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## The Employability of Former Criminals

Miranda Donnell

*University of Southern Mississippi*

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The University of Southern Mississippi

The Employability of Former Criminals

By

Miranda Donnell

A Thesis  
Submitted to the Honors College at  
The University of Southern Mississippi  
In Partial Fulfillment of the Requirements of  
a Bachelors of Science in Business Administration  
in Business Management



Approved by

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Russ H Willis, J.D., Thesis Advisor  
Professor of Practice of Management

---

Joseph Peyrefitte, Ph.D., CPA, Chair  
Management and International  
Business Department

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Ellen Weinauer, Ph.D., Dean  
Honors College

## Abstract

This thesis presents a view into the way employers view hiring decisions with particular focus on the hiring of former criminals, and what information these hiring professionals require in order to make what they would consider an educated hiring decisions related to the risks associated with hiring individuals with prior criminal histories. While there are thousands of people looking for jobs in the United States, there is a parallel employment gap for former criminals. For numerous reasons, the unemployment rate is much higher for former criminals. Abundant research has found that, in general, employers and the public believe two very basic things: individuals who serve time for their crimes should be given a second chance and employers should try to help people get back on their feet after these people diligently serve their time in prison. The harsh reality is that it is enormously difficult for former criminals to find work and build a sustainable life after serving time in prison. Therefore, this thesis will explore the use of background checks in hiring decisions, employer views on the information that background checks provide, employer views on hiring personnel with criminal backgrounds, what information these employers use and would like to use in making hiring decisions, the risks of hiring an individual with a criminal background, and what may or may not make these hires successful. This paper provides answers to two very important questions: *What information do employers need to make an informed hiring decision as it relates to hiring individuals with criminal histories?* and *Is more detailed information enough to mitigate the perceived risks of hiring someone with a criminal record?*

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## **Reasoning for Research**

Many former criminals are simply unable to find work. The United States Department of Justice reports that over 10,000 people are released from prison each day (justice.gov). This number can be thought of in combination with the January through September 2016 average unemployment rate released by the United States Bureau of Labor Statistics of 4.91% (bls.gov). Recidivism, the point at which a former criminal commits another criminal offense and falls back into criminality, is more common than not. Well over half of the people released from prison, 67%, will go back to prison at some point (justice.gov). People who have been to prison often go back to prison, and much of this stems from the fact that former criminals are unable to integrate back into society. Functionally integrating back into society involves a variety of factors. One of such factors, according to Uggen, is employment, as employment is a life event that decreases the likelihood of recidivism (Uggen 2000). However, finding employment is not as easy as it might seem for individuals with criminal histories, and these individuals need employment to be able to avoid becoming a repeat offender and going back to prison. This shapes up to be a vicious cycle for individuals with criminal backgrounds. Upon release from prison, a person has a high likelihood of going back to prison. If the former criminal finds a job that chance decreases, but finding a job is difficult because of the job market and their criminal record, and if the former criminal does not find a job they are more likely to go back to prison (Uggen 2000).

The staggering number of people released from prison each day compounded with the United States' relatively high unemployment rate and recidivism shape up to be a difficult situation for the United States government, employers, and individuals with criminal histories. Almost every employed individual has been subject to a background check at some point in time.

In fact, background checks are conducted so often that many of us without criminal histories forget that these checks even exist. Simply being required to take a background check usually means you have advanced through at least one interview stage. For former criminals, this requirement is different. Background checks put former criminals in disadvantageous situations (Freeman 2008). Former criminals have a hard time finding work as it is, but combine this with the fact that there are a lot of people, many who do not have criminal backgrounds, looking for work and there is sure to be a crisis. The criminal background check is an easy way to narrow the applicant pool as well. When choosing between two prospects that have already been interviewed, it is a no-brainer for many employers to choose the individual who has not been to prison. All of this seems logical regardless of the fact that the process itself destroys the chances for many people with criminal backgrounds. With all of this in mind, it is imperative to discover the underlying assumptions that employers have about hiring people with criminal backgrounds and to also explore the successes and failures that employers have had in hiring former criminals. It is only through success and failure that employers can truly see the results of hiring people with criminal records in their fields. Although it is unlikely that employers will read this paper and immediately hire a former criminal, employers can at the very least reference successes and failures of other employers and evaluate how this may affect their industry. After all, industry experts are the only individuals who can truly judge whether or not they will ever adopt these practices.

