



Crossing Party Lines to Eliminate the Stigma of a Criminal Record

Bipartisan action across the country can give people with criminal records a fair shot at employment.

By Christine Owens
April 30, 2014

It's rare that Sen. Rand Paul and Attorney General Eric Holder can find common ground on anything, but on the issue of criminal-justice reform, the tea-party leader is on the same page as our highest law-enforcement officer. Already, liberals and conservatives in Congress have made reform of excessive mandatory sentencing and other crime-control measures a [top priority](#). And now, by championing a commonsense policy called "[ban the box](#)," politicians from both parties are breaking down employment barriers for the more than [65 million](#) people—one in four adults—in the U.S. who struggle to find work with a criminal record.

Ban-the-box policies offer a fair chance to job applicants with criminal records to get a foot in the door. They remove the requirement to disclose criminal records at the first stage of the application process. That's important because all too often employers do not consider the qualifications, skills, and talents of an applicant asked to immediately disclose past mistakes out of context and without explanation. Employers call back less than 20 percent of white applicants and only 5 percent of African American applicants who check the criminal history box, according to [a 2003 study published in the *American Journal of Sociology*](#).

A significant portion of these criminal records are old or involve minor offenses, results of the prolonged "war on drugs" and over-criminalization. But in the lives of men and women, dads and moms trying to provide for themselves and their families today, they often create an insurmountable stigma and barrier to finding employment. Paul, like many Americans, has a personal connection to this crisis. In his case, a friend with a 30-year-old marijuana conviction still "must check the box" when applying for work. While testifying in support of sentencing reform at a recent Senate Judiciary [hearing](#), Paul explained, "This is a lifelong problem, then, with employment. People talk about it. You've got to check the box that you are a convicted felon. And I think for a nonviolent felony, we need to get away from a lifelong punishment where you really have difficulty getting employment after this."

The Obama administration is taking direct aim at this crisis. Holder convened a Cabinet-level "Reentry Council" tasked with reducing barriers to employment for people with criminal records. Federal officials have pledged to turn the government into a [model employer](#), and have issued a series of

directives that break down walls to reemployment for people with minor offenses. In April 2012, for example, the Equal Employment Opportunity Commission issued a landmark [directive](#) laying bare how criminal background checks disproportionately screen people of color out of employment opportunities, and setting forth clear guidelines for private- and public-sector employers to [combat this discrimination](#).

The bipartisan movement has also taken hold across the states. In April, the Republican governors of Nebraska and Georgia, two deeply red states, signed legislation to reduce recidivism by helping formerly incarcerated people get back to work. Nebraska became the first red state to remove conviction inquiries from job applications for state employment. Georgia Gov. Nathan Deal also pledged to "ban-the-box" by executive order. Deal's [spokesperson](#) provided a compelling justification for the policy: "The governor will implement ban-the-box at the state level and hope that private employers will follow suit. This will afford those with blemishes on their records a shot at a good job, which is key to preventing a return to crime."

Since Hawaii adopted the first ban-the-box policy in 1998, a total of 11 [states](#) and more than 60 [cities and counties](#) have adopted policies to delay conviction inquiries in the hiring process, including six states and nearly 20 cities and counties since 2013, reaching one-third of the nation's population and many of the nation's most diverse cities.

Some ban-the-box policies are focused on public-sector jobs, turning the government into a model for the private sector to follow, but a growing number ensure fair access to job-seekers in the private sector as well. Last year, the retail giant [Target expanded the new ban-the-box policy](#) in its home state of Minnesota to all of its stores nationwide, recognizing that a "nuanced criminal background check process ... gives qualified applicants with a criminal history a second chance" while maintaining safety and security.

In Baltimore on Monday, the city council [approved a ban-the-box measure](#) applying to private employers, despite opposition from organized business interests. And in New York City, leaders began the process on Tuesday of weighing a [similar measure](#) applying to all employers.

Removing the check box from initial job applications is an important step to giving people with criminal records a fair chance of finding gainful employment and reentering our communities. Millions of Americans want to move beyond mistakes in their past and achieve the self-sufficiency, self-respect, and pride that comes with working and contributing to their communities.

As leaders in the public and private sector eliminate this high hurdle to finding employment, millions of people who want to rebuild their lives and contribute to society may get the fair chance they seek.

Christine Owens is the Executive Director of the National Employment Law Project, a nonpartisan, not-for-profit organization that conducts research and advocates on issues affecting low-wage and unemployed workers. For more about NELP, visit www.nelp.org.

<http://www.nationaljournal.com/next-america/perspectives/crossing-party-lines-to-eliminate-the-stigma-of-a-criminal-record-20140430>