



Position Paper: Ban the Box

The company believes that people who have served their time should have the opportunity to be judged primarily on their qualifications. We support Ban the Box provisions, which delay when a prospective employer can ask about an individual's criminal history until after he or she has been granted an initial interview.

Ban the Box Policies that We Support

- The Fair Chance Act ([H.R. 1905](#), [S. 842](#))
- Maintenance of [President Obama's November 2015 Executive Action](#) and [the Office of Personnel Management's December 2016 Final Rule](#), which banned the box in the federal hiring process
- State-level legislation currently pending in South Carolina, as well as states that introduce similar measures in the current or upcoming legislative seasons

Why We Support Ban the Box

One barrier to finding steady employment for former inmates occurs when they are eliminated right from the start of the hiring process because of their criminal history. In a [2001 survey](#) administered by academics from Georgetown University, the University of California, Berkley and the University of California, Los Angeles, employers from Los Angeles were asked if they would accept an applicant with a criminal record. More than 40 percent of employers responded that they would “probably” or “definitely” not be willing to hire an applicant with a criminal record for a job that did not require a college education.¹

Ban the Box legislation provides former inmates an opportunity to clear the first hurdle in the employment process without their criminal history automatically disqualifying them from a potential job opportunity. Provisions have been passed or have gained traction in many jurisdictions across the country, with [29 states and the federal government](#) having adopted the policies for hiring in government agencies as of August 2017.²

In addition, nine states have banned the box for private industries and many businesses. Major retailers Walmart and Target, for example, have themselves eliminated the criminal history question from their job applications nationwide. States that have passed Ban the Box measures represent every region of the country with state legislatures and governorships controlled by both parties, indicating broad political support for these provisions at the local level.

The company supports new efforts at the state and federal levels to promote the employment prospects of those who reenter communities upon leaving its facilities. We're proud that the many programs offered in our prisons and residential reentry centers help those formerly in our care gain and keep employment.

Beginning in 2016, CoreCivic's application for employment no longer contains a "check the box" for applicants to disclose prior criminal history. In order to comply with certain federal and state

¹ <https://www.irp.wisc.edu/publications/focus/pdfs/foc232h.pdf> (Page 41)

² <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>

requirements, as well as contractual requirements of our government partners, the application process does contain some questions aimed at specific crimes (e.g. prior domestic abuse convictions) that may impact eligibility for employment.

While government restrictions and the security nature of corrections may prohibit the hiring of ex-offenders for certain jobs, as a matter of company policy ex-offenders who are otherwise qualified applicants are not automatically excluded from employment consideration. In fact, the company has employed ex-offenders in meaningful careers such as addictions treatment counselors.



Position Paper: Protections for Employers that Hire Former Inmates

The company urges government leaders to create robust protections for employers who hire individuals with criminal histories. When employers hire former inmates, they incur legal risk, consequently decreasing the likelihood of employment for these individuals. However, if that risk can be reduced, the job prospects for former inmates can be improved.

Employer Protection Policies that We Support

- State policies similar to those of the Ohio [Certificates of Qualification for Employment](#) program
- Increased funding for inmate work programs within the Commerce, Justice, Science, and Related Agencies Appropriations Act

Why We Support Employer Protections

Barriers to employment increase recidivism. In a [2012 study](#) from the University of Missouri-St. Louis, employed former inmates were 32 percent less likely to be arrested for any crime and 42 percent less likely to be arrested for a drug crime.³ This underscores the important role that having steady work can play in an individual's reintegration into society.

Laws governing the practice and liability associated with hiring former inmates vary from state to state. For example, states differ over what background information employers can access during the hiring process. In instances when employers are not allowed access to information, they are generally not liable for negligence in hiring.

Protecting employers during and after the hiring process will encourage increased employment and broaden the range of placements for formerly incarcerated individuals. All stakeholders benefit when employers are granted these protections. Former inmates are given a job, businesses expand their talent pool, families are strengthened, communities are empowered and governments reduce recidivism and prison overcrowding.

At present, there are several federal programs and public-private partnerships that aim to protect employers and incentivize them to hire people with criminal histories. Some states have passed additional legislation to incentivize employers to hire former inmates. We believe these are important steps to breaking down barriers to employment for these individuals and support similar efforts at the state and federal level.

³ <https://rsoresearch.files.wordpress.com/2012/01/drug-abuse-treatment-and-probationer-recidivism.pdf>
(Page 16)



Position Paper: Reentry Program Funding

The company urges government leaders to invest in effective reentry programs that are proven to reduce inmate recidivism, including education and GED programs, vocational training programs, addiction treatment programs, faith-based programs, victim impact programs, post-release employment programs and residential reentry.

