

Removing Barriers to Employment through Automatic Record Clearing

CHALLENGE

Arrest or conviction records remain a barrier to employment even though many records eligible to be cleared are not.

An estimated 70 million people in the U.S. have an arrest or conviction record, which can limit opportunities for employment, education, and housing.¹ Many states have created opportunities for people to clear, expunge, or seal crimes committed as a juvenile and for most misdemeanors,² though some records remain accessible to law enforcement.³ However, applications to expunge records are extremely low due to lack of information about the process, cost, and complexity.⁴ One study found that 25 to 30 million of Americans with an arrest or conviction record are eligible for expungement or sealing but have not done so,⁵ while another report found a mere six and a half percent take-up rate for expungement.⁶ Research also shows that employers reject applicants with arrest or conviction histories at significantly higher rates than those without such histories. Disclosing a record can reduce the likelihood of callbacks and job offers from potential employers by almost half.⁷ Individuals with records also face significant barriers to jobs requiring a professional license, even if they are otherwise qualified.⁸ When people are able to clear their records, their earnings rise by about 20 percent.⁹

SOLUTIONS

Automatic record clearing for eligible offenses can streamline the process and boost employment.

JPMorgan Chase supports federal and state efforts to enact and implement automatic record clearing to streamline the process and make it easier for individuals to move on from their records.

A number of states and localities have enacted laws to automate record clearing for certain offenses, including using technology to identify records, automatically clear records, and notify individuals of the record clearing. Pennsylvania, Utah, and California have enacted clean slate laws and a number of additional states are now seeking to advance automatic record clearing policies of their own, including Delaware, Illinois, Michigan, New Jersey, and New York.

JPMorgan Chase supports bipartisan federal legislation introduced in the U.S. House of Representatives, the [Clean Slate Act](#),¹⁰ which would provide for the automatic sealing of certain nonviolent arrest or conviction records one year after an individual has fulfilled their requirements by the justice system.

70
MILLION

Americans have a criminal record

20%

increase in earnings over two years for those able to clear their records

6.5%

of people in Michigan who obtain expungement within 5 years of eligibility

25 TO 30
MILLION

people nationally are eligible to clear criminal records

NOTES

- 1 Friedman, Matthew. "Just Facts: As Many Americans Have Criminal Records As College Diplomas." Brennan Center for Justice. <https://www.brennancenter.org/blog/just-facts-many-americans-have-criminal-records-college-diplomas>
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- 3 Love, Margaret and David Schlüssel. "Survey of Law Enforcement Access to Sealed Non-Conviction Records." Collateral Consequences Resource Center. <https://ccresourcecenter.org/2019/06/26/national-survey-of-law-enforcement-access-to-sealed-non-conviction-records/>
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- 5 Chien, Colleen V. "The Second Chance Gap." Michigan Law Review 2019. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3265335
- 6 Prescott, J.J. and Sonja B. Starr. "Expungement of Criminal Convictions: An Empirical Study." Forthcoming University of Michigan Law and Economics Research Paper. No. 19-001. University of Michigan Public Law Research Paper No. 365. Harvard Law Review. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3353620
- 7 Stacy, Christina and Mychal Cohen. "Ban the Box and Racial Discrimination A Review of the Evidence and Policy Recommendations." Urban Institute. https://www.urban.org/sites/default/files/publication/88366/ban_the_box_and_racial_discrimination.pdf
- 8 Carpenter, Dick. M II, Lisa Knepper, Kyle Sweetland, and Jennifer McDonald. "Licensing Laws Make It Harder for Former Offenders to Find Work." Institute for Justice. <https://ij.org/report/license-work-2/report/recommendations-for-reform/licensing-laws-make-harder-former-offenders-find-work/>
- 9 Selbin, Jeffrey, Justin McCrary, and Joshua Epstein. "Unmarked: Criminal Record Clearing and Employment Outcomes Criminal Law/Criminology." Berkeley Law Scholarship Repository. <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=3934&context=facpubs>
- 10 The Clean Slate Act of 2019. H.R. 2348. <https://www.congress.gov/bill/116th-congress/house-bill/2348/text>

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