## **Literature Review**

### *Hiring Personnel and Background Checks*

Simply put, employers must hire employees. Very few businesses run without any employees whatsoever. Employers often become highly skilled at hiring the right person for the



job, but there are still enormous chances taken when an employer makes a hire. Hiring decisions inevitably involve chance, but ultimately it is the employers that are responsible for the people they hire. Many employers use background checks as a way to reduce their chances of becoming legally and financially liable for the unethical or illegal actions taken by those they employ (Lam and Harcourt 2003). Employers want to verify as much information as possible in order to make hiring decisions that will not lead to legal and financial turmoil. However, researchers do suggest that it is dangerous to blindly allow employers to throw out all applications of people with criminal records because any social steps toward the solution to the employment gap of former criminals would be useless (Petersen 2015). Backman also claims that employers have “vocabularies of motive” in utilizing such checks in their individual hiring processes (Backman 2011). “Vocabularies of motive” means that employers have many justifications for using such background information (Backman 2011). For many reasons, including the risk that employers take and their reasoning for utilizing background checks, background checks will likely stay around and employers will use them barring any laws making background checks illegal. Employers feel it necessary to use background checks because such checks allow employers a way to avoid being blindsided (Dwoskin, et al. 2013). In particular industries, background checks are of utmost importance because job-related licenses cannot be held by people who have committed felonies. An example of such an industry might be the Insurance and Financial Services industry. In industries like these, employers may never be able to hire former criminals. Other industries, however, do hire and would hire former criminals. Many employers cite that they would hire a convicted felon, but many do not take this action because there is no meaningful way to determine beforehand if hiring an individual with a criminal history will ultimately hurt the company (Tonowski 2015). Along with the legal concerns of employers, there

are substantial logistical concerns that can easily turn legal, such as placing former criminals and non-criminal employees on the same work teams. These employers might be concerned that the non-criminal employees would feel uncomfortable or intimidated by their former criminal counterparts. Two main reasons given by employers for using background checks are keeping the company safe and considering customer demand (Backman 2011). Also, background checks protect the company from increased fraud and falsified documents like resumes, diplomas, and certificates (Schloss and Lahr 2008). Employers also face many pressures in making hiring decisions because of the need to find the ideal employee for the job (Dwoskin, et al. 2013). Hiring managers are charged with hiring the right people for the right jobs. Therefore, hiring managers painstakingly seek the person to best fill the position and fit with the team already in place. Not hiring the right person for the job can have negative employment consequences for the hiring managers. Another problem for hiring managers is that there are many unemployed and, consequentially, many resumes and applications to sort through in making preliminary employment decisions, including which candidates to interview. The internet has become helpful to many employers in sorting out resumes and verifying information. With these technological advances have come the abundant capabilities to research employment candidates online. With so many employers using this readily available information, the legality of these informational resources and research processes are being scrutinized (Reicher 2013). Employers must place certain degrees of attention on following regulation of background checks as well and Google searches and even further down the line, drug tests (Dwoskin, et al. 2013).

Background checks can be a powerful tool for employers, but they are not without their disadvantages. Tonowski (2015) claims that employers face tough realities in their use of background checks because they may have differing personal convictions and personally believe

that people should be given second chances, but they face significant consequences if something goes wrong with the hiring process. Appealing to both your personal convictions and also representing your company often become intertwined. Freeman (2008) suggests that background checks could be a lot more useful to employers who want to avoid the risk of hiring a former criminal if they contained additional information outlining specific criminal history. Further, this research is important because other researchers have found that more employers would hire former criminals if they had access to enough information and did not have to rely so heavily on inferences (Giguere and Dundes 2002). Background checks are inefficient not only because they do not provide enough information, but also because they often simply keep former criminals out of specific industries. Although background checks are often detrimental to the employment chances of former criminals, Western (2008) points out the important fact that background checks are only a problem for criminals in the fields in which they are used. Some researchers argue that background checks are at the very core discriminatory and their use must be decreased (Peterson 2015). The way in which background checks can be discriminatory is that they have a disparate impact on certain classes of people. Disparate impact is when employers act in ways that, on the surface, are not discriminatory but have negative impacts only on certain groups. Other researchers go so far as to suggest that the Equal Employment Opportunity Commission should protect people with criminal records, which could take a step in discontinuing discriminatory action toward these people in the hiring process (Carson 2010). Further, some researchers point out that utilizing background checks can have disparate impacts, especially considering the makeup of the prison population (Valdez 2015). Because employers can argue that the criminal background check is important to their hiring process, they could potentially use this as an excuse to discriminate against an entire group of people. The Equal Employment

Opportunity Commission monitors and protects certain classes of people by race, gender, and other characteristics, but they do not protect those with criminal histories. Criminal background checks have become somewhat of a commonplace, but they do not have all the information necessary to make hiring decisions and have negative impacts on former criminals.