Reentry Program Policies that We Support

- Reintroduction of legislation containing language on reentry programming similar to that contained within the Sentencing Reform and Corrections Act of 2015 ([H.R. 3713](#), [S. 2123](#)) of the 114th Congress*
- The Shift Back to Society Act ([H.R. 799](#)), which would provide funding for HBCUs to teach entrepreneurship classes in prisons
- Increased funding for reentry programs within the Commerce, Justice, Science, and Related Agencies Appropriations Act

Why We Support Reentry Programs

Providing robust, effective reentry programming in correctional facilities is the first step toward preparing inmates to be successful upon their release. In addition to improving outcomes, it is cost-effective. A landmark [2013 study](#) by the independent RAND Corporation found that every dollar spent on inmate education reduces incarceration costs by \$4 to \$5 in the first three years post-release.⁴

With regard to each specific program:

- *Education and GED Programs:* Inmates who obtain GEDs while incarcerated are [30 percent less likely](#) to return to prison.⁵
- *Vocational Training Programs:* Individuals who participate in vocational training programs while incarcerated are [28 percent more likely](#) to find post-release employment than non-participants.⁶
- *Addiction Treatment Programs:* A [2014 outcome evaluation](#) performed by the California Department of Corrections and Rehabilitation found that the recidivism rate after three years for those who completed addiction treatment in prison and aftercare programs was 21 percent versus nearly 56 percent for those who did not.⁷
- *Faith-based Programs:* A [2011 analysis](#) in *The Journal of Offender Rehabilitation* found that faith-based programs work to reduce recidivism.⁸
- *Victim Impact Programs:* Inmates participating in these programs gain a better understanding of the impact of their crimes, and they are encouraged to accept responsibility.

* CoreCivic has a long-standing policy not to advocate for or against any policy that serves as the basis for – or determines the duration of – an individual’s incarceration or detention.

⁴ <https://www.rand.org/news/press/2013/08/22.html>

⁵ https://www.rand.org/pubs/research_reports/RR266.html (Page 57)

⁶ https://www.rand.org/pubs/research_reports/RR266.html (Page xvii)

⁷ http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/2014_Outcome_Evaluation_Report_7-6-2015.pdf (Page 43)

⁸ <http://www.tandfonline.com/doi/abs/10.1080/10509674.2011.582932>

- *Post-release Employment Programs:* Employed former inmates are 32 percent less likely to be arrested for any crime and 42 percent less likely to be arrested for a drug crime, according to a [2012 study](#) from the University of Missouri-St. Louis.⁹
- *Residential Reentry:* In a [2013 assessment](#) of San Diego County, participants in the three evaluated community corrections programs had significantly lower recidivism rates than all “other sentenced” jail inmates.¹⁰

⁹ <https://rsoresearch.files.wordpress.com/2012/01/drug-abuse-treatment-and-probationer-recidivism.pdf>

(Page 16)

¹⁰ [http://www.jfa-](http://www.jfa-associates.com/publications/jss/San%20Diego%20County%20Community%20Corrections%20Evaluation.JFA%20Institute.2013.12.02.pdf)

[associates.com/publications/jss/San%20Diego%20County%20Community%20Corrections%20Evaluation.JFA%20Institute.2013.12.02.pdf](http://www.jfa-associates.com/publications/jss/San%20Diego%20County%20Community%20Corrections%20Evaluation.JFA%20Institute.2013.12.02.pdf) (Page 2)



Position Paper: Social Impact Bonds

Social impact bonds are a form of public-private partnership in which the government enters an agreement with the private sector to manage a public program with certain targets and outcomes that must be achieved. If the program does not meet those goals, then the government does not have to pay the bond. The company supports the creation of pilot programs to test the use of social impact bonds as a way to fund programs that combat recidivism.

Social Impact Bond Policies that We Support

- The Social Impact Partnerships to Pay for Results Act ([H.R. 576](#))
- Increased funding for Pay for Success grants within the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, which could be used to fund social impact bond pilot programs

Why We Support Social Impact Bonds

Social impact bonds were first adopted in the United Kingdom in 2010. The Ministry of Justice and Social Finance, the third-party intermediary, received £5 million from private charities and investors to provide services to individuals incarcerated at HMP Peterborough Prison. The program's stated goal was to reduce recidivism by 10 percent for each cohort or 7.5 percent overall. Social Finance [recently reported](#) that recidivism rates of individuals leaving Peterborough decreased by 9 percent, with a return to investors of just over 3 percent.¹¹

Although this is a relatively nascent financing tool, the company believes that it can complement existing efforts to provide innovative ways to encourage recidivism reduction. These programs incentivize successful programs, as they do not require government payment if certain benchmarks are not met.

¹¹ <http://www.socialfinance.org.uk/wp-content/uploads/2017/07/Final-press-release-PB-July-2017.pdf>