

# REINTEGRATION RESEARCH AGENDA

## OVERVIEW

At Arnold Ventures, we believe that a criminal record should not be a permanent punishment. We are working to advance policies that expand opportunity and strengthen community safety through reducing legal and structural barriers that prevent people with criminal records from engaging in society as full citizens. The purpose of this research agenda is to communicate our priorities for development of research projects that will add to the evidence base, inform our investment and advocacy strategy, and benefit the field as a whole. In terms of scope and definition, our use of the term *reintegration* is not narrowed to people's immediate return from prison or jail or to those facing specific challenges of reentry. Instead, we have focused the reintegration portfolio on all people with criminal records. In addition to supporting our policy goals, this research agenda is also intended to advance our commitment to racial equity given the overrepresentation of Black, Brown, and Indigenous people in the criminal legal system and the legacy of slavery and racism in our nation's institutions and structures. Since Black men, in particular, are overrepresented among those with criminal records and therefore disproportionately impacted by legal and structural barriers to reintegration, we will use our research investments as a critical opportunity to inform how policy can advance racial equity.

## GOALS FOR FUTURE RESEARCH

While Reintegration is a complex process that involves interaction with systems in a number of areas, presently Arnold Ventures focuses its work in the key areas of employment and housing. We have identified three goals for our research across those aspects of reintegration:

1. To further refine understanding of the range of legal and structural barriers and supports that affect reintegration.
2. To examine the ways that barriers and supports are related to outcomes.
3. To evaluate the impact of reforms and policy changes.

As our work continues to evolve and expand, these goals will likely guide our research in new areas that we explore.

## OUTCOMES OF INTEREST

Our research agenda focuses on outcomes at two levels: the individual and societal. At both levels, we are interested in measures of crime, offending, and recidivism and the extent to which policy and practice is associated with reductions in criminal behavior. Although data does not always permit, we prefer measurement of criminal conviction over arrest due to relevance and accuracy (Ostermann et al., 2015). While measures of criminal recidivism are important, we also value research that incorporates measures of success in other domains. The National Academies of Sciences, Engineering, and Medicine (2022) reviewed the measurement of criminal recidivism and recommended broader measures to evaluate success to include physical and mental health, family engagement, civic participation, and desistance/behavior change. As the desistance process is related to (albeit different than) the process for reintegration, we value a similar holistic measurement of outcomes for people with criminal records and their communities.

At the individual level, we are interested in studies that broaden our understanding of safety and the role of policy and structures in promoting positive outcomes for people. Outcomes could include (but are not limited to) measures of housing (e.g., stability), employment (e.g., income, job satisfaction), education (e.g., enrollment, completion), mental health (e.g., depression, PTSD),

physical health (e.g., physiological illness), relationships (e.g., quality of romantic and familial), family (e.g., children's academics), support (e.g., friendships, spiritual community), and civic engagement (e.g., belief in legitimacy of institutions). Note that effects on family are a growing and valued area for research (Bates, 2021).

At the society level, we are interested in measures of community safety and well-being (e.g., economic outcomes) as well as studies that assess the extent to which reintegration policy serves the broader public interest of being effective, efficient, fair, and just.

Finally, reintegration outcomes may be interrelated across sectors. A policy or system may produce effects on multiple outcomes, and those outcomes may in turn have a relationship with one another. For instance, removing housing barriers or increasing supports may increase educational attainment and employment, which in turn are likely to reduce criminal behavior. Therefore, we are particularly interested in research that includes outcome measures in different domains as they have the potential to be more informative than more narrow studies.

## METHODS

We are interested in projects that will improve both AV's and the field's understanding through descriptive studies; pilot and feasibility studies that set the stage for future causal impact studies; causal studies that use experimental and non-experimental designs to demonstrate the impact of policies or interventions on key outcomes; research on the implementation of policy change; and rigorous reviews and assessments of the literature.

We are particularly interested in studies that use a racial equity framework. We encourage studies that shine a light on the experiences and perspectives of those who have been historically marginalized and studies that identify transformational solutions to improve the lives of the people and communities most impacted by the criminal legal system, crime, and violence. As part of our interest in supporting research projects that can advance racial equity and justice, we are interested in:

1. Projects that are conducted by research teams that include Black, Brown, and Indigenous people, those with life experiences related to the issues being studied, and from the communities/groups being studied;
2. Projects that include the experiences, perceptions, and expertise of Black, Brown, and Indigenous people and those who have direct experience with the criminal legal system throughout the research project; and
3. Projects that critically examine the role of race and racism in policy and practice and the extent to which policy and practice reduce racial disparities and advance racial equity and justice.