### *Recidivism*

Former criminals face disadvantages when they are navigating the employment process. Employers are often charged with making an employment decision between two people who have different histories – an individual without a criminal history and an individual with a criminal history. There is, of course, less risk when the employer hires the individual without a criminal history because they lack much of the information that might make the individual with a criminal history less of a risk to the organization. Many employers do believe that the unemployment rate of former criminals is too high and that society must make strides to help these people get back on their feet after they diligently pay their debts to society (Haslewood-Pocsik, et al. 2008). One simple problem is that employers often do not actually hire these people, regardless of what they report as their personal feelings.

Recidivism is a well-known concept within the criminal justice field. This term refers to a former criminal's going likelihood of returning to criminal behavior after being released from prison (Doherty 2016). Recidivism is higher for those released from prison in their twenties than other groups (Lam and Harcourt 2003). Recent research has also suggested and proved a significant positive linkage between being abused as a child, criminality, and, later, recidivism (Kim et al. 2016). A theory established by Robert Merton, known as the Anomie Theory, creates a linkage between employment and crime that strongly suggests that people resort to criminal activity due to their lack of gainful employment (Uggen 2000). This theory has been adopted and

lack of employment is now thought of as one of the strongest indicators of recidivism. Having a job leads to more stability, accountability, and purpose. Related to jobs and stability, some researchers place emphasis on the fact that those who have fewer resources are much more likely to fall into the cycle of recidivism than their working, established counterparts (Doherty 2016). If a person does not have a job, they likely do not have sufficient financial resources, which contributes to their likelihood of recidivism. Another factor that contributes to recidivism is the societal stigma that convicted felons face, and that stigma automatically lessens their chances to find employment (Batastini, *et al.* 2014).

When looking for viable candidates, employers use resumes and applications, and they extract information from those sources to understand the types of jobs in which a candidate might succeed (Cole, *et al.* 2004). Criminal history does not have a positive effect on employers when researching potential employees. A hiring manager is trained to make inferences about personality from the little information they are provided, and criminal history makes it easier to narrow down the many personalities that applicants exhibit. Whether or not this is discriminatory is not seen as relevant as long as the hiring manager hires great employees. The many stigmas about former criminals, such as the fact that they have poor social skills, also negatively impacts the employer's likelihood of hiring a former criminal. This often causes employers to avoid the risk that they already know exists when hiring risky applicants, such as former criminals. The way employers innately feel about non-law-abiding citizens immediately connects with their desire to avoid unreasonable risks in their hiring decisions (Haslewood-Pocsik, *et al.* 2008). Employers see risk as the greatest de-motivator of hiring convicted felons, often because they lack the necessary information needed to meet the legal and ethical standards to which they are held (Lam and Harcourt 2003). Although the problem has been adequately researched and it has

been established that recidivism is a problem, it is necessary to take it a step further and ask questions that will assist in designing programs to integrate former criminals back into society. If the right questions are asked, programs can be specifically created to meet certain needs that employers have as it relates to hiring former criminals, and this would ultimately help employers assume less risk in their hiring decisions. Utilizing these pieces of information, programs could be created to curb and solve societal issues such as recidivism. Researchers also suggest that the tendency to say that recidivism is “natural” has to stop because it contributes to the seemingly never-ending cycle (Pager 2006). Solutions for recidivism will start at the employer level because some employers tend to believe that former prisoners deserve second chances, and higher rates of employment for former criminals could lead to less recidivism.

