

# **Supporting People with Justice System Involvement to Succeed in Employment Social Enterprise**

## **Population Context**

REDF defines an individual who has been justice involved as an individual who has been arrested, charged with a crime, and/or spent time incarcerated (jail or prison)<sup>1</sup>. REDF recognizes the impact the justice system has on communities and families of individuals who are justice involved, but this article will focus on the above definition. Life experiences of individuals who are justice involved are known to lead to a disconnection from educational and employment opportunities, and could include a history of mental health challenges, family division, interrupted work or schooling, or violence.

Of the 259 employment social enterprises who are in REDF community or in REDF core programming as of 2024, over half (60%) serve individuals with justice system involvement.

A study of hiring practices of employers reveals that only 5% of managers and 3% of human resource professionals said their company actively recruits people who have been justice involved. Of those who do, 82% of managers and 67% of human resource professionals think that the value new employees with records bring to the organization is as high as or higher than that of workers without records<sup>2</sup>. Although these employers are not specifically employment social enterprises (ESEs), the managers and Human Resource professionals were surveyed on perception of work and revealed hopeful outcomes for individuals with justice system involvement.

There have been many terms used to identify individuals who are, or have been, justice system involved. And in recent years, this language has shifted. REDF has made a commitment to using person-centered and asset-based language for everyone and believes that we should use language that recognizes an individual's wholeness rather than one experience. Deficit-based language can be dehumanizing, reductionist, and

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<sup>1</sup> REDF [Lived Experience Definitions](#)

<sup>2</sup> SHRM [Employers Willing to Overlook a Criminal record to Hire the Right Person](#)

stigmatizing. By using asset-based language, REDF’s intention is to foster increased respect, dignity, and understanding towards individuals who have experienced involvement in the justice system.

Terms used to describe individuals who have been justice involved are listed here<sup>3</sup>.

Deficit-Based	Asset-Based
Offender, inmate, felon, criminal, convict, prisoner, delinquent	A person with justice system involvement, a person impacted by the justice system
Ex-offender, Ex-con, Ex-prisoner	A person with a history of justice system involvement, a formerly incarcerated person, a re-entering/returning citizen
Parolee, Probationer, Detainee	A person under judicial supervision
Juvenile offender, juvenile delinquent	A young person impacted by the justice system

Note: These terms are listed here so that we are aware of other terms used in the field. REDF is committed to the asset-based language above and uses “person with justice system involvement.”

## System Involved Intersectionality & Sentence Types

Annually, there are 600,000+ individuals in the US exiting state and federal prisons, and likely seeking employment<sup>4</sup>. The individuals integrating back into the community are far from homogeneous, with individual experiences of incarceration and arrest varying greatly depending on the type of offense, demographic factors, socioeconomic background, health status, and more. However, there are unique considerations for support that ESEs serving individuals with justice system involvement to consider. Understanding these diverse and intersecting realities is crucial for ESEs to effectively support the unique needs of the population they serve.

Gender and race, for example, are key intersecting identities that influence individuals’ experiences with the justice system. For example, women, who make up 10% of the population of those with justice system involvement in the US<sup>5</sup>, may need gender responsive programming to address challenges that more often only impact women. In addition to experiencing the trauma of incarceration, 80% of women in jails are mothers,

<sup>3</sup> Fortune Society [Words Matter: Using Humanizing Language](#)

<sup>4</sup> NCDA [Employment after Prison](#): The Importance of Supporting Workers Who are Seeking Work after Incarceration

<sup>5</sup> Prison Policy [Institute Women and Gender](#)

and most of them are primary caretakers of their children.<sup>6</sup> Race also intersects with people's experiences with incarceration. The national incarceration rate of Black people is six times the rate of white people<sup>7</sup>, and Black individuals who are incarcerated are more likely to be administered the punishment of solitary confinement than other groups<sup>8</sup>.

These nuanced experiences, histories, and demographics can overlap. It is important to be mindful of intersecting needs that may affect the population being employed. Understanding these intersections can support ESEs in designing a more thoughtful employee experience, providing tailored support to all its employees' needs and goals.