## Applying Research Goals to Key Sectors

Within the domains of the reintegration landscape, employment, and housing, we apply our three research goals to support our strategic policy focus, underlining key questions. The illustrations below are by no means exhaustive of the barriers or supports to examine, and we encourage fresh ideas for subjects of exploration.

## Reintegration Landscape

About one-third of adults in the United States have a criminal record (Vallas & Dietrich, 2014; The Sentencing Project, 2015; US Department of Justice, 2018). Collateral consequences from those records erect barriers to full participation in society, and this harms people, families, and communities – ultimately damaging public safety (for a discussion specific to reentry, see: Travis, 2005). Despite this broad understanding, specific questions remain unanswered that would inform policy changes. For example, prior research on the prevalence of criminal records in the population uses estimation that has resulted in a great range in the results and lacks specificity on sub-groups. Updated estimations through improved data access would advance knowledge of the scope of the problem. Therefore, we seek research that produces a more refined estimate of the number of people who have a criminal record nationally and in a specific jurisdiction (e.g., in a single state), including by sub-groups (e.g., type of record, age,

neighborhood). While prior research has cataloged the number and variety of explicit legal barriers that people with criminal records face, knowledge is limited in areas where barriers can be discretionary. For example, public housing administrators often have discretion in the application of criminal background checks despite the growth in policy protections in this area. Research that documents these domains and the ways that barriers persist despite policy reforms would help to identify locations for policy reform and ways to improve future efforts.

## Employment

The relationship between employment and reductions in recidivism is well documented (Ramakers et al., 2017; Sampson & Laub, 2003; Uggen, 2000; Uggen & Wakefield, 2008). Prior research has also produced an inventory of the restrictions on employment for people with criminal records (U.S. Commission on Civil Rights, 2019). The over 29,000 employment-related collateral consequences diminish employment opportunities by limiting (1) the ability of employers to hire or retain workers with records, (2) access to occupational and professional licenses, and (3) access to business licenses and resources needed to pursue self-employment and entrepreneurial opportunities. Nearly half of all employment-related collateral consequences in the country are mandatory and imposed automatically without regard to the specifics of the offense, how it relates to the job at hand, and whether the person has been sufficiently rehabilitated (Jones, 2015; Flake, 2015).

### Scope of the Problem

Knowledge is lacking on the size of the population affected by these collateral consequences. How many people are potentially denied the opportunity to secure a job due to employment restrictions? What is the size of that population by location (e.g., state, neighborhood), race, gender, and other key characteristics?

A variety of policies aim to increase employment for people with a criminal record. These include such approaches as record expungement or sealing, limiting background checks, reducing exclusionary licensing requirements, and providing incentives for employers to hire people with a criminal record. While research has examined some key reforms, we seek assessment of such policy reforms in greater depth using our outcomes of interest. What policies are effective at safely increasing hiring of people with a criminal record? What additional impacts do they have on the individual and society level?

### Blanket Bans of Those with a Criminal Record

Research has provided a number of insights into risk assessment for people with a criminal record. Most people with a *criminal conviction* do not acquire a new one (Bushway et al., 2022; Kalra et al., 2022), and two-thirds of people who leave *prison* do not return for any reason (Rhodes et al., 2016). These two studies upend the common thinking that people who have been convicted of a crime or who were incarcerated

are perpetually dangerous and irredeemable. Nevertheless, it would be a mistake to not recognize that some people do reoffend. Examining the amount of time people with a prior arrest needed to stay arrest-free to have the same risk of arrest as people who had never been arrested, Blumstein and Nakamura (2009) found that the estimation depended on the age and crime type for the earlier arrest but was generally only a few years. That result is consistent with the observation that almost all people follow a life trajectory that leads them to desist from crime (Laub, Nagin, & Sampson, 1998; Sampson & Laub, 2003). Together, these studies indicate that having a criminal record becomes less predictive of the likelihood of rearrest or reconviction the longer a person has not reoffended – to the point when a criminal record is not informative at all. At that time, a criminal background check does not enhance public safety so should not be included in decision making, and it also provides strong evidence against blanket bans that exclude people with criminal records from specific jobs. This leads to a central question for criminal legal system policy in general and employment policy in particular: when are people who have criminal records as likely to commit a crime as those without such a background? What variables are needed to make those calculations? It is important to note that such work is *not* about determining the risk level for a specific person but rather about understanding how to formulate policy and guidelines to create opportunity.