#### *Where Former Criminals Do Find Jobs*

In the face of seemingly insurmountable odds, there are a number of former criminals who are able to find gainful employment and avoid aforementioned recidivism. Those who do find employment do not necessarily avoid the background check but instead prove themselves as greater than their negative background. Researchers suggest that those who are able to find a job do so in a low-skill, low-wage position, and they also work in the industries that are booming because it is even harder for a criminal to find work in a struggling industry, such as the up-and-down oil industry, flooded with capable, unemployed workers (Lichtenberger 2006). In many successful industries that require low-skill, some employers will ignore characteristics like criminal history if the candidate has the necessary training and skills for the job (Martin and Orban 1995). Therefore, it could be suggested that former criminals should look for jobs in fields that do not typically place a great importance on whether or not an individual has a criminal history, such as the fast food industry. Although these suggestions have been made, they will not,

alone, solve the problems of former criminals who seek work. Policies and laws cannot simply dictate a set list of jobs in which former criminals can work. Creating programs that have a positive impact on a former criminal's ability to find gainful employment could also help criminals break the mold that restricts them to only certain occupations.

Many former criminals have either aspirations beyond low-skill industries or earned degrees and certifications prior to incarceration, therefore, ways of finding more suitable employment must be addressed. For those with criminal histories who aspire to work in fields that are not in a low-wage industry and that do require background checks, some academics have done extensive research on the best way to look for and find a good job, given the fact that surveys find many employers in varying industries have successfully employed convicted felons (Swanson, *et al.* 2012). If an individual with a criminal history researches industries and employers that have historically hired former criminals or, at the very least, are not restricted by laws and regulations that require clean backgrounds, these individuals can cut down on wasted time and find gainful employment in industries that have more competitive employment processes. Proposed legislation aims to help former criminals, convicted of drug-related crime in particular, find work. For example, in 2015, Barack Obama was the first president to require that federal agencies eliminate their longtime practices of asking applicants about their criminal histories in the hiring process. People charged with drug-related crimes might consider voluntarily taking a drug test. Not only can drug tests allay the risk of hiring possible drug dealers and users, but research finds that when employees are told about these programs, they are much less likely to use drugs and avoid the risk that they, themselves, assume (Truxillo, *et al.* 2011). Additionally, the United States Equal Employment Opportunity Commission is taking more notice of employers' hiring practices when it comes to their use of background checks

(Valdez 2015). Not only do drug tests and voluntary after-prison programs of the sort help potential employees prove themselves, but they also lessen the same risk that employers cite as the main reason they are wary to hire former criminals. Because employers do cite that they have major concerns about risk, it is necessary to take the research further than defining that there is a problem to propose real solutions that can both help employers allay a certain amount of risk but also that have the opportunity to help former criminals find work.

### **Methodology**

This research project included a series of sixteen personal interviews. The interviewer, an Honors Student at the University of Southern Mississippi, interviewed hiring professionals who using the interview guide provided for reference in Appendix A. These hiring professionals were recruited using an IRB approved email defining the research and the reasons for the research. The participants responded either by returning emails or by calling. At this point, interviews were scheduled. The participants, in a seated formal interview, were asked a set group of eighteen questions ranging from basic question about their industries to more specific questions such as their real-life experiences hiring former criminals. These participants were interviewed in their own offices as to affirm their sense of professionalism and purpose within their organizations. The participants responded and scheduled interviews within a time period of two weeks. All of those interviewed were the people within their respective businesses and organizations who both sort applications, reach out to applicants, interview prospective employees, and make hiring decisions regularly. Regularly was defined as, in general, more than five times per year. It must be noted that these people were not recruited on the basis of their willingness to hire former criminals or their lack thereof. It was not known until the interviews whether or not these people had or had not hired someone with a criminal background.



Additionally, the recruitment email did not contain any directives that might make a potential participant believe either A) that they must have hired a former criminal to participate or B) the researcher was only interested in interviewing those who have hired former criminals. It is highly useful to have participants that have and have not employed former criminals for several reasons, such as the fact that successful and unsuccessful experiences were discussed and also those who have not hired former criminals were able to explain both their reasoning for not hiring former criminals and also what information they would need in order to do so or not do so. Each participant volunteered and was informed that at any point in the interview process they could opt out of the research if they changed their mind or they felt uncomfortable or anything of the sort.

Each participant was asked each question on the eighteen question interview guide approved by the IRB including, at the end, a very open-ended question where the participant was asked to add anything that the interview had not covered that they, as hiring professionals, felt relevant to the research at hand. The answers were recorded on paper and then stored in a locked file cabinet and were also scanned and kept in a password protected file. These participants were assured that their names and companies would not be disclosed as to protect their identities, relationships, and their business strategies as a whole. As such, all of these stipulations were and have been kept. In conjunction, each participant was asked not to disclose the names of the people they referred to in their interview as to protect those also not directly involved as their consent could not have been gained. Therefore, all accounts and findings are recorded without the use of names or organizations of those mentioned in the accounts.

