate Record
- Latino: 19% Waive Felony Conviction, 29% Appeal Inaccurate Record
- White: 24% Waive Felony Conviction, 24% Appeal Inaccurate Record
- Other: 2% Waive Felony Conviction, 6% Appeal Inaccurate Record

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Core Standards for Reform of Federal & State Screening Laws

- Limit criminal background checks required by law to occupations that specifically involve public safety and national security.

- Limit disqualifying offenses (especially non-violent drug offenses) that are not job-related.

- Impose time limits on disqualifying offenses, eliminating unwarranted lifetime disqualifications.

- Waive in current workers. Allow for individual waivers from disqualifying offenses for new hires, providing opportunity to document record of rehabilitation.

- Clean-up incomplete FBI rap sheets produced for employment screening purposes, similar to the procedures that apply for gun purchase checks.

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Hotline for applicants denied employment based on criminal record:

(510) 409-2427

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