

## **EMPLOYMENT ISSUES AND EFFORTS FOR REENTERING PEOPLE**

### **Internet Resources**

Last Updated: April 2019

This document is part of a series of internet listings about  
*When Survivors Reenter their Communities after Jail or Prison*  
developed by the National Clearinghouse for the Defense of Battered Women.

This project was supported by Grant No. 2011-TA-AX-K129 awarded by the  
Office on Violence Against Women, U.S. Department of Justice.  
The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do  
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# Introduction

People looking for employment after reentering their communities from jail or prison sometimes find it difficult, and at times, seemingly impossible, to be hired. With criminal records now so readily available online to potential employers, reentering people are frequently discriminated against and rejected for jobs they are otherwise qualified for. It can be confusing and daunting for an applicant with a past conviction to successfully navigate the job application process, especially knowing how to answer questions concerning their criminal history.

Although many online background resources are available for returning people with criminal histories experiencing barriers to employment, we focused on those that addressed the employment barriers specific to justice-involved women. We also selected information about background checks, including Equal Employment Opportunity Commission guidelines, best practice tips about background checks, and legislative “Ban the Box” efforts. These particular resources are not specific to women, but understanding the basics about criminal background checks is key to helping someone with a criminal history record contend with this issue during an application process. Finally, we also included the websites of some national organizations that offer both additional resources for people facing employment barriers from their justice-involvement as well as support and additional information to practitioners working with criminal history records.

## AUDIENCE

Reentering people, practitioners and advocates working with reentering people; organizations and government agencies working with reentering people; and employers and agencies working with reentering people.

## A NOTE ON LANGUAGE

Labels can often stigmatize people and create barriers between those using the labels and those being labeled. Some of the resources included in this listing use the term “women offender” for women returning home from jails and prisons. It is not a term we use at the National Clearinghouse. Many incarcerated and formerly incarcerated women have objected to that term. We believe it is critical that individuals not be defined by their crime/alleged crime. Instead, we use terms such as “returning person,” “reentering woman” “woman returning from jail/prison,” or “formerly incarcerated individual.”

In this resource listing we changed words like “offender” or “inmate” when they did not appear in the title and when it did not affect the integrity of the document being described.

***If you know of additional online resources that should be added to this list, please contact the National Clearinghouse. We would also like to know if you find errors or changes in any of the web addresses. Thanks.***

*This resource is part of a series of internet listings about When Survivors Reenter their Communities after Jail or Prison published by the National Clearinghouse for the Defense of Battered Women. Copies of these resources are available at [www.ncdbw.org/reentry\\_resources.htm](http://www.ncdbw.org/reentry_resources.htm). Or email us at [ncdbw@ncdbw.org](mailto:ncdbw@ncdbw.org) and we will forward copies.*

# Reentering Women, Criminal Records, and Employment

The resources below focus on women, criminal records and employment barriers. Some give an overview of the issues and discuss common themes experienced by formerly incarcerated women, while others give general recommendations and strategies on how to more effectively support reentering women seeking employment.

*NOTE: The materials in each section are listed by year from the most recently published to those published longest ago. Within each year, they are listed alphabetically by title.*



## **CRIMINAL STIGMA, RACE, GENDER AND EMPLOYMENT: AN EXPANDED ASSESSMENT OF THE CONSEQUENCES OF IMPRISONMENT FOR EMPLOYMENT**

*by Scott H. Decker, Cassia Spohn, Natalie R. Ortiz, and Eric Hedberg (2014)*

Written for policymakers and practitioners working with people with criminal histories, this article offers information and strategies for working with returning people and highlights unique differences between men and women. Excerpt: “Whereas 57.1% of male job applicants with a prison record would have been called for a job interview, only 30% of women with the same prison record would have been called for an interview. This difference could reflect an additional punishment for women in that they violated employers’ gendered role expectations. Put differently, women with a prison record are seen as having committed two offenses, one against the law and one against social expectations of how women are supposed to behave. . . . We conclude this report with a number of policy recommendations regarding the job preparation, application, and interview process.”

<https://www.ncjrs.gov/pdffiles1/nij/grants/244756.pdf>

## **YOUNG WOMEN OF COLOR WITH CRIMINAL RECORDS: A BARRIER TO ECONOMIC STABILITY FOR LOW-INCOME FAMILIES AND COMMUNITIES**

*by Community Legal Services of Philadelphia (2014)*

This resource offers information and insights for practitioners who are working with women of color with criminal histories. Excerpt: “Over the past few years, young women of color have been represented at a disproportionately high rate among clients coming to Community Legal Services (CLS) for help with barriers to employment caused by criminal records. This is particularly notable, as the vast majority of research, programming, and policy attention regarding criminal records and barriers to employment have focused on men. The impact of criminal records on young women seeking employment has largely been overlooked. Many of the young female clients CLS serves are the sole providers for their families and survive on the very limited resources provided by safety-net programs. They typically are able and highly motivated to work so that they can better provide for their families. Yet in our experience, young women who often have more limited and minor criminal records than their male counterparts struggle more to find employment. Data from CLS’s legal practice, as well as local and national data and research, shed some light on this troubling dynamic and what can be done to better connect these young women with employment opportunities.”

<http://clsphila.org/sites/default/files/issues/Young%20Women%20with%20Criminal%20Records%20Report%200.pdf>

## **EMPLOYMENT BARRIERS FACING WOMEN OF COLOR UPON RE-ENTRY FROM INCARCERATION**

*by Shellie Sewell (2013)*

Excerpt: “This paper will explore the plight of low-income women of color reentering society from incarceration and the barriers that they face. By looking at the Personal Responsibility and Work Opportunity and Reconciliation Act (“PRWORA”), Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and state legislation, I challenge popular litigation strategies advocated by reentry activists and propose changes in welfare requirements and statutory treatment of discrimination against [people with criminal records] that consider both the women’s struggle toward stability, and the employers fear of liability from hiring [people with criminal records].”

