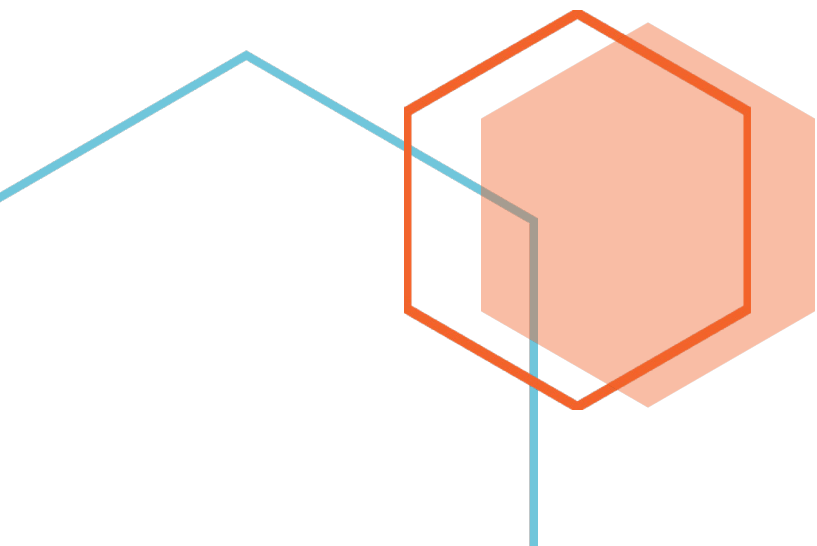




Identifying Barriers to Hiring Justice Involved People in Delaware

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Identifying Barriers to Hiring Justice Involved People in Delaware

Prepared by:

Daniel O'Connell, PhD*

Laura Mutis, MS*

Sherese Brewington-Carr^

Karlton Roberts^

* Center for Drug & Health Studies,
University of Delaware

^Delaware Department of Labor

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Introduction

People reentering our communities after a period of incarceration face numerous challenges when attempting to reintegrate into society. These include incomplete or lack of education, severed or missing ties with their communities, and minimal to no familial support. Chief among these challenges is the criminal record these men and women carry with them that can affect every aspect of their lives. One of the areas where this is most important is in the unwillingness some employers have in hiring workers with criminal backgrounds. While hiring formerly incarcerated persons is an understandable issue perceived by employers, proper, legal employment is a large part of justice involved persons' successful reintegration into society.

Identifying employers' beliefs and attitudes towards hiring justice involved persons is necessary in order to more adequately assist this population's successful return to their communities. Changing or adjusting such attitudes would help returning persons attain successful jobs, which could in turn support reentry and lower recidivism rates. In order to better understand the barriers keeping those returning to our communities from obtaining legal employment, the Delaware Department of Labor (DOL) partnered with the University of Delaware's Center for Drug & Health Studies (CDHS) to conduct a survey of employers throughout the state. The project was funded by the Delaware Criminal Justice Council.

A Note on Language

While the criminal justice research field is moving toward person-centered language that is not stigmatizing, such language is not as widely used in the institutions we focus our research on. A balance between focusing on better language and clarity must be struck, and as such the survey utilized language that would be clear to potential participants. Thus, the report refers to justice involved persons, but the survey refers to persons with criminal backgrounds or ex-offenders.

Study Purpose

The purpose of the study was to determine the following:

- 1) The extent to which Delaware employers are willing to, and actually do, hire justice involved individuals.
- 2) The type of charges that employers are more and less likely to consider when making a hiring decision.
- 3) The type, size, and business area of companies that do and do not hire justice involved individuals.
- 4) What would increase the hiring of justice involved persons among employers who have not previously hired from that population.

Methods

To accommodate mandatory safety protocols during the COVID-19 pandemic, as well as to ensure the widest possible sample, in-person contact was substituted with online surveys. DOL and CDHS created a 12-question survey composed of multiple-choice and open-ended questions, that was emailed to a total of 578 employers located in New Castle, Kent, and Sussex counties. The surveys were distributed starting on August 5th, 2020, recipients were reminded if they had not completed the survey, and the final set of surveys and reminders was received on October 5th, 2020. With a response rate of over 46%, CDHS received a total of 268 completed surveys. The survey contained questions regarding the type of business or service the employer provided, the effect the Coronavirus pandemic has had on their business, their experience and policy for hiring individuals with criminal backgrounds, their process for running background checks, and their willingness to hire individuals with criminal backgrounds. Participation in this survey was completely voluntary and all answers were kept anonymous. (Survey questions are provided in the Appendix).

Organizations and Businesses

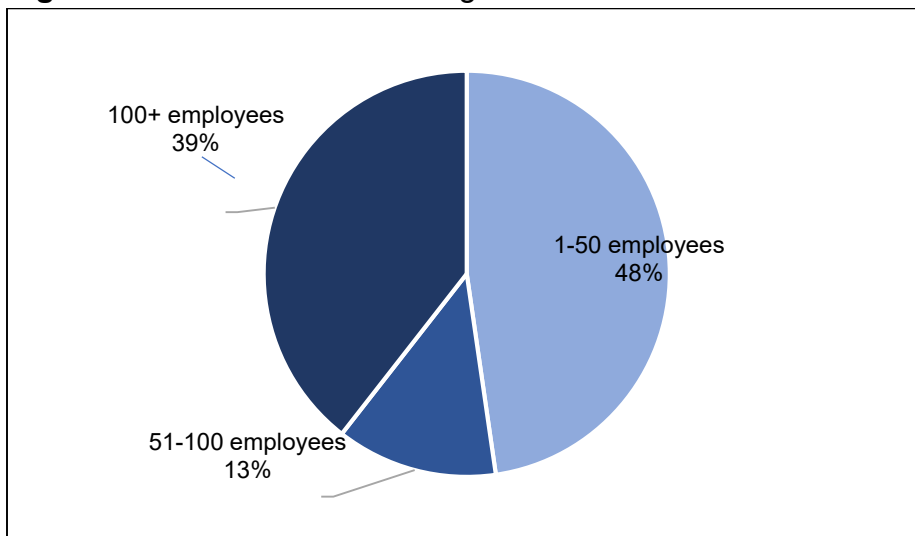
The study surveyed employers in several different types of professions and positions to get a full scope of perceptions towards hiring reentering persons in Delaware. **Table 1** below shows this breakdown.