## Results

Each participant in the study met the criteria set out for participants, including but not limited to the fact that each participant was actually in charge of making hiring decisions within their respective organization. The organization that each participant worked for had to employ outside people in order to be eligible for the study. This was to avoid interviewing anyone who had a very small business in which the only workers were family, as these results would be irrelevant. Each participant was then asked to indicate in which industry he or she worked. Eight participants worked in the food and beverage industry, five participants worked in the retail industry, and three participants classified themselves as simply working in the service industry. All sixteen participants advised that they utilize background checks in the hiring process. Three participants felt that background checks alone provide employers with enough information to make a preliminary employment decision. This would include the decision to move forward or discontinue the process for a candidate given the result of the background check. Only three out of sixteen (18.75%) participants think that a background check is thorough enough to determine whether a candidate moves forward in the hiring process.

When it came to criticisms of background check information, only two people (12.5%) said that they had none. Out of the sixteen participants, fourteen (87.5%) had criticisms of the information they receive from a background check. This affirms what has already been proven time and time again. There is a problem with the use of background checks and the majority of employers agree. One interesting criticism in particular is that one participant indicated that his or her company does not allow them to continue forward if someone has a criminal background. However, he or she has attended a company conference where it was mentioned by an executive of the same company that this process but it is flawed because people do not have the

opportunity to prove themselves on their background check. This same participant said that he/she has not kept count but that probably thirty people have made it to the final interview before the company found out that they had a criminal background. If background checks were not used, roughly thirty people would have gotten jobs with this company. Pieces of information needed to make an informed decision included employment history including information related to specific positions held and any gaps in employment, personality profile, ability or lack thereof to communicate effectively with others, educational history, and specific criminal history including the crime, length of time served in prison, parole, behavior in prison, and any after-prison societal or job training. These participants advised that they use resumes, recommendations, employment verification, and background checks to investigate a potential employee. All sixteen participants indicated that they research employment candidates on the internet. Ten out of sixteen (62.5%) indicated that this is something they do before they even invite someone for a phone interview. The places they indicated that review are social media, professional social media, company websites, and news sites. Out of sixteen participants, seven (43.75%) percent, advised that they had hired an individual with a criminal background. The reasoning and information that led to hiring these individuals was vastly different between participants. One participant admitted that he/she had hired an individual with a prior criminal history for a low-level position solely based on who was willing to take the lowest pay. Another participant said that a candidate, who also happened to be a former criminal, had voluntarily presented recommendations, and this was impressive as the individual was applying for a low-skill job. Yet another participant indicated that he/she felt comfortable with the way the person interacted in a group interview setting. **Finally**, others said that background checks were just a technicality for their companies and that hiring a former criminal was permissible if the position

has little interaction with customers. Other responses that varied were what they would say made these employees either fail or succeed. There were seven participants who indicated that they had hired former criminals. One participant said that he/she unaware of the performance of the former criminal they hired, as they did not have interaction after the hiring, but that he/she received a recommendation letter from a local job skill program for the individual and that was what made him/her comfortable with hiring a riskier individual. Two others had similar responses in that they noticed these people working just as hard or harder than the other employees. These participants indicated that they later discussed such diligent work ethic with the employees, and the employees said that they were trying to prove that they should be there, pointing towards a probationary employment. One participant said that the employee was given a lot of support and training along the way and was hired on a probationary basis. Others said that the employees had great work ethic and were able to integrate into the organizational environment due to their willingness to work hard, participate, and be respectful of their managers or others in positions of authority.

Perceived risks included safety of managers, employees, and customers, finances, perceptions and beliefs of customers, that employees would think it was acceptable to commit crimes, repeat criminality at work, and legal issues. Concerns included how these employees might interact with others, lack of interpersonal communication skill, likelihood of danger in the workplace, money being stolen, loss of customers, and lack of respect. Three (18.75%) percent, participants said that their industry affects their consideration of candidates with certain characteristics. Discernible characteristics that make people less of a risk were interview skills, job experience, recommendations, verifiable information such as addresses, evidence of good work ethic, holding jobs for extended periods of time before or after prison, no involuntary