<https://pdfs.semanticscholar.org/ee52/e197a85884a820ad0f5e156becb668d9d980.pdf?ga=2.247444164.1790586089.1571497886-1734333220.1571497886>

## **EMPLOYMENT AND FEMALE OFFENDERS: AN UPDATE OF THE EMPIRICAL RESEARCH**

*by Shawn M. Flower (2010)*

Excerpt: “The purpose of this bulletin is to explore the literature and summarize the empirical evidence related to the impact of employment on the criminal behavior of women. This bulletin focuses on three narrowly defined objectives. The first objective is to determine if there is any recent literature (i.e., within the past decade) related to employment and [justice-involved females] in various stages of the criminal justice system (detainment, incarceration, transition from prison or jail, and/or community supervision) that clearly shows the barriers to employment for [justice-involved] women. This includes a brief summary of the existing literature on the relationship between correctional education, correctional vocational training, and employment on criminal behaviors. The second objective is to summarize the gender-specific outcome studies of correctional education programs, vocational programs, and employment interventions related to female offending. The third objective is to determine if there is a discernible gender-specific pattern to the relationship between employment and crime and, if so, to hypothesize how that pattern may apply to [justice-involved women] and/or differ from that of [justice-involved men].”

<https://s3.amazonaws.com/static.nicic.gov/Library/024662.pdf>

## **A HIGHER HURDLE: BARRIERS TO EMPLOYMENT FOR FORMERLY INCARCERATED WOMEN**

*by Monique W. Morris, Michael Sumner, and Jessica Z. Borja (2008)*

Excerpt: “This report finds that a criminal record tends to serve as a barrier to employment for women. These realities can potentially impact their ability to successfully reenter their home communities, reunite with and care for their children, and act as viable participants in society. A criminal record adds an additional hurdle to employment for women and increases their vulnerability to discrimination. Research from this study may impact legislation and policies addressing education and professional training, processes to seal and expunge records, employment disparities, employer discrimination, and increased use of unnecessary or inappropriate background screening techniques.”

<http://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1001&context=werc>

## **BARRIERS TO EMPLOYMENT & REENTRY FOR FORMERLY INCARCERATED PEOPLE: ANNOTATED BIBLIOGRAPHY**

*by Ryan van der Harst and Marina Hernandez (2008)*

Excerpt: “This annotated bibliography is designed to reflect an array of academic, federal research, policy, activist, and media literature on the impact of a criminal record on employment and



successful reentry for formerly incarcerated people, particularly women and families.”  
[http://www.law.berkeley.edu/files/December\\_2008\\_FIP\\_Annotated\\_Bibliography.pdf](http://www.law.berkeley.edu/files/December_2008_FIP_Annotated_Bibliography.pdf)

### **THE IMPACT OF INCARCERATION IN STATE PRISON ON THE EMPLOYMENT PROSPECTS OF WOMEN**

*by Rosa Cho and Robert LaLonde (2005)*

Author’s Abstract: “This paper uses a unique data set constructed from two sets of administrative records to examine the relationship between incarceration and employment rates for former female state prisoners from Illinois. Our analysis indicates that although prison is associated with declining employment rates during the quarters leading up to women’s incarcerations, it does not appear to harm their employment prospects later on. In the short-term, we estimate that women’s post-prison employment rates are about four percentage points above expected levels. However, these employment gains do not persist and gradually fall back to pre-prison levels. But for some groups of women, including those with four or more children, those who served longer prison spells, and those who served time for person-related or drug-related offenses, we find that modestly positive employment effects that are on the order of a few percentage points persist. These results indicate that time out of the work force or diminished skills are not costs associated with incarcerating women. Nor does a prison record appear to send an undesirable signal in the labor market that reduces former female inmates’ employment chances. Although incarcerated women’s subsequent employment rates are very low, they do not appear to be low because of their experience in prison.”

<http://ftp.iza.org/dp1792.pdf>

### **REDUCING BARRIERS TO EMPLOYMENT FOR WOMEN EX-OFFENDERS: MAPPING THE ROAD TO REINTEGRATION**

*By Patricia O’Brien (2002)*

Author’s Abstract: “The purpose of this paper is to identify and examine the barriers that have an indirect and direct impact on women’s employability after release from prison. The paper also proposes action steps to address these barriers in five areas: supporting families, housing, domestic violence, substance abuse treatment, and employment/economic well-being.”

<http://saferfoundation.jellcreative.com/files/documents/CARRE%20Paper%202.pdf>

### **MOVING FROM THE CRIMINAL JUSTICE SYSTEM TO SELF SUFFICIENCY: BARRIERS FACING WOMEN EX-OFFENDERS**

*by Elaine Wolf and Marsha M. Weissman (2001)*

Excerpt: “The findings and recommendations discussed are drawn from an evaluation of the Employment Services program undertaken as part of the initial program implementation funded by DPCA. The evaluation reviewed the case files of the 29 women who were enrolled in the program in its first year and in-depth investigation of the case files of 14 women who were active in the program as of July 2001. The files of active cases were examined to suggest some hypotheses about barriers to and facilitators of helping women in the criminal justice system to move from welfare to work and regain or maintain custody of their children. The program’s intent is to provide women involved in the criminal justice system whose children receive TANF benefits with in-depth, strength-based assessments; job preparation workshops; assistance with job searching and placement; mentoring; and post-employment support groups designed to increase job retention. The program also provides counseling and family groups to strengthen family structures and enable family members to support the newly employed clients. The program was designed to provide employment-related services to women completing the Crossroads drug treatment program, CCA’s gender-specific alternative to incarceration program. The majority of women in Crossroads have long histories of substance abuse and criminal involvement. Virtually all are charged with felony-

