

# Why Don't People Leaving Prison Get Jobs?

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## Transcript

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**Cristina Quinn:** Just a heads up. In this episode, you're going to hear some colorful language and references to drugs. We'll also get into the seamy underbelly of government policies. Just something to bear in mind if you have kids present. Just kidding. It's not seamy, we're just being nerds about it.

**Coss Marte:** At a very early age, 13. So I started selling weed, and then eventually started selling coke and started my home delivery service. We were generating about \$5 million in revenue, \$2 million. I was making a profit. I grew up three blocks away from here. My mom still lives in the same apartment I grew up in; it was tenement housing in the eighties and nineties. Down here was a very drug-infested neighborhood. Like every 10 steps you took was a, you saw a heroin needle. I grew up like seeing people lining up for heroin, like a hundred people lining up for heroin, and you'll see the people in front with gold chains, nice watches, the good clothes. And you think that was, for me, that was success. I quickly fell into that lifestyle, selling.

**Cristina Quinn:** This is Fighting Crime, the show that asks big questions about crime and how to stop it. I'm Cristina Quinn, a journalist, and I've spent my career digging into stories to discover the truth. I'm going across the country from prisons to universities, police chiefs, to inmates. To look at the evidence and question everything we think we know about how to make America safer. I want to know what actually works and meet the people who are making it happen. So join us as we figure out new ways to fight crime and make society safer, and be prepared to think differently.

In this episode, we're gonna tackle a common dilemma for people leaving prison. Getting a job after serving time. We'll hear from experts who study the risks and rewards for hiring formerly incarcerated people. And we'll look into the actual evidence of which hiring policies work and don't work. We will hear how providing business owners with insurance can help and how just a single performance review can work wonders in getting employers to hire people who've done time. But first, it's worth understanding just how hard it is to land a job after you've come outta prison. To do this, I'm heading

up to New York City to meet someone who has been able to do just that, and also help other former prisoners by giving them jobs upon release.

**Coss Marte:** My name is Coss Marte. I'm the CEO and founder of ConBody and Conbud. ConBody is a fitness studio on the Lower East side. Conbud is its sister cannabis dispensary right downstairs, and before Coss Marte became a fitness mogul and licensed cannabis retailer. He spent years in and out of prison, including three stints on Rikers Island. At a very early age, 13, so I started selling weed, and then eventually started selling coke and started my home delivery service. We were generating about \$5 million in revenue. \$2 million. I was making a profit.

**Cristina Quinn:** That's a lot of money.

So, how old were you when you were generating \$5 million?

**Coss Marte:** 19.

**Cristina Quinn:** That's bananas.

**Coss Marte:** Yeah.

**Cristina Quinn:** Essentially, I mean, you built a business.

Granted you were selling illicit drugs, but like, it sounds like you always had a head for business.

**Coss Marte:** I grew up with people in my family, like my dad had a bodega in our building, downstairs, I was 10 years old, cleaning all the shelves, opening up the store, working the register for the morning, going to school, and coming after school. Then I've always like had like 50 jobs.

**Cristina Quinn:** Coss was 15 when he was first arrested for selling drugs, and his last stint was for seven years on drug ring charges. At the time of his arrest, he had several people working for him across three states, and then he was caught with a kilo and a half of cocaine and five pounds of weed. When Coss was released, he was determined to never return. It's a familiar story, former criminal pledges to turn his life around, but quickly realizes that the real world isn't too keen on hiring ex-convicts. So when you left, you had \$40 in your pocket, and you had a lifestyle previously where you had been making millions.

And so at what point did you realize, like, 'oh, I can't go back to dealing'?

**Coss Marte:** I definitely made that decision before and while I was in solitary confinement, and basically, created a plan and wrote out really what I wanted to do when I came home, and that was CONBODY, and I was just determined to just do it.

**Cristina Quinn:** Coss had put on a lot of weight by the time he last went to prison, and doctors told him he could die of a heart attack within five years, so he started working out hard in prison. The exercise paid off; he lost 70 pounds and helped other inmates get into shape. By the time of his release, Coss knew he wanted to open up a gym, but when he got back home, he had to start making money. There were people depending on him. But finding work was hard.