Table 1: Types of businesses or services provided by employer

Type of Business	%
Healthcare, Hospitals	13
Transportation, Warehousing	10
Manufacturing	10
Food, Beverage, Entertainment	9
Construction	8
Plumbing, Electrical, HVAC	5
Hotel, Lodging	4
Community, Social Services	3
Maintenance, Janitorial	3
Education, Training, Library	2
Retail	2
Computer Technology	1
Direct Sales, Customer Service	1
Farming, Fishing, Forestry	1
Property, Real Estate	1
Automotive	1
Other	24

DOL ensured that the survey was sent to employers of organizations of varying sizes. For those who answered the question, about 47.7% worked in an organization that employs 1-50 individuals, 39.4% worked in an organization that employs 51-100 individuals, and 12.8% worked in an organization that employs 100+ individuals. These percentages are shown in **Figure 1** below.

Figure 1: Size of business or organization



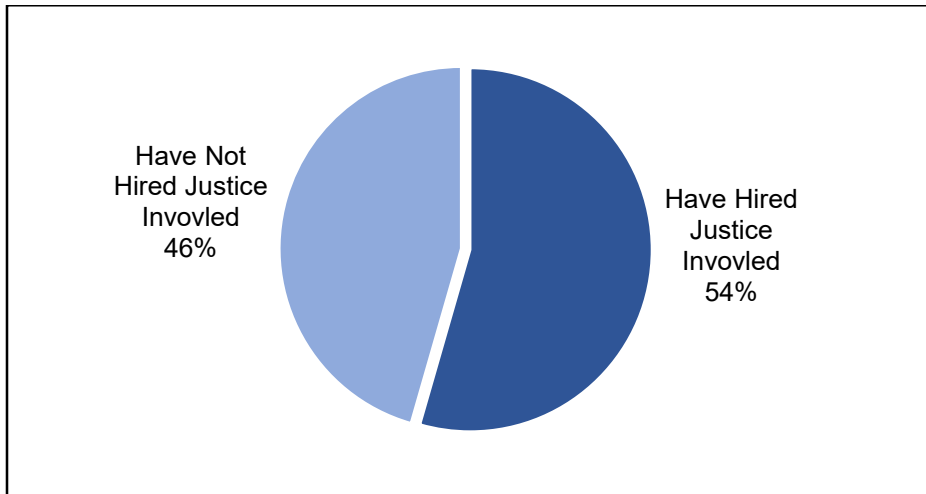
One issue employers may contemplate when considering hiring justice involved persons is the amount of interaction this group would have with clients and customers. When asked about the amount of contact their employees have with customers on average, those surveyed answered the following: About 8% said their employees have no contact with customers, 39% said their employees had limited contact, and 53% said their employees had constant contact.

The survey reached employers of varying sizes, covering various sectors and having varying amounts of customer contact. It thus achieved the goal of representing a large portion of Delaware employer organizations.

Hiring of the Justice Involved

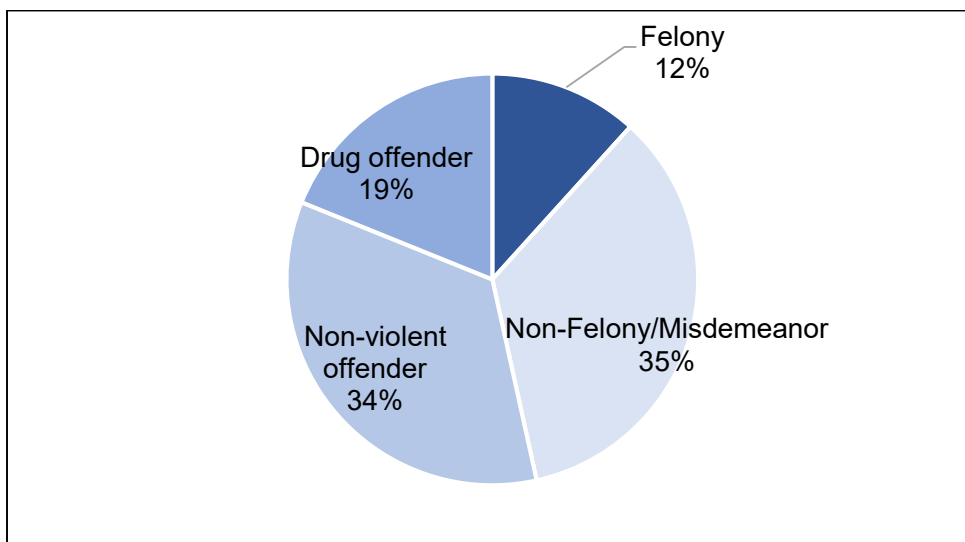
The purpose of the study was to investigate the nature of employment and employment opportunities for reentering persons in Delaware. In addition to perceptions and attitudes toward hiring criminal justice involved persons, the study focused on any actual experience employers have had with hiring such persons. The team wanted to examine the experience of those who had hired justice involved persons, and the thinking behind those who had not. Survey respondents were asked if they had ever hired someone with a criminal record. As seen in **Figure 2** below, 54% said they had, while 46% had not.

