

Building the Table

Advancing a Sustained Federal
Commitment to Ensure Economic Justice
for Systems-Impacted Individuals



Table of Contents.

Acknowledgements.	3
JustUS Coordinating Council.	4
Letter to our partners, friends, collaborators, and allies.	5
Executive Summary.	6
Our Clarion Call for Economic Justice.	8
Getting Started Now.	11
The Big Picture. Too Many People are Impacted by the Criminal Legal and Carceral Control Systems.	14
Evidence continues to demonstrate that the criminal legal system has been the modern engineer of social and economic inequality. But we can change that.	17
Local Communities and States are Pioneering Solutions. But Not at Scale.	20
Strengthening the Federal Government’s Commitment to Economic Justice for Systems-Impacted Individuals.	22
This Is The Beginning.	31
APPENDIX: Federal Funding Flows for Employment, Training, or Supportive Services for System-Impacted Individuals	32
Letter of Support.	39
Endnotes	41

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We were honored to collaborate with the Center for Employment Opportunities and Jobs for the Future in developing the vision, theory of change, and strategy that grounded this report.

Thank you to Melissa Young who supported the research and writing for this report.

JustUS Coordinating Council.

We are indebted to the inaugural members of the JustUS Coordinating Council (JCC). The JCC is composed of directly impacted leaders across the nation. It is being built and mobilized to be the go-to resource that informs decision-making—from the federal, state, and local level allocations and appropriations—to holistically address the needs of communities most impacted by the criminal legal and carceral control systems.

The first order of business for the JCC will be to set forth a new national vision and set of actions that the federal government can take that will create economic opportunity and justice for those harmed by the criminal legal system, repair and restore rights and opportunities to individuals and families, and fully heal communities.

Founding Members of the JCC:

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Letter to our partners, friends, collaborators, and allies.

Dear partners, friends, collaborators, and allies,

The United States stands at an urgent inflection point. Fervent and necessary calls for racial justice and criminal legal system reform have led to important, but incomplete, reforms to our carceral and reentry systems and policies.

One in three Americans has an arrest or conviction record. Contact with the criminal legal system creates a permanent public record that affects nearly every aspect of a person's life. Over time, the overreach of the criminal legal system has translated into entrenched policy, legal, and regulatory barriers that deny access to opportunity for millions of people—disproportionately people of color. These policies limit or deny the ability for people to access essential pillars of economic opportunity. Often in perpetuity. The systems that created tens of thousands of these permanent punishments that exist today were not created by accident—they represent policy choices over decades that were birthed in stigma, bias, and racism and perpetuated by fear and distrust. And they can be undone.

The United States is long overdue to contend with the racist and violent history, and physical, emotional, and economic harms done at the hands of the criminal legal system. It is time we coalesce around a national vision that ensures that everyone who is systems-impacted has the full opportunity and resources to achieve economic mobility. This bold vision can alleviate the harms done by the hands of the criminal legal system and fully heal communities.

And we believe that now is the time to act.

How we advance progress is paramount. For too long people harmed by mass incarceration and correctional control have been furthest from resources and power to advance change. Today we are building a movement where people impacted by the criminal legal system hold power and agency to chart progress on their own terms.

This report lays the foundation for this essential work. Through it we seek to:

- Introduce and elevate a coalition led by people with lived expertise of criminal legal system involvement. Together they will build a federally focused, systems-impacted peoples' policy platform focused on advancing economic mobility and justice.
- Put forth a vision and set of principles that drive a national commitment to ensure that systems-impacted individuals can participate fully in our economy.
- Highlight workforce, labor, and economic justice reforms needed in federal law and regulation for people impacted by the criminal legal system to thrive.

We cannot do this work alone. Advancing this vision of advancing systemic economic justice reforms will require a myriad of partners.

We hope you'll join us.

DeAnna Hoskins

President & CEO | JustLeadershipUSA

Executive Summary.

There is a persistent relationship between poverty, inequality, and mass incarceration.¹ In all, people who have been impacted by the criminal legal system—whether arrested, convicted, or incarcerated—experience reduced annual earnings by an average of 52 percent compared with individuals who have not.² Up to 75 percent of people who have been incarcerated face unemployment up to a year after their release.³ Estimates suggest that unemployment among people with criminal records is well over 20 percent. If not for the rise in incarceration, the number of people in poverty would fall by as much as 20 percent.⁴

This is economically unsustainable. People impacted by the criminal legal system, both those incarcerated and those convicted but not incarcerated, experience an aggregate of \$372.3 billion in lost wages.⁵ It is estimated that this will cost the U.S. economy between \$1 trillion and \$1.5 trillion between 2019 and 2028.⁶

It's time for a new vision of economic opportunity and justice where all systems-impacted individuals can thrive. And systems-impacted people must be at the center of creating and driving the necessary policies to move the nation in this transformative direction. This work is the foundation of The JustUS Coordinating Council (JCC), an inaugural policy and advocacy table composed of directly impacted leaders across the nation. The JCC is being supported and mobilized to be the go-to resource that drives policy identification and creation to holistically advance economic justice reforms.

The first order of business for the JCC is to bring forth a *new national vision*, which includes a call for an *economic Bill of Rights for systems-impacted individuals*. We pair this vision alongside a set of complementary federal actions that begin to advance economic opportunity and justice for those harmed by the criminal legal system, and repair and restore rights and opportunities to individuals and families.

For starters, the JCC is calling on the White House, Congress, and Federal Agencies to allocate \$10 billion in new resources in order to comprehensively and sustainably fund reentry and workforce development initiatives for systems-impacted individuals who face acute structural barriers to employment. This allocation represents a serious commitment by the federal government to begin to repair the economic harms to individuals, families, and communities impacted by the justice system.

Additionally, the federal government with congressional and allied partners should:

- Make open and easily accessible all allied social safety resources for people who are systems-impacted, including but not limited to cash and nutrition assistance, housing, and health care.
- Leverage the full procurement power of the federal government.
- Utilize a whole-of-government approach and the full power of the federal government to address the employment, labor, and economic justice interests and rights of justice-impacted citizens.
- Serve as a model employer.

I returned to the community when I was 21 years old. I applied for hundreds of jobs within the first few months of my return.

Virtually every time I checked the box on the applications that inquired about my conviction record, I would not get an opportunity to interview for the jobs.

— JustUS Coordinating Council Member, Mark Rice

As I was preparing for my return to my community, I felt that my prospects for employment were grim. This is from someone with a college degree and formerly employed by a Fortune 500 company. I had accepted that the McDonald's across the street from my home would be where I would have to start my re-entry journey.

Only because of my connection to a pilot program I was in before sentencing did I get the opportunity to enroll in a premier re-entry program that provided educational courses taught by leading professors, mental health help, internships, a stipend, and much more.

I was lucky, but a successful transition home should not be dependent on luck.

— JustUS Coordinating Council Member, Tony McCright

When I came home from prison, I already had a skill set, experience, and relationships that I could draw on—but I was still seen as “damaged,” and it did not matter how good I was at what I could do.

After so many “no’s,” I adjusted and created my own lane and owned my own space. Using my expertise and insight, I was able to quite honestly barge back into meetings with lawmakers, policy leaders, and corrections officials and reminded them not just of what my skill set was but that I also had a new value that I was bringing to the table.

However, because I do not have letters behind my name, I still find myself having to overcome biases and prejudice, because of my criminal history. I still see the side-eye glances and the body posture changes when I meet someone who does not know who or what I am, and I still see the eyes glaze over among some who want to discount my expertise and my value.

— JustUS Coordinating Council Member, Kimberly Haven

Our Clarion Call for Economic Justice.

We want to acknowledge the progress that has been made to recognize and begin to address the economic justice imperatives of people who have been systems-impacted. State houses across the country have passed policies that have translated to economic opportunity for people impacted by the criminal legal system and nonprofit and community-based organizations have worked diligently to address the employment and economic mobility needs of people who have been systems-impacted. Similarly, we acknowledge efforts at the federal level to open doors to employment and economic opportunity for people who are systems-impacted.

These shifts are important but not sufficient.

The data, research, and the everyday experiences of people impacted by the criminal legal system described in this report tell us that we have much more to do to create economic opportunity and justice for all systems-impacted individuals, given the scope and scale of mass incarceration and correctional control in the United States. And we must move faster and more holistically to restore rights and undo harms caused by these systems.

Today, we stand together to call for a new national vision aimed at advancing economic justice for people who are systems-impacted.

The pillars of our vision include:

A national declaration that recognizes that justice-impacted citizens, their families, and their communities have employment, labor, and economic justice interests and rights that have been systematically denied.

The creation and enactment of an [*economic Bill of Rights for systems-impacted individuals*](#) that realize the employment, labor, and economic justice interests and rights of justice-impacted citizens. This Bill of Rights will ensure that people impacted by the criminal legal system, their families, and their communities can thrive.

Centering and supporting the voices, experiences, and agency of people harmed by the criminal legal system to propose reforms, solutions, and to reimagine criminal legal and carceral systems.

We're trying to build a world of inclusion, diversity, dignity, of appreciation for the skills, experiences, and voices of everyone.

A world where the past does not dictate the future.

A world where we all have access to the tools and opportunities for economic stability and mobility.

A world where I and so many others can truly belong and thrive, to define and then reach our full potential and not merely live under the illusion of inclusion.

A world where all people matter.

— JustUS Coordinating Council Member, Kimberly Haven

These underlying principles and values guide the JCC:

We amplify the power of people who have been directly impacted by the criminal legal system. We invest in, educate, empower, and elevate the voices of people impacted by the criminal legal system. Indeed, no movement for social, racial, or economic justice has ever succeeded without the full participation and leadership of those most affected.

Listen and build power in local communities. We recognize that local communities are epicenters of hurt, healing, innovation, resilience, and resistance. Alongside our partners, allies, and collaborators we seek to listen and support people in their local communities.

