

Jumpstart Economic Opportunity with a Clean Slate

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Tens of thousands of Georgia citizens return to their home communities from prison each year with hopes of being hired and supporting their families.¹

But far too many are denied work opportunities as a result of their past record. While opportunities to seal records and create a clean slate exist, they are extremely limited. Georgia has one of the most limited record restriction laws in the nation. Currently, record restriction is available to individuals who:

- Have arrests that did not lead to conviction
- Were convicted of certain misdemeanor offenses
- Were considered a youthful offender (under 21) when convicted
- Have since completed their sentence
- Were not later arrested within a five-year period
- Were not later convicted of a crime²

There are more than 1,000 sanctions in Georgia law that point to criminal records as a reason to limit job opportunities for returning citizens.³ Beyond what is in the law, employers routinely screen out perfectly qualified candidates due to perceived hiring risks associated with a record.⁴

Who is Affected?

Nearly 600,000 Georgians are living with a felony conviction—one in 9 adults in the state—and half of Georgia's adults have a record of some kind.⁵

Because Black Georgians are treated disparately in policing and sentencing and thus are overrepresented in the prison system, the burden of a record weighs most heavily on Black communities.⁶ This steers Black Georgians to the bottom of the workforce, sometimes locking them out of jobs altogether.

Allowing employers to access conviction records leads to racial discrimination. The Equal Employment Opportunity Commission finds that the use of convictions as a screening tool carries a disparate effect because Black Americans are convicted at higher rates.⁷ Further, Black job applicants with a record are half as likely as similarly qualified white applicants with a record to receive a callback or job offer.⁸

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Restricting Employment Limits Economic Prosperity for Everyone

Access to criminal records can considerably shrink the number of jobs available to returning citizens and the talent available for employers. At the end of 2019, there were 229,000 unfilled jobs in Georgia.⁹

In Georgia, the unemployment rate for returning citizens is 15 percent, nearly five times higher than the statewide unemployment rate.¹⁰ An estimated 90,000 previously incarcerated people are unemployed, 72,000 more than would be expected if their unemployment rate mirrored that of the general public.¹¹

Expanding expungement and ensuring the inclusion of returning citizens leads to increased earnings, increased tax revenues and avoided costs for re-incarceration. Employment remains one of the most important ways to avoid recidivism. Each formerly incarcerated Georgian who was locked out of work due to a record lost \$36,000 in wages in 2019 alone.¹² **These lost wages amount to an estimated \$2.6 billion in wasted spending power across the state.**¹³

Georgia Leaders Can Offer a Clean Slate to Returning Citizens

Expanding the scope of record restriction facilitates the return of formerly incarcerated people into Georgia's communities and strengthens the state's workforce. As Georgia lawmakers debate multiple legislative proposals that would expand record restriction, they should consider:

- Expanding record restriction to certain felonies
- Expanding access to record restriction to individuals who were NOT youthful offenders at the time of their conviction
- Allowing individuals with restricted records to forgo the reporting of convictions that have been restricted and sealed
- Automatically expunging eligible, old records to eliminate the need to hire an attorney and allow individuals to experience the benefits of record restriction sooner

Endnotes

¹In 2019, 18,008 people were released from Georgia prisons. GBPI analysis of Georgia Department of Corrections Inmate Statistical Information Reports, 2019.

²GA. CODE ANN. § 35-3-37(j)(4)(A). Please note that this list is not exhaustive, for full context, see GA. CODE ANN. § 35-3-37(j)(r).

³GBPI analysis of the National Inventory of Collateral Consequences of Criminal Convictions, 2020. sticcenter.org/database/results/?title=Correctional%20Officer&jurisdiction=146&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1

⁴Maurer, R. (2014). When background screens turn up criminal records. Society for Human Resource Management. <https://www.shrm.org/resourcesandtools/hr-topics/risk-management/pages/background-screens-criminal-records.aspx>

⁵Data obtained by Georgia Justice Project from the Georgia Crime Information Center in email, 2019.

⁶Owusu-Bempah, A. (2017). Race and policing in historical context: Dehumanization and the policing of Black people in the 21st century. *Theoretical Criminology*, 21(1), 23-34.

⁷Equal Employment Opportunity Commission (2012, April 25). EEOC Enforcement Guide No. 915.002, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964. http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

⁸Pager, D., Bonikowski, B., & Western, B. (2009). Discrimination in a low-wage labor market: A field experiment. *American Sociological Review*, 74(5), 777-799.

⁹GBPI analysis of Job Openings and Labor Turnover Survey (JOLTS) data, 2019.

¹⁰The Prison Policy Initiative compares the 2008 national unemployed rate to the 2008 unemployment rate of formerly incarcerated individuals (the only year for which data are available on unemployment rates of formerly incarcerated individuals). The 2008 national unemployment rate was 5.8 percent; the rate for those formerly incarcerated was 27.3 percent, or 4.7 times higher. Those who had served time were more likely to be looking for work. In 2019, the unemployment rate in Georgia was 3.2 percent. If this relationship holds, an estimated 15 percent of Georgians who have been to prison are jobless.

¹¹To calculate this number, we take 15 percent of the working age released population, which is roughly 600,000 individuals in Georgia. This results in an estimated 90,000 individuals who are unemployed and at least have a prison record. If their unemployment rate mirrored the general population, there would only be 18,000 formerly incarcerated individuals unemployed.

¹²Median annual wages in Georgia. U.S. Bureau of Labor Statistics, 2019

¹³This figure assumes 72,000 workers brought off the sidelines and earning a state median wage of \$36,000, and does not control for education, occupation, and prior work experience.