## ***Individualized Consideration of a Criminal Record***

Almost one in four jobs in the United States require an occupational license (Bureau of Labor Statistics, 2016; Carpenter et al., 2017; Kleiner & Krueger, 2013) even though most research indicates that occupational licenses do not improve the quality of services but rather raise their cost. In order to support a safe and effective reduction in occupational licensing bans for people with criminal records, we seek additional research on policies that reduce or eliminate them. What are the effects of eliminating occupational license restrictions for people with criminal records on them, their families, and their communities? What is the effect of policies that eliminate occupational licenses for specific professions? Making occupational licenses more accessible for people with criminal records may increase employment and reduce race and gender gaps in income (Blair & Chung, 2018). What are the optimal policies for making occupational licenses more accessible to people with criminal records?

An important objective is to examine ways to increase employment when criminal records are not expunged or sealed. Research has found a variety of policies can be effective, including subsidies, tax credits, proof of rehabilitation, fair chance policies, and the federal bonding program (Cullen, Dobbie, & Hoffman, 2022; Hunt et al., 2018; Denver, 2020; Prescott & Starr, 2020). What other approaches can mitigate employer risk while balancing public safety with employment opportunities for individuals with criminal records? To elevate future reform efforts, what policies are most effective for increasing hiring of people when a criminal record is evident? What effect do such policies have on recidivism and non-recidivism outcomes? What have been the barriers to adoption

and implementation of such policies? Employers may be more willing to hire people with criminal records when they have a positive job review, suggesting an assumption of negative job performance along with a lack of safety (Cullen et al., 2022). To address this belief, we desire research that compares the job performance of those with a criminal record to those without one as well as research about other interventions that can help overcome such assumptions.

Rather than seek employment from people or organizations that may be hostile to them, many people with criminal records create and operate their own small businesses (Finlay et al., 2020; Finlay et al., 2022; Bushway et al., 2021). What are the policy barriers and supports specific to people with criminal records that affect their ability to open and maintain a business? What benefits and challenges do self-owned businesses produce for those with criminal records? What are the effects in their community (e.g., are they more likely to employ other people with criminal records)?

## ***Non-Automatic Record Clearance***

Initial research on record expungement and the sealing of records suggests they increase employment for people with criminal records, but several factors may limit people's use when the policy is not automatic (Prescott & Starr, 2020). More research can help to identify the barriers that prevent expungement/sealing and how to address them. What factors limit uptake of sealing provisions and their benefits? We seek research that assesses the process of non-automatic record expungement/sealing and its efficacy based on record type and demographics.<sup>2</sup>

## **Housing**

Being houseless and experiencing criminal legal system contact appear to be interrelated. Formerly incarcerated people are almost ten times more likely to be houseless than the general population (Couloute, 2018). A national survey of people in jail found that 15% reported experiencing houselessness in the prior year (Greenberg & Rosenheck, 2008). Yet, while safe and stable housing is important for reducing recidivism (Fontaine, 2013; Lutze et al., 2013; Hamilton et al., 2015), accessing it can be a challenge for people with a criminal record. Many federal, state, and local policies – including nearly 1,000 state laws – shape housing access for people with criminal records and their families (U.S. Commission on Civil Rights, 2019). For example, while the U.S. Department of Housing and Urban Development (HUD) outlines national guidance for its public housing program that encompasses 1.2 million households, the 3,300 Public Housing Authorities (PHAs) have individual discretion to set eligibility criteria, including blanket bans and long lookback periods for people with criminal records (Carey, 2004; Crowell, 2016; Weiss, 2016; Walter et al., 2017; Schneider, 2018). In addition, state housing-related policies often restrict people with criminal records from living in residential care facilities, allow evictions for misdemeanors, and exclude people with certain criminal convictions from the protections of state-level

fair housing laws, among other limitations. Furthermore, while HUD has issued guidance to all housing providers that excluding prospective tenants based on arrests alone or using blanket exclusions likely violates the Fair Housing Act (Schneider, 2018), the landscape of private housing providers and who they currently exclude based on criminal records is largely unknown.