In addition to intersectionality, the type of sentence that people serve and crime they are incarcerated for influences their experiences. Individuals with justice system involvement who have served longer term sentences, while they may have work experience, may need additional support or education on how to communicate transferrable skills to an employer. Another consideration is for individuals who have highly stigmatized convictions, such as those who have been convicted of sexual assault or violent acts, as these individuals may not be served by all ESEs or have extra barriers in accessing public supports. Understanding how the type of crime and sentence impacts an individual can be helpful for ESEs in tailoring their program for unique experiences of individuals.

## **Government Programs to Address Common Barriers Faced by Individuals with Justice System Involvement**

As ESEs seek to employ and serve individuals with justice system involvement, organizations should be mindful of existing support within government programming to fully make use of available resources and support employees in navigating those resources. Government resources and programming vary state by state, and sometimes even county by county, but awareness of potential funding could further help the population an ESE is seeking to support while helping lessen an ESE's financial spend.

The Shriver Center on Poverty Law outlines the following government programs that address barriers experienced by people with justice system involvement<sup>9</sup>:

- **Public Housing:** Public housing authorities are required to give applicants with justice system involvement the chance to explain why their convictions will not affect their

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<sup>6</sup> Prison Policy Initiative [Women's Mass Incarceration](#)

<sup>7</sup> Prison Policy Initiative [Racial disparities in prison](#)

<sup>8</sup> Rutgers University [Intersections of race and gender on prison punishment and adjustment](#)

<sup>9</sup> Shriver [Center on Poverty and Law](#)

ability to be a good tenant. However, the housing authority can automatically deny applications based on:

1. Conviction of manufacturing methamphetamine on federally assisted property at any time, or
  2. Requirement to register because of a past sex offense, (this requirement is for life), or
  3. Current use of illegal drugs or abuse alcohol, or
  4. An eviction from federally assisted housing within the last 3 years for drug-related criminal activity (if the individual cannot show that they have successfully rehabilitated from drugs).
- Health Insurance: Individuals who are at or below an income level and who have been justice involved are eligible for medical benefits even if convicted of a crime. The individual can apply for medical benefits of Medicare or Medicaid (must meet income and age requirements) before they are released, or they can apply as soon as they are released from state prison.
  - SNAP: This is determined on a state-by-state basis, but in several states, Supplemental Nutrition Assistance Program (SNAP) benefits are available regardless of justice involvement. SNAP provides food benefits to low-income families to supplement their grocery budget so they can afford the nutritious food essential to health and well-being.
  - Government Issued ID: This is determined on a state-by-state basis, but several states do allow individuals who are justice involved to qualify for a free ID card. Visiting their respective Secretary of State office, or equivalent, within 30 days of being released with proof of legal name, date of birth, and social security number will be helpful in this process.
  - Government backed employer support: The federal bonding program<sup>10</sup> established in 1966 provides fidelity bonds to employers who hire individuals with barriers to entry in the workforce, including individuals who have been justice involved. The intention of the bond is to protect the employer against losses caused by potential fraudulent acts by the bonded employee(s). Additionally, the Work Opportunity Tax Credit (WOTC) offers a federal tax credit for employers who hire individuals with barriers to employment, including people with justice system involvement.<sup>11</sup>

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<sup>10</sup> Federal [Bonding Program](#)

<sup>11</sup> IRS [Work Opportunity Tax Credit](#)


## Common Barriers Faced and Employee Success Services<sup>12</sup>

The table below summarizes some typical barriers to employment that people with justice system involvement may face, as well as relating employee supports that can work to remove or alleviate these barriers. This information has been compiled based on our research of what supports previous and current REDF grantees have provided as well as interviews with field experts.


Remember – the goal isn’t to do everything below! The most effective programs offer some combination of the below activities depending on the specific needs of their focus population. There can also be supports beyond what’s included below.

Common Barriers to Employment	Employee Success Services
Mandated court dates or meetings with Parole Officers during work hours (may be with little to no notice)	<ul style="list-style-type: none"> <li>– Provide flexibility around court dates/supervision requirements. Some ESEs have employees work on a job site for only four out of the five days of the week and use the fifth day so the employee can meet with their job coach, job developer, or attend any external personal appointments.</li> <li>– Have discussions with your team about your workforce and how you can add flexibility with minimal impact to operations. Have a rotating scheduling approach to ensure the business operations has enough team members on any given day, while allowing flexibility at the individual level.</li> <li>– At hire, schedule 1:1 conversations with your ESE participant worker to understand time off needed. Continue the engagement throughout the ESE experience to stay connected and engage with the individual as their situation may evolve throughout their experience.</li> <li>– Maintain an open, communicative relationship with Parole Officers, including organizing site visits, encouraging them to come to the ESE with any issues (instead of re-</li> </ul>

