

Second Chance at Success – Alaska Business Monthly

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Forty-four months is the median criminal sentence length in Alaska, according to 2023 data from the US Sentencing Commission. That's 1,320 days, which is a significant chunk of any life to put on hold, and it also creates a work résumé with an almost four-year gap. Alaska releases around 7,000 people annually from its correctional facilities, people who have spent time reflecting on mistakes and gaining skills to get prepared for reentry into the Alaska workforce to live again within our community.

Incarceration Perspective

More than 5,000 people are currently incarcerated in Alaska's justice system, and many more are tracked under electronic monitoring, parole, probation, or in halfway houses. The state's incarceration rate is 718 per 100,000 people, as compiled by the Prison Policy Initiative in the report *Mass Incarceration: The Whole Pie 2024*. This is higher than both the US national average of 531 per 100,000 and all other countries, with El Salvador coming in closest at 605 per 100,000, according to a January 2024 study by global research firm Statista.

However, incarcerated does not mean convicted and sentenced. According to data from the Alaska Justice Information Center, roughly half of Alaska Department of Corrections (ADOC) facilities contain individuals awaiting trial and who do not yet have a criminal record.

A criminal record, not to be confused with an arrest or police record, is a record of a person's criminal history, and it is established only when a person is convicted. While a period of incarceration is generally finite, a criminal record can follow people for their whole lives. Criminal records are often viewed as "collateral consequences," describing the various unexpected ways in which state and federal laws put

individuals with criminal convictions at a disadvantage when trying to participate in everyday activities, including employment.

The Alaska criminal justice system touches the lives of more than 70 percent of residents, either directly or through someone they know. More than 200,000 Alaskans have a criminal record, which is close to one third of the state's population, according to the Alaska Department of Labor and Workforce Development (DOLWD) Workforce Investment Board. Reentry and reintegration, the path to rebuilding a life after prison with gainful employment, is often paved with obstacles such as limited job opportunities, a lack of recent skills, and the added burden of facing discrimination.

Changing Views on Criminal Records

Laws are increasingly protecting applicants from discrimination based on past criminal history. “Ban the box” laws in thirty-seven states, but not Alaska, prevent employers from asking about convictions on applications, while the Fair Chance to Compete for Jobs Act of 2019 requires federal employers and federal contractors to wait until later in the hiring process to consider criminal background checks. According to the National Employment Law Project, an additional 150 cities and counties have similar protections for both public and private sector jobs.

Unlike many states, Alaska lacks a comprehensive statute governing the use of criminal background checks in employment and licensing decisions. This means individual employers and licensing boards have greater discretion in evaluating the relevance of an applicant's criminal record to a position or profession. Consequently, professional licenses may be denied or revoked based on a conviction, but the specific criteria for such decisions may vary greatly. For instance, a criminal conviction, whether misdemeanor or felony, will not automatically disqualify or exclude someone from employment with the State of Alaska, but all convictions, even if the sentence is suspended or if the conviction has been set aside or expunged, must be disclosed at the time of application.

Organizations such as the Alaska Reentry Partnership—a collaboration of individuals, organizations, community advocates, and public entities—provide services before, during, and after incarceration—including transition support, therapeutic courts, cultural support, and employment assistance. Jonathan Pistotnik, reentry program manager for ADOC, states, “The Reentry Partnership brings together organizations and people with lived experience to use resources more efficiently and coordinate efforts across multiple organizations, better serving our big state.”

Advocating for criminal disclosure changes may be on the horizon. In 2024, Governor Mike Dunleavy formally proclaimed April “Second Chance Month.” He urged all Alaskans “to recognize the need for closure for those who have paid their debt, to commend those who have successfully reentered society, and for individuals, employers, congregations, and communities to extend second chances to former inmates.”

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Employers’ Viewpoint

According to the nonprofit Jails to Jobs, there are significant advantages to hiring individuals who were formerly incarcerated, for both businesses and society as a whole. Formerly incarcerated individuals can bring much value to the workplace. They may possess transferable skills gained through work or training programs during their incarceration. A strong work ethic and dedication to start over can make them reliable and committed employees. Companies that hire formerly incarcerated individuals benefit from increased diversity and a more inclusive workplace. This can lead to improved decision-making and a stronger company culture.

Additionally, such companies demonstrate a commitment to social responsibility, which can enhance their reputation in the community. Industries facing labor shortages can fill critical gaps by hiring formerly incarcerated individuals. DOLWD also provides financial incentives, in some cases, for hiring these individuals through the Work Opportunity Tax Credit program.

Companies that actively hire workers who were formerly incarcerated are sometimes self-identified as “second chance employers,” and they include a variety of sizes and industries ranging from restaurants and temporary employment agencies to professional services and manufacturers.