Figure 2: Percent of Delaware employers who have hired someone with criminal record



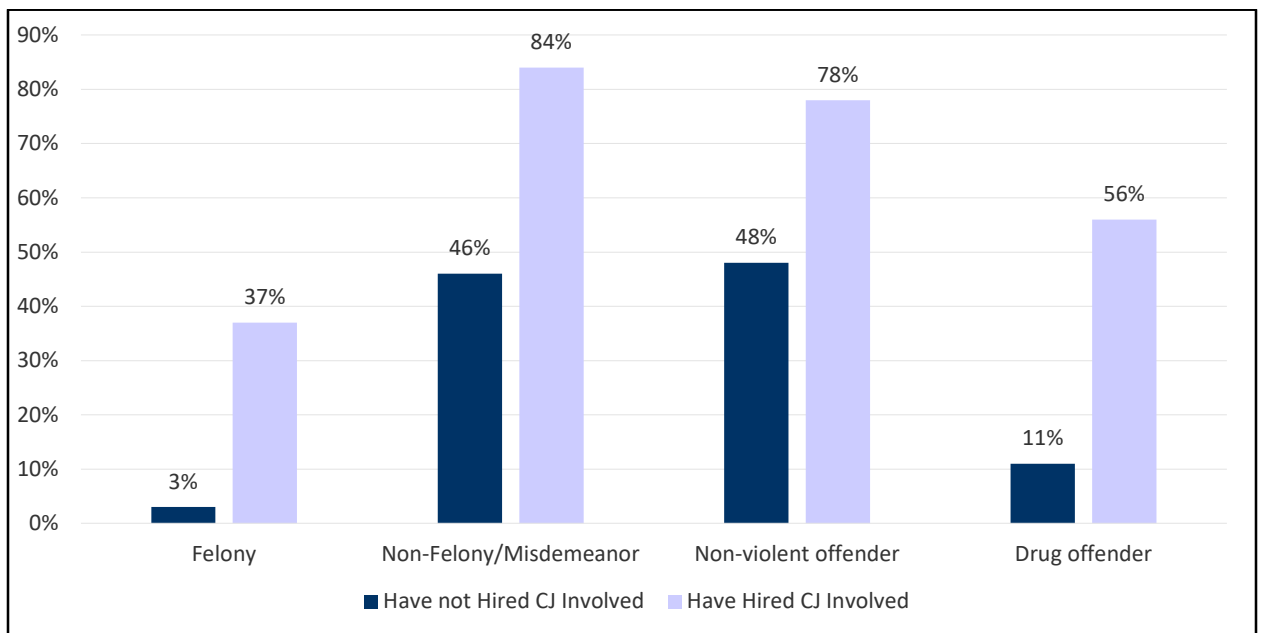
The study also assessed what types charges employers would consider hiring. We asked employers if they would be open to hiring persons that have a Felony, a Non-Felony/Misdemeanor, a Non-Violent Offense, or a Drug Offense on their record (allowing for multiple answers), and the results are displayed in **Figure 3**. Overwhelmingly, employers showed they would be open to hiring persons with non-violent or non-felony offenses, rounding almost 70% of answers. Only 12% of responses indicated they would favor hiring persons with a felony on their record, but we do not have more details on what felonies would indicate a strict denial of employment. Only 19% of respondents said they would consider hiring those convicted of a drug offense, indicating potential stigma surrounding substance abuse.

Figure 3: Delaware employers open to hiring type of offenses



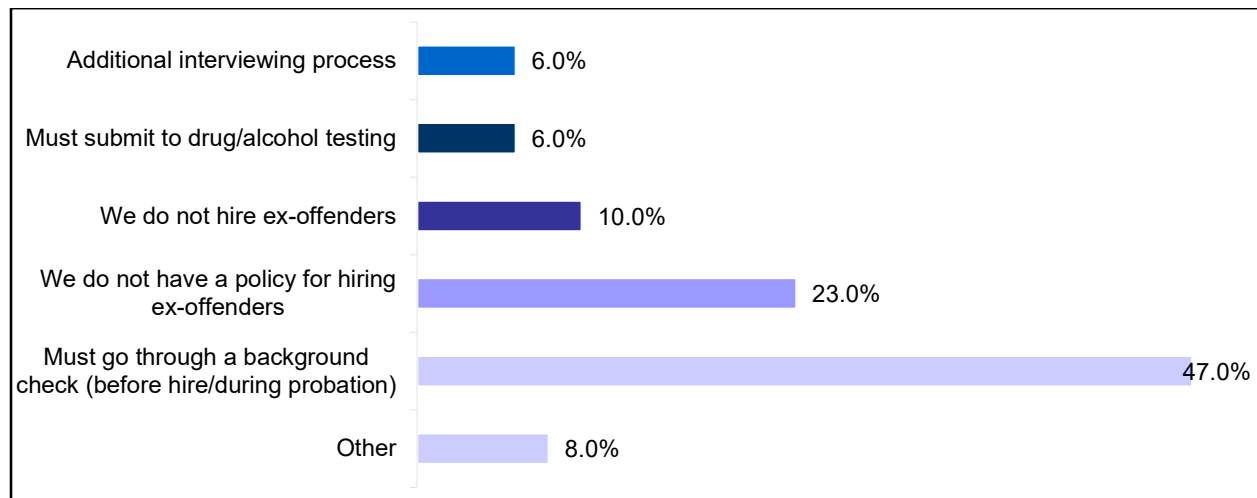
While employers overall showed considerable openness to hiring justice involved persons – especially if those don’t include felonies or drug offenses – openness is not the same as actually hiring people with criminal records. Only 10% indicated they would not hire someone with a criminal record. In order to examine this further, we looked into those employers who **had** hired a justice involved person and those who **had not**, and examined their *willingness* to hire individuals with certain criminal charges. This intersection is displayed in **Figure 4** below. For example, of those who had hired a justice involved person 37% would be open to hiring someone with a Felony conviction, while only 3% of those who had never hired a justice involved person would consider hiring someone with a felony. The numbers are more encouraging for other charge categories. 84% percent of those who had hired a justice involved person were open to hiring someone with a misdemeanor charge, while 46% of those who had not hired someone would be open to doing so. Non-violent charges were similar to misdemeanor (78% versus 48%), while drug charges showed the largest gap between those who had and had not hired a justice involved person. 56% percent of those who had hired a justice involved person would consider hiring someone convicted of drug charges, while only 11% of those who had not hired someone would do so. Clearly there is a stigma associated with people with felony or drug records that makes people unwilling to hire them. Equally clearly, this stigma is mitigated among those who have hired a justice involved person.