<sup>12</sup> CDCRA [Report](#)


	<p>arresting), and sharing more about how your program is helping your participants.</p> <ul style="list-style-type: none"> <li>– Work with your participants to set up a schedule of their appointments with parole officers / court dates and have automated reminders for each one.</li> </ul> <div style="background-color: #008080; color: white; padding: 10px;"> <p><b>CityLab Professional</b></p>  <p>CityLab Professional has a re-entry app that sends participants automatic reminders for appointments with parole officers and court dates, along with google maps directions to appointments. Reminders can reduce missed appointments by up to 20%.<sup>12</sup></p> </div>
Financial instability	<ul style="list-style-type: none"> <li>– Seek to minimize the time it takes a new ESE participant worker to onboard and begin receiving income.</li> <li>– If possible, implement frequent pay days (e.g., weekly or bi-weekly) for all workers. Center for Employment Opportunities (CEO), a national workforce development organization providing transitional jobs to previously incarcerated jobseekers, offers daily payment. While not all ESEs will be able to pay participants daily, finding a schedule that works for an ESE's payroll staff and participants is important.</li> <li>– Provide resources for navigating child support payments.</li> <li>– Consider how your ESE can pay a living wage or offer raises based on performance. <ul style="list-style-type: none"> <li>○ Ex: The average wage for employees exiting ESEs that serve individuals impacted by the justice system hovers around \$18/hr.</li> </ul> </li> <li>– Consider a discretionary fund (e.g., barrier removal fund) for supporting with initial fees such as transportation, ID costs, fines and fees, etc. especially in the first month of employment.</li> <li>– Build financial competency by covering concepts such as the cost of credit, how to open a bank account, and how to manage finances. Connecting literacy support to financial</li> </ul>

<sup>13</sup> Harvard and Stanford University Study on [Reminders for Court Dates](#)

	<p>products (e.g., credit building tools) can enhance the impact.</p> <ul style="list-style-type: none"> <li>– Educate participants about and divert them from predatory financial practices to avoid exploitation.</li> </ul> <div> <p><b>Forestry and Fire Recruitment Program (FFRP)</b></p>  <p>FFRP partners with JPMorgan Chase to provide financial competency workshops to educate their participants on how to effectively manage their finances and build their wealth.</p> </div>
Disconnection to access to credentials and previous work history (ex: no high school diploma)	<ul style="list-style-type: none"> <li>– Offer certification opportunities &amp; skill training on the job.</li> <li>– Provide in-person / online access to high school diploma (HSD) / GED classes (note: some organizations decide to outsource the actual teaching of classes).</li> <li>– Consider offering digital literacy training.</li> <li>– Consider resume and employment history support to honor work and skills gained at the ESE and from time incarcerated.</li> <li>– Know if there are certain occupations that restrict individuals who have been incarcerated in your state.</li> <li>– Conduct goal setting activities, self-assessments, and workplace personality assessments to support career exploration.</li> </ul>
Unstable housing	<ul style="list-style-type: none"> <li>– Establish partnerships with nonprofits and reentry organizations for housing search support (referral or internal).</li> <li>– Develop a direct referral partnership with an emergency shelter or temporary housing provider. Some emergency shelters can reserve beds for nonprofit partners (sometimes for a fee).</li> <li>– Offer basic needs assistance such as groceries &amp; hygiene items.</li> <li>– Pay for helping with other misc. housing costs (such as rental insurance, rental assistance, etc.).</li> </ul>