level offenses and most, if not all, would otherwise be incarcerated in state prison. In lieu of imprisonment, women are required to participate in Crossroads for one year. The participant moves through three program phases, and demonstrates increased sobriety by attendance, clean urine screens and improvements in life functioning. In addition to serving Crossroads clients, Employment Services is available to other criminal justice system-involved women and referral sources included programs that provide transitional housing or shelter housing for [justice-involved] women, the Division of Parole, drug courts and Riker's Island Rose M. Singer Center.”  
[http://www.communityalternatives.org/pdf/Moving\\_from\\_CGS.pdf](http://www.communityalternatives.org/pdf/Moving_from_CGS.pdf)

# Background Checks

These resources are about criminal background checks of applicants seeking employment. Included are resources that give an overview of the issues involved, as well resources about the guidance issued by the Equal Employment Opportunity Commission in 2012. We also included tools for employers and applicants with tips on best practices about background checks when hiring or seeking a job. There are also a select few resources about “Ban the Box” efforts for practitioners and policymakers interested in implementing legislation or practices to increase employment opportunities for people with criminal history records.

*NOTE: The materials in each section are listed by year from the most recently published to those published longest ago. Within each year, they are listed alphabetically by title.*



## Equal Employment Opportunity Commission (EEOC) Guidelines on Criminal Records

### **ASSESSING THE IMPACT OF CRIMINAL BACKGROUND CHECKS AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S CONVICTION RECORDS POLICY**

*by the U.S. Commission on Civil Rights (2013)*

Excerpt: “On December 7, 2012 the United States Commission on Civil Rights held a briefing to examine the disparate impact provisions of the Equal Employment Opportunity Commission’s (EEOC) April 2012 guidance concerning the use of criminal background histories (2012 Guidance or “new guidance”). The Commission wished to learn about the effects of the EEOC’s revised policy on employers and on black and Hispanic applicants with or without a criminal record. The briefing’s seventeen speakers included a high ranking EEOC official, scholars, attorneys, social scientists, personnel executives, [a formerly incarcerated person] now policy director of an advocacy and job placement service, a family member of a victim slain by an unscreened [formerly incarcerated person] sent to the victim’s home as a contractor six months earlier, [reentry-focused] advocacy groups, business associations representing home care, small business and retail, and a security company currently under investigation by the EEOC. The speakers gave views on the effects of the 2012 Guidance, its legal complexities, the sufficiency of its evidentiary basis, and on whether the 2012 Guidance would result in a negative disparate impact on the very groups the agency intends to protect.”

[http://www.eusccr.com/EEOC\\_final\\_2013.pdf](http://www.eusccr.com/EEOC_final_2013.pdf)

### **EEOC’S CRIMINAL RECORD GUIDANCE ONE YEAR LATER: LESSONS FROM THE COMMUNITY**

*by Sharon Dietrich (2013)*

Excerpt: “This paper shares the experience Community Legal Services, Inc., of Philadelphia (CLS) with respect to the Guidance. As we annually represent many hundreds of people whose criminal records (including non-convictions) present an employment barrier, we have seen how a large and broad set of employers has responded to the Guidance. We also can speak to the significance of the Guidance to job applicants. We offer this snapshot with the hope that it can inform evaluation of the importance and the outcomes of the Guidance, including employer compliance, after a year. . . . Advocates for people with criminal records recognize that background checking is with us to stay and that employers have legitimate reasons to want to avoid employing people who present risk to them. But in a more ideal world, employers would correct for the over-shift towards excluding job

seekers solely based on what their criminal records show. Exclusions would be more reasonably tailored to the risks that job applicants' criminal records actually present, as required by law and as supported by a growing body of social science research that indicates that people can be "redeemed" from past criminal behavior. Most important, in such a world, employers would better understand that criminal records do not define people. Their criminal records show one aspect of whom they are, but do not preclude plenty of good and admirable qualities. If and when employers more uniformly implement EEOC's Criminal Record Guidance, we will move much closer to that more ideal world."

<http://clsphila.org/sites/default/files/issues/EEOC%20CHR%20guidance%20one%20year%20later%20-%20policy%20paper.pdf>

### **HIGHLIGHTS OF EEOC'S NEW CRIMINAL RECORD GUIDANCE**

*by the National Employment Law Project and Community Legal Services of Philadelphia (2012)*

Excerpt: "In bi-partisan fashion (by a vote of 4 to 1), the U.S. Equal Employment Opportunity Commission (EEOC) issued a revised guidance on the application of Title VII to criminal records on April 25, 2012. The thorough review and analysis by the EEOC confirms the core principles present in the earlier guidance, including:

- The presumption that criminal record policies have a disparate impact based on race and national origin, for purposes of EEOC investigation of criminal record charges (page 10);
- The three "business necessity" factors (age of the offense, seriousness of the offense, and the relationship to the job) contained in the EEOC's 1987 convictions policy (page 15);
- The conclusion that across-the-board exclusions usually violate Title VII (page 16); and
- The prohibition against considering arrests that have not led to convictions (page 12)."

Indeed, the new guidance in many respects simply updates and clarifies prior law and policy.