Figure 4: Employers’ willingness to hire justice involved persons by whether they have previously hired from this population



The survey asked what official policies the employers' companies had for hiring people with records. If companies have specific procedures it bodes well for reentering persons to work on meeting those requirements, or for them to simply look elsewhere if policy will never allow them to work for those companies. **Figure 5** shows the breakdown of company policies for hiring people with criminal records. Overwhelmingly, employers indicated their company policy for hiring ex-offenders included having them go through a background check before being hired. With this in mind, we wanted to further examine when companies are running background checks.

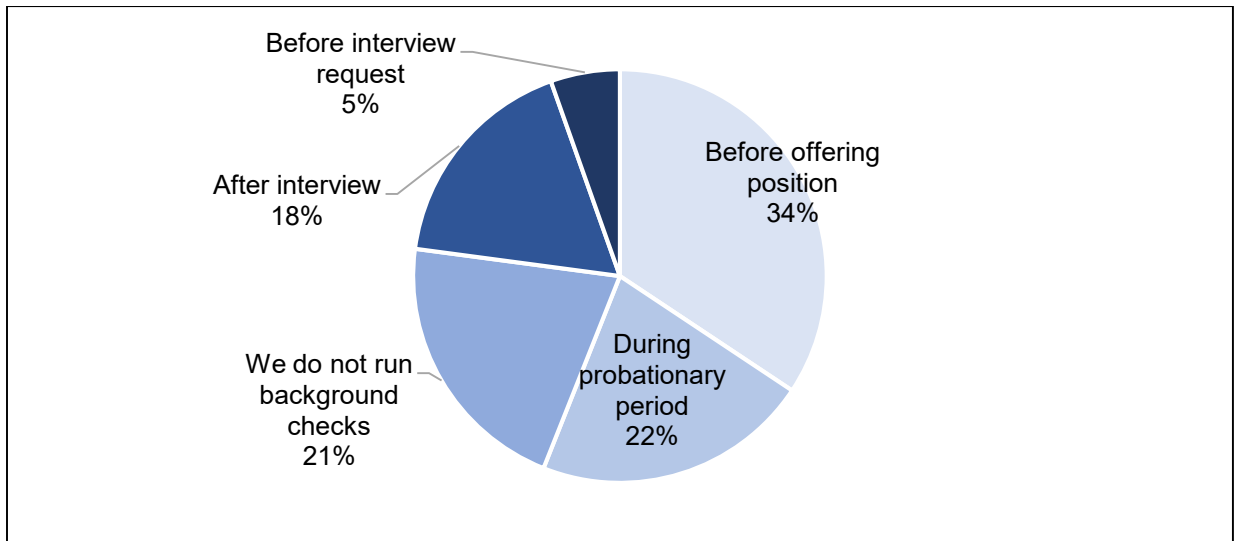
Figure 5: Company policies for hiring ex-offenders



The timing of running a background check on a prospective hire is critical. Background checks, of course, serve an important purpose, but the timing in which they are conducted can have harmful effects on a potentially successful employee. If a background check is run too early, employers could be missing out on people with great potential as well as not providing an opportunity to a qualified candidate. If a background is run later in the hiring process, perhaps once a candidate has shown how qualified they are for the position, they would be given more of the benefit of the doubt. Waiting to run a background check until after a candidate has shown they meet specific requirements – but before offering a position – would be an invaluable change in helping justice involved individuals be hired in meaningful jobs, and thus be more successful upon release. When we asked employers at what point during the application process they run background checks, the answers are as follow in **Figure 6** below. The numbers look quite promising, as only 5% of employers indicate they run background checks before even asking to conduct an interview, 34% wait to run a background check until they are ready to offer a position, and 22% wait to run background checks during a probationary period. This indicates that 56% of these employers will err on the side of helping formerly incarcerated people by not casting

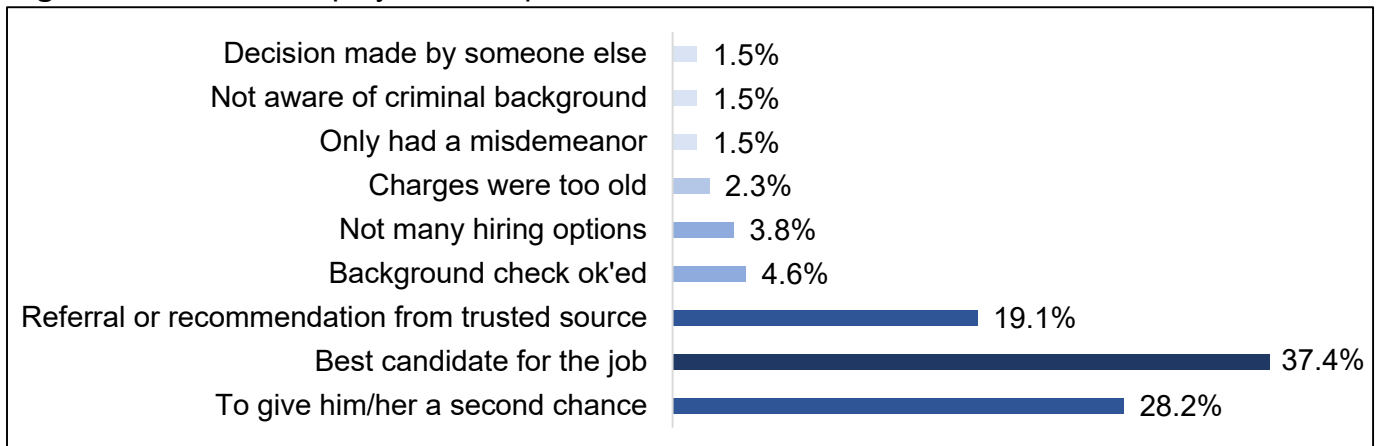
immediate judgment before getting to know more about the candidates for the position. The point at which these companies are running background checks, or whether they need to run one at all, depends very much on the nature of the work they do and the clients they have. But if the work and the types of customers allow for it, not running background checks upon first contact would be very beneficial in helping returning citizens gain employment.