	<ul style="list-style-type: none"> <li>– Where appropriate, offer temporary housing with a path towards more stable housing. <ul style="list-style-type: none"> <li>○ Ex: Conbody has air mattresses their participants can sleep on temporarily while searching for more stable housing.</li> </ul> </li> </ul>
Stigma in the application process	<ul style="list-style-type: none"> <li>– Support participants in developing a skills-first narrative that emphasizes the accountability, resilience, and fortitude it took to overcome obstacles.</li> <li>– CEO suggests crafting a conviction statement with a job candidate to embody principles of partnership, collaboration, and evocation, emphasizing that an interview is not the time to retry one's case. Support individuals with being able to share their story and progress through a job application and interview. <ul style="list-style-type: none"> <li>○ Ex: CEO outlines parts of the statement as the past, the consequences, steps taken, and the future, with a recommended emphasis on steps taken and the future.</li> </ul> </li> <li>– Promote accountability around Ban the Box practices with employers within the ESE employment network.</li> <li>– Ensure HR training includes an onboarding with techniques such as motivational interviewing specific to individuals with justice system involvement.</li> <li>– Consider offering tattoo removal services to address any former gang affiliation potential concerns.</li> </ul>
Record implications	<ul style="list-style-type: none"> <li>– Partner with legal aid organizations to provide legal support for cleaning records (e.g., expungement, removing of arrest &amp; conviction from court records), fines &amp; fees, etc.</li> <li>– Make use of legislation passed from and resources created by the Clean Slate Initiative, an organization that passes and implements laws to automatically clear eligible records for people who have completed their sentence and remained crime-free.</li> </ul>
Trauma informed	<ul style="list-style-type: none"> <li>– Increasing understanding and awareness of the impact of trauma, developing trauma-informed responses, and strategies for developing and implementing trauma-</li> </ul>



	<p>informed policies are important to provide this type of support.<sup>14</sup></p> <ul style="list-style-type: none"> <li>– Peer mentoring: Thoughtful mentoring programs as a supplement to critical reentry needs may be a way to support community and belonging for returning workers. Although the research on its impact is relatively small at this point, there is a growing call to invest in resources for mentoring as a component of reentry.<sup>15</sup> <ul style="list-style-type: none"> <li>○ Ex: RecycleForce has a peer 1:1 mentoring program that ESE participant workers often benefit from.</li> </ul> </li> <li>– Cognitive based intervention: Access to mental health supports such as Cognitive Behavioral therapy (CBT) which teaches individuals to identify and manage thoughts that contribute to emotional problems, altering their behavior in the process is also proven to support individuals with justice system involvement in reducing recidivism.<sup>16</sup> <ul style="list-style-type: none"> <li>○ Ex: RecycleForce has onsite mental health providers to provide counseling to employees through an employee assistance program.</li> </ul> </li> </ul> <div> <p><b>EMERGE Connecticut, Inc.</b></p>  <p>EMERGE Connecticut, Inc. offers ‘Real Talk’ every Friday, where participants and staff open up about how they are feeling and their mental health in a group therapy session. Further, most of their staff is justice involved and in therapy, and openly talks about their experiences with program participants in order to normalize mental health discussions and remove stigma.</p> </div>
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## Program Design Considerations

Based on REDF research and data from the National Transitional Jobs Network, ESEs should consider design in the categories of recruitment, job design, and operations.

<sup>14</sup> SAMHSA Trauma [Training for Criminal Justice Professionals](#)

<sup>15</sup> CSG: [Mentoring as a Component of Reentry](#)

<sup>16</sup> SSIR [A Better Way to Keep People From Going Back to Prison](#)

## Recruitment

- Conduct outreach to job placement programs focused on serving individuals with justice system involvement and engaging in second chance or fair chance employment.
- Provide salary and job description transparency from the beginning.
- Consider including people with lived experience with justice involvement in the recruiting process to provide a credible message about your ESE<sup>17</sup>.
- Adopt people-first humanizing material in collateral.

## Job Design

The Center for Employment Opportunities (CEO) outlines three foundational pillars that will affect program design: transitional job experience, job readiness (digital skills, career navigation, etc.), and job search support. Best practices in job design for individuals with justice system involvement include:

- Establish support for supervision conditions by providing flexibility for ESE participant workers for potential supervision requirements such as drug testing or court mandates during the workday.
- Provide a mentor for ESE participant workers by matching with those who have had similar lived experiences - there is not significant data around mentorship support impact, but there is interest in growing opportunities here.
- Design pay schedules for participants to access paychecks in a timely manner.
- Open hire (applications available at any time for individuals) vs. a cohort based (applications only for certain start dates for a group to start together) may help increase accessibility due to fewer time restrictions.
- Consider having different occupations within your ESE. Individuals with justice system involvement have varying degrees of experience. Consider different job roles that can accommodate varied experiences.

