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One Strike and You're Out

How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records

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Introduction and summary

Between 70 million and 100 million Americans—or as many as one in three—have a criminal record.[1] Many have only minor offenses, such as misdemeanors and nonserious infractions; others have only arrests without conviction. Nonetheless, because of the rise of technology and the ease of accessing data via the Internet—in conjunction with federal and state policy decisions—having even a minor criminal history now carries lifelong barriers that can block successful re-entry and participation in society. This has broad implications—not only for the millions of individuals who are prevented from moving on with their lives and becoming productive citizens but also for their families, communities, and the national economy.

Today, a criminal record serves as both a direct cause and consequence of poverty. It is a cause because having a criminal record can present obstacles to employment, housing, public assistance, education, family reunification, and more; convictions can result in monetary debts as well. It is a consequence due to the growing criminalization of poverty and homelessness. One recent study finds that our nation's poverty rate would have dropped by 20 percent between 1980 and 2004 if not for mass incarceration and the subsequent criminal records that haunt people for years after they have paid their debt to society.[2] Failure to address this link as part of a larger anti-poverty agenda risks missing a major piece of the puzzle.

It is important to note that communities of color—and particularly men of color—are disproportionately affected, and high-poverty, disadvantaged communities generate a disproportionate share of Americans behind bars. As Michelle Alexander argues in her book *The New Jim Crow*, mass incarceration and its direct and collateral consequences have effectively replaced intentional racism as a form of 21st century structural racism.[3] Indeed, research shows that mass incarceration and its effects have been significant drivers of racial inequality in the United States, particularly during the past three to four decades.[4]

Moreover, the challenges associated with having a criminal record come at great cost to the U.S. economy. Estimates put the cost of employment losses among people with criminal records at as much as $65 billion per year in terms of gross domestic product.[5] That's in addition to our nation's skyrocketing expenditures for mass incarceration, which today total more than $80 billion annually.[6]

The lifelong consequences of having a criminal record—and the stigma that accompanies one—stand in stark contrast to research on "redemption" that documents that once an individual with a prior nonviolent conviction has stayed crime free for three to four years, that person's risk of recidivism is no different from the risk of arrest for the general population.[7] Put differently, people are treated as criminals long after they pose any significant risk of committing further crimes—making it difficult for many to move on with their lives and achieve basic economic security, let alone have a shot at upward mobility.

The United States must therefore craft policies to ensure that Americans with criminal records have a fair shot at making a decent living, providing for their families, and joining the middle class. This will benefit not only the tens of millions of individuals who face closed doors due to a criminal record but also their families, their communities, and the economy as a whole.

President Barack Obama's administration has been a leader on this important issue. For example, the Bureau of Justice Administration's Justice Reinvestment Initiative has assisted states and cities across the country in reducing correctional spending and reinvesting the savings in strategies to support re-entry and reduce recidivism.[8] The Federal Interagency Reentry Council, established in 2011 by Attorney General Eric Holder, has brought 20 federal agencies together to coordinate and advance effective re-entry policies.[9] And the president's My Brother's Keeper initiative has charged communities across the country with implementing strategies to close opportunity gaps for boys and young men of color and to ensure that "all young people … can reach their full potential, regardless of who are they are, where they come from, or the circumstances into which they are born."[10] Additionally, states and cities across the country have enacted policies to alleviate the barriers associated with having a criminal history.

While these are positive steps, further action is needed at all levels of government. This report offers a road map for the administration and federal agencies, Congress, states and localities, employers, and colleges and universities to ensure that a criminal record no longer presents an intractable barrier to economic security and mobility.

Bipartisan momentum for criminal justice reform is growing, due in part to the enormous costs of mass incarceration, as well as an increased focus on evidence-based approaches to public safety. Policymakers and opinion leaders of all political stripes are calling for sentencing and prison reform, as well as policies that give people a second chance. Now is the time to find common ground and enact meaningful solutions to ensure that a criminal record does not consign an individual to a life of poverty.

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