Figure 6: When are background checks conducted?



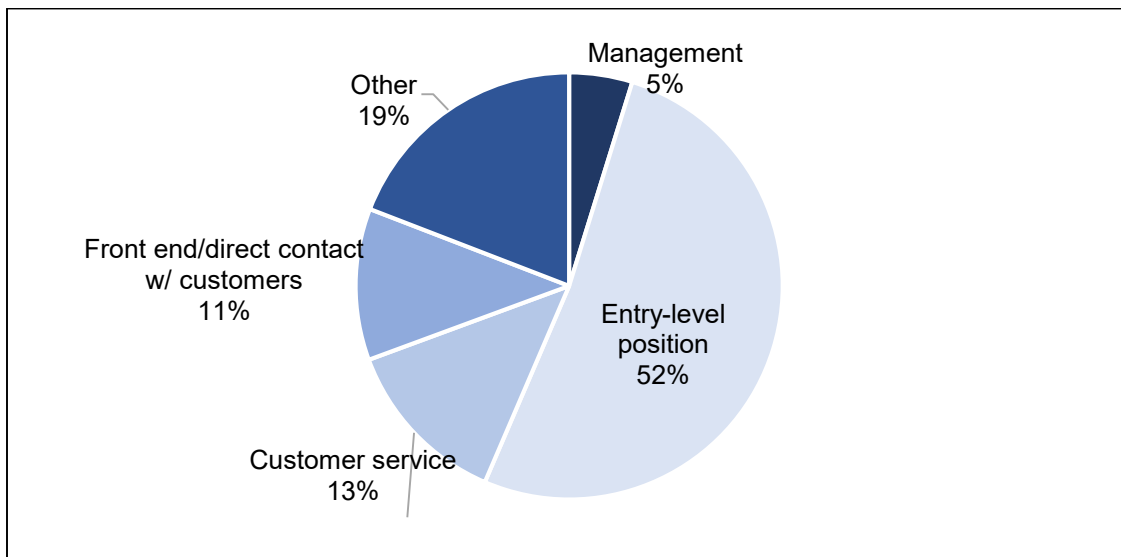
Next, the survey asked those who had hired someone with a criminal record why they had chosen to do so. **Figure 7** presents those results. Around 28% of responding employers hired from this population to give someone another chance, but what stands out from this graph is the importance of professional qualifications and connections: 37% of employers made a hire because that person was a good candidate and 19% of employers made a hire because they received a referral for that individual. Initially, the ratio of Delaware employers hiring the justice involved appears promising, but more details are necessary.

Figure 7: Reasons employers hired persons with criminal records



For a closer examination of the questions for those employers who had hired those with criminal records, respondents were asked what positions these candidates are being hired for. **Figure 8** below shows the breakdown in what positions the employers we surveyed have hired justice involved persons. The employers we surveyed reported hiring for managerial positions only 5% of the time, and mostly for entry-level positions.

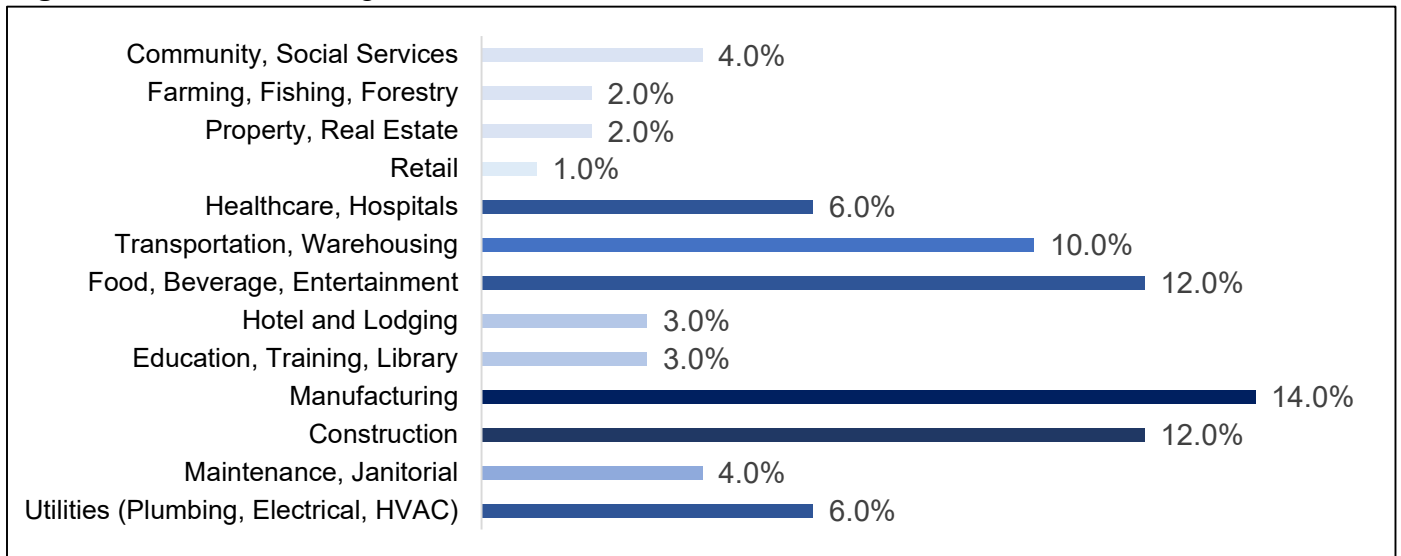
Figure 8: Positions filled with justice involved persons