termination of employment, no repeat crime, rehabilitation, and social skills. All but one (93.75%) participant said that there are certain crimes that would bar employment with the organization entirely, such as murder, sexual assault, and armed robbery. The one participant who indicated that no crime would be a bar to employment further explained that he/she might still be able to hire an individual if he/she was able to know the background of a person after the crime and the circumstances of the crime, if that individual still had positive related characteristics, such as communication skills, rehabilitation, and professionalism. Six (37.5%) participants advised that there are facts and characteristics that could outweigh any criminal history. These included time as a civilian after prison, excellent social skills, trustworthiness, humility, work ethic, work experience, and rehab programs. Thirteen of the sixteen (81.25%) participants also said that they would hire someone with a criminal background given the right company, job, and information. Out of the seven participants who had employed a former criminal, each one wanted to tell their stories before the interview ended. Five of the seven employers had hired more than one former criminals, and out of the 23 combined individuals with criminal histories, employers only had two bad experiences.

### **Discussion**

All sixteen of the participants indicated that they use background checks in the hiring process, and this is not surprising. It has been established that, while background checks are not ideal or perfectly ethical, many use them. This is fairly standard, and all companies disclose this information prior to the application being submitted in wording such as “if you are chosen to move forward in the employment process, you are subject to a background check in order to be employed.” Background checks are used regularly in hiring decisions. What is interesting though is that only three of the participants felt that background checks provide enough information for

a company to make a hiring decision. Although every participant indicated that their company uses background checks, the hiring managers seriously question the amount of information that they are able to draw from background checks is sufficient to aid them in making quality hiring decisions. Further, only a select few of participants did not have any criticisms for background checks and the information background checks provide to hiring managers. This shows that many employers are relying on background checks that they and their hiring managers have serious doubts about and problems with, and therein lies the problem with the use of such background information. These same background checks that hiring managers are uncomfortable with are those that not only determine who gets hired but also place former criminals at a severe disadvantage. And the questions must be asked, if hiring managers are uncomfortable with the information, or lack thereof, that they receive, when will it become standard to use some other type of background information for hiring decisions?

A participant even felt it necessary to mention that the process their company uses is flawed. Executives of that company have even mentioned this in a public setting. However, the process of discontinuing the hiring process for an individual with a criminal background is still the way the company operates. Information that participants cite as important for hiring decisions, such as rehabilitation information, are not currently contained in typical background checks. One piece that was mentioned in numerous interviews is rehabilitation information for criminals. This is nowhere to be found. A potential employer cannot easily ascertain whether or not a candidate has had significant rehabilitation and training to acclimate to life after prison. Although the barriers to employment exist, seven participants did advise that they have hired a former criminal. That is almost half of the sixteen participants, which is somewhat surprising. It was only after hiring them that the employers were able to see that many of these employees

were solid workers and therefore quality hires. On several occasions, these individuals had better work ethic than their non-criminal counterparts. At a later time, many of those that hired former criminals were able to find out that the individuals had gone through programs that reviewed job skills, interview skills, and appropriate workplace behavior. This seems to be effective, so why is this not something in which we as a country are investing financial resources? If former criminals are theoretically able to be rehabilitated and acclimated back into society, should this not be the standard? If former criminals are able to go through programs that allow them to keep jobs once they get them, should this not be something that policymakers focus attention and effort towards? Instead of continually pointing out that there is a problem, research can be done and programs can actually be set up that provide the same type of training that smaller, private organizations offer. And if this occurs, would this not be something great to make publicly available? Even though the background check came back with some negative information, the former criminal has completed a program that teaches them certain life and job skills that they might have slowly lost while in prison. This can help them become more attractive job candidates. Future research must explore whether or not employment is positively affected when a former criminal goes through a re-acclimation program as so many employers say this would sway their opinions on hiring former criminals. If employers only want more information, that should be something that is given to them. These employers would require information such as, again, employment history including details related to positions held and any gaps in employment, personality profile, ability or lack thereof to communicate effectively with others, educational history, and specific criminal history including the crime, length of time served in prison, parole, behavior in prison, and any after-prison societal or job training. This is the type of

information that should be available to employers. If employers have access to this information, they may be able to make better employment decisions related to former criminals.