Practice a shared liberation and human rights orientation. We are not free until everyone is free. This movement will not distinguish or discriminate against access to rights restoration or economic justice based on arrest, type of record, or felony conviction. All too often, the carceral system assigns labels and distinctions during arrest, conviction, and sentencing that carry a ripple effect of barriers for people labeled by the system. These distinctions have been historically leveraged to determine who is deserving or not deserving of rights restoration or economic opportunity. We seek to end this practice. We believe in the dignity and worth of all people, regardless of race, ethnicity, religion, gender, sexual orientation, physical or mental ability, immigration status, or involvement with the criminal legal system. We seek to have an impact on past harms and poor treatment of people whose fundamental rights have been violated and restore human dignity for all systems-impacted people.

Engage in collaboration to assure our success. It is critical that we collaborate in order to advance real and lasting systemic change. We recognize the intersectionality of our work and will collaborate with our allies, especially those working to dismantle systems that oppress Black and brown people and people living in poverty. Together we will build a system that is rooted in liberation.

Reimagine systems. As this report makes clear, we must optimize, retool, and reimagine existing systems, structures, and policies in order for all people to thrive. These policy reforms will create authentic and sustainable economic opportunity and justice for all.

Getting Started Now.

The work ahead will require the participation and support of our federal leaders, members of Congress, federal agency officials, and a myriad of partners. The JCC has agreed that there are critical federal policy, congressional, and regulatory changes that are ripe for action now and represent elements of a systems-impacted persons economic Bill of Rights.

They include:

- 1. \$10 billion in new resources.** While the federal government funds a range of employment, workforce, and other supports, as noted later in this report, only two statutorily guided programmatic funding streams direct employment, training, workforce, and support services specifically toward people who have been systems-impacted. These two streams are the Second Chance Act and the Reentry Employment Opportunities program which operates as a pilot program under the Workforce Innovation and Opportunity Act (WIOA) and is not currently codified under federal law as a distinct program.

In total, approximately \$200 million was appropriated by Congress for employment and training resources specifically for people returning from incarceration in FY22. (See appendix beginning on page 34). In comparison, the system of mass incarceration costs the government and families of justice-involved people at least \$182 billion every year.⁷

The following legislative and program vehicles could be promising for allocating newly expanded and dedicated resources and others should be imagined:

- Codifying and fully funding Reentry Employment Opportunities (REO) program at the scope and scale of mass criminalization and carceral control.⁸
- Building a new Reentry and Carceral Control Title within the Workforce Innovation and Opportunity Act (WIOA) that includes a fully codified REO program and ensures that workforce, training, education, and support service resources are made available in each local workforce area to people returning from incarceration, recently released individuals, and those with criminal records who are long past a conviction but who are still negatively impacted economically.

Today, I am serving as a member of the JustUS Coordinating Council, because I realize how important it is for this work to be led by directly impacted people.

I have helped to lead many campaigns at the local, state, and federal levels. The campaigns that consistently produced the best results centered the voices and the strategies of people with conviction records.

Investing in the leadership of directly impacted people will be a key component. The JustUS Coordinating Council will play a crucial role in this work to advance true liberation and true economic justice.

— JustUS Coordinating Council Member, Mark Rice

- Funding the employment, training, and workforce supports under the Second Chance Act with parity to the scope and scale of mass criminalization and incarceration.
- Opportunities within the First Step Act to direct resources to communities focused on restoring and promoting access to employment, training, education, and support services to systems-impacted individuals.

- 2. Make open and easily accessible all allied social safety resources for people who are systems-impacted, including but not limited to cash and nutrition assistance, housing, and health care.** These supports have proven themselves to lead to sustained employment. As discussed at length in this report, a range of public benefits and social supports, which can create the conditions by which people can be successful in work, are denied to people who have been systems-impacted as a matter of policy, discrimination among providers, and public systems due to regulatory laws.⁹ This is especially true in the case of access to nutrition and cash assistance.
- 3. Leverage the full procurement power of the federal government.** Specifically, the passage of the Infrastructure Investment and Jobs Act (IIJA), the Inflation Reduction Act (IRA), and Helpful Incentives to Produce Semiconductors and Science Act (CHIPS and Science Act) hold promise to leverage the procurement power of the federal government to support communities in employing and creating pipelines to good jobs for people who are systems-impacted. As discussed later in this report, the Infrastructure Investment and Jobs Act (IIJA) holds significant promise of creating opportunities in good transportation, port, energy, telecommunication, and construction infrastructure jobs.
- 4. Utilize a whole-of-government approach and the full power of the federal government to address the employment, labor, and economic justice interests and rights of justice-impacted citizens.** As described throughout this report, there are executive, regulatory, policy, and budgetary actions across the federal government and within the Department of Labor, Education, Justice, Transportation, Housing and Urban Development, Commerce, and other federal agencies that require attention as we move toward economic justice for people impacted by the criminal legal system. The White House should reconstitute and empower the Federal Interagency Reentry Council that includes the above-mentioned federal agency leaders and others, their policy and program staffs, and authority to engage with national and local experts and people impacted by the criminal legal system. The Council could be modeled off other successful federal interagency bodies with carefully selected members to drive decision making, policy, and program development decision tables and federal policy.
- 5. Serve as a model employer.** We applaud the federal government for taking steps to advance fair chance hiring through the Biden Administration's recent directives.¹⁰ We recommend building on this by committing the federal government as an employer that "leads the way" through a set of reforms that create a more inclusive workforce and drive workplace protections.

Note on Language Used Throughout this Report.

We are committed to using person-first language that dignifies individuals that have been impacted by the criminal legal and carceral control systems in the United States and recognizes the many ways that the system has impacted individuals, families, and communities. We recognize that the harms done by the criminal legal system have not only negatively impacted people directly impacted through arrest, charge, conviction, probation, or parole, but have also negatively impacted entire communities—particularly Black, brown, native, and indigenous communities—those members are disproportionately impacted by the overreach of the criminal legal system.

Throughout this report we have used the term “systems-impacted” to refer to people who have been subject to any element of the criminal legal system—including arrest, charge, conviction, probation, or parole—and people with criminal records who are long past a conviction but are still negatively impacted economically. We have used the term “returning citizen” to recognize that individuals recently released from incarceration face acute challenges to getting and keeping employment, housing, and accessing support services in their communities immediately following periods of incarceration in jail or prison.

The Big Picture. Too Many People are Impacted by the Criminal Legal and Carceral Control Systems.

The sheer scale of mass incarceration in the United States is astronomical. The United States incarcerates more people per capita than any other nation. Nearly everyone who is incarcerated will return to communities. The U.S. releases over 7 million people from jail and more than 600,000 people from prison each year.¹¹



1.9 MILLION

people are confined to prisons and jails nationwide



4.4 MILLION

people are on probation and parole

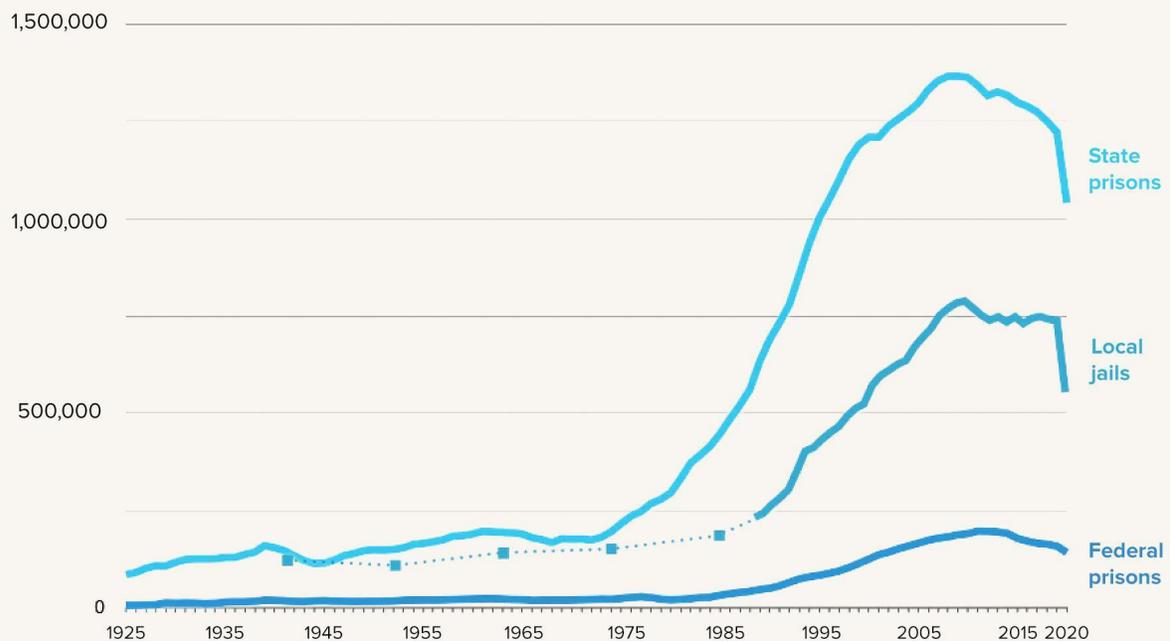


1 IN 3

U.S. adults has a criminal record

State policy drives mass incarceration

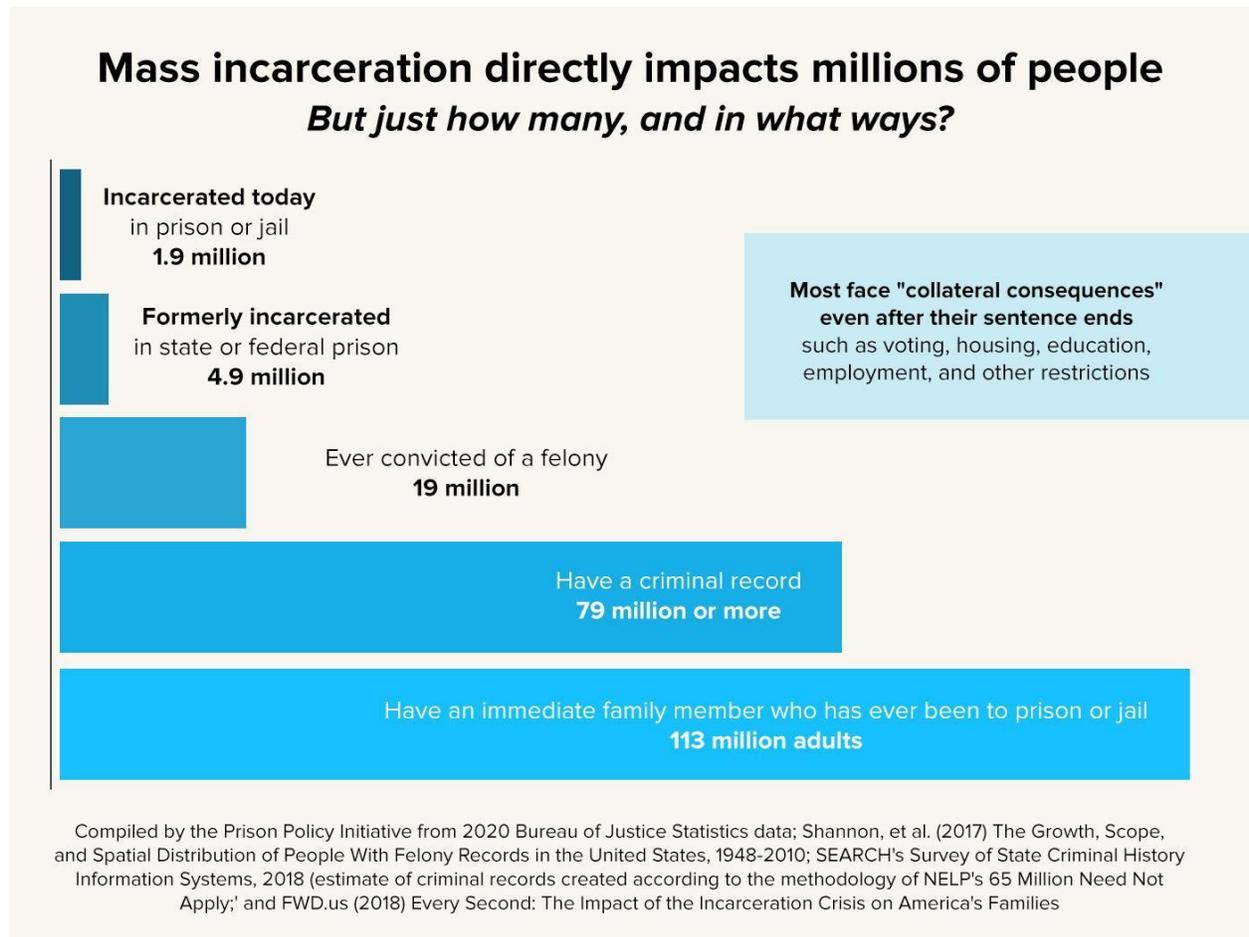
Number of people incarcerated by federal, state, or local governments on a given day



PRISON
POLICY INITIATIVE

Compiled by the Prison Policy Initiative from Bureau of Justice Statistics data. For sourcing details, see: https://www.prisonpolicy.org/data/incarceration_counts_and_rates_by_type_over_time.xlsx

Between 1980 and 2014, the United States incarceration rate increased by 220 percent, directly linked to state and federal policy changes that enacted harsher sentencing rules.¹²

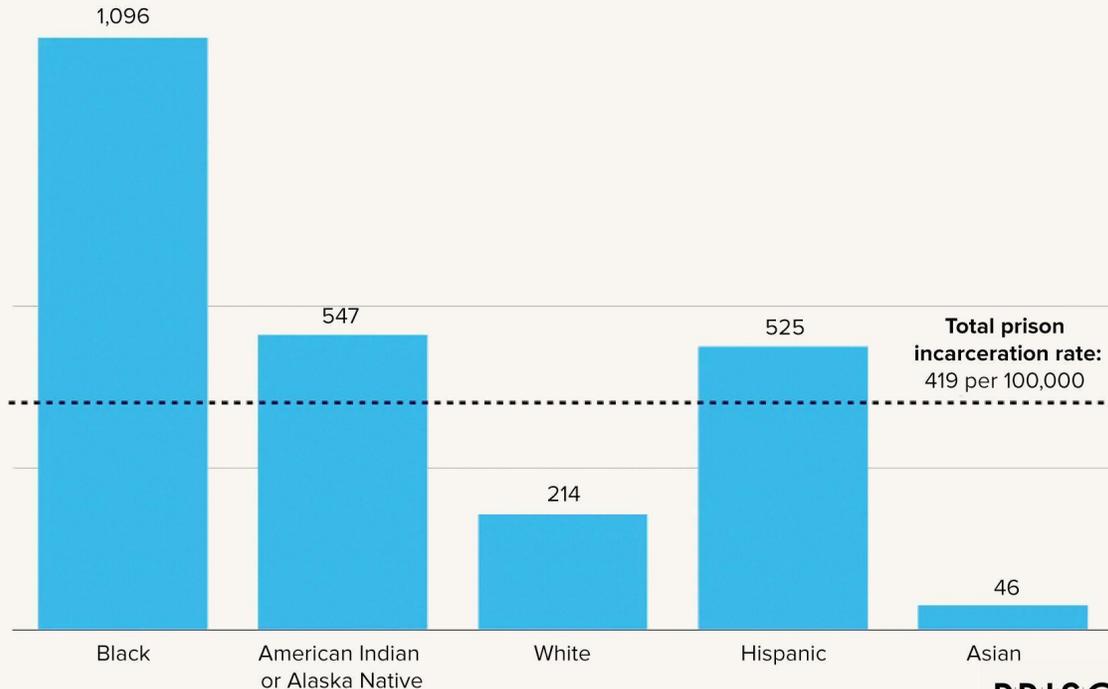


The overreach of policing, law enforcement, carceral systems, and community supervision in communities of color, because of the structurally racist foundation of the criminal legal system itself and the racially unequal treatment by the entire criminal legal system, has been well documented.¹³

Black people are more likely than their white counterparts to be arrested; once arrested, they are more likely to be convicted; and once convicted, they are more likely to experience lengthy prison sentences. Black adults are 5.9 times as likely to be incarcerated as people who are white, and Hispanics are 3.1 times as likely.¹⁴ One in three Black men born in 2001 can expect to be incarcerated in the course of their lifetimes. In comparison, the rate for Hispanic males is one in six and for white males, one in 17.¹⁵

Racial disparities in prison incarceration rates, 2019

Number of people incarcerated in state and federal prisons per 100,000 in each racial or ethnic category



Sources: Bureau of Justice Statistics, Prisoners in 2019, Appendix Table 2
Rates for AI/AN and Asian populations calculated by Prison Policy Initiative from Census 2010

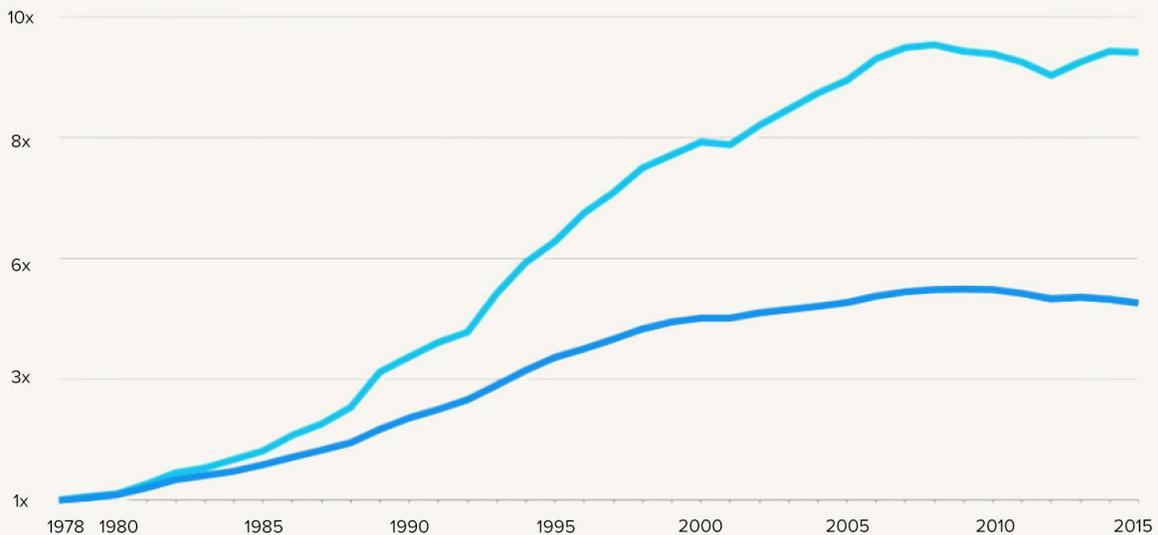
PRISON
POLICY INITIATIVE

Native Americans are incarcerated at a rate that is 38 percent higher than the national average.¹⁶ Estimates suggest that incarceration rates for Native peoples have increased by 85 percent since 2000.¹⁷ In 19 states, Native Americans are more overrepresented in the prison population than any other race and ethnicity.¹⁸

The imprisonment of women in the U.S. has seen a 475 percent increase over the last 40 years, from 26,000 in 1980 to 153,000 by 2020—a rate of growth that is twice as high as that of men.¹⁹ In 2010, Native American women made up 0.7 percent of women in the U.S. but 2.5 percent of women incarcerated.²⁰ White women are locked up only half as often as Black women.²¹ White women born in 2001 have a one in 111 chance of incarceration, while Latinx women have a one in 45 chance.²²

Women's state prison populations have grown faster than men's

Growth measured in terms of number of times greater than 1978 baseline population



For source details, see: https://www.prisonpolicy.org/reports/women_overtime.html

PRISON
POLICY INITIATIVE

Evidence continues to demonstrate that the criminal legal system has been the modern engineer of social and economic inequality. But we can change that.

The criminal legal system directly impacts people's ability to earn and sustain sufficient income, access critical supports that make it possible to engage in work, and build wealth. Mass incarceration and carceral system supervision further engineers inequality through its disparate impact on historically marginalized communities and as a tool of oppression and control. And the conditions and practices of incarceration and carceral control themselves have become less restorative or rehabilitative due to harsher conditions and fewer opportunities inside of prisons themselves.²³ Indeed, there is a persistent relationship between poverty, inequality, and mass incarceration.²⁴ As the following sections highlight, the criminal legal and carceral systems co-conspire to restrict and deny access to employment, social supports and benefits, and wealth.

Importantly, the development of policies that produced mass incarceration and mass supervision in the 20th century was not accidental. These policies were largely prompted by the political backlash to racial integration and other legal victories gained through the Black freedom struggles of the 1950s and 60s.²⁵ "Tough on crime" political rhetoric throughout the 1970s, 80s, and 90s led to legislative and policy developments that

enabled the swift expansion of the number of people in prisons and jails as well as those who were subject to probation and parole.²⁶ Alongside the swift expansion of the policies that produced mass incarceration, a corresponding set of draconian regulatory and licensing laws and policies at the federal, state, and local levels were enacted. These policies denied systems-impacted people access to social and economic mobility, including employment, education, public benefits, housing, and direct cash transfers, and a myriad of other human rights.²⁷

In all, people who have been impacted by the criminal legal system—whether arrested, convicted, or incarcerated—experience reduced annual earnings by an average of 52 percent compared with individuals who have not.²⁸ Up to 75 percent of people who have been incarcerated face persistent unemployment up to a year after their release.²⁹ Estimates suggest that unemployment among people with criminal records is well over 20 percent. Moreover, the wealth disparity particularly between people who experience incarceration and interaction with the criminal legal system and those who never do is staggering. Recent research indicates that, if not for the rise in incarceration, the number of people in poverty would fall by as much as 20 percent.³⁰

Importantly, the development of policies that produced mass incarceration and mass supervision in the 20th century was not accidental. These policies were largely prompted by the political backlash to racial integration and other legal victories gained through the Black freedom struggles of the 1950s and 60s. “Tough on crime” political rhetoric throughout the 1970s, 80s, and 90s led to legislative and policy developments that enabled the swift expansion of the number of people in prisons and jails as well as those who were subject to probation and parole.

For starters, some 45,000 statutory limitations deny access to a wide range of rights and opportunities for people with a criminal record—many aimed at denying access to employment, education, public benefits, and housing.³¹ It is estimated that 83 percent of these statutory barriers have no end date and are in full effect today.³² These barriers are deeply woven into the fabric of decision-making for employers, workforce development providers, bankers, educators, and housing providers, among others, and are weaponized to limit access to economic opportunity, wealth building, and political power.

For example, many jobs require some form of occupational licensing as a screening tool for employers, and many of these laws restrict access to job sectors based on a person’s criminal record or history of involvement with the criminal legal system.³³ There are about 27,000 state occupational licensing restrictions across the country that ban people with involvement in the criminal legal system from entering into particular occupations.³⁴ It is estimated that these restrictions prevent people who are systems-impacted from accessing ¼ of the United States’ economy.

Public benefits and social supports like nutrition assistance, housing, cash assistance, and health care, which create the conditions by which people can be successful in work or thrive in their communities, are denied to systems-impacted individuals. This happens due to barriers imposed by policy, discrimination among providers and public systems³⁵,

or are a result of limited quality job opportunities for people who are systems impacted and uneven application of worker protection laws and practices.^{36 37 38}

Additionally, employers' hiring practices are often steeped in stigma and perceived legal risk, which can obstruct access to employment and quality jobs for people who have been systems-impacted.

- When employers are presented with a Black male job applicant who reported prior incarceration, employers were twice as likely not to offer the applicant a call back for a job interview than a similarly qualified white male applicant who also reported prior incarceration. The likelihood of a call back is slightly higher for white males reporting previous incarceration than Black males reporting no incarceration record whatsoever.³⁹
- Employer aversion to hiring people with records is not explained by repetition risk alone (concern that a person will commit a crime again), it is couched in stigma. Employers may view criminal records more negatively and can assume that people with criminal records will engage in many undesirable behaviors on the job. There is evidence that employers penalize applicants with criminal records most in hiring decisions for higher status and higher wage job positions.⁴⁰

Finally, involvement with the criminal legal system also increases debt, leads to additional employment barriers, and impedes the capacity of individuals and families to build assets.^{41 42 43 44 45 46}

- Incarceration means loss of immediate income during the time of incarceration. During incarceration, being unable to make payments on mortgages or other debts leads to an accumulation of interest obligations and penalties as well as a grossly diminished credit status.
- One common penalty for not affording debt payments is revoking a driver's license, which prevents an individual from driving to work and building family and social connections as a full citizen. This penalty can further the cyclical nature of legal involvement by creating another entry point back to prison if an individual on parole must choose between earning an income and driving without a license. Incarceration can also increase household instability, placing an additional burden on the capacity to build assets.⁴⁷
- Furthermore, over one million people returning from incarceration or with past criminal justice involvement have child support related debts. The average debt of incarcerated fathers is up to three times that of other low-income fathers, estimated to be \$8,000 to \$12,000.⁴⁸ Increasing employment opportunities means that child support can be paid.

Taken together, the criminal legal system contributes to denying access to quality jobs for people who are systems-impacted; maintaining and widening the racial wealth gap; and hindering access to a range of rights, supports, and opportunities that enable economic opportunity and justice.

Local Communities and States are Pioneering Solutions. But Not at Scale.

Programs, policies, and solutions exist in communities and states to redress harms and create economic opportunity for systems-impacted individuals. States and cities have driven effective models and become critical laboratories to advance economic mobility solutions for people who are systems-impacted. Community-based organizations, nonprofit partners, and grassroots organizers and advocates are pioneering solutions and innovative approaches.⁴⁹

For example, over 40 years of research shows that subsidized employment and transitional jobs programs have a range of positive impacts for workers, families, communities, and employers—in particular, for workers who have been impacted by the criminal legal system.⁵⁰ Impacts of these programs have included stabilizing and increasing income among workers; reducing housing instability; improving health and wellbeing; improving the educational attainment of children of parents that participate in these programs; and reducing gun violence. Wages paid to participants in these programs can stimulate local economies and have been shown to improve access to public services. Employers routinely articulate the benefits of these programs. Multiple models have shown that subsidized employment and transitional jobs can reduce poverty by double-digits—and the impacts are higher for Black and Hispanic workers.⁵¹

Cities and states across the country have implemented transitional and subsidized employment programs. These programs can be especially effective when implemented in ways that allow for people to stay employed in subsidized employment strategies for as long as needed and when these strategies partner with employers offering quality jobs and fair compensation.

Similarly, the use of funding streams like the Supplemental Nutrition Assistance Program - Employment and Training Fund have been expanded in states across the country to provide access to wage-paid work opportunities and support services that make getting,

Being an individual with carceral experience has been challenging throughout the years while I continue to pursue my career, interests, and overall social standing.

Throughout my journey, I have interviewed countless times to a variety of positions with eagerness and excitement from both the interviewer and me, only to receive the standard company line of, “Unfortunately, your background check came back with some things on it which will prevent us from moving forward.” I have explained my situation, defended ad nauseum that I am no longer the same individual who has made mistakes in the past, and that I am a loyal and hardworking individual. Again, different interviews yet the same results.

Then came “ban the box”! It was an excellent attempt to shield and mask bias, but ultimately it did not move the needle enough. I was still being rejected during the last round once the offer was extended and contingent on my background check.

**— JustUS Coordinating Council Member,
Feliciano Perez**

keeping, and advancing in work possible. Recent legislative and regulatory changes in the fund have created the conditions by which these funds can be maximized for these uses. And people who are systems-impacted may be critical beneficiaries of these services.⁵²

Some states and cities have enacted “ban the box” protections—policies that generally prevent employers from considering a person’s criminal record in employment decisions or until a conditional offer of employment is granted.⁵³ Additionally, “clean slate” laws have been enacted in states that seek to automatically expunge criminal records data—an initiative that can facilitate access to housing, employment, and professional licensing among other basic needs, by removing data that could otherwise be evaluated in various screening processes.⁵⁴ While well-intentioned, recent research reports highlight that eligibility criteria for automatic criminal record relief laws used around the country can perpetuate racial inequity and decrease economic opportunity by denying access to automatic expungement for certain offenses.⁵⁵ To dismantle statutory permanent punishments in Illinois, the Fully Free campaign—led by systems-impacted individuals—is working to remove laws that prohibit people from accessing employment, education, housing, and other human rights.⁵⁶

Other encouraging policy and program shifts have focused on creating the conditions on which people who are systems-impacted have access to critical safety net resources. For example, during the height of the COVID-19 pandemic, the Center for Employment Opportunities’ Returning Citizens Stimulus project invested over \$24 million in direct cash transfers over three months to support approximately 10,500 formerly incarcerated individuals in 28 cities across six states.⁵⁷ It was the largest ever conditional cash transfer for formerly incarcerated individuals. Similar efforts to expand unconditional cash transfers for people returning from incarceration are underway in Chicago.⁵⁸

These examples are promising bright spots in our efforts to advance economic opportunity and justice for people who are systems-impacted, and they demonstrate that reforms are possible. However, these state-by-state and city-by-city reforms are in no way sufficient to address the imperative for economic opportunity among systems-impacted individuals.

Strengthening the Federal Government's Commitment to Economic Justice for Systems-Impacted Individuals.

Federal efforts to advance economic opportunity and repair and restore rights and opportunities to individuals and families have been historically slow, inadequate, and piecemeal compared to the scope and scale of the overreach of the carceral system. And this needs to change.

No single lever of government has more ability to fund new programming, influence systems change, and set a precedent as a model employer than the federal government. Moreover, the federal government has a unique role in setting national and state level agendas, leveraging its bully pulpit, and convening stakeholders to prioritize issues of national importance.

In alignment with our immediate recommendations for action, the JCC examined the federal landscape relative to **five federal levers** for change that we believe can translate into greater economic opportunity and justice for systems-impacted individuals. This summary is intended to elevate key opportunities for the federal government, members of Congress, and federal agencies to take action.

Our analysis and review are not at all exhaustive, however. The criminal legal and carceral control and monitoring systems have been built, intentionally, to deny access to economic opportunity and justice for individuals who are systems-impacted, as a form of extra-judicial punishment. Moreover, these policy choices interact with a range of other public systems and social, racial, and economic issues to reinforce inequity.

Regardless, we believe these **five federal levers** are imperative to jumpstart federal actions and support a generative process to identify and advance other federal reforms over time. We also believe that these five levers could be adopted at the state and local level to advance economic justice for systems-impacted individuals. In alignment with our recommendations for action, we call on the federal government to:

- 1. Dedicate new federal resources equal to \$10 billion.** We examined federal funding flows to employment, training, support service programs aimed at increasing employment and economic opportunity among returning citizens. We

Many policies and solutions directed at the legal system, improving public safety, and improving reentry services have failed miserably.

It is no coincidence that people impacted by these systems have rarely been consulted on what is needed. The result has been severe economic disparity.

We can solve these issues by elevating equitable solutions that benefit all.

— JustUS Coordinating Council Member, Tony McCright

recommend immediate actions by Congress, White House, and Federal Agencies to dedicate \$10 billion in new federal funds.

- 2. Make open and easily accessible all allied social safety net resources for people who are systems-impacted.** We examined federal support services that make it possible for systems-impacted individuals to be successful in work and thrive in their communities. We recommend immediate actions that can open doors to federal supports.
 - 3. Leverage the full procurement power of the federal government.** Specifically, we examined how the passage of the Infrastructure Investment and Jobs Act (IIJA) holds promise to leverage the procurement power of the federal government to support communities in employing and creating job pipelines for people who are systems-impacted.
 - 4. Leverage whole-of-government response.** We explored the import and value in having a whole-of-government response to advancing an employment and economic justice vision for federal resources and policy advancement.
 - 5. Serve as a model employer.** We examined the state of federal workforce protections, fair chance hiring, and hiring discrimination people who have been systems-impacted.
- 1. Dedicate new federal resources equal to \$10 billion.** Budgets and spending plans are moral documents. How the federal government raises and spends its resources reflects its values and commitments to people and communities. A review of federal resources focused on workforce, employment, and training opportunities specifically for systems-impacted and returning citizens demonstrates a tremendous gap relative to achieving racial and economic equity and funding parity and the programmatic allocations we find on paper.

While the JCC applauds recent efforts to direct resources toward stronger Department of Labor and Department of Justice collaboration to support greater employment resources for people who have been systems impacted, there is much more to do to ensure that federal resources are directed toward effective, equitable, and culturally responsive employment practices at the scope and scale of mass incarceration and correctional control. And to ensure that these resources are separate and apart from carceral systems.⁵⁹

A very small fraction of overall federal resources is dedicated to supporting people who have been systems-impacted in accessing quality jobs. For example, across the federal government only two statutorily directed programmatic funding streams direct employment, training, workforce, and support services specifically toward people who have been systems-impacted: the Second Chance Act and the Reentry Employment Opportunities program, which operates as a pilot program under the Workforce Innovation and Opportunity Act (WIOA). In total, the JCC found that approximately \$200 million was appropriated by Congress for employment and training resources specifically for people returning from incarceration through these funding streams in

FY22. In comparison, the system of mass incarceration costs the government and families of justice-involved people at least \$182 billion every year.⁶⁰

The JCC identified that there is broad discretion for states and localities to leverage workforce funds from across the federal government and very few of these funds are targeted at people who are systems-impacted.⁶¹ This broad discretion and lack of required federal expenditures for systems-impacted people, often leaves out these individuals. The WIOA system in particular provides broad discretion for how funds can be used and many services are not aligned with evidence-based, effective, equitable, and culturally responsive practices. The system also issues arbitrary caps on using funds for practices such as transitional jobs, which are known to be particularly beneficial for returning citizens. Taken together, communities have the option and are often incentivized to implement poor quality services, cherry-pick people to serve, and steer people into poor quality jobs, which often leaves systems-impacted individuals behind.

Moreover, pre-apprenticeship programs can support people who are systems-impacted and returning citizens by creating improved access to apprenticeship programs and good careers. Unfortunately, these programs have been woefully underfunded, and Congress has failed to pass the National Apprenticeship Act, which would steer resources toward these strategies and build more equitable programs. Complex entry requirements and a lack of accessible information can make apprenticeship programs especially difficult to navigate for people who have faced structural barriers, which is why robust and equitable pre-apprenticeship programs are so critical.⁶² The JCC found that there are still tremendous racial and gender gaps in apprenticeship programs. Registered apprenticeship programs continue to show gaps in participation and gaps in wages among women and people of color indicating that there is much more to do to create accessible and equitable apprenticeship programs.⁶³ Specifically, women remain deeply underrepresented in apprenticeship programs, and wages among women and Black apprentices are much lower than those of other apprentices.⁶⁴

The dearth of federal spending on quality employment programs and practices focused on systems-impacted individuals must be remedied. We recommend that \$10 billion in new resources are allocated by Congress, White House, and federal agencies focused on effective, equitable, and culturally responsive practices. The following legislative and program vehicles could be promising for allocating newly expanded and dedicated resources and others should be imagined:

- Codifying and fully funding Reentry Employment Opportunities (REO) program at the scope and scale of mass criminalization and carceral control.⁶⁵
- Building a new Reentry and Carceral Control Title within the Workforce Innovation and Opportunity Act (WIOA) that includes a fully codified REO program and ensures that workforce, training, education, and support service resources are made available in each local workforce area to people returning from incarceration, recently released individuals, and those with criminal records who are long past a conviction but still negatively impacted

economically.

- Funding the employment, training, and workforce supports under the Second Chance Act with parity to the scope and scale of mass criminalization and incarceration.
- Opportunities within the First Step Act to direct resources to communities focused on restoring and promoting access to employment, training, education, and support services to systems-impacted individuals.

Additionally, we recommend authentic engagement with people who have been systems-impacted to identify additional programmatic needs and resource allocations; increase and target resources toward systems-impacted individuals and evidence-based employment and training practices; build and deploy accountability mechanisms for states and localities to leverage federal funding flows; provide technical assistance and support to states and localities; and other direct actions.

2. Make open and easily accessible all allied social safety net resources for people who are systems-impacted. The United States' collateral consequence penalties for systems-impacted individuals are harsher, pervasive, and more punitive than other countries.⁶⁶ There is no shortage of examples to draw from to illustrate the ways in which federal law denies and restricts access to basic human rights such as food, cash, and housing for people who are systems-impacted. This access is critical to supporting people in engaging in work and thriving in their communities.

For example, the JCC found that in 1996, under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Congress imposed a lifetime ban on people convicted of drug felonies from the receipt of nutrition assistance and federal cash supports. While states have the option of removing or modifying these lifetime bans, the reality is that many have some form of modified ban. In keeping the option for this ban in statute, the federal government and lawmakers are complicit in denying access to critical supports that meet people's basic needs and create the conditions for people to be successful in employment.⁶⁷

The Earned-Income Tax Credit is one of the United States' most powerful anti-poverty and work-based incentive policies, however, it is currently limited to workers with dependent children. Despite fervent calls to expand the American Rescue Plan Act's temporary provisions, which allowed childless workers to leverage the EITC, Congress has not acted to make these changes permanent. Estimates suggest that expanding EITC to adults without dependent children would result in a societal benefit of \$1.7 billion to \$3.3 billion and would have an outsized, positive impact on people and families who have been subject to the carceral system.⁶⁸ Evidence also suggests that expanding EITC has the potential to support engagement in work.^{69 70}

Finally, while there is attention at the federal level, the reality is that federal law includes a mandatory ban on access to public housing for people with certain types of convictions and grants discretion to local housing authorities to deny housing based on any criminal activity. This often denies access to affordable housing for

systems-impacted individuals and their families and undermines the ability to access employment.⁷¹

The JCC believes that it is beyond time for Congress to repeal the drug felony ban and allow people who are systems-impacted to access critical nutrition and cash supports. Congress should make permanent the changes in the EITC that incentivize work for childless adults. Moreover, the federal government should take up and move swaths of legislation, regulation, and executive action that open doors for systems-impacted individuals to access other fundamental supports like housing, health care, and wealth-building opportunities.

- 3. Leverage the full procurement power of the federal government.** The federal government has significant “purse power” relative to federally funded construction and transportation infrastructure jobs. In particular, the Infrastructure Investment and Jobs Act (IIJA), signed into law in 2021, represents a historic opportunity to create millions of quality jobs and pipelines to economic security for systems-impacted individuals. The bill will invest \$1.2 trillion in rebuilding crumbling roads, bridges, and public transportation systems; supporting advanced energy technologies and clean water infrastructure; closing the digital divide; and modernizing the electric grid.

First, the JCC found that the Infrastructure Investment and Jobs Act, section 13007 (titled Workforce Development, Training, and Education) under Title 23, United States Code, Section 504(e) gives states new flexibility to fund workforce development activities with Department of Transportation (DOT) funds. States can now use unlimited funds from four large federal-aid (formula funded) highway programs.⁷²

IIJA gives states the added flexibility to fund evidence-based workforce development programs, such as pre-apprenticeship, apprenticeship, and on-the-job training. Federal guidance specifically calls on DOTs to target and expand workforce training opportunities for people to get the skills they need to compete for these jobs, especially underrepresented populations such as women, people of color, and groups with other systemic barriers to employment, including people with disabilities and the formerly incarcerated. States can also pool funds to pay for a range of supportive services including childcare, transportation, and stipends for workers.

To ensure that systems-impacted individuals can access these opportunities, the federal government alongside states and communities, need to resource and build the infrastructure to develop and expand pre-apprenticeship and apprenticeship programs. Such programs must focus on ensuring that pre-apprenticeship programs are connected to unions and blend seamlessly into apprenticeship opportunities and career paths.⁷³ Additionally, pre-apprenticeship programs should promote equitable access to pre-apprenticeship opportunities, including but not limited to, removing barriers for systems-impacted individuals, paying wages during the pre-apprenticeship program, and offering support services.

In addition to creating pipelines to the jobs being created through IIJA, the federal government should communicate and hold accountable projects funded through IIJA to Executive Order 11246. This Executive Order prohibits federal contractors and

federally assisted construction contractors and subcontractors—who do over \$10,000 in Government business in one year—from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.⁷⁴

Additionally, IIJA overturned the former federal ban on the use of local hire in construction projects. Local and economic hiring preferences are a way to encourage hiring of populations that are economically disadvantaged and underrepresented in infrastructure jobs. Now a recipient or subrecipient of a grant provided by the Department of Transportation may implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by the grant, including pre-hire agreements.⁷⁵ Local and economic hire can be written into funding announcements for competitive grants and require that a certain percentage of workers hired for the project be sourced from within the community the project is based in or from economically disadvantaged communities in the area. Preferences can be for people living in disadvantaged census tracts or people with certain barriers to employment, such as not having postsecondary education, experiencing homelessness as defined by WIOA, people who receive public benefits, or those with a criminal record.

Federal agencies—including the Department of Transportation, Commerce, Energy, Housing and Urban Development—are responsible for developing federal grant and contracting opportunities; designing accountability mechanisms to align with agencies' stated equity goals; ensuring that all contractors and subcontractors hired using funding from this legislation are following federal nondiscrimination laws for employees based on their criminal records; approving state plans; and supporting the development of partnerships at the state level to implement the broad range of projects authorized under IIJA legislation and covered under the Justice40 Initiative. Moreover, diversity reports specifically for the transportation and transportation infrastructure construction industry focused on removing barriers to job opportunities for people who have been systems-impacted, as required by IIJA, has the potential to continue to open doors to economic opportunity.⁷⁶

The JCC believes that each of these levers is an opportunity for federal agencies to ensure that systems-impacted individuals are considered and prioritized for job opportunities created through this landmark legislation. Federal agencies should elevate and communicate these opportunities to states, continue to refine agencies' funding solicitations to include people who are systems-impacted, build accountability mechanisms to ensure that jobs created are going to people who are systems-impacted, and support states and communities in building equitable pipelines and practices to support onramps into these jobs. Additionally, Congress must continue to allocate much-needed funds toward evidence-based practices that support people who have been systems-impacted in accessing these quality jobs.

- 4. Leverage a whole-of-government response.** A whole-of-government approach refers to a set of joint activities performed by diverse public agencies to support a common or aligned solution to issues. The JCC believes that adopting a whole-of-government approach to addressing the employment and economic justice needs of systems-

impacted individuals is critical to align federal resources, promote action, and establish shared accountability.

In January 2011, then-U.S. Attorney General Eric Holder established a Cabinet-level federal interagency Reentry Council, representing a significant executive branch commitment to coordinating reentry efforts and advancing effective reentry policies. From 2011 to 2016, the Federal Interagency Reentry Council (FIRC) worked together to reduce recidivism and improve employment, education, housing, health, and child welfare outcomes with a focus on collective action and coordination across the federal government. Comprised of more than 20 federal agencies, the Reentry Council coordinated and leveraged existing federal resources targeted to reentry; used the bully pulpit to dispel myths, clarify policies, and provide visibility to programs and policies that work; and reduced the policy barriers to successful reentry. In 2016 the interagency council was disbanded.

The JCC believes that the first step in reconstituting a whole-of-government approach is for the White House to re-establish the interagency council and focus its charge on the employment and economic justice interests of returning citizens and systems-impacted individuals. As described throughout this report, there are executive, regulatory, policy, and budgetary actions across the federal government and within the Department of Labor, Education, Justice, Transportation, Housing and Urban Development, Commerce, and other federal agencies that require attention as we advance economic justice for people impacted by the criminal legal system. The White House should reconstitute and empower the Federal Interagency Reentry Council to include the above-mentioned federal agency leaders and others, their policy and program staffs, and authority to engage with national and local experts and people impacted by the criminal legal system. The Council could be modeled off of other successful federal interagency bodies with carefully selected members to drive decision making, policy, and program development decision tables and federal policy.

Among other things, we believe that federal government agencies identified for the Council should be charged with developing action plans that:

- Identify new or discretionary federal level resources that can be dedicated to the employment, education, training, and support service needs of returning citizens;
- Identify federal agency actions that can promote access to existing programs and services available;
- Surface partnership or interoperability opportunities across federal agencies to align resources and initiatives;
- Identify opportunities to reduce barriers to existing federal resources; and
- Identify and leverage capacity-building resources to states and communities to implement effective, equitable, and culturally-appropriate practices to support returning citizens in accessing employment, education, training, and support services.

The JCC also believes that federal leadership and capacity-building resources will be critical to bring to bear. First, policymakers should identify and set aside funds to provide technical assistance to support states and communities in leveraging existing resources and federal flexibility; designing effective, equitable, and culturally-appropriate practices and programs; building data capacity; engaging in cross-agency collaboration; conducting program monitoring and compliance; and ensuring that returning citizens and systems-impacted individuals are centered, supported, and compensated in local and state program, policy development, and implementation decisions.

To support a whole-of-government approach, the White House Domestic Policy Council should also establish or identify dedicated staff and leadership to promote a whole of government vision and work alongside the Interagency Council. These individuals should share a commitment to building the infrastructure necessary to support a vision for the transformative power of employment, education, training, and supports for returning citizens as well as a vision for addressing federal agency and congressional policy that hinders economic justice for systems-impacted individuals. Staff should leverage federal leadership across agencies to support program and policy development and alignment and ensure that returning citizens' power and voice is centered.

- 5. Serve as a model employer.** A lack of federal workplace protections for people who have been systems-impacted leaves too many people behind. The JCC found that the federal government has more work to do to serve as a model employer for millions of current and potential workers who are systems-impacted and to increase worker protections across the board.

For example, in 2021, the federal government adopted a “ban the box” policy when The Fair Chance to Compete for Jobs Act became effective. The law prohibits federal contractors and most federal agencies from inquiring into an applicant’s criminal history—including arrests and convictions—prior to making a conditional job offer.⁷⁷ However, these protections are not universal, nor do they encompass all occupations. Federal law disqualifies individuals with certain convictions from employment in the banking and transportation sector, and in a wide variety of state-licensed jobs in health care and education. Certain classes of convicted individuals are barred for 13 years from holding any of several positions in a union or other organization that manages an employee benefit plan, including serving as an officer of the union or a director of the union’s governing board.⁷⁸ The Biden Administration’s recent directive holds promise for expanding these protections and more needs to be done to execute on these goals.⁷⁹

Moreover, the JCC identified that there is no general provision in federal law that prohibits consideration of a criminal conviction in connection with employment or occupational licensure. The Equal Employment Opportunity Commission (EEOC) has taken the position that “an employer’s policy or practice of excluding individuals from employment on the basis of their conviction records has an adverse impact on Black and Hispanic people in light of statistics showing that they are convicted at a rate

disproportionately greater than their representation in the population. The Commission has held and continues to hold that such a policy or practice is unlawful under Title VII in the absence of a justifying business necessity.”⁸⁰ In 2019, the U.S. Court of Appeals for the Fifth Circuit called into question the EEOC’s authority to issue the guidance.⁸¹

While there is increased attention at the federal level, for too long the federal government has fallen short in addressing and enforcing job quality standards for millions of workers—many of whom are systems-impacted. This lack of job protections traps people who have been systems-impacted in poor quality, tenuous, and often dangerous jobs. More than 53 million people, or 44 percent of all workers ages 18 to 64 in the United States, are paid low wages.⁸² Women and Black workers—two groups for whom there is ample evidence of labor market discrimination and for whom the criminal legal system has disproportionately targeted—are overrepresented among low-wage workers. Furthermore, millions of workers have jobs with erratic schedules, few if any benefits like health care and paid family leave, and limited opportunities for advancement.⁸³ Finally, it is estimated that over half of incarcerated people are employed inside of correctional institutions during the time of their incarceration.⁸⁴ These workers have even fewer labor protections, including a lack of protections establishing minimum wage and overtime pay, rights to collective bargaining, and baseline worker safety protections.⁸⁵

Especially given the Biden Administration’s Executive Order focused on advancing racial equity and directives to expand Second Chances for people returning for incarceration, the federal government must serve as a model employer and follow through on stated commitments.⁸⁶ ⁸⁷ This means partnering with systems-impacted individuals to identify the protections that would be meaningful and necessary; establishing robust protections for people who have been systems-impacted; clarifying regulations; enforcing current “ban the box” laws; elevating employers and states that are eliminating barriers for systems-impacted individuals to access quality jobs; and helping to build a narrative focused on promoting inclusive workplaces.

This Is The Beginning.

The direct and indirect costs of mass incarceration and correctional control are unsustainable from an economic standpoint. The systems of oppression that have formed as collateral consequences of the carceral system represent policy choices that can and must be dismantled and reimaged.

As stated throughout this report, this is just the beginning. As system-impacted individuals, we are building tables where people like us create policy platforms, campaigns, and actions focused on securing economic, racial, housing, medical, but most importantly *HUMAN* justice on our own terms. What will follow in the months and years to come is a shift in power and resources toward people who are closest to the problem to identify and drive solutions from the devastating harms that mass incarceration and carceral control has produced.

We ask you to stand with us in the pursuit of a Just U.S.

APPENDIX: Federal Funding Flows for Employment, Training, or Supportive Services for System-Impacted Individuals

This appendix is intended to provide an overview of federal funding available to support employment, training, or supportive services. When possible, we have identified if systems-impacted individuals are a priority or primary target for funds or if states and local communities have discretion to identify systems-impacted individuals as priority populations for the benefit of federal resources. Our analysis also identifies federal funding amounts under these accounts for FY22. Our analysis finds that only **two current federal funding streams** are specifically targeted to systems-impacted individuals for employment, training, and supportive services. We encourage you to explore the appendix on your own.

Funding Agency & Program Name	How is the program funded? (Competitive Grant, Block Grant, Formula Funds, other)	Education, training, or supportive service funding available	Can funds subsidized wages?	Is funding only for systems-impacted people or are funds discretionary?	FY22 Allocation	Limitations on the use of funds for people who are systems-impacted?
Department of Agriculture Supplemental Nutrition Assistance Program Employment and Training	Three major funding streams: <ul style="list-style-type: none"> Block Grant 100 percent funds. No state receives less than \$100,000. 50/50 funds Uncapped federal reimbursement program to states. Able-bodied adults without dependents (ABAWD) Pledge funds. \$20 million annual federal appropriation to state agencies. 	Yes. <ul style="list-style-type: none"> Vocational education; Basic skills training, supportive services; Job search services, job retention services, work experience, and more. 	Yes. Subsidized employment is an allowable activity under SNAP E&T. Income from subsidized employment via SNAP E&T must be considered for SNAP eligibility and benefit determination.	No. SNAP E&T is targeted to SNAP recipients. States have flexibility to determine which SNAP participants to serve, including whether participation will be voluntary or mandatory. Participants cannot receive TANF cash assistance. Only SNAP applicants and SNAP participants are eligible to participate in E&T.	Various. SNAP E&T 100 percent funds: In FY2016, there were \$90 million in funds available . SNAP E&T 50/50 funds are uncapped. ABAWD pledge funds: Capped at \$20 million . <i>(Source: What Is SNAP E&T?)</i>	Some states ban or restrict access to SNAP food assistance among people with a drug-related felony conviction as allowed by federal statute.

Funding Agency & Program Name	How is the program funded? (Competitive Grant, Block Grant, Formula Funds, other)	Education, training, or supportive service funding available	Can funds subsidized wages?	Is funding only for people with criminal legal histories or are funds discretionary?	FY22 Allocation	Limitations on the use of funds for people who are systems-impacted?
Department of Education WIOA Title II (Adult Education and Family Literacy Act)	Federal formula funds to states. State agencies may use a portion of federal funds for statewide activities, but the bulk of their grants must be sub-granted to local providers.	Yes. Funds can support: <ul style="list-style-type: none"> ● Basic education services; ● Coursework toward a secondary school diploma or equivalent, English language training; ● Integrated education and training; ● Other adult education services. 	No. Subsidized employment is funded via WIOA Title I; however, WIOA Title I and Title II must both be part of a state's Unified WIOA State Plan.	No. An eligible individual is someone: (A) who has attained 16 years of age; (B) who is not enrolled or required to be enrolled in secondary school under State law; and (C) who—(i) is basic skills deficient; (ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or (iii) is an English language learner.	\$690,455,000 <i>(Source: State Grants.)</i>	N/A
Department of Health and Human Services Health Profession Opportunity Grants (HPOG)	Competitive grants to organizations, including community-based organizations. Note: HPOG was authorized as a demonstration program.	Yes. HPOG grantees provided education and training to Temporary Assistance for Needy Families (TANF) recipients and other low-income individuals for healthcare occupations that pay well and are in high demand.	No. For HPOG 2.0 : “Grants may not be used ... For payment of the wages of any individual as a social service (other than payment of the wage of welfare recipients employed in the provision of child day care services).”	No. Primary target populations were Temporary Assistance for Needy Families (TANF) recipients and other low-income individuals.	Per HHS ACF’s website on 6/24/22, “HPOG 2.0 completed a six-year grant cycle [in 2021] and ACF is not considering new, competitive awards at this time.”	Each HPOG program set its own eligibility and intake procedures. A review of the 32 HPOG 2.0 grantees found that only one grant recipient, named “ex offenders” as one of a few different target populations.
Funding Agency & Program Name	How is the program funded? (Competitive	Education, training, or supportive service funding available	Can funds subsidized wages?	Is funding only for people with criminal legal histories or are funds discretionary?	FY22 Allocation	Limitations on the use of funds for people who are systems-impacted?

	Grant, Block Grant, Formula Funds, other)					
Department of Health and Human Services Temporary Assistance for Needy Families (TANF)	Federal block grant that must be coupled with state “maintenance of effort” (MOE) dollars.	Yes. In addition to cash assistance, TANF grants can be used for: <ul style="list-style-type: none"> • Education; • Training; • Supportive service funding, such as job readiness, child care, tuition assistance, case management, and more. 	Yes. The TANF block grant has broad flexibility to fund subsidized employment activities.	No. States can use federal TANF and state MOE dollars to meet any of TANF’s four purposes, including “reducing the dependency of parents in need by promoting job preparation, work, and marriage.” States define what constitutes a “needy” family.	Federal funding for the TANF block grant is \$16.5 billion. States must also contribute MOE dollars; state MOE contributions vary based on a number of factors. <i>(Source: The Temporary Assistance for Needy Families (TANF) Block Grant: Responses to Frequently Asked Questions, Congressional Research Service report.)</i>	With regard to criminal legal histories, eligibility for federally-funded TANF cash assistance for people with drug felony convictions varies from state to state. Federal law allows for states variability.
Funding Agency & Program Name	How is the program funded? (Competitive	Education, training, or supportive service funding available	Can funds subsidized wages?	Is funding only for people with criminal legal histories or are funds discretionary?	FY22 Allocation	Limitations on the use of funds for people who are systems-impacted?

	Grant, Block Grant, Formula Funds, other)					
<p>Department of Health and Human Services</p> <p>Medicaid</p>	<p>Open-ended financing structure in which the federal government guarantees matching funds to states for qualifying Medicaid expenditures. States also pay a non-federal share. Employment initiatives can be supported through state waivers and other mechanisms. Medicaid has a number of different employment initiatives, including:</p> <p>1) Ticket to Work and Medicaid Buy-In: The Medicaid Buy-In program is an optional state Medicaid benefit group. Medicaid Buy-In participants are workers with disabilities who, without the program, would be ineligible for Medicaid because of their earnings.</p> <p>2) Home and community-based services: State waiver program states can offer services that support an employment goal or outcome, including Supported Employment services.</p>	<p>Yes.</p> <p>Employment-related supports include:</p> <ul style="list-style-type: none"> ● Vocational/job-related discovery or assessment; ● Person-centered employment planning; ● Job placement; ● Job development, negotiation ● Job analysis; ● Job carving; ● Training and systematic instruction; ● Job coaching; ● Benefits support, training and planning; ● Transportation, asset development; ● Career advancement services 	<p>Unclear.</p> <p>The Ticket to Work program participants can seek services via the WIOA system, so therefore should be able to access subsidized opportunities.</p>	<p>No.</p> <p>Funds are targeted to people with disabilities.</p>	<p>N/A.</p> <p>Medicaid is an entitlement program, which means that anyone who meets eligibility rules has a right to enroll in Medicaid coverage. Medicaid is considered mandatory spending.</p> <p><i>(Source: Medicaid & CHIP Indicators, Medicaid, Spending, KFF)</i></p>	<p>N/A</p>
<p>Funding Agency & Program Name</p>	<p>How is the program funded? (Competitive Grant, Block Grant, Formula Funds, other)</p>	<p>Education, training, or supportive service funding available</p>	<p>Can funds subsidized wages?</p>	<p>Is funding only for people with criminal legal histories or are funds discretionary?</p>	<p>FY22 Allocation</p>	<p>Limitations on the use of funds for people who are systems-impacted?</p>

<p>Department of Housing and Urban Development</p> <p>Community Development Block Grant (CDBG) Program</p>	<p>Competitive federal block grant distributed via a formula. Via the CDBG Entitlement Program, HUD awards annual grants on a formula basis to entitled cities and counties. Entitled cities and counties are larger cities and counties within a state.</p> <p>Via the CDBG State Program, HUD distributes funds to states based on a formula, and then the states award grants to smaller, non-entitlement areas. Non-entitlement areas include local governments which do not receive CDBG funds directly from HUD.</p>	<p>Yes.</p> <p>Up to 15% of CDBG funds can be used for public services, including job training and education services.</p> <p>CDBG funds can also be given to job training participants as stipends to defray out-of-pocket costs participants incur while in training, such as transportation and lunch.</p>	<p>No.</p> <p>According to HUD (April, 2019): Salaries for job training participants are not considered an activity delivery cost of job training. Stipends are allowable.</p>	<p>No.</p> <p>CDBG’s primary national objective is to benefit “low and moderate income persons,” defined as people with incomes below 80% of the area median. Grantees must spend at least 70% of their funds under this national objective.</p>	<p>\$3.3 billion</p> <p>(Source: Consolidated Appropriations Act of 2022, page 1725, line 17)</p>	<p>N/A</p>
<p>Department of Justice</p> <p>Second Chance Reauthorization Act of 2018 (Title V of the First Step Act) (also known as the Second Chance Act or SCA)</p>	<p>Competitive federal grant to a range of eligible applicants, including state and local government agencies, federally recognized Indian tribes, and nonprofit organizations.</p> <p>SCA has different program grant tracks, including an “Education and Employment” program track.</p>	<p>Yes.</p> <p>A wide range of</p> <ul style="list-style-type: none"> ● Education, training, and supportive services; ● Educational, literacy, and vocational services; ● Transitional jobs; ● Substance use disorder treatment, mental health care; ● Family services. 	<p>Yes.</p> <p>Pursuant to the Second Chance Reauthorization Act, SCA funds can be used for transitional jobs strategies.</p>	<p>Yes.</p> <p>SCA funds are to be used to reduce recidivism and improve outcomes for adults and young people returning to communities from state and federal prisons, local jails, and juvenile facilities.</p> <p>SCA funds can also support incarcerated individuals pre-release.</p>	<p>\$115,000,000</p> <p>(Source: FY22 appropriations analysis)</p>	<p>N/A</p>
<p>Funding Agency & Program Name</p>	<p>How is the program funded? (Competitive Grant, Block Grant, Formula Funds, other)</p>	<p>Education, training, or supportive service funding available</p>	<p>Can funds subsidized wages?</p>	<p>Is funding only for people with criminal legal histories or are funds discretionary?</p>	<p>FY22 Allocation</p>	<p>Limitations on the use of funds for people who are systems-impacted?</p>

<p>Department of Labor</p> <p>WIOA Youth Funds</p>	<p>Federal formula funds are available to states and localities.</p>	<p>Yes.</p> <p>Available services include, among others:</p> <ul style="list-style-type: none"> • Tutoring; • Contextual education; • Occupational skill training; • Leadership development opportunities; • Supportive services; • Mentoring; • Financial literacy education 	<p>Yes.</p> <p>Funds can support paid work experiences that have as a component academic and occupational education, such as summer and year-round employment opportunities, pre-apprenticeship, job shadowing, and on-the-job training.</p>	<p>No.</p> <p>WIOA youth funds can serve both “out-of-school youth” and “in school youth.” 75% of youth funds must go to out-of-school youth, who must be 1) ages 16 to 24; 2) not in school; and 3) meet one or more priority population characteristics, including but not limited to being “subject to the juvenile or adult justice system.”</p>	<p>\$933,100,000</p> <p>(Source: FY22 appropriations analysis by NACO)</p>	<p>N/A</p>
<p>Department of Labor</p> <p>Reentry Employment Opportunities (REO) program (formerly RExO)</p>	<p>WIOA pilot program.</p> <p>Competitive grant structure with a variety of eligible grantees, including community-based organizations. REO changes the program design of its grants every 2-3 years. About 100 active DOL REO grantees operate throughout the year.</p>	<p>Yes.</p> <p>Young adult projects focus on post-release service and adult projects focus on pre- and post-release services.</p> <p>Services include:</p> <ul style="list-style-type: none"> • Apprenticeships; • Case management; • Job placement; • Mentoring; • Occupational skills training; • Tutoring; • Work experience; • Employer connections 	<p>Yes.</p> <p>However, it varies. Paid work is allowable.</p> <p>Because REO is a pilot program under WIOA, the priorities of communities and what projects are funded has shifted.</p>	<p>Yes.</p> <p>Funding is targeted to justice-involved youth and young adults and adults who were formerly incarcerated. Participants in young adult programs range in age from 18 to 24 years old and are at risk or have had involvement in the juvenile or adult criminal justice system. Adult reentry programs focus on service to individuals 18 years old and older who were convicted and imprisoned as an adult.</p>	<p>\$102,079,000, of which \$25,000,000 shall be for competitive grants to national and regional intermediaries.</p> <p>(Source: Consolidated Appropriations Act of 2022, pages 928 to 929)</p>	<p>N/A</p>
<p>Funding Agency & Program Name</p>	<p>How is the program funded? (Competitive Grant, Block Grant, Formula Funds, other)</p>	<p>Education, training, or supportive service funding available</p>	<p>Can funds subsidized wages?</p>	<p>Is funding only for people with criminal legal histories or are funds discretionary?</p>	<p>FY22 Allocation</p>	<p>Limitations on the use of funds for people who are systems-impacted?</p>

<p>Social Security Administration</p> <p>Ticket to Work</p>	<p>Ticket to Work is available to ALL SSI/SSDI recipients who want to work.</p> <p>Because SSA runs entitlement programs, the monies are not appropriated via annual spending bills but represent mandatory outlays.</p>	<p>Yes.</p> <p>Services include:</p> <ul style="list-style-type: none"> • Career counseling; • Vocational rehabilitation, and job placement and training from authorized Ticket to Work service providers 	<p>Possibly.</p> <p>If a participant is seeking services via an Employment Network (EN) that is part of the Workforce Innovation and Opportunity system, then they may be able to access WIOA-funded transitional jobs or other paid work opportunities.</p>	<p>No.</p> <p>The program is designed for Social Security disability beneficiaries (individuals receiving Social Security Disability Insurance and/or Supplemental Security Income benefits based on disability) age 18 through 64 who want to work.</p>	<p>See “fund structure.”</p>	<p>N/A</p>
<p>Department of Transportation</p> <p>Surface Transportation Block Grant</p>	<p>Block grant funding to each state</p>	<p>Yes.</p> <p>Subject to project approval by the Secretary of Transportation, a State may obligate funds apportioned to the State for surface transportation workforce development, training, and education.</p>	<p>Possibly.</p> <p>Section amended by IIJA to include:</p> <ul style="list-style-type: none"> • Pre-apprenticeships; • Apprenticeships, and career opportunities for on-the-job training; • Community college, or vocational school; • Activities associated with workforce training and employment services, such as targeted outreach and partnerships with industry, economic development organizations, workforce development boards, and labor organizations 	<p>No.</p> <p>States will need to include their interest and intention in using Surface Transportation Block Grant funds for workforce development services and population focus.</p>	<p>\$13.8 billion</p> <p>(Source: Surface Transportation Block Grant (STBG) IIJA Allocations)</p>	<p>N/A</p>

Letter of Support.

The time is right for a bold investment in the economic and social mobility of Americans living with a criminal conviction. Over the next 10 years, federal infrastructure investments, combined with a changing economy, aging labor force, and employer demand to reach diverse workers, will create millions of new good-paying jobs. And yet today, over half a million people return from prison each year with limited employment prospects and tens of millions more navigate employment with convictions that hinder their careers.

CEO engages individuals immediately upon returning from incarceration with the opportunity to receive daily pay for daily training that provides the resources, skills, and confidence individuals need to achieve long-term mobility. Many are starting their careers with no previous work experience, a stigmatized prior conviction, and following a long period of incarceration. Daily, I meet participants who are incredibly motivated to restart their lives and demonstrate their considerable value to employers. Despite their hard work and determination, many are not afforded the opportunity to move from origin jobs to destination careers.

Public sector investment has historically been an afterthought when it comes to reentry employment. Economic development and job creation efforts have seldom reached people with convictions. Today, however, the federal government has a once in a generation opportunity to leverage hundreds of billions of already appropriated funds to change this status quo.

Infrastructure, workforce development, and every related form of anti-poverty funding should be part of the federal response to this challenge. With the right coordination and leadership, this administration can ensure that job creation efforts meaningfully reach individuals entering their communities after incarceration.

It's time for the federal government to lead with a clear vision and strategy that supports the employment of every person leaving incarceration. As the nation's largest transitional employment partner for people leaving incarceration, CEO relies on the feedback and expertise of individuals we serve to improve our programs. We believe that directly impacted leaders will be the most effective in achieving systems-wide reform to the laws, regulations, and discriminatory institutions that exacerbate reentry challenges and fuel mass incarceration. There is no better group to lead these short- and long-term efforts than the amazing group of directly impacted leaders on the JustUS Coordinating Council (JCC). Their expertise is essential to ensuring successful implementation of existing and new federal investments and policy change.

Sam Schaeffer

President & CEO | Center for Employment Opportunities

Letter of Support.

In *Building the Table*, JustLeadershipUSA issues a call for policymakers to invest in economic justice for people who have been directly impacted by the criminal legal system with the same intention and intensity as we invested in mass incarceration and collateral consequences. Mass incarceration exacts a high cost for individuals, especially people of color, but we have significantly underinvested in reentry success. This report makes the case for comprehensive policy action that includes significant funding increase, and to ensure that people who are directly impacted are “at the table” designing and guiding the solutions for a more just and equitable society.

At Jobs for the Future's Center for Justice and Economic Advancement (CJEA) we are excited to have a seat at this table. It is our mission to eliminate barriers to and create opportunities that give people with records a fair chance to pursue careers that match their talents, skills, and aspirations. Employers continue to signal a desire to hire from this diverse and skilled candidate pool, and policy should encourage and support this rather than stand in the way. People who are directly impacted by these barriers are closest to the solution, so we are excited and honored to join with the JustUS Coordinating Council to normalize opportunity instead of vulnerability as the expectation for returning citizens.

Lucretia P. Murphy, J.D., Ph.D

Vice President | Jobs for the Future

Director | Center for Justice and Economic Advancement

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