



Fact Sheet

Employers' Rejection of People with Criminal Records Is Putting a Large Percentage of the Population Out of Work Unnecessarily

Fact #1: Growing numbers of people have criminal records.

- ✓ According to the U.S. Department of Justice, there were *about 100 million people with criminal records* in the United States as of December 2008.¹
- ✓ Pennsylvania has the 8th highest corrections population in the country (including people on probation and parole). Although the state's crime rate is 24% lower than the national average, its corrections population is 23% higher than the national average.²
- ✓ Minorities are much more likely than whites to have criminal records. Nationally, African Americans are incarcerated in federal or state prison at 4.5 times the rate of Whites. In Pennsylvania, this disparity is markedly worse: there are 11.1 African Americans and 6.0 Hispanics in federal or state prison for every White prisoner.³
- ✓ More than twice as many people are on probation or parole than are incarcerated.⁴

Fact #2: It is harder than ever for people with criminal records to find work.

- ✓ Criminal records are more accessible than ever, from the State Police, criminal court records (now available on the internet), and hundreds of background check companies.
- ✓ According to a 2009 survey of the Society of Human Resources Management, 92% of their members perform criminal background checks on some or all jobs (up from 51% in 1996).⁵
- ✓ Studies in Milwaukee⁶ and Los Angeles⁷ show that employers are refusing to hire people with criminal records, even for entry level jobs.
- ✓ The list of legal restrictions prohibiting the employment of people with criminal records is large and continues to grow. In Pennsylvania, there are at least 55 occupations in which some people with criminal records are barred, from accountants through veterinarians.⁸

Fact #3: After several years without another conviction, a person with a criminal record is little more likely to offend than a person without a criminal record.

- ✓ After 6 or 7 years, a person with a criminal record presents little more risk than a non-offender.⁹



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- ¹ U.S. Dept. of Justice, Bureau of Justice Statistics, Survey of State Criminal History Information Systems, 2008, NCJ 228661 (Oct. 2009), at 3.
 2. “State Corrections Statistics” on the website of the National Institute of Corrections at <http://nicic.gov/Features/StateStats/?State=PA>.
 - ³ Christopher Hartney and Linh Vuong, Created Equal: Racial and Ethnic Disparities in the US Criminal Justice System (National Council on Crime and Delinquency March 2009).
 - ⁴ U.S. Dept. of Justice, Bureau of Justice Statistics, Probation and Parole in the United States, 2008, NCJ 228230 (Dec. 2009), at 3.
 - ⁵ Society for Human Resource Management, Background Checking: Conducting Criminal Background Checks (Jan. 22, 2010).
 6. Devah Pager, The Mark of a Criminal Record, 108 American Journal of Sociology 937, 955-58 (March 2003).
 7. Harry Holzer et al., The Effect of an Applicant’s Criminal History on Employer Hiring Decisions and Screening Practices: Evidence from Los Angeles (National Poverty Center Working Paper Series Dec. 2004).
 8. Community Legal Services, Inc., Legal Remedies and Limitations on the Employment of Ex-Offenders in Pennsylvania (April 2009).
 9. Megan Kurlychek et al., “Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?” Criminology and Public Policy, Vol 5, 1101-22 (July 18, 2006). The authors “believe that [their] research supports explicit time limits in any statutory restrictions on employment.”