**Coss Marte:** I had my son that I had to support, like my ex-wife, too. I tried to get any type of job. I was cleaning apartments for \$5 an hour, and basically, I was working under the books, right? Because I was denied so many times.

**Cristina Quinn:** Because once people saw that you had a criminal record on a job application, they didn't want to consider you.

**Coss Marte:** And every time I went to some sort of place to get employed, like I went to Midtown, to all the fancy stores, and asked for a job application. And on top, it basically states your name and the last name, and then it says, have you ever been convicted of a criminal record? And basically, you have to check that box.

**Cristina Quinn:** At CONBODY, Coss teaches the kinds of workouts he did in prison. CONBODY is bare bones, by design. Cement walls, fluorescent lighting, but the real kicker is the entrance to the actual workout room. It's a steel door with bars that look like it was plucked from a penitentiary, a sign at the doorway states, 'No shoes in the cell.'

So, part of your business, you have made it a priority to hire people who have come out of the prison system.

**Coss Marte:** At CONBODY, a hundred percent of my employees are all formerly incarcerated. Down here, probably 80%, and then had, and then also had people like my wife or people that had family members that have been incarcerated that are working with us. So, like I'd say everybody's a hundred percent justice impacted.

**Cristina Quinn:** Coss knows all too well how hard it is to be taken seriously as a potential hire when you have a criminal record. His experience has made him a vocal advocate for prison reform. When he couldn't find work in retail, he signed up for an internship program at the Fortune Society. A nonprofit that helps formerly incarcerated people reenter the workforce. They sent him to work at Goodwill as a desk assistant. While he was there, another job had opened up. He completed the application, except for one section.

**Coss Marte:** And I remembered that I applied, but I left the section that asked, 'Have you ever been convicted of a felony?' and I left that blank.

**Cristina Quinn:** He got the job, but that wasn't the end.

**Coss Marte:** Like a month later into the job, the director calls me into the office, and she says, we noticed that you left this blank on your application. And they wanna talk about it. I was like, it, it's something that I really don't wanna talk about. Something that happened to me a long time ago, and basically I've moved on and I changed my life, and she said, I'm gonna give you a chance. Like an old Russian lady from like

**Cristina Quinn:** the Soviet era

**Coss Marte:** Yeah, yeah. For real. Like white hair. And she gave me a chance and I started working as, still doing the data entry job. And then I moved up to being a resume writer. And, while I was doing a resume writing, I was doing like 40 resumes a day for people that were like on welfare or coming outta prison and stuff like that just trying to get a job.

**Cristina Quinn:** So around this time, Coss started his fitness training business, CONBODY. He was training people outside in Forsyth Park. No one would rent a space to him because of his criminal record, but Coss was committed. He taught two morning classes before heading into work and two more classes after work.

**Coss Marte:** And then I found a Craigslist listing for 2,500 bucks under a Buddhist temple and on Broom and Eldridge on the same corner where I sold drugs at, where I got locked up at, the first time. And so. I was in the basement there, and we turned it into like a little fitness studio. And I remember like the Buddhist lady upstairs coming downstairs and like asking me to turn down the music because like she'll bring me upstairs and like DMX and is like in back of Buddha, just like, and Buddha is just like bouncing with it. And she used to do it with a smile, and I was like, great. And, we still have a good relationship over there.

**Cristina Quinn:** We're going to hear more from Coss about life after prison, but let's first find out why employers don't wanna hire former convicts. It's not always as obvious as you may think, and we can't just rely on luck or serendipity or the kindness of Buddhist property owners. Here's a cold, hard fact. The Department of Justice estimates just under half a million people are released from state and federal prisons in the US each year. There must be other ways we can motivate employers to hire people who've done time. And to do that, we need to really understand why employers are so cagey about hiring former inmates to begin with.

**Amanda Agan:** Part of what they will say is that they're concerned about risk. My name is Amanda Agan. I'm an associate professor at Cornell University in the Brooks School of Public Policy in the Department of Economics, and I do research on crime and labor markets.

**Cristina Quinn:** Amanda Agan is one of the leading scholars in this area, and she sets up experiments as part of her research to try and get clear evidence on what actually works.

Dr. Agan has found that when it comes to hiring, there are many versions of risk.