Another participant said that the employee was provided with a lot of support and training in the workplace from managers and the human resources department and that support system allowed the former criminal to excel in the position. This could be another option. Former criminals could be hired on a probationary basis until they proved that they were able to handle the demands of that particular job. There are companies who has experimented and had great success with this type of policy, such as Greyston Bakery. Greyston Bakery is a company in Yonkers, New York that makes baked goods for well-known companies such as Ben & Jerry's and Whole Food. Greyston Bakery practices an open-hiring policy. This basically means that the company hires people, many of whom come straight from prison, no questions asked. The individuals the company hires are given the opportunity to prove that they deserve the job. Rather than employing each former criminal forever, the company is committed to bettering the lives of these former criminals by providing a pathway to future, long-term employment. The individuals have a great chance to prove themselves and also gain experience that helps them get the next job. Having the experience after prison is very important in the future of the person's career.

The risks of hiring former criminals are certainly valid. The likelihood of these risks ever going away is miniscule. There will always be concern about the safety of managers, employees, and customers, and there will always be concerns about theft, but what is important to understand is that these are concerns that employers have about employees that have never been in prison as well. Arguably, every hire is a substantial risk on the part of the employer because if something bad happens, the employer can potentially be held liable for the actions of that



employee at work. Adverse actions of such employees can impact the company in the form of lost business or negative reputation. Other companies place a significant focus on what the customers think. This is a valid concern as well, but again, if the individuals have undergone extensive training, this concern is, to a certain degree, mitigated. It is not surprising that the vast majority of participants had certain crimes in mind that would always make a person ineligible for employment. All of the results, in sum, convey the fact that background checks are flawed and that employers need more information than they provide. Additionally, there are substantial concerns associated with hiring former criminals. These results point towards future research on the effects of both employment trial periods and re-integration programs.

### **Summary and Conclusion**

The simple fact is that there is a gap in employment for former criminals. Many employers cite that they would theoretically hire a former criminal given the correct circumstances. All the while, organizations have success hiring former criminals who have been through vigorous programs that teach them social and job skills as well as correct and incorrect responses and behaviors in society and the workplace. If these programs are successful, our country should focus at least some resources on growing these programs and making them available to the more than 10,000 people released from prison each day. This information should also be made readily available to potential employers in a database of some sort. Future research should aim to achieve and study this end. A study on former criminals' success in obtaining and sustaining employment would be critical to present to the federal government to suggest that this type of program could be of great use not only to our country's businesses but also a great aid in the gap of employment that former criminals face. Recidivism will not become a thing of the past, but these effects can be mitigated through the diligent allocation of resources to a specific

end. That end is making employment available to former criminals by providing employers with the information that they both need and deserve.

## **Appendix A** Interview Guide

1. What is your title within your organization?
2. What industry do you work in?
3. Do you utilize background checks in the hiring process?
4. Do you feel that background checks alone provide employers with enough information to make a preliminary employment decision (i.e. a decision to move forward or not with a candidate)?
5. What criticisms, if any, do you have of background checks and the information they currently provide?
6. What specific pieces of information do you as an employer need about a candidate to make an informed hiring decision?
7. Where do you go for information when making hiring decisions?
8. Have you ever hired an individual with a criminal background?
9. If so, what information (if any) led to your decision to hire this person?
10. If so, what would you cite as reasons that these employees were either successful or unsuccessful?
11. What risks are associated with hiring an individual with a criminal background?
12. Drawing on your experience as an employer, what would be your concerns in hiring an individual with a criminal background?
13. Do employment practices in your industry affect your consideration of candidates with certain characteristics (i.e. schools cannot hire individuals with criminal backgrounds)?
14. Are there any discernible characteristics that, in your experience, make some individuals with criminal histories less of a risk?
15. Are there certain crimes that you would consider a total bar to employment?
16. Are there certain crimes that you consider to be more minor than others?

17. Are there any specific facts, experiences, or characteristics that you see as substantial enough to outweigh a criminal background in employment decisions?
18. Is there anything else you would like to share about hiring employees with criminal backgrounds?

**Appendix B**  
**Consent Form**

INSTITUTIONAL REVIEW BOARD  
**LONG FORM CONSENT**

LONG FORM CONSENT PROCEDURES	
<p>This completed document must be signed by each consenting research participant.</p> <ul style="list-style-type: none"> <li>The Project Information and Research Description sections of this form should be completed by the Principal Investigator before submitting this form for IRB approval.</li> <li>Signed copies of the long form consent should be provided to all participants.</li> </ul> <p style="text-align: right; font-size: small;">Last Edited August 28<sup>th</sup>, 2014</p>	