Nevertheless, the new guidance is enormously important, for both employers and workers because it updates and clarifies the EEOC standards."

<https://s27147.pcdn.co/wp-content/uploads/2015/03/EEOCHighlights.pdf>

## **Practice Tools for Employers**

### **ENSURING FAIRNESS IN BACKGROUND CHECKS FOR ON-DEMAND WORK**

*by Nayantara Mehta (2016)*

Excerpt: "Regardless of how a company classifies its workers – as employees or independent contractors – it should apply fair-hiring standards to all applicants. These standards should comply with anti-discrimination and consumer protection laws, to ensure that job applicants with records get fair consideration and are not left behind by opportunities in the on demand economy. By not unnecessarily and unfairly closing the door to would-be workers with records, on-demand companies can provide expanded work opportunities to a population of jobseekers that faces steep barriers to employment. In addition, policymakers should take necessary steps to pass policies and issue guidance to ensure that new opportunities for work do not leave out a large category of jobseekers already struggling with access to jobs."

<http://www.nelp.org/content/uploads/Policy-Brief-Fairness-Background-Checks-On-Demand-Work.pdf>

## **A KEY FAIR-CHANCE HIRING BEST PRACTICE: DELAYING CONVICTION INQUIRIES UNTIL THE CONDITIONAL JOB OFFER**

*by Michelle Natividad Rodriguez and Nayantara Mehta (2015)*

This resource may be useful to policymakers and other practitioners looking to learn about recommended practices to implement fair hiring. Excerpt: “Delaying conviction inquiries until an employer has made a conditional offer of employment increases the effectiveness of a fair-chance hiring policy, which is a benefit to job candidates with records. However, this component of the policy also offers benefits to employers, such as clarity in decision-making and potential cost-reduction in the hiring process. Finally, the government agency charged with compliance or enforcement will save investigation costs and be in a better position to ensure that the policy is upheld. . . . These laws have the potential to create opportunities for millions of Americans struggling to find work. As public sector and private sector employers adhere to the fair-chance hiring framework in multiple jurisdictions, a new baseline will emerge in which all employers must consider job-seekers with records based on their qualifications and skills first.”

<http://www.nelp.org/content/uploads/Fair-Chance-Conditional-Offer.pdf>

## **FAULTY FBI BACKGROUND CHECKS FOR EMPLOYMENT: CORRECTING FBI RECORDS IS KEY TO CRIMINAL JUSTICE REFORM**

*by the National Employment Law Project (2015)*

While not a background tool, this piece was written for policymakers and practitioners and highlights the issues and impact of inaccurate records on those with criminal records. Excerpt: “As a bipartisan conversation about criminal justice reform continues into 2016, stakeholders are focused on the crucial role of employment in reducing recidivism and enabling people with records to support themselves and their families. Leaders in Congress are taking up longstanding problems with inaccurate and incomplete FBI records that create needless barriers to employment, while also more closely scrutinizing the FBI’s limited response to the issue.”

<http://www.nelp.org/content/uploads/NELP-Policy-Brief-Faulty-FBI-Background-Checks-for-Employment.pdf>

## **BACKGROUND CHECKS: WHAT EMPLOYERS NEED TO KNOW**

*by the U.S. Equal Employment Opportunity Commission and the Federal Trade Commission (2014)*

Excerpt: “When making personnel decisions – including hiring, retention, promotion, and reassignment – employers sometimes want to consider the backgrounds of applicants and employees. For example, some employers might try to find out about the person’s work history, education, criminal record, financial history, medical history, or use of social media. Except for certain restrictions related to medical and genetic information (see below), it’s not illegal for an employer to ask questions about an applicant’s or employee’s background, or to require a background check. However, any time you use an applicant’s or employee’s background information to make an employment decision, regardless of how you got the information, you must comply with federal laws that protect applicants and employees from discrimination. That includes discrimination based on race, color, national origin, sex, or religion; disability; genetic information (including family medical history); and age (40 or older). These laws are enforced by the Equal Employment Opportunity Commission (EEOC). In addition, when you run background checks through a company in the business of compiling background information, you must comply with the Fair Credit Reporting Act (FCRA). The Federal Trade Commission (FTC) enforces the FCRA. This publication explains how to comply with both the federal nondiscrimination laws and the FCRA. It’s also a good idea to review the laws of your state and municipality regarding background reports or

information because some states and municipalities regulate the use of that information for employment purposes.”

[http://www.eeoc.gov/eeoc/publications/upload/eeoc\\_ftc\\_background\\_checks\\_employers.pdf](http://www.eeoc.gov/eeoc/publications/upload/eeoc_ftc_background_checks_employers.pdf)

### **BEST PRACTICE STANDARDS: THE PROPER USE OF CRIMINAL RECORDS IN HIRING**

*by the National HIRE Network, Lawyers Committee for Civil Right Under Law, and the National Workrights Institute (2013)*

This resource, written for employers, can also be useful to any practitioner working with a justice-involved person seeking employment. Excerpt: “The Best Practice Standards presented here are designed to help employers evaluate applicants with criminal records by applying concrete, practical procedures, based on the recommendations from the EEOC in its 2012 “Enforcement Guidance on the Use of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964” (EEOC Guidance). Following them will help employers make hiring decisions that will maximize productivity and minimize the risk of liability.”

