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## Georgia Justice Project's 2014 Reentry Policy Recommendations

### **PROBLEM STATEMENT:**

Successful reintegration is critical in Georgia. There are more than 3.8 million people in Georgia with a criminal record, and over 200,000 of them are still serving a sentence. Approximately 95% of those incarcerated will be released and the overwhelming research indicates that the most important predictor of recidivism is access to stable and gainful employment. Yet, studies have found that the unemployment rate for people with records of conviction is as high as 65-70%. Moreover, research also indicates that a job prospect reduces the chances of a callback from an employer by 50% if they have any type of criminal record. Despite the clear fiscal need to improve the reintegration of those with a criminal record, Georgia's laws are consistently ranked by the Legal Action Center amongst the hardest for this population, particularly when it comes to access to employment.

### **RECOMMENDATIONS:**

1. **Enhance the Chance/"Ban the Box": Improve the way criminal records are considered for state employment and licensing.**

Specifically:

- No applicant for state employment should be denied based on a charge(s) that has been restricted (expunged), sealed, pardoned or otherwise did not result in conviction;
- Convictions should only be considered when there is a substantial relationship to the position or occupation; and
- Questions about criminal history should only be asked after the applicant is interviewed and given the opportunity to explain information on their criminal history before a decision is made.

2. **Protect employers from negligent hiring liability based on certain criminal records.**

Specifically:

- Criminal records should not be used to establish liability if the charge(s) has been restricted, sealed, pardoned or otherwise did not result in conviction; and
- There should be a presumption in favor of employers when liability is based on an old conviction(s) or a charge(s) that is not available from the Georgia Crime Information Center.

3. **Require private background checking companies to provide accurate information and to not disclose expunged or sealed records.**

Specifically:

- Require background checking companies doing business in Georgia to register with the Secretary of State
- For employment checks, require background checking companies maintain strict procedures that ensure adverse information is accurate and up to date.
- Provide a state remedy against companies that disseminate inaccurate, restricted or sealed criminal history information.

4. **Increase the value of the pardon so that people are afforded a valuable tool that demonstrates rehabilitation.**

Specifically:

- Establish clear criteria for eligibility that includes misdemeanor convictions; and
- Allow rehabilitated individuals with a pardon to access employment and other opportunities.
- Incentivize employers to hire people with a pardon