### **Scope of the Problem**

We lack a detailed description of the size of the population affected by housing barriers in both the public and private spheres. How many people are potentially denied the opportunity to secure stable housing due to their criminal record? What is the size of that population by location (e.g., state, neighborhood), race, gender, and other key characteristics? Which housing barriers are the most harmful based on the number of people affected?

### **Understanding Reforms**

We are also interested in identifying policies and structures that are effective at creating meaningful access to housing and at supporting long-term stability. While research exists to identify some of the policies that prevent people with criminal records from securing stable housing, we ask which policies most hinder accessing and achieving stable housing for our population of interest? What are the core elements of effective policies (i.e., preventing disclosure or preventing consideration of criminal records) that expand housing opportunities for people with criminal records? What information does a comparative cost/benefit analysis produce of prominent policies?

Research has tended to overlook the needs of sub-groups (e.g., women, rural populations) who may have specific needs. When such groups have received study, research has found, for example, that both women and people with records in rural areas grapple with more limited housing options (Wodahl, 2006; Scroggins & Malley, 2010). Thus, we welcome research that examines which policies are most effective for providing and maintaining stable housing for groups with specialized needs.

### **The Role of Family**

Family and friends often provide housing for members who have a criminal record, including most of those returning from incarceration during their first two months (Roman et al., 2006). Yet federal, state, and local laws can set barriers for impacted families (e.g., prohibitions of those with certain drug convictions from taking residence) (Tran-Leung, 2015). What are the federal, state, and local policies that limit families that wish to provide housing for members with a

criminal record? What are the range of consequences of the public housing exclusion for people with criminal records and their families? What policy reforms safely and effectively increase the ability of families to provide housing for members with a criminal record?

### **Public Housing**

The web of federal and local laws and policies that structure access to public housing is complex and opaque. What is the landscape of PHA policies and processes that determine public housing eligibility for people with criminal records? What is the impact of those PHA policies on housing access, stability, and recidivism for people with criminal records?

### **Fair Chance Housing**

These laws have been on the rise in recent years, adopted mostly by cities and localities, and can apply to public and private housing. Their exact form varies by jurisdiction but often eliminates the ability of landlords to consider non-convictions and delays consideration of other criminal records until later in the housing application process. Are fair chance housing laws safe and effective for increasing housing for people with criminal records? What are their impacts on recidivism, non-crime outcomes, and on family well-being?

### **Landlord Incentives**

Another approach to improve housing access for people with criminal records is to expand the market of available options. For example, some states provide incentives for landlords, such as paying a portion or all of the rent, particularly for people after incarceration. Other states have created a mitigation fund that compensates landlords for excessive damages when renting to people with criminal records. Are policies that aim to boost the incentives to rent to people with criminal records effective at increasing housing access and stability for people with criminal records and reducing recidivism? One factor that may necessitate these incentives is landlords' perception of tenants with records. In addition to encouraging certain landlord behavior, we are interested in exploring projects that can correct or inform that perception. For example, how do people with criminal records compare as tenants to those without criminal records?



## CONCLUSION

The challenges people with criminal records face in reintegration are significant and steep, so Arnold Ventures seeks to remove barriers and build supports to promote their successful full participation in society. In this document, we have provided a brief overview of the knowledge provided by the research field and the outstanding questions that future research might answer, narrowing in on the sectors of employment and housing. The purpose of the research agenda is to develop the evidence base and refine thinking in order to inform and support reintegration policy change. It is designed to push AV's and the field's understanding of the landscape, of what has happened, and of what is possible. In doing so, the research findings will build a stronger foundation for the types of policy changes that can maximize opportunity and minimize injustice for people who have a criminal record.

## ENDNOTES

1. *Supports* refers to laws, policies, and structures that provide help or assistance to people with a criminal record as opposed to a barrier. Supports do not include programs. It is important to examine supports because legally removing a barrier does not ensure that people will actually be able to benefit from it or access new opportunities. Status quo structures may still prevent the removal of a barrier from having the intended benefit.
2. The Clean Slate Initiative, supported by Arnold Ventures, funds a series of research projects measuring the impact of automatic expungements. As such, it is not the focus of our research priorities in this area.

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