**Amanda Agan:** The risk that this individual will commit another crime on the job, harm a customer, steal merchandise, something like that, some version of risk. That they're also worried about kind of the job match or productivity.

**Cristina Quinn:** So one concern, for example, can be outdated skills. When a person has been in prison for a long time, there's a good chance they've missed out on all the rapid advancements in technology and the ways everyday life has changed. Not to mention what if their new hire commits a crime.

**Amanda Agan:** They're worried about their probability of recidivism, and so if this individual commits another crime, even not on the job, that could impact their ability to do the job if they're going to be tied up in the criminal legal system.

**Cristina Quinn:** She's got a point. And might I remind you, we're a pretty litigious nation. Filing lawsuits is a bit of an American pastime.

**Amanda Agan:** A lot of this risk that we're talking about for actions on the job is tied into the potential for negligent hiring lawsuits. And so employers in the United States could be sued, let's say by a customer, if the customer is harmed by an individual who has a criminal record, and the person can say, 'Hey, the firm should have known this person is going to be a risky individual because they have a criminal history.'

**Cristina Quinn:** Remember that question on the job application form Coss mentioned, the one that asks if you have a criminal record, and you can either check the yes or no box; however it's actually worded intent is broadly the same: to see if you had some sort of interaction with the criminal justice system. And if ticking this box can put employers off even considering you for a job, then you might think that maybe getting rid of this box could have the opposite effect. Ban the Box is meant to get around this problem. Around three dozen states have tried a version of this policy, which prohibits employers from asking about criminal records histories during the initial job application or in job interviews. They can still do background checks, but just later in the hiring process. In general, Ban the Box policies only apply to

public employers. But there are some states and cities where these restrictions have extended to private employers, too.

**Amanda Agan:** Criminal records that are reported to employers can include charges that didn't lead to a conviction, so if you were charged with petty theft, the prosecutor eventually dismissed the case, in most states in the US, that can show up on a criminal background check for seven years. If you were convicted of a low-level misdemeanor offense that also gives you a criminal background, even if you didn't end up serving any time incarcerated, maybe your punishment was a fine or probation or something like that, that still ends up on your criminal record.

**Cristina Quinn:** It's estimated up to one in three Americans have a criminal record and work by Dr. Agan and others show that employers who ask about criminal records are 63% more likely to call back someone who doesn't have one. Ban the Box is meant to get around this problem. Around three dozen states have tried a version of this policy, which prohibits employers from asking about criminal records histories during the initial job application or in job interviews. They can still do background checks, but just later in the hiring process. In general, Ban the Box policies only apply to public employers, but there are some states and cities where these restrictions have extended to private employers too. In Dr. Agan's paper, 'Ban the Box, Criminal Records and Racial Discrimination: A Field Experiment,' she looked into Ban the Box policies in New Jersey and in New York City, working with her co-author, Sonja Starr. As you can tell from the title of the paper, they were also interested in looking at the role of racial discrimination in Ban the Box policies. Amanda Agan and Sonja Starr suspected race could play a factor in how employers react to information about potential candidates.

**Amanda Agan:** And so we did what's known as an audit study, where we sent applications to real jobs on behalf of fictitious applicants, where we randomized the race of the applicant through their names and also whether the applicant had a criminal history or not. And we did this in two jurisdictions, the state of New Jersey and in New York City, both before and after Ban the Box policies went into effect in those jurisdictions. And so then we could look at how employer reactions were changing to different types of applicants when they could see criminal history information and when they couldn't see criminal history information. And so what we could see was that employers were significantly less likely to call back an applicant that had a criminal record.

**Cristina Quinn:** So employers prefer candidates without criminal records, which makes sense. Now, how about race? The other factor that Dr. Agan and Dr. Starr were looking at.

**Amanda Agan:** Interestingly, at the same time, if we looked at the racial differences in callback rates before Ban the Box, conditional on either having a criminal record or not having a criminal record, we actually didn't see any differences in callback rates by race. That is, employers seem to treat white and black applicants with criminal records very similarly and white and black applicants without criminal records very similarly.

**Cristina Quinn:** Okay, so to keep track, before Ban the Box, employers are calling back the same number of black and white candidates.