Indeed.com, the popular job search website, has been a champion for second chances since its beginning twenty years ago. Its very first employee, a software engineer, had a past prison sentence and internet ban. Indeed’s CEO Chris Hyams has said, “We wouldn’t be where we are today if our founders hadn’t been open to hiring someone

who made a mistake, learned from it, and served their time.” Which may influence Indeed’s approach today of focusing on skills and qualifications first, only considering criminal records later in the hiring process, if at all. It also takes the time to understand a person’s situation—what happened, when it happened, and if it has anything to do with the job itself.

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Working to Reduce Recidivism

Decades of research illustrate a clear link between gainful employment and reduced recidivism, but the relationship is layered. Academic theories suggest employment strengthens social bonds, fosters a positive self-image incompatible with crime, and provides financial stability acting as deterrents. However, the quality of work matters, and employment might follow, not precede, shifts in criminal behavior.

Alaska-specific research conducted by Juneau economist Yuancie Lee, a collaboration between ADOC and DOLWD, followed 4,500 inmates who were released from an Alaska prison in 2012. The wage values in the study were nominal and include 2012 through 2015 values. All of the subjects had served time for a felony, and the study analyzed employment’s effect on recidivism over three years. In the June 2017 issue of Alaska Economic Trends, Lee published the following findings:

- About half the former Alaskan inmates studied found a job at some point in the three years after their release.
- There were lower re-offend rates for those who found a job quickly.
- The rate of re-offending went down notably from 66 percent to 35 percent if they earned a higher salary (less than \$12,500 versus \$35,000 during the first six months after release).
- How long a job was kept mattered, with those holding a job for at least a year having a lower likelihood of returning to prison, regardless of how long it took to get hired.

- The most common first occupations after release from prison, by number employed, were construction laborers, laborers and hand movers, food prep and servers, dishwashers, cashiers, and meat, poultry, and fish cutters and trimmers.
- Few formerly incarcerated individuals find high-paying, high-skill jobs upon release (only 50 out of 4,500 reached \$65,000 annually by 2015).

Lee acknowledged that other factors also play a role in recidivism, including substance abuse, mental health, poverty, extent of criminal history, demographics, and childhood abuse or neglect.

Education in Alaska's Prisons

ADOC administers a unified correctional system that includes pre-trial detention and secure facilities for sentenced state offenders. To promote rehabilitation and successful reintegration upon release, ADOC offers a variety of rehabilitative programs within each facility. These programs may encompass educational services like Adult Basic Education or General Education Diploma classes, alongside vocational training opportunities.

Depending on the correctional facility, vocational programs could equip inmates with skills to earn certifications such as Alaska Food Service Worker Card, Hazardous Waste Operations and Emergency Response, or first aid/CPR. Additionally, some programs might offer training in practical trades like motor vehicle repair, commercial driving, HVAC, or welding. This diverse range of programs aims to improve inmates' employability.

A partnership between the lieutenant governor's office, ADOC, and the Western State Regional Council of Carpenters has launched a pilot pre-apprenticeship carpentry program for incarcerated Alaskans in certain facilities. The program's curriculum is focused on providing participants with the skills and knowledge necessary to pursue a carpentry career upon release. Successful completion may lead to union membership and industry certification.

Alaska has no federal prisons, so those awaiting trial or sentencing are held in state facilities, while sentenced prisoners are typically transferred to Federal Correctional Institution Sheridan in Oregon.

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neighborhoods, stronger families, and a fairer shot at success for everyone, regardless of one's past.

How to Become a “Fair Chance” Employer

The US Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Rights Act of 1964, barring job discrimination based on race, color, religion, national origin, or sex. EEOC considers a policy discriminatory if it disproportionately impacts protected groups based on criminal history, unless the employer can justify it as job-related and necessary. EEOC enforcement guidance offers the following best practices for fair chance hiring:

- Avoid upfront inquiries: Remove the checkbox asking about criminal records from initial applications.
- Transparency: Include a statement clarifying that criminal records alone won't disqualify applicants.
- Train your team: Equip HR staff and hiring managers with skills to make fair decisions regarding criminal history.
- Informed consent: Obtain a signed release for background checks, covering criminal records, past employment, and education.
- Accurate information: Use reliable background check providers to ensure correct data.
- Consistent application: Conduct background checks for all candidates at the same stage, ideally after the interview and not up front, to avoid potential bias.
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What Is Next?

Justice is complicated. It is layered with issues ranging from racial disparities, the connection between incarceration and health, and the role of substance abuse and its connection to crime.

ADOC Director of Health and Rehabilitation Services Travis Welch sums it up well. He states, “Our goal within corrections is for those in our custody to leave better than they came in. That can happen through a holistic approach of addressing trauma, physical health, education, and vocational training. Our hope is this leads to meaningful and gainful employment which provides a livable wage.”

Companies that support providing employment to individuals with a criminal record often cite the benefits for everyone: safer neighborhoods, stronger families, and a fairer shot at success for everyone, regardless of one's past. But none of this can happen without businesses being open to hiring people and seeking out a wider talent pool: people who are eager to prove themselves and become valuable employees, people who are more than their worst mistake. Giving them a chance isn't just the right thing to do, it can be good business.



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