[http://www.lac.org/doc\\_library/lac/publications/Best Practices Standards - The Proper Use of Criminal Records in Hiring.pdf](http://www.lac.org/doc_library/lac/publications/Best_Practices_Standards_-_The_Proper_Use_of_Criminal_Records_in_Hiring.pdf)

## Practice Tools for Justice-Involved Applicants

### **BACKGROUND CHECKS: TIPS FOR JOB APPLICANTS AND EMPLOYEES**

*by the Federal Trade Commission (2014)*

This is brochure created by the Federal Trade Commission to give prospective employees some “tips” when applying for jobs as someone who has a criminal record. Excerpt: “Some employers check into your background before deciding whether to hire you or keep you on the job. When they do a background check, you have legal rights under federal law. Depending on where you live, your city or state may offer additional protections. It’s important to know whom to contact if you think an employer has broken the law related to background checks, and an equally good idea to check with someone who knows the laws where you live.”

<http://www.consumer.ftc.gov/articles/pdf-0044-background-checks.pdf>

### **BACKGROUND CHECKS: WHAT JOB APPLICANTS AND EMPLOYEES SHOULD KNOW**

*by the U.S. Equal Employment Opportunity Commission and the Federal Trade Commission (2014)*

Excerpt: “Some employers look into your background before deciding whether to hire you, or before deciding whether you can keep your job. When they do, you have legal rights. The Federal Trade Commission (FTC) enforces a federal law that regulates background reports for employment, and the Equal Employment Opportunity Commission (EEOC) enforces federal laws against employment discrimination. This publication explains these laws, and how to contact the FTC and EEOC if you think an employer has broken the law. There might be other rules in your city or state, so it's a good idea to check with someone who knows the laws of your area.”

[http://www.eeoc.gov/eeoc/publications/upload/eeoc\\_ftc\\_background\\_checks\\_employees.pdf](http://www.eeoc.gov/eeoc/publications/upload/eeoc_ftc_background_checks_employees.pdf)

## “Ban the Box” Legislative Efforts

### **BAN THE BOX, CRIMINAL RECORDS, AND STATISTICAL DISCRIMINATION: A FIELD EXPERIMENT**

*by Amanda Agan and Sonja Starr (2016)*

Author’s Abstract: “‘Ban-the-Box’ (BTB) policies restrict employers from asking about applicants’ criminal histories on job applications and are often presented as a means of reducing

unemployment among black men, who disproportionately have criminal records. However, withholding information about criminal records could risk encouraging statistical discrimination: employers may make assumptions about criminality based on the applicant's race. To investigate this possibility as well as the effects of race and criminal records on employer callback rates, we sent approximately 15,000 fictitious online job applications to employers in New Jersey and New York City, in waves before and after each jurisdiction's adoption of BTB policies. Our causal effect estimates are based on a triple-differences design, which exploits the fact that many businesses' applications did not ask about records even before BTB and were thus unaffected by the law. Our results confirm that criminal records are a major barrier to employment, but they also support the concern that BTB policies encourage statistical discrimination on the basis of race. Overall, white applicants received 23% more callbacks than similar black applicants (38% more in New Jersey; 6% more in New York City; we also find that the white advantage is much larger in whiter neighborhoods). Employers that ask about criminal records are 62% more likely to call back an applicant if he has no record (45% in New Jersey; 78% in New York City) – an effect that BTB compliance necessarily eliminates. However, we find that the race gap in callbacks grows dramatically at the BTB-affected companies after the policy goes into effect. Before BTB, white applicants to BTB-affected employers received about 7% more callbacks than similar black applicants, but BTB increases this gap to 45%.”

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2795795](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2795795)

### **BAN THE BOX: U.S. CITIES, COUNTIES, AND STATES ADOPT FAIR HIRING POLICIES TO REDUCE UNFAIR BARRIERS TO EMPLOYMENT OF PEOPLE WITH CRIMINAL RECORDS**

*by Michelle Natividad Rodriguez and Nayantara Mehta for the National Employment Law Project (NELP) (2016)*

Excerpt: “This resource guide documents the states, the District of Columbia, and the over 100 cities and counties that have taken steps to remove barriers to employment for qualified workers with records. Seven states, the District of Columbia, and 27 cities and counties now extend the fair-chance policy to government contractors or private employers. Of the localities, Baltimore, Buffalo, Chicago, Columbia (MO), the District of Columbia, Montgomery County (MD), New York City, Newark, Philadelphia, Portland (OR), Prince George's County (MD), Rochester, San Francisco, and Seattle extend their fair-chance laws to private employers in the area. A chart summarizing all the policies is at the end of this guide.”

<http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-State-and-Local-Guide.pdf>

### **JOBS AFTER JAIL: ENDING THE PRISON TO POVERTY PIPELINE**

*by Allyson Fredericksen and Desiree Omlil (2016)*

Excerpt: “The Alliance's Job Gap Economic Prosperity series examines the ability of working families to move beyond living paycheck-to-paycheck in today's economy, seeking to understand both the barriers keeping families from achieving economic prosperity and what actions policymakers can take to help families and communities thrive. . . . This third report in the 2015-2016 Job Gap Economic Prosperity Series looks at the barriers those with conviction records face in finding high-paying jobs and attaining a measure of financial stability. In many states and cities, both public and private employers can include a question on application materials requiring applicants to disclose whether or not they have a conviction record. While there is growing momentum to “Ban the Box,” in most cases these efforts only ban the box for public employment. Additionally, there are thousands of regulations across the country restricting or banning those who have been incarcerated from employment in specific occupations and industries. Commonly restricted fields include health care, law enforcement & security, and legal services – all industries

that can provide relatively high pay and job stability.”