Today's date:	
PROJECT INFORMATION	
Project Title: The Employability of Former Criminals	
Principal Investigator: Miranda Donnell	Phone: 601-325-4006   Email: miranda.donnell@usm.edu
College: University of Southern Mississippi	Department: Management
RESEARCH DESCRIPTION	
<p><b>1. Purpose:</b></p> <p>The purpose of this research is to find what information employers needs to make informed hiring decisions and whether or not employers need more information in order to mitigate the risks associated with hiring an individual with a criminal record. This research is being performed because of the large amount of former criminals who are unable to find work. The results of this research can be used to help employers make informed hiring decisions.</p> <p><b>2. Description of Study:</b></p> <p>There will be 15 interviews conducted with those people within their organizations that make the hiring decisions. These interviews will likely last around 45 minutes. The participants will be interviewed in their normal business environment and will first consent to the paramters of the interview before the interview commences.</p> <p><b>3. Benefits:</b></p> <p>As this is undergraduate research, the most notable benefit that a participant might gain is an understanding of the results of the research. As many employers who do hire candidates with criminal records are interested in bridging the employment gap for these people, they would likely be interested in the information that would allow other employers to do the same.</p> <p><b>4. Risks:</b></p> <p>The possible risks for participants in this project are mainly psychological. The most notable risk would be that an employer could recall a negative hiring experience. Some employers might be concerned about the legal implications of connecting their company's name to the research although this information will be kept confidential.</p> <p><b>5. Confidentiality:</b></p> <p>The information included in these interviews will be kept password protected. The participants will be advised</p>	

**Appendix C**  
IRB Approval Letter

**INSTITUTIONAL REVIEW BOARD**

118 College Drive #5147 | Hattiesburg, MS 39406-0001

Phone: 601.266.5997 | Fax: 601.266.4377 | [www.usm.edu/research/institutional.review.board](http://www.usm.edu/research/institutional.review.board)

**NOTICE OF COMMITTEE ACTION**

The project has been reviewed by The University of Southern Mississippi Institutional Review Board in accordance with Federal Drug Administration regulations (21 CFR 26, 111), Department of Health and Human Services (45 CFR Part 46), and university guidelines to ensure adherence to the following criteria:

- The risks to subjects are minimized.
- The risks to subjects are reasonable in relation to the anticipated benefits.
- The selection of subjects is equitable.
- Informed consent is adequate and appropriately documented.
- Where appropriate, the research plan makes adequate provisions for monitoring the data collected to ensure the safety of the subjects.
- Where appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of all data.
- Appropriate additional safeguards have been included to protect vulnerable subjects.
- Any unanticipated, serious, or continuing problems encountered regarding risks to subjects must be reported immediately, but not later than 10 days following the event. This should be reported to the IRB Office via the “Adverse Effect Report Form”.
- If approved, the maximum period of approval is limited to twelve months.  
Projects that exceed this period must submit an application for renewal or continuation.

PROTOCOL NUMBER: 16090701

PROJECT TITLE: Employing Candidates with Criminal Backgrounds

PROJECT TYPE: New Project

RESEARCHER(S): Miranda Donnell

COLLEGE/DIVISION: College of Business

DEPARTMENT: Management and International Business

FUNDING AGENCY/SPONSOR: N/A

IRB COMMITTEE ACTION: Expedited Review Approval

PERIOD OF APPROVAL: 10/4/2016 to 10/03/2017

**Lawrence A. Hosman, Ph.D.**

**Institutional Review Board**

## Results Chart

SUMMARIZED INTERVIEW QUESTION	YES	NO
UTILIZE BACKGROUND CHECKS IN THE EMPLOYMENT PROCESS	16	0
BELIEVE BACKGROUND CHECKS PROVIDE ADEQUATE INFORMATION	3	13
HAVE CRITICISMS OF BACKGROUND CHECKS	14	2
RESEARCH CANDIDATES ON THE INTERNET	16	0
RESEARCH CANDIDATES ON THE INTERNET PRIOR TO PHONE INTERVIEW	10	6
HAVE HIRED A FORMER CRIMINAL	7	9
INDUSTRY AFFECTS VIEW OF CRIMINAL HISTORY	3	13
CERTAIN CRIMES COULD TOTALLY BAR EMPLOYMENT	15	1
CERTAIN CHARACTERISTICS COULD OUTWEIGH A CRIMINAL HISTORY	6	10
GIVEN THE IDEAL INFORMATION, WOULD HIRE A FORMER CRIMINAL	13	3

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