In addition to the type of positions criminal justice involved persons are being hired for, the study was interested in what types of companies are more likely to hire

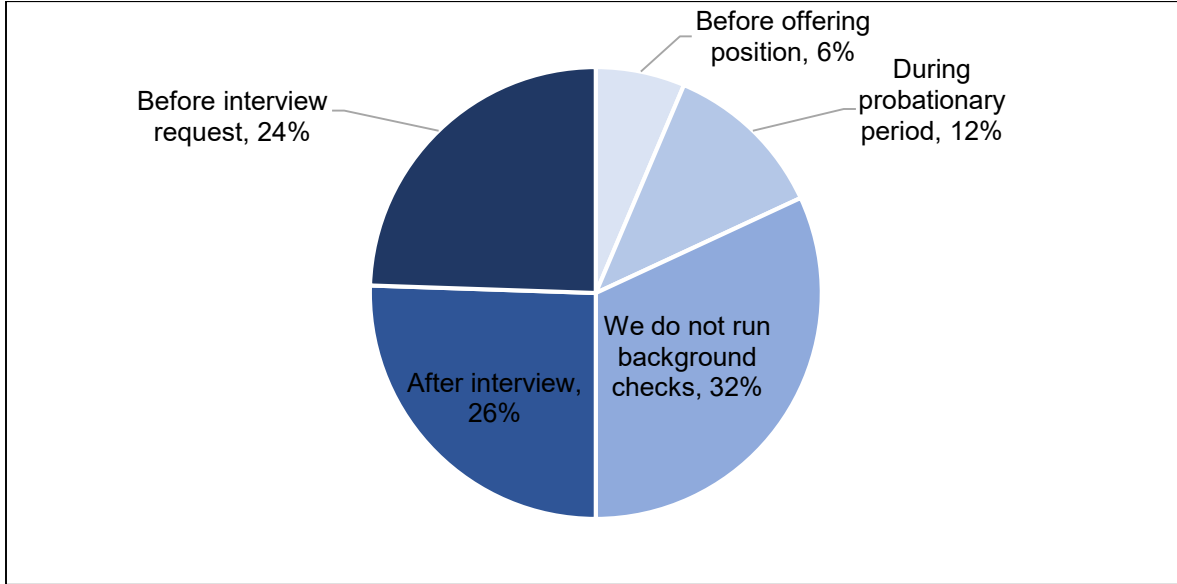
those with a record. In examining what these companies are and what their policies are like, we can build upon those areas that are having success as well as identifying areas for potential improvement. The breakdown is detailed below in **Figure 9**. When examining those businesses that indicated they were hiring justice involved individuals, there is substantial variation, with Manufacturing, Transportation and Housing, and Construction hiring the most of all these industries.

Figure 9: Industries hiring those with criminal records



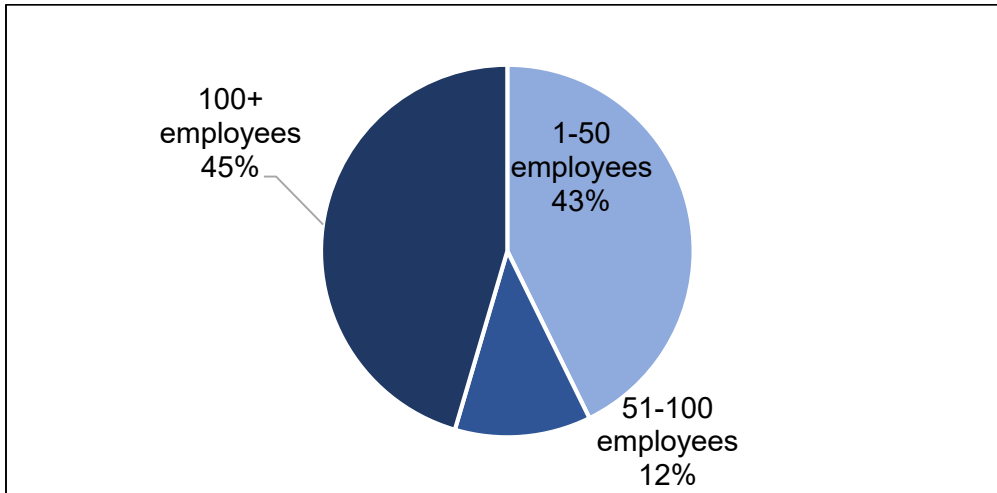
In line with examining what industries are responsible for hiring justice involved individuals in Delaware, the study examined certain characteristics of these specific businesses. For those surveyed employers who reported they had hired a person with a record in the past, their companies' background check procedures are presented in **Figure 10**. Surprisingly, the data indicate that these organizations are running background checks on prospective employees *earlier* in the hiring process rather than later. This might be an indication that these hires are not so much a happy coincidence, but rather that these organizations are specifically open to hiring those with criminal records.