[https://jobgap2013.files.wordpress.com/2016/02/ajs\\_job\\_after\\_jail\\_report\\_final\\_pdf.pdf](https://jobgap2013.files.wordpress.com/2016/02/ajs_job_after_jail_report_final_pdf.pdf)

### **BEST PRACTICES IN FAIR-CHANCE ENFORCEMENT: ENSURING WORK OPPORTUNITY FOR PEOPLE WITH CONVICTIONS**

*by Zoë Polk and Michelle Natividad Rodriguez (2015)*

Author’s Description: “An estimated 70 million people in the United States – nearly one in three adults – have arrest or conviction records. Many are discouraged from applying for work due to the application “check-box” asking about criminal history. The “box” becomes an even greater barrier when employers toss out all the applications with the checked box, arbitrarily narrowing the pool of jobseekers without regard to qualifications. Removing conviction inquiries from job applications is known as “ban the box.” Fair-chance hiring policies include ban-the-box and other policies that create a structured hiring process to ease barriers. Although each of the three jurisdictions have variations in their fair-hiring laws and are at different stages of implementation and enforcement, common themes arise. From these local experiences, we have identified the best practices for government agencies invested in upholding the civil rights, human rights, or labor standards of their local communities. Case studies of fair-chance hiring laws from San Francisco, Seattle, and the District of Columbia are available in this companion policy brief.”

<http://www.nelp.org/content/uploads/Best-Practices-Fair-Chance-Enforcement.pdf>

### **FAIR CHANCE – BAN THE BOX TOOLKIT: OPENING JOB OPPORTUNITIES FOR PEOPLE WITH RECORDS**

*by Michelle Natividad Rodriguez and Anastasia Christman for the National Employment Law Project (NELP) (2015)*

This toolkit is written for practitioners and advocates working with people with criminal histories interested in starting or working on a ban-the-box initiative. Excerpt: “Conservative estimates indicate that roughly 70 million people in the United States have some sort of a criminal record and nearly 700,000 people return to our communities from incarceration every year. Numerous research studies find that people require a combination of family support, community assistance, and economic opportunity to make different choices and stay out of the criminal justice system. Having access to employment opportunities is a critical component of this web of support. A steady job provides not just financial resources, but also connections to new people and behaviors and a motivation to remain out of incarceration.”

<http://www.nelp.org/content/uploads/NELP-Fair-Chance-Ban-the-Box-Toolkit.pdf>



# Toolkits for Employment and Reentry

This section includes employment reentry toolkits for anti-domestic violence advocates, justice-involved individuals, and practitioners working to minimize barriers to employment for people with criminal history records.

**NOTE:** *The materials in each section are listed by year from the most recently published to those published longest ago. Within each year, they are listed alphabetically by title.*



## Toolkits for Anti-Domestic Violence Advocates

### **CRIMINAL RECORDS AND EMPLOYMENT RIGHTS: A TOOL FOR ADVOCATES WORKING WITH SURVIVORS OF DOMESTIC VIOLENCE**

*by Erika Sussman, Center for Survivor Agency and Justice in Partnership with the National Network to End Domestic Violence (2013)*

Excerpt: “Many survivors of domestic violence find themselves with criminal records. Oftentimes this is due to coerced criminal acts, experienced at the hands of their partner. Sometimes, this is a result of a misguided criminal justice system response to their partner’s abuse (for example, a dual arrest). Whatever the reason, survivors who have a criminal record face enormous challenges in accessing employment and economic security. If you are an advocate working with a survivor who has a criminal record and is seeking employment, this tool may be helpful to you. The following information is designed to help you to 1) better understand the employment rights of survivors who have criminal records and 2) offer tips and resources to survivors as they prepare for the job application and interview process, attend job interviews, and respond to a decision by a prospective employer.”

[http://csaj.org/document-library/EmptRights\\_CriminalRecords\\_AdvocateTool.pdf](http://csaj.org/document-library/EmptRights_CriminalRecords_AdvocateTool.pdf)

## Toolkits for Justice-Involved Applicants/Employees

### **LIST OF CONSUMER REPORTING COMPANIES**

*by the Consumer Financial Protection Bureau (2016)*

Excerpt: “Below is a list of consumer reporting companies updated for 2016. Consumer reporting companies collect information and provide reports to other companies about you. These companies use these reports to inform decisions about providing you with credit, employment, residential rental housing, insurance, and in other decision making situations. The list below includes the three largest nationwide consumer reporting companies and several specialty reporting companies that focus on certain market areas and consumer segments. The list gives you tips so you can determine which of these companies may be important to you. It also makes it easier for you to take advantage of your legal rights to (1) obtain the information in your consumer reports, and (2) dispute report inaccuracies with companies as needed.”

[http://files.consumerfinance.gov/f/201601\\_cfbp\\_list-of-consumer-reporting-companies.pdf](http://files.consumerfinance.gov/f/201601_cfbp_list-of-consumer-reporting-companies.pdf)

## **YOUTH@WORK: CRIMINAL RECORDS & YOUR JOB RIGHTS**

*by the Equal Employment Opportunity Commission (2016)*

This factsheet is aimed at young workers giving example and tips when applying for a job for justice-involved youth. Excerpt: “When you apply for a job, employers may ask about or check your criminal history (whether you’ve ever been arrested or convicted of a crime). But the law prohibits employers from treating people with criminal records differently based on their race or national origin. It also prohibits overly broad criminal history policies that disproportionately (more often) exclude people of a particular race or national origin, and do not accurately predict who will be a responsible, reliable, or safe employee.”

<https://www.eeoc.gov/youth/downloads/arrest.pdf>

## **CRIMINAL RECORDS AND EMPLOYMENT: PROTECTING YOURSELF FROM DISCRIMINATION**

*by the Legal Action Center (2013)*

Excerpt: “This booklet explains what New York employers may and may not ask about your criminal record, how you should describe your record, and what rights you have to be free of job discrimination because of your record.”

[http://www.lac.org/doc\\_library/lac/publications/Criminal\\_Records\\_Employment\\_2013.pdf](http://www.lac.org/doc_library/lac/publications/Criminal_Records_Employment_2013.pdf)

## **CALIFORNIA WORKERS WITH CRIMINAL RECORDS: COMPLETE GUIDE TO EMPLOYMENT RIGHTS AND REMEDIES**

*by the National Employment Law Project (2009)*

Excerpt: “Many employers have a policy of not employing anyone who has a criminal record. For most employers, such a policy is illegal. That is because such a policy has a discriminatory effect on African Americans and Latinos, who are arrested and convicted disproportionately to their representation in the population. In making employment decisions regarding people with convictions, most employers must consider the nature of the conviction(s), the requirements of the job and the time that has passed since the conviction(s) before using conviction history as a reason for denying someone a job. If an employer seems to have acted unlawfully, then an employee can file an employment discrimination complaint.” This guide contains information on how to do so.

<https://www.nelp.org/wp-content/uploads/2015/03/CaliforniaWorkerswithCriminalRecords-Guide.pdf>

## **DO YOU HAVE A CRIMINAL CONVICTION HISTORY?: A GUIDE TO YOUR EMPLOYMENT RIGHTS IN NEW YORK**

*by the New York City Bar (2009)*

Excerpt: “Searching for the right job can be difficult. It can be harder if you have a criminal conviction history. This guide was written to help you in the process by informing you about employment rights and how to exercise them. The more you understand these rights, the better prepared you will be to protect them.”

[http://www2.nycbar.org/pdf/report/Labor\\_reentry\\_pamphlet\\_employees09.pdf](http://www2.nycbar.org/pdf/report/Labor_reentry_pamphlet_employees09.pdf)

## **ANSWERING QUESTIONS FROM EMPLOYERS ABOUT CRIMINAL RECORDS OR ARRESTS**

*by Legal Momentum (2005)*

Excerpt: “It is not unusual for victims of domestic violence, sexual assault, or stalking to have been arrested for or convicted of crimes related to the violence. Additionally, proceedings related to protective orders can sometimes appear on criminal background checks, even if the protective order was issued on your behalf against your abuser or the perpetrator of an assault. When you are looking for a job, you may be asked about your arrest record or your criminal record. This guide

answers some common questions about laws that can protect you against discrimination and afford you privacy.”

<http://www.legalmomentum.org/sites/default/files/reports/answerincrquestions.pdf>

## Toolkits for Community Agency Practitioners

### **THE EMPLOYER-DRIVEN MODEL AND TOOLKIT: STRATEGIES FOR DEVELOPING EMPLOYMENT OPPORTUNITIES FOR JUSTICE-INVOLVED INDIVIDUALS**

*by the National Institute of Corrections (2014)*

Author’s Description: “The Employer-Driven Employment Toolkit provides examples of effective practices, strategies, tips and resources for implementing four key processes in the model: (1) Use labor market information to identify high-growth occupations and target specific businesses, (2) Address employer needs and expectations in marketing, placement, and job retention efforts. (3) Prepare justice-involved individuals for employment, with an emphasis on soft-skills and industry-standard training and certifications that will meet employers’ expectations for qualified applicants. (4) Engage and partner with stakeholders who can help provide critical resources and support services.”

- ***Address Employers’ Needs and Expectations***

Written for agency and community practitioners who are working with individuals with criminal histories seeking employment, this summary highlights examples of effective practice when working with prospective employers potentially interested in working with returning people. Excerpt: “Many employers are apprehensive about hiring persons with criminal convictions, but employment specialists tolerate some failed hires only if they have had some successful job placements and found community-based corrections employment specialists to be responsive to their concerns. It is important to remember that these relationships are mutually beneficial. The employment specialist who works with justice-involved individuals can help employers meet critical staffing needs at little or no cost, and employers can provide these job seekers with an opportunity to earn a sustainable wage, which research shows can reduce recidivism, thus improving public safety. It can be a win-win situation for everyone involved.”

<https://nicic.gov/employer-driven-model-and-toolkit-strategies-developing-employment-opportunities-justice-involved-0>

- ***Engage and Partner with Stakeholders***

Written for agency and community practitioners who are working with individuals with criminal histories seeking employment, this summary highlights examples of effective partnerships between agencies/partners for the benefit of returning people. Excerpt: “No single agency can meet all of the workforce development needs of justice-involved individuals returning to the community. A systems approach that expands beyond the criminal justice system is essential for maximizing employment outcomes for this population. You must identify and engage stakeholders in developing employer-driven initiatives that meet their workforce development needs. There is also a need to share resources to increase efficiency and improve outcomes.”

<https://s3.amazonaws.com/static.nicic.gov/Library/028099.pdf>

- ***Prepare Jobseekers for Employment***

Written for justice-involved individuals entering the workforce, this summary highlights areas where a reentering person may want to develop to better prepare for the job application process. Excerpt: “Job readiness encompasses several areas, including soft skills, cognitive skills, and industry-recognized training and certifications that employers

expect from qualified applicants.”