How about after Ban the Box? And don't forget, these are applicants who, aside from race, have similar backgrounds. So we're talking about job and education, histories, neighborhoods, all that. What happened once employers couldn't ask about their criminal record history?

**Amanda Agan:** Now, once that information was taken away, we actually saw a dramatic racial gap open up in terms of employer reactions to our applicants. So once there was no more box, they could no longer differentiate between individuals that had a record and individuals that did not, and we saw that they were significantly more likely to call back a white applicant than they were to call back a black applicant.

**Cristina Quinn:** Wow. The paper shows that before Ban the Box white applicants would get 7% more callbacks than similarly qualified black candidates. After Ban the Box policies came into place, this figure jumped to a staggering 45%. Why does this happen?

**Amanda Agan:** We kind of concluded that employers were now stereotyping, looking at black applicants, and just kind of assuming that they were very likely to have a criminal record, and reducing their callback rates for those individuals.

**Cristina Quinn:** So, employers who are generally calling back similar numbers of black and white candidates before Ban the Box are now calling back fewer black people after Ban the Box has come into place.

**Amanda Agan:** Callback rates for individuals with records increased after Ban the Box. In many ways, that's what Ban the Box was meant to do. Right? Increase opportunities for job interviews for individuals that had criminal records. But it came at a cost of lowering callback rates for young minority men who did not have a criminal record.

**Cristina Quinn:** If banning the box is increasing the number of callbacks applicants get, and for mostly white applicants, is it actually also leading to more job offers?

**Amanda Agan:** Ban the Box doesn't prevent employers from doing background checks ever, right? It just pushes it later in the process, and so it could be that individuals were more likely to get a job interview, but then once the employer did the background check, we didn't see evidence of actual increases in hiring.

**Cristina Quinn:** So did Ban the Box policies encourage employers to hire people with criminal records? The answer is a resounding no. Okay. So now that we know that, what are other ways background checks can discourage employers from hiring people with criminal records? Dr. Agan also looked at sealing records or record expungement, which some jurisdictions have started implementing. Details vary, but overall, they let you hide or get rid of a criminal record after a waiting period. And so, Dr. Agan, do they work?

**Amanda Agan:** We actually found no increase in formal sector employment after that moment that they had a completely clear record.

**Cristina Quinn:** In fact, Agan and her co-author had data from Maryland that also prohibited the reporting of convictions after seven years. Again, they saw no increase in employment after the criminal history information disappeared after seven years. So what's going on? Because in this case, employers aren't even aware of a criminal record, so are they making assumptions again? Or is it something else?

**Amanda Agan:** And our best interpretation of these results, we went through kind of several mechanistic tests in this paper to understand what was going on, is that there was really a scarring happening. Employment rates fell when an individual first acquired a criminal record, and then they sort of stayed down. These individuals are going through the labor market with a criminal history, perhaps having trouble getting hired, giving, having trouble, getting full-time

employment, having trouble getting hired into the sort of jobs that have job ladders. Seven years later, when that information goes away, their resumes kind of carry the scars of that criminal history anyway, and employers are still potentially reluctant to hire them at that moment, and it was hard to undo that sort of scarring.

**Cristina Quinn:** So if you have a criminal record, it's harder to find a job. You have gaps without working or doing work below your skills, and all of this shows up on your resume, making you less and less appealing as a job candidate. Like she said, you're scarred.

**Amanda Agan:** So far, two policies, ban the Box and clean slate, don't seem to be helping, even though they sounded like they should or they would.

**Cristina Quinn:** And Dr. Agan thinks this all points to something a little unexpected when it comes to knowing whether applicants have a criminal record or not.

**Amanda Agan:** Employers want this, seem to want this information, and so they're trying to infer it potentially in the Ban the Box case. In the record sealing case I think that's a bit of a different question in the sense that like, because employers did care about it at first, it continues to matter even once you take that information away. But it does seem to be that something that employers care about, and so I think getting more information to provide to them about exactly what the risk and productivity profile of individuals with records are. Right? What should they be doing? That would be the kinds of information that we would want at least to give to employers. As they think about these sorts of hiring decisions.

**Cristina Quinn:** So at this point we know Ban the Box and ceiling records don't help employers hire more formerly incarcerated people. In fact, it has the opposite intended effect. What are other things that can work?