Figure 10: Background check procedure among those employers who have hired persons with records



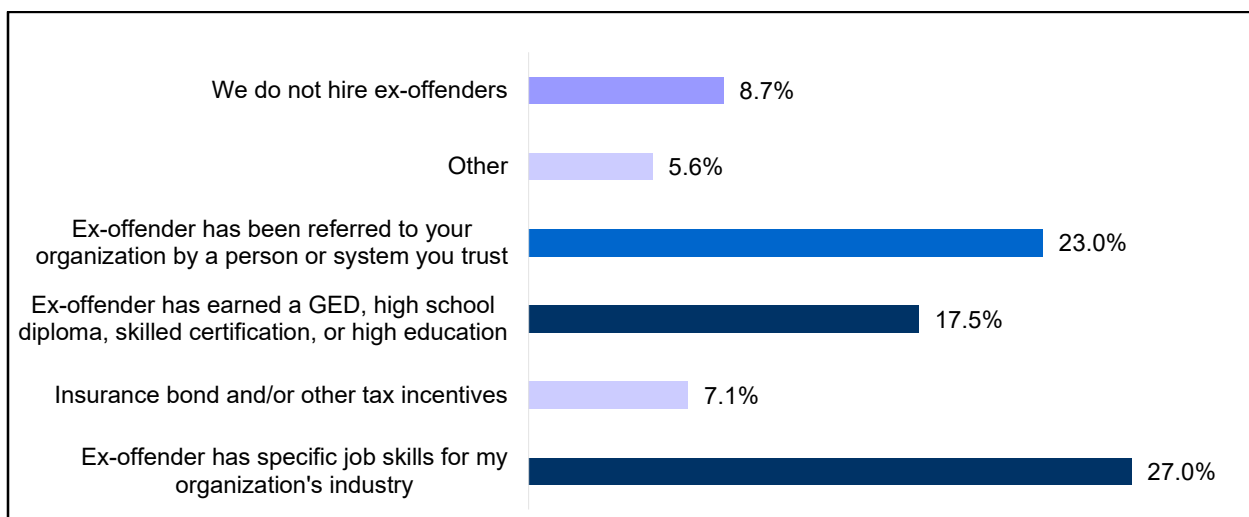
Another characteristic we were interested in is the size of the organizations that are hiring folks with criminal backgrounds. Compared with the breakdown of size of businesses for all employers surveyed, percentages are quite similar to those businesses hiring ex-offenders, detailed in **Figure 11** below.

Figure 11: Size of organizations hiring justice involved individuals



Finally, the study specifically examined those organizations whose employers indicated were not hiring people with records. Recall that 46% of all employers surveyed said they have never hired someone with a criminal record. In trying to better understand how DOL can help the population of those returning home after a period of incarceration, we asked employers about incentives. Specifically, we asked employers what incentives would need to be in place for them to hire from this population. The results of this question can be found in **Figure 12** below. As mentioned earlier, the importance of references or of professional qualifications cannot be understated. A total of 50% of all employers surveyed said they would hire someone with a record if they had either been referred by a trusted source, or if they had specific job skills. The “other” category contained an opportunity for respondents to write in an answer. Five respondents indicated they worked with children and had a policy against hiring persons with records. Other responses included liability issues or just stated that it was company policy not to hire persons with records.

Figure 12: Incentives needed for employers to hire justice involved individuals



Conclusions

This project sought to better understand Delaware employers’ actions and attitudes towards hiring justice involved people. Over 50% of survey respondents stated they had hired someone with a criminal record, and only 10% said they would not hire someone with a criminal record under any circumstances. Employers from multiple sectors reported hiring those with criminal records, with construction, manufacturing and transportation making up the three fields most likely to report hiring those with records. Unsurprisingly, those who had not hired someone indicated more willingness to hire those with non-violent and non-felony records. Reasons given for hiring justice involved people included being the best candidate, providing a second chance, and the

recommendation of a trusted source. Interestingly, these were also among the most cited reasons for what would be needed for someone to hire an individual with a record, among those employers who reported not having done so.

We find these results promising. Delaware employers are hiring the justice involved, and have indicated a willingness to do so. The survey was intentionally kept very short to increase the likelihood of people completing it, so there is much we still don't know. For example, 21% of respondents said they had no policy for conducting background checks on applicants. Thus, they may be hiring justice involved persons without knowing it. When asked what would be required to hire a justice involved person, recommendations from trusted sources and indications of effort while incarcerated were the highest responses. These are areas where DOL and the Department of Correction can improve practice by preparing reentering persons from DOC with documentation of accomplishments. DOL will continue to assist reentering persons to become job ready and help match them to employers seeking applicants. Fortunately, much of this aligns with reentry efforts already underway by DOL and DOC. DOL has received the Federal Bonding Grant to increase the issuance of federal bonds at no cost to Delaware employers as an incentive to hire persons with a criminal background. An additional best practice to support the hiring of persons who have been justice involved, DOL was successfully awarded a reentry grant to develop employer-focused outreach and hired a reentry business services manager to work directly with and serve as a liaison to Delaware employers. The Delaware DOC is expanding its use of certified training programs that will put documentation of completed training while incarcerated in the hands of those reentering our communities. Progress has thus been made and will continue to be.

DOL-Employers Survey

Introduction

The University of Delaware, in conjunction with the Delaware Department of Labor is conducting a study of employers across the state of Delaware. The purpose of the study is to find out how potential employers feel about the prospect of hiring people who have been involved in the criminal justice system. Due to the timing of the survey, we are also asking about how COVID-19 has impacted you. In order to understand how employers feel about these issues hearing from as many employers as possible is extremely important as the results of this survey will inform the state about how to improve employment opportunities in Delaware.

WHAT WILL YOU BE ASKED TO DO? If you agree to take part in this study, you will be asked to complete a survey asking some questions about you and how you feel about the prospect of hiring people with criminal records. The survey is short and will take less than fifteen minutes to complete. We will not ask you for the names of anyone, or the specific dates or specific places of any of your activities. You will not be identified by name on any survey or report. The surveys we are collecting are confidential and anonymous. Confidential means no one will see your answers or know how you filled out the survey. Anonymous means you will not put your name on the survey; we do not want to know how any one person answered, only about the percentages of all of the respondents combined. The digital data may be kept indefinitely. Only the Principle Investigator and the members of the research team at the University of Delaware that he gives permission to have access to these files.

