



# Promoting Health and Cost Control in States:

## How States Can Improve Community Health & Well-being Through Policy Change

### Ban the Box

#### KEY TAKEAWAYS

##### What Is Ban the Box?

- States can adopt fair hiring protections, such as Ban the Box laws, which give applicants with criminal records an opportunity to be considered for jobs based on their qualifications, not their conviction history.

##### How does Ban the Box Improve Health?

- Accessing employment opportunities is a critical step in achieving economic security, which is a driver of health.

- Securing a good-paying job can help individuals access nutritious foods, better quality housing, and healthcare, which all impact health.

##### What is the Economic Impact of Ban the Box?

- Increasing employment opportunities for applicants with criminal records not only increases their individual lifetime earnings, but also increases state income tax contributions.

### Background

Currently, about one in three American adults have a criminal record, which create barriers to employment, housing, and public programs.<sup>1</sup> Even a minor criminal history can be an obstacle for successful reentry to the workforce and can therefore impede economic mobility for these individuals and their families. Additionally, hindering individuals from reentering the labor market can negatively impact the economy. Economists estimate that the lack of job prospects for formerly incarcerated individuals in 2014 cost the national economy between \$78 and \$87 billion.<sup>2</sup>

States can adopt fair hiring protections, such as Ban the Box (BTB) laws, which give applicants with criminal records an opportunity to be considered for jobs based on their qualifications not their conviction history. BTB policies remove questions on job applications related to conviction history and delay criminal background checks until later in the hiring process. Implementing BTB laws reduces bias



against individuals who were involved with the criminal justice system and helps them reenter the workforce and contribute to the economy.

## States Can Expand Opportunities for Employment

States can implement BTB laws to decrease barriers to employment for individuals with a conviction history. According to the National Employment Law Project, 35 states and the District of Columbia have adopted BTB and fair chance policies, with 13 states' laws applying to private-sector employers. Also, more than 150 cities and counties have adopted a BTB policy<sup>3</sup> — but five states preempt local governments from enacting their own BTB policies.<sup>4</sup>

Variation exists in how ban the box laws are implemented across states. BTB laws can vary according to (1) whether the law applies to public- or private-sector employers; (2) how long an employer must wait before asking about conviction history; (3) what positions the BTB law applies to; (4) what must be considered along with the conviction history (for example, mitigating factors); and (5) whether notice of the reason for rescinding a job offer is required.<sup>5</sup>



## Ban the Box Policies Can Lead to Economic Security and Improve Health Care Access

Implementing BTB policies can lead to increased employment opportunities for justice-involved individuals.<sup>6</sup> Policies that expand opportunities for people to achieve economic security can help individuals live healthier lives. Accessing employment opportunities is a critical step in achieving economic well-being, which is a driver of health. When individuals are able to secure a good paying job, they tend to have better access to healthier foods, better housing, and healthcare, all of which impact their health. Research shows that after BTB laws are implemented, there is an increase in job applications by formerly incarcerated people. In the District of Columbia, after the law took effect, there

was a 33 percent increase in the number of applicants with records hired.<sup>7</sup> After Minneapolis, Minnesota implemented their ban the box policy, which postponed background checks until a conditional offer was made, they found that this did not delay the hiring process, and resulted in more than half of applicants with convictions being hired.<sup>8</sup>

There is also evidence suggesting that BTB policies can help curb recidivism. A study found that criminal defendants prosecuted in Honolulu for a felony crime were 57 percent less likely to have a subsequent criminal conviction after implementation of Hawaii's BTB law.<sup>9</sup>



### Economic Security

- Fewer barriers to employment
- Higher lifetime earning



### Better Health

- Better access to nutritious food and quality housing
- Improved access to healthcare services



### Stronger Economy

- More state income tax contributions
- Increased sales tax revenue

## Ban the Box Policies Can Reduce Costs for Employers

There are minimal costs associated with BTB policies. Opponents argue that delaying criminal-history inquiries increase hiring costs because applicants may still be rejected later in the hiring process, which could have been avoided if they had asked about criminal history earlier in the process.<sup>10</sup> However, in the District of Columbia, most employers reported minimal impact on their hiring processes following implementation of BTB policies.<sup>11</sup>