**Zoe Cullen:** I'm Zoe Cullen. I'm a labor market economist. I'm an associate professor at Harvard Business School and I study inequality in the labor market.

**Cristina Quinn:** In 2022, Cullen and her colleagues published a paper on increasing the demand for workers with a criminal record working alongside Will Dobbie and Mitchell Hoffman. They looked at these three options, wage subsidies, providing insurance to employers, and performance reviews. Now, this is an interesting paper because it's like a field experiment looking at possible solutions to some of the reasons Dr. Agan said employers are concerned about hiring formerly incarcerated people. Like concerns over productivity, and if this hire does something criminal on the job. Dr. Cullen and her co-authors worked with a job platform site to test these options out and to gather their data. This was a site linking people up with temporary work. Some of it could lead to full-time positions, but that isn't the main goal of the work posted on this platform. They wanted to check if these other options could do away with the need to have background checks, which would let employers see if someone has a criminal record.

**Zoe Cullen:** The staffing platform understood that they have a large share of their population of applicants with some indication on their background check of having encountered or been confronted by the criminal justice system, not necessarily incarceration, but anything as light as a speeding ticket to things that are more serious, like violence or sexual assault.

**Cristina Quinn:** Now, don't forget, potentially up to a third of people may have a criminal record, which is far higher than the number of people who've gone to prison. So employers potentially miss out on a large number of people who could be a great match for them.

**Zoe Cullen:** The platform that we worked with wanted to know if it was good for business and good for the particular employer clients to have access to this pool of workers.

**Cristina Quinn:** Dr. Cullen and her colleagues asked employers if they'd be in favor of removing the background checks.

**Zoe Cullen:** So under such a condition if they were gonna get rid of this flag they would be accepting a, potentially a one in three chance of having somebody who has some flag on the background?

**Cristina Quinn:** Now, one thing to note up front is that they found 39% of employers were willing to hire someone who had a record come up on their background check.

So what did they find after they removed the background check under the three different options. Let's go through them one by one. And let's start with the wage subsidy. These are payments made by the government to employers to encourage them to hire someone, and in this case, someone who potentially has a criminal record. In practice, it means that the government will be paying part of the person's wage, so it means less money is leaving an employer's pocket. You may be wondering why the government may wanna do such a thing. Dr. Cullen explains that society benefits from formerly incarcerated people having employment, and so it would help us if we give employers incentives to hire people who've been inside. Don't forget, if people re-offend, they'll get caught up in the criminal justice process, maybe go to prison and the rest of it well, that costs a lot of money.

**Zoe Cullen:** One of the options that policymakers think about is making it cheaper for employers to employ someone like this and that's where wage subsidies come in. So if an employer can get a credit with the, from the US government for hiring workers that we think are good for hire, that we want to be hired for the benefit of society, then perhaps taxpayers and the public would vote for that and be in supportive of that. So that's the idea behind that encouraging employers to hire.

**Cristina Quinn:** Dr. Cullen and her co-authors found that if employers are given wage subsidies for hiring people who've been to prison, they are more likely to bring them on. For this project an online hiring platform paid the subsidy, but the study found that if the government gives a full wage subsidy, meaning that the business doesn't pay anything at all, then 54% of businesses are willing to hire someone with a flag on their background check. Now onto insurance. We're talking about employers being insured in case a potential worker does something criminal on the job.

The platform was willing to offer insurance of up to \$5,000 for damages. Remember what Amanda Agan said earlier, one of the main reasons people are hesitant to hire a former convict is that they're worried this person might commit a crime on the job. Cullen and her team found that providing insurance that would cover up to \$5,000 worth of damages would increase the willingness to hire up to 51%, which is the same as if the employers received an 80% wage subsidy. Now, get this. If employers were offered insurance covering a hundred thousand dollars or even \$5 million in damages, guess what? It didn't increase their willingness to hire by much more. So it really only takes a small amount of coverage to make a big impact on employers' willingness to hire.