WHAT ARE THE POSSIBLE RISKS AND DISCOMFORTS?

There are some risks to being in this study. You may feel distress or discomfort when asked questions about your job, or the status of people with criminal justice histories in Delaware. Should this occur, you don't have to answer such questions and you are free to withdraw from the study at any time. The risk that confidentiality could be broken is a concern, but it is very unlikely to occur. We are not asking for your name on the survey and all study materials are on encrypted drives at the CDHS research office. Only members of research team will have access to study materials.

WHAT ARE THE POTENTIAL BENEFITS?

You will have the chance to be in an important research project that hopes to improve employment services in Delaware.

HOW WILL CONFIDENTIALITY BE MAINTAINED? WHO MAY KNOW THAT YOU PARTICIPATED IN THIS RESEARCH?

Everything you provide us will be confidential and anonymous. By confidential we mean that only authorized members of the research team will be able to see your answers, and by anonymous we mean that we won't know who filled out each survey. Your name will not be on any data file or report. All the answers you give us will kept securely, and only authorized

individuals on the research team will be able to see your answers. NO personal information relating to this study will be shared with anyone. We will never report your individual answers to questions in this study. All of the results will be given using all the answers grouped together. So no answers can be linked back to any one person. The confidentiality of your records will be protected as required by law. Your research records may be viewed by the University of Delaware Institutional Review Board. It is a committee made to approve, monitor, and review research on humans. Records relating to this research will be kept for at least three years after the research study is done.

WILL THERE BE ANY COSTS TO YOU FOR PARTICIPATING IN THIS RESEARCH? No.

WILL YOU RECEIVE ANY COMPENSATION FOR PARTICIPATION? No

DO YOU HAVE TO TAKE PART IN THIS STUDY?

Being in this study is up to you. You do not have to be in the study if you do not want to. If you want to take part, you can stop at any time. If you do not want to be in the study, there will be no penalty or loss of benefits to you. Again, if you decide you want to stop answering questions at any time you can do so. And you can skip any question you do not wish to answer. Participation in this survey is completely voluntary; you may choose not to answer any question, or stop participating at any time. Your participation in this process, or inability to do so, will in no way influence funding decisions. The information you provide is confidential. Responses to survey questions will be aggregated and will never identify you or your organization. We will only report survey findings for the state of Delaware as a whole (e.g., what % of all employers would hire someone with a criminal record) and will NOT report information at other levels of aggregation, including by the county level. If you have any questions about the survey or this process, please feel free to contact Daniel O'Connell at the University of Delaware, (302) 831-4649, or via email at occonnell@udel.edu

If you wish to participate please continue to the survey on the next page.

1 1. What type of business or service do you provide (industry)?

- Food, Beverage, and Entertainment (Hospitality, Gaming, Racing, Tourism)
 - Hotel and Lodging (Resorts, Motel, Bed and Breakfast and Events)
 - Transportation, Warehousing
 - Healthcare, Hospitals
 - Retail
 - Automotive
 - Maintenance, Janitorial
 - Construction
 - Manufacturing
 - Property, Real Estate
 - Education ,Training, and Library
 - Direct Sales, Customer Service
 - Utilities (Plumbing, Electrical, HVAC)
 - Computer Technology, Service
 - Farming, Fishing, and Forestry
 - Community, Social Services
 - Other _____
-

2 2. How many people are currently employed at your organization?

- 1-50
 - 51-100
 - 100+
-

3 3. In the first 2 months of shutdowns due to COVID-19 (Coronavirus), how was your organization affected? (March-April 2020)

- Our organization increased hiring
 - Workforce was stable
 - We had to reduce workforce
 - We had to shut down
 - We modified our business operations to meet customer needs and safety
 - Other _____
-

4 4. What is the current status of your organization?

- Our organization has increased hiring
 - Workforce is stable
 - We have had to reduce workforce
 - We are currently shut down
 - We have modified our business operations to meet customer needs and safety
 - Other _____
-

5 5. Have you or your organization ever hired an ex-offender?

Yes

No

6 6. If your answer to #5 is NO, what resources would you need to be in place in order to hire a person with a criminal background? (You may select more than one choice)

Ex-offender has specific job skills for my organization's industry

Insurance bond and/or other tax incentives

Ex-offender has earned a GED, high school diploma, skilled certification or higher education

Ex-offender has been referred to your organization by a person or system you trust

Other _____

I have hired an ex-offender (Does not apply)

7 7. Are you open to hiring persons that have had the following? (You may select more than one choice)

Felony

Non-Felony/Misdemeanor

Non-violent offender

Drug offender

8 8. Why did you decide to hire the person with a criminal background?

- To give him/her a second chance
 - Best candidate for the job
 - Great referral or recommendation from a trusted source
 - Other _____
 - I have never hired someone with a criminal background
-

9 9. If you HAVE hired someone with a criminal background, what type of positions have you hired ex-offenders for? (You may select more than one choice)

- Management
 - Entry-level position
 - Customer service (Could include answering phones/secretarial position)
 - Front end/Direct customer contact
 - Other _____
 - I have never hired someone with a criminal background
-

10 10. What is your company policy for hiring people who have criminal records?

- Must go through a background check (prior to hire or during probationary period)
 - Must submit to drug/alcohol testing
 - Additional interviewing process
 - We do not hire ex-offenders
 - We do not have a policy for hiring people who have criminal records
 - Other _____
-

11 11. Please select the average amount of direct contact your employees have with customers

- No contact
 - Limited contact
 - Constant contact
-

12 12. At what point during the application process do you run a criminal background check?

- Before interview request
- After interview
- Before offering position
- During probationary period
- We do not run background check

End of Block: Default Question Block