## Operations

- Build in time and resources for filling out paperwork and administrative items.
- Build partnerships for offering a continuum of services (ex: legal services, housing nonprofits, child support, probation/parole officers, etc.).

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<sup>17</sup> NELP [Fair Chance Hiring for Employees](#)

- Provide paid orientation and compensation for any extracurricular activities (e.g., focus groups, storytelling on behalf of the organization).

## Business and Industry Considerations

When choosing a new industry to launch an ESE for individuals with justice system involvement, it is important to consider the individuals you are serving, your intended program design, and how this is impacted by your industry. Consider the goals of your participant workers and your program as well as whether certain industries will enable you to achieve these goals.

The table below outlines some key criteria in relation to serving people with justice system involvement and summarizes whether some industries are a good fit for each criterion. Green indicates that an industry is a likely fit for the population, yellow indicates that more research is needed to determine if the industry is a good fit for the population, and red indicates that the industry is likely not a good fit for individuals with justice system involvement.

As you review the table below, please consider that:

- **These are general criteria** – some of these might be more or less important to you depending on your ESE's specific program.
- **This table is not exhaustive of all industries & criteria** – if there is an industry you are considering outside of these, consider whether they perform well for each criterion.
- **This does NOT consider business conditions** – it is important for ESEs to also consider business criteria (e.g., earned revenue, costs, market growth) when choosing an industry.
- **Consider implications for job design** – once an ESE chooses an industry, the next step is to consider how you will design the actual job (e.g., transitional vs. permanent employment, part-time vs. full-time, employment length, etc.).
- **Legal & regulatory considerations** – though not included in the table below, some employers might be barred by state laws/regulations from employing persons with specific convictions in certain roles. Understanding this upfront is important for any career planning with an individual.

ESEs serving this population tended to focus in certain sectors, notably temporary staffing, services (e.g., environmental, and consumer goods), food preparation and serving, and other industries. For all ESEs serving individuals with justice system involvement, the most reported industry was food preparation and serving (40%), followed by temporary employment/staffing (29%), and then environmental services

(28%) and consumer goods and services (28%). For ESEs who are mostly focused on individuals with justice system involvement, the top industry is consumer goods and services (23% for people with justice-system involvement only, and 22% for people with justice-system involvement and one other focus population), followed by temporary employment/staffing (18%), other industries (18%), and environmental services (14%) for ESEs focused exclusively on individuals with justice-system involvement. ESEs that serve this population and one other reported three other industries behind consumer goods and services -- environmental services (17%), food preparation (17%) and serving, and other industries (17%).

	Minimum Education Required	Work can be performed in cohorts or crews	Flexible Hours	Career Path Progression	Overall Job Design
Food Preparation					
Temporary Staffing					
Environmental Services					
Consumer Goods and Services					

## Success Metrics<sup>18</sup>

In identifying successful outcomes within a social enterprise that works with individuals with justice system involvement, the overall REDF metrics for ESEs apply (e.g., people employed, earned revenue), but the following metrics should be evaluated and measured specific to individuals with justice system involvement. These metrics were developed in conversation with REDF staff, ESE leaders with justice system involvement, and CEO.

- *Self-sufficient wage*: Does the job offer a livelihood long term?

<sup>18</sup> ASPE [Predictors of Reentry Success](#)

- *Transitional employment to full employment:* Are there opportunities for mobility and long-term employment as a result of the job?
- *Family reunification:* Are families able to reunite because of a more stable livelihood?
- *Low recidivism rate:* Is the individual able to re-enter society effectively?<sup>19</sup> While a valuable measure, recidivism alone doesn't tell the full picture of success.<sup>20</sup>
- *Job retention:* Is the person able to stay in a job for a significant period of time?
- *Employee secured permanent housing:* Do employees have stable housing and reasonable income thresholds for public assistance benefits? ESEs may need to advocate for reasonable thresholds.
- *Wellbeing and other positive outcomes:* Does the individual have an improved sense of wellbeing? How have they progressed in other positive areas, such as health, educational attainment, income, and civic engagement?<sup>21</sup>

## Lessons for ALL Employers

ESEs that serve people with justice system involvement offer lessons for how other employers can adopt inclusive employment practices that can help them expand their talent pool while creating better working conditions for all their employees. A growing number of fair chance employers<sup>22</sup> have made a commitment to recruit, onboard, and retain employees with justice system involvement. ESEs offer a model for how these employers can realