

# SAFE COMMUNITIES WORK

ALLIANCE FOR  
SAFETY AND JUSTICE



## Seal Old Conviction Records to Boost Workforce Participation, Build Safety, and Grow the Economy

### Introduction

Two and a half million people in Illinois – approximately one in four adults – have a criminal conviction.<sup>1</sup> The vast majority of these convictions were for nonviolent offenses and most occurred years or even decades ago. Despite ample skills and an eagerness to work, the 2.5 million Illinoisans with old records are far more likely than the general public to be unemployed, underemployed, or to have left the labor market entirely – in part due to nearly 800 regulations that restrict their ability to work in Illinois' industries.<sup>2</sup> Old records cost Illinoisans more than \$13 billion in lost wages annually and between \$20 million and \$30 million in lost economic activity. Unlocking pathways to work by sealing old records will grow the workforce, strengthen Illinois businesses, and make our communities safer. Thriving businesses are the backbones of vibrant communities, and vibrant communities are sites of safety, innovation, and prosperity.

People with old conviction records want to work and businesses in Illinois need their labor. Illinois, like the rest of the United States, is experiencing a worker shortage that recently was more severe than any since the Second World War.<sup>3</sup> The latest data from the Bureau of Labor Statistics indicate that Illinois has 109,000 fewer workers than it needs to fill 429,000 open jobs.<sup>4</sup> This shortage hampers the capacities of businesses to produce goods and services and contributes to inflation.

With 429,000 open jobs, Illinois has more job openings than any other state in the region. Ohio and Pennsylvania trail with 380,000 and 345,000, respectively, and Michigan and Minnesota both have more than 200,000 job openings. Illinois has the second largest worker shortage among these states (109,000 workers), trailing only Ohio, which has a shortage of 131,000 workers.

Illinois can seal old criminal records to boost employment, grow the economy, and make our families safer.

## Old Records Erode the Workforce, Holding Back Business and Family Wealth

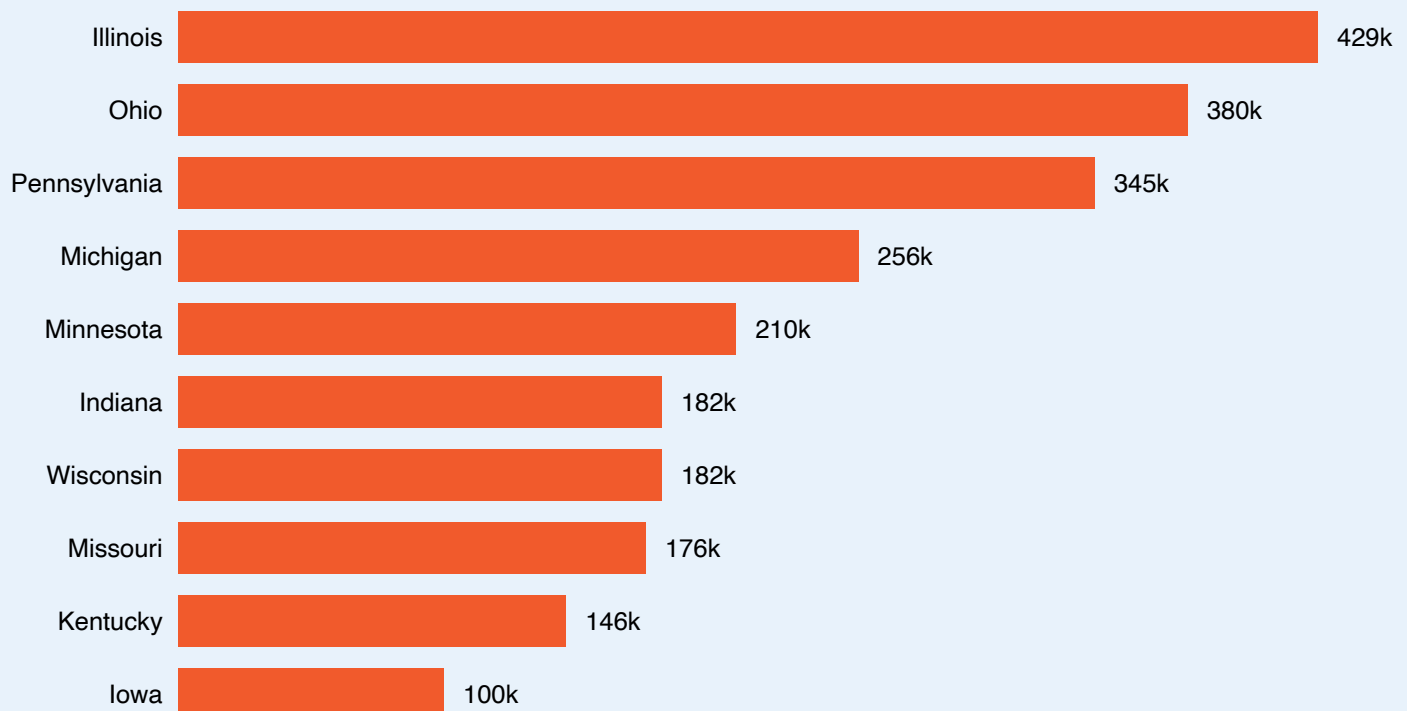
Stable employment and secure housing are foundations of safe and prosperous communities. People with meaningful jobs and a secure place to live are less likely to be victimized and less likely to victimize someone else. For people involved in the justice system, a steady job is strongly correlated with successfully completing probation or parole and engaging in prosocial behavior. When employment goes up, recidivism and offending go down.<sup>5</sup>

Old records make it more challenging for people to find the jobs and homes they need to be secure and productive citizens.<sup>6</sup> Ninety-two percent of employers conduct background checks of applicants,<sup>7</sup> and nearly 90 percent of landlords conduct background checks of prospective tenants.<sup>8</sup> In Illinois, a conviction can appear on a consumer credit report forever, despite the fact people with old records are not significantly more likely to commit an offense than their peers without criminal histories.<sup>9</sup>

Old records negatively impact individual finances and the broader economy. A person with an old misdemeanor conviction earns 16 percent less each year than their peers without a record, and a person with a felony conviction that did not involve imprisonment earns 22 percent less. The average lifetime earnings loss for a conviction that did not result in a prison sentence is approximately \$99,000. Because Black Illinoisans were more heavily targeted in the Wars on Drugs and Crime in the 1980s through the early 2000s, the economic costs are concentrated in Black families and Black communities.

The broader economic costs of old records in Illinois are between \$20 and \$30 billion. Illinois families lose \$13 billion in wages each year, as old records push hundreds of thousands of people into marginal employment or out of the labor market entirely.<sup>10</sup> Without access to their labor and productivity, the state's businesses are unable to meet demand for their goods and services, meaning that the full costs in lost economic activity are between \$20 and \$30 billion.<sup>11</sup>

### Job Openings by State, Illinois and Neighboring or Economically Similar States (June 2023)



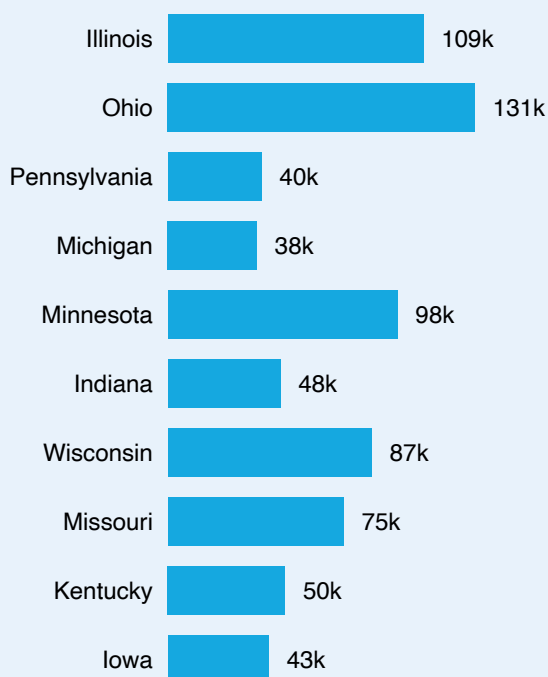
## Sealing Old Records Expands and Strengthens the Workforce

Sealing old records reduces the barriers people face in finding employment. A 2020 study published in the Harvard Law Review followed people whose records were sealed in Michigan and found an almost immediate 23 percent increase in employment and a 23 percent increase in wages. These increases were almost entirely caused by people reentering the labor market or transitioning from marginal employment to full employment.<sup>12</sup> A study in Oakland, California found similar results: employment among people whose records were sealed rose 10 percent and their earnings rose by more than 30 percent.<sup>13</sup>

Communities that pursue record sealing programs experience significant economic improvements.<sup>14</sup> In the medium and long term, sealing records boosts productivity by making education, housing, and professional licensing more accessible.<sup>15</sup> Researchers who studied the impacts of record sealing in Santa Clara, California similarly found that each cleared record was associated with a \$1,400 reduction in expenditures for government assistance and a \$6,000 increase in wages.<sup>16</sup>

People with old records are a resource Illinois can quickly deploy to reap large economic benefits. Few interventions match the potential of record sealing to immediately expand the workforce and, over time, greatly increase the productivity of Illinois workers.

### Labor Shortage by State, Illinois and Neighboring or Economically Similar States (June 2023)



## Sealing Old Records Will Make Illinois Safer

Sealing records reduces recidivism and victimization, making communities safer. In Michigan, just one percent of people who benefited from record sealing were convicted of a new felony within five years.<sup>17</sup> This 99 percent success rate is even more remarkable because people with sealed records were less likely to be convicted of a felony than Michigan's general population, including people who had never had a record.<sup>18</sup>

Record sealing appears to reduce crime for the same reasons it boosts the economy. Increased employment results in less crime.<sup>19</sup> Access to stable housing also results in less crime.<sup>20</sup> Together, employment and housing foster stable family life, and people in stable families are less likely to engage in criminal behavior.<sup>21</sup>

A sealed record also encourages law-abiding behavior at a psychological level. Most people do not understand the collateral consequences of a conviction until they themselves have been convicted, after which the limitations on employment, housing, and licensure can come as a surprise.<sup>22</sup> Most people do not know the benefit of a clean record until it is gone. In-depth research with people who have benefited from record sealing shows that they are highly motivated to retain the clean slate that they once lost.<sup>23</sup> Having experienced the challenges of finding employment with a record, they are resolved to maintain their clean slate. To people who have had an old record sealed, second chances are sacred.

## Safe Communities Work

Clearing old records boosts employment and makes communities safer, and safe communities are the engines of innovation and growth.<sup>24</sup> The Illinois Legislature can put the state into a cycle where employment creates safety and safety creates innovation and prosperity.

Safe communities work. Illinois is currently wanting for more than 100,000 workers. The missing workers have records, but they're ready to work. Clearing records allows these missing workers to rejoin the workforce to provide for themselves and their families while supporting Illinois' economy.



Alliance for Safety and Justice (ASJ) is a national advocacy organization that aims to replace ineffective criminal justice system policies with what works to keep people safe. We represent diverse crime survivors and people living with old records as key public safety stakeholders—including more than 1,500 crime survivors in Arizona. ASJ brings our members together with state leaders and coalition partners to win reforms that stop cycles of crime, reduce costly incarceration, and make communities safer. We support a range of “shared safety” reforms, including crime prevention, community health, rehabilitation, economic mobility, and trauma recovery.

For more information, visit: [allianceforsafetyandjustice.org](https://allianceforsafetyandjustice.org)

## Endnotes

- 1 This figure is extrapolated according to the adult population from national conviction figures published by the Brennan Center for Justice in 2020. See Terry-Ann Craigie, Ames Grawert, Cameron Kimble, and Joseph Stiglitz, Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality (Brennan Center for Justice, 2020), [www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal](https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal)
- 2 For evidence of the eagerness of people with records to work, see Lucius Couloute and Daniel Kopf, Out of Prison and Out of Work (Prison Policy Initiative), July 2018, <https://www.prisonpolicy.org/reports/outofwork.html>; The National Inventory of Collateral Consequences lists 790 restrictions that Illinois places on the ability of people with records to work or obtain necessary licenses. National Inventory of Collateral Consequences, Collateral Consequences Inventory (2023), <https://niccc.nationalreentryresourcecenter.org/consequences>.
- 3 Gace Dean, “The US Is in the Middle of the Biggest Labor Shortage since WW2, Goldman Sachs Says,” Business Insider (February 24, 2022), <https://www.businessinsider.com/biggest-labor-shortage-since-ww2-goldman-sachs-workers-jobs-employment-2022-2>.
- 4 Bureau of Labor Statistics data, as summarized in U.S. Chamber of Commerce, Worker Shortage by State, America Works Data Center (August 5, 2022), <https://www.uschamber.com/workforce/america-works-data-center>.
- 5 See for example, Lahny Silva, “Clean Slate: Expanding Expungements and Pardons for Non-Violent Federal Offenders,” University of Cincinnati Law Review 71 (2011); Garima Siwach, 37th Fall Research Conference Panel Paper, Criminal Background Checks and Recidivism: Evidence from Direct Access Care in New York State, Association of Public Policy Analysis and Management (2015);
- 6 Jeremy Travis, Bruce Western, and F. Stevens Redburn, The Growth of Incarceration in the United States: Exploring Causes and Consequences, (National Academies Press, 2014).
- 7 Roy Maurer, “Employers Slow to Pick Up Trend of Continuous Screening,” Society for Human Resource Management (2019), <https://www.shrm.org/resourcesandtools/hr-topics/talent-acquisition/pages/shrm-trend-continuous-background-screening.aspx>.
- 8 Abby Boshart, “How Tenant Screening Services Disproportionately Exclude Renters of Color from Housing,” Urban Institute (December 21, 2022), <https://housingmatters.urban.org/articles/how-tenant-screening-services-disproportionately-exclude-renters-color-housing>.
- 9 See Megan Kurlychek, Robert Brame, and Shawn Bushway, “Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending,” Criminology And Public Policy, 5:3 (2006), 483-504. doi: 10.1111/j.1745-9133.2006.00397.x; Megan Kurlychek, Robert Brame, and Shawn Bushway, “Enduring Risk? Old Criminal Records and Predictions of Future Criminal Involvement,” Crime & Delinquency, 53:1 (2007), 64-83. doi: 10.1177/001128706294439.
- 10 The \$13 billion figure is derived from the Brennan Center’s 2021 national estimate that convictions result in \$372.3 billion dollars in lost wages annually. This figure was adapted to Illinois using two metrics: The Illinois adult population as a percentage of the total US population and the rate of adults with felony convictions in Illinois compared to the same rate in the US population. According to 2020 US Census data, Illinois hosts 3.82% of the total US adult population. And, according to estimates published Shannon et. al (2017), the total felony rate in Illinois is 93% of that of the total US felony rate. See Craigie et al., Conviction, Imprisonment, and Lost Earnings; Shannon et al., “The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010,” Demography 54 (2017), 1795–1818, [http://users.soc.umn.edu/~uggen/Shannon\\_Uggen\\_DEM\\_2017.pdf](http://users.soc.umn.edu/~uggen/Shannon_Uggen_DEM_2017.pdf); US Census, Quick Facts, Population Estimates July 2022, <https://www.census.gov/quickfacts/fact/table/US/PST045222>.
- 11 The \$20-\$30 billion estimate of lost economic activity due to old records is calculated by applying the national ratio of wages and salary accrual to gross domestic product to the \$13 billion lost wages figure. Since 2020, this ratio has been relatively stable at approximately .043-0.44, which yields an estimate of \$30 billion in lost economic activity. ASJ is presenting this estimate as a range (between \$20 and \$30 billion) due to uncertainties in the measurement of GDP and open questions about the relationship of wages to productivity. See Federal Reserve Bank of St. Louis reports both Wages and Salary Accrual vs. Gross Domestic Product, <https://fred.stlouisfed.org/graph/?g=2Xa>, July 27, 2023.
- 12 J.J. Prescott and Sonia B. Starr, “Expungement of Criminal Convictions: An Empirical Study,” Harvard Law Review 133:8 (June 2020), 2489, [https://harvardlawreview.org/wp-content/uploads/2020/06/2460-2555\\_Online-1.pdf](https://harvardlawreview.org/wp-content/uploads/2020/06/2460-2555_Online-1.pdf).
- 13 Selbin, Jeffrey, Justin McCrary, and Joshua Epstein. “Unmarked? Criminal record clearing and employment outcomes.” The Journal of Criminal Law and Criminology (1973-) 108, no. 1 (2018): 1-72.
- 14 Meyli Chapin, Alon Elhanan, Matthew Rillera, Audrey K. Solomon, and Tyler L. Woods, “A Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County” (March, 2014), <https://sjsu.edu/rpc/docs/legal-services/Cost-Benefit%20Analysis%20of%20Expungement.pdf>.
- 15 Grant Duwe and Makada Henry-Nickie, “A better path forward for criminal justice: Training and employment for correctional populations,” (April, 2021). A better path forward for criminal justice: Training and employment for correctional populations, <https://www.brookings.edu/articles/a-better-path-forward-for-criminal-justice-training-and-employment-for-correctional-populations/>
- 16 Chapin et al., “A Cost Benefit Analysis of Criminal Record Expungement.”
- 17 Prescott and Starr, “Expungement of Criminal Convictions.”
- 18 Sonja B. Starr, “Expungement Reform in Arizona: The Empirical Case for a Clean Slate.” Arizona State Law Journal 52 (2020): 1059. One caveat to note is that Michigan’s record sealing law is somewhat idiosyncratic and expungements are granted only after an application process. For more details, see Prescott and Starr, “Expungement of Criminal Convictions.”
- 19 For a more detailed exploration, see Starr, “Expungement Reform in Arizona.”
- 20 Kimberly Burrowes, “Can Housing Interventions Reduce Incarceration and Recidivism?,” Housing Matters (February 27, 2019), <https://housingmatters.urban.org/articles/can-housing-interventions-reduce-incarceration-and-recidivism>; and David S. Kirk, Geoffrey C. Barnes, Jordan M. Hyatt, and Brook W. Kearley. “The impact of residential change and housing stability on recidivism: pilot results from the Maryland Opportunities through Vouchers Experiment (MOVE).” Journal of Experimental Criminology 14 (2018): 213-226.
- 21 Beth M Huebner, and Mark T. Berg. “Examining the Sources of Variation in Risk for Recidivism.” Justice Quarterly 28, no. 1 (2011): 146-173; and Stacey J. Bosick and Paula Fomby. “Family Instability in Childhood and Criminal Offending during the Transition into Adulthood.” American Behavioral Scientist 62, no. 11 (2018): 1483-1504.
- 22 Natalie Goulette and James Frank. “Examining Criminal Justice Practitioners’ Views on Collateral Consequences Policy.” American Journal of Criminal Justice : AJCJ 43, no. 3 (September 2018): 724–44. <https://doi.org/10.1007/s12103-017-9423-5>.
- 23 Erica B. Adams, Elsa Y. Chen, and Rosella Chapman. “Erasing the Mark of a Criminal Past: Ex-Offenders’ Expectations and Experiences with Record Clearance.” Punishment & Society 19, no. 1 (2017): 23-52.
- 24 See, for example, Lisa D. Cook, “Violence and Economic Activity: Evidence from African American Patents, 1870–1940.” Journal of Economic Growth 19 (2014): 221-257.