<https://s3.amazonaws.com/static.nicic.gov/Library/028098.pdf>

- ***Use Labor Market Information to Target High-Growth Occupations***

Written for agency and community practitioners who are working with individuals with criminal histories seeking employment, this summary highlights examples of effective practice when researching employment opportunities with returning people. Excerpt: "Using up-to-date labor market information is critical for identifying high-growth occupations, local and regional employment trends, and specific employers and industries that provide the best employment opportunities for justice-involved individuals. It also provides data essential for designing and implementing industry-recognized job training programs that help people develop the skills employers are seeking."

<https://s3.amazonaws.com/static.nicic.gov/Library/028096.pdf>

**EMPLOYING YOUR MISSION: BUILDING CULTURAL COMPETENCE IN REENTRY SERVICE AGENCIES THROUGH THE HIRING OF INDIVIDUALS WHO ARE FORMERLY INCARCERATED AND/OR IN RECOVERY**  
*by the Fortune Society and John Jay College of Criminal Justice (2011)*

Excerpt: "This toolkit addresses several interrelated issues regarding the successful reentry into society of formerly incarcerated men and women. First, there is a reentry crisis of unparalleled proportion currently facing communities in the United States. Because incarceration both profoundly impacts those who experience it and disproportionately affects low income people of color, the response to it needs to be culturally competent across a spectrum of issues. Second, there is an important employment component to individuals' reentry experience. While stable employment is critical to the successful reintegration into society of those returning home, the formerly incarcerated nonetheless confront significant barriers to employment, including discrimination based on their conviction records. Finally – and this is the core of this toolkit – one way to address both of these issues is to build 'cultural competence' within reentry services by hiring formerly incarcerated men and women to reflect the experiences and realities of the reentry population and provide services more effectively."

<https://fortunesociety.org/wp-content/uploads/2017/05/Employing-your-mission.pdf>

## Toolkits for System-Based Practitioners

**THE EMPLOYER-DRIVEN MODEL AND TOOLKIT: STRATEGIES FOR DEVELOPING EMPLOYMENT OPPORTUNITIES FOR JUSTICE-INVOLVED INDIVIDUALS / PREPARE JOB SEEKERS FOR EMPLOYMENT**  
*by the National Institute of Corrections (2014)*

Written for correction system and community practitioners who are working with individuals with criminal histories seeking employment, this summary highlights examples of effective practice and preparation and to connect reentering people with potential future employment while still in custody. Excerpt: "Corrections professionals have several critical missions with one overriding goal: to ensure that individuals who leave supervision do not reoffend and do not return to prison. Research confirms that employment is important to successful reentry, so training and job placement programs are essential to connecting individuals to the labor market upon their release. While many of these programs exist, few are driven by an intentional partnership with the business/employer community. The most successful employment programs are ones that are employer-driven; they are built on labor market information that targets employers who are hiring,

industry-standard training and certifications that meet employers' expectations, and placement that focuses on benefits to employers.”

<https://s3.amazonaws.com/static.nicic.gov/Library/028098.pdf>

# National Organizations

The following websites are those of some national organizations that work directly with, or do policy work on about employment issues on behalf of reentering people.



## **AMERICAN CIVIL LIBERTIES UNION**

From their *Women and Criminal Justice* Page: “Over the past 30 years, the number of women and girls caught in the criminal justice system has skyrocketed. Many have been swept up in the War on Drugs and subject to increasingly punitive sentencing policies for nonviolent [justice-involved people]. Many of these women struggle with substance abuse, mental illness, and histories of physical and sexual abuse. Few get the services they need. The toll on women, girls, and their families is devastating. Further, the overincarceration and overconviction of women has devastating effects on them and their families because of the barriers women face as a result of their criminal records. These barriers include employment discrimination (compounded by the trend among employers of conducting background checks), exclusions from certain occupations (including some traditionally dominated by low-income women, such as home health care and childcare), exclusions from housing, and bans on receiving public assistance. The ACLU is working to reduce the overincarceration of women and girls, ensure equal rights and dignity while in confinement, and eliminate barriers imposed as a result of having a criminal record.”

<https://www.aclu.org/>

*Employment Discrimination Against Women with Criminal Convictions* webpage:

<https://www.aclu.org/employment-discrimination-against-women-criminal-convictions>

## **LEGAL ACTION CENTER**

Host Description: “The Legal Action Center is a non-profit law and policy organization in the United States whose mission is to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. For three decades, LAC has worked to combat the stigma and prejudice that keep these individuals out of the mainstream of society. The Legal Action Center is committed to helping people reclaim their lives, maintain their dignity, and participate fully in society as productive, responsible citizens.”

<http://www.lac.org/>

## **NATIONAL H.I.R.E. NETWORK**

Host Description: “Established by the Legal Action Center, the National Helping Individuals with criminal records Re-enter through Employment Network is both a national clearinghouse for information and an advocate for policy change. The goal of the National H.I.R.E. Network is to increase the number and quality of job opportunities available to people with criminal records by changing public policies, employment practices and public opinion. The National H.I.R.E. Network also provides training and technical assistance to agencies working to improve the employment prospects for people with criminal records.”

<http://www.hirenetwork.org/>

## **NATIONAL REENTRY RESOURCE CENTER**

Host Description: “The National Reentry Resource Center provides education, training, and technical assistance to states, tribes, territories, local governments, service providers, non-profit organizations, and corrections institutions working on prisoner reentry. The NRRC’s mission is to

advance the reentry field through knowledge transfer and dissemination and to promote evidence-based best practices. Specifically, the NRRC provides a one-stop, interactive source of current, evidence-based, and user friendly reentry information; individualized, targeted technical assistance for Second Chance Act grantees; and training, distance learning, and knowledge development to support grantees and advance the reentry field.”

<http://csgjusticecenter.org/nrrc/>