And finally, performance reviews. These are an alternative to background checks and in the study employees were offered a performance review some feedback saying how you did in a job. Think of it as a review you may leave for a restaurant online or for something you purchased, that kind of thing. So here were the options. A single performance review, five performance reviews, or 25 performance reviews. Who the hell wants to read 25 performance reviews? In each case, employers were more likely to hire someone who had performance reviews. In fact, though, just one performance review, just one. Was all it took to increase their likelihood of hiring up to 50%. And it didn't change much if there were more reviews. You know why? 'cause no one wants to read that many reviews.

**Zoe Cullen:** If we compare the impact of providing one past review, which in some ways is almost free because the platform could match somebody to get some information and that potentially could be a net cost of zero, that type of policy gives the impact on hiring equivalent to a 50% wage subsidy.

**Cristina Quinn:** Now, that's a pretty big effect for something that's such a light lift.

**Zoe Cullen:** The platform itself was very responsive to the findings, in fact, that most of the jobs are now jobs where the employer can proactively select to match with people who may have a background flag and that allows employers, as in our study, to sort of express their willingness to more quickly match now with a pool of workers that had been previously screened out. So that was a big, that was a big deal and it ended up creating a lot of job opportunities for workers who had that background flag.

**Cristina Quinn:** And there's something else that Zoe Cullen found interesting.

**Zoe Cullen:** Well, I just wanna underscore something that I think was surprising to everybody, which is before we introduced any policy at all, 39% of the employers without any wage subsidy were willing to match without the criminal record on processing.

**Cristina Quinn:** Back on the Lower East Side in New York City. Coss Marte tells me how he's passionate about giving other people like him a chance. In terms of like your transition to like, to back into the real world, right? Was, other than trying to find work, like what was it a struggle just transitioning back into sort of like getting into the flow of everyday

life?

**Coss Marte:** There was moments where like you feel I felt dizzy, right? Like I like going into the subway for the first time in years and standing there and just looking around and nobody's looking up and everybody's looking at their phones felt weird. And like I went in with a flip phone.

**Cristina Quinn:** Right.

**Coss Marte:** Phones didn't work on the platform.

And I remember like feeling like dizzy, like I was gonna faint for a second.

**Cristina Quinn:** And so how did Coss go from feeling overwhelmed on the subway to running his business and finding his own employees? How do you find them?

**Coss Marte:** A lot of different ways. So my team goes into the jails, like Sarita she's going into the juvenile facility right now to train the inmates. We teach classes inside with Rikers Island and the juvenile facilities, and then we give people internships when they come out. People write letters, word of mouth, people show up on the door, different referral programs, we have different nonprofits that we'll work with, all types of stuff. I've maybe hired over 200 formerly incarcerated people coming out of the prison system, maybe even more.

**Cristina Quinn:** Have any of them re-offended? Do you know?

**Coss Marte:** We say we have a zero recidivism rate, so nobody has been convicted.

**Cristina Quinn:** Coss doesn't just hire people straight up, but puts them on a six-week internship program. It provides a good way for him to assess if someone has the chops to work for CONBODY or Conbud. And can get around some of the problems Amanda Agan talked about, which make employers hesitant to hire formerly incarcerated individuals. Factors like being concerned if this person is going to be productive and reliable.

**Coss Marte:** There's people that I've hired that, that we see that you're not putting the effort, we're not gonna put you on, and that's why we do like the internship to like see where there's a opportunity.

**Cristina Quinn:** How can we make it easier for formerly incarcerated people to get work?

**Coss Marte:** I think giving somebody a chance, right? It's not always gonna work out. I think use your judgment, right? Like tests, I think start working with different nonprofits that give internship opportunities that could bring people in and have people prove that they could work.

**Cristina Quinn:** So we're seeing what works and what doesn't, and we'll leave you with three facts. One. Employers want more information, not less, so we don't want to Ban the Box, and we want performance reviews, which help indicate how good someone's work is. Two. 39% of employers from Zoe Cullen's research had no problem hiring former convicts. Employers are keen to hire these people; they just have concerns. Three. Insurance helps providing insurance for just up to \$5,000 in damages encourages employers to take on formerly incarcerated people. Speaking of performance reviews, let us know what you think about this podcast. Subscribe and leave us a review, and if you wanna hear more about the best types of jobs to help people back into the workforce. I'm Cristina Quinn, and together we are fighting crime.

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