Adopting BTB policies can also benefit the economy by helping justice-involved individuals reenter the workforce. Securing a job not only positively impacts their individual lifetime earnings, but their employment also increases state income tax revenue. One study found that adding 100 justice-involved



individuals back into the workforce would increase their lifetime earnings by \$55 million, increase their income tax contributions by \$1.9 million,

and increase sales tax revenues by \$770,000, while saving taxpayers more than \$2 million annually and reducing recidivism.<sup>12</sup>

*Interested in learning more about Ban the Box and other evidence-based policies? Visit the PHACCS website to read the full report and other policy briefs for our 13 recommended policies.*

### TAKEAWAYS FOR MULTIPLE AUDIENCES — COMMUNICATING THE IMPORTANCE AND IMPACT OF FAIR HIRING PROTECTIONS

#### Policymakers

- Ban the box policies help people with a criminal record secure a job, reenter the workforce, and contribute to the economy.
- Ban the box policies can be accompanied by improved civil rights and equal employment protections to reduce racial bias in hiring practices.
- States should not preempt local governments from enacting their own Ban the Box policies and other fair hiring protections.

#### Public Health Professionals

- Ban the box policies increase employment opportunities for individuals with a criminal record, a step towards achieving economic well-being.
- Securing a good-paying job can help individuals access healthier foods, better housing, and healthcare, all of which impact health.

#### Employers

- Ban the box policies have minimal impact on the hiring process.
- Enacting Ban the Box policies do not prohibit employers from conducting a background check, but rather move criminal history inquiries to later in the hiring process.

## Endnotes

- 1 Goggins BR and DeBacco DA. *Survey of State Criminal History Information Systems, 2014*. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2015. <https://www.ncjrs.gov/pdffiles1/bjs/grants/249799.pdf> (accessed December 20, 2018).
- 2 Cherrie Bucknor & Alan Barber, *Ctr. for Econ. & Policy Research*, “The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies” (2016). (<http://cepr.net/publications/reports/the-price-we-pay-economiccosts-of-barriers-to-employment-for-former-prisoners-and-people-convicted-of-felonies>).
- 3 Avery B and Hernandez P. *Ban the Box: U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions*. Washington, DC: National Employment Law Project, 2019. <https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/> (accessed July, 30 2019).
- 4 “Mapping State Interference.” In: *Partnership for Working Families*. <http://www.forworkingfamilies.org/preemptionmap> (accessed December 20, 2018).
- 5 Avery B and Hernandez P. *Ban the Box: U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions*. Washington, DC: National Employment Law Project, 2018. <https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/> (accessed December 20, 2018).
- 6 Stacy C and Cohen M. *Ban the Box and Racial Discrimination: A Review of the Evidence and Policy Recommendations*. Washington, DC: Urban Institute, February 21, 2017. Retrieved from <https://www.urban.org/research/publication/ban-box-and-racialdiscrimination> (accessed December 20, 2018).
- 7 Office of the District of Columbia Auditor (June 10, 2016) ([www.dcauditor.org/sites/default/files/FCRSA%20-%20Ban%20the%20Box%20Report\\_0.pdf](http://www.dcauditor.org/sites/default/files/FCRSA%20-%20Ban%20the%20Box%20Report_0.pdf)).
- 8 Christman A and Rodriguez MN. “Research Supports Fair Chance Policies.” Washington, DC: *National Employment Law Project*, August 1, 2016. <https://www.nelp.org/publication/research-supports-fair-chancepolicies/> (accessed December 20, 2018).
- 9 D’Alessio SJ, Stolzenberg L, and Flexon JL. “The Effect of Hawaii’s Ban the Box Law on Repeat Offending.” *American Journal of Criminal Justice*, 40(2): 336–352, 2015.
- 10 Stacy C and Cohen M. *Ban the Box and Racial Discrimination: A Review of the Evidence and Policy Recommendations*. Washington, DC: Urban Institute, February 21, 2017. Retrieved from <https://www.urban.org/research/publication/ban-box-and-racialdiscrimination> (accessed December 20, 2018).
- 11 Berracasa, Estevez A, Juffras J, et al. *The Impact of “Ban the Box” in the District of Columbia*. Washington, DC: Office of the District of Columbia Auditor, 2016.
- 12 *Economic Benefits of Employing Formerly Incarcerated Individuals in Philadelphia*. Philadelphia: Economy League of Greater Philadelphia, 2011. <http://economyleague.org/uploads/files/712279713790016867-economicbenefits-of-employing-formerlyincarcerated-full-report.pdf> (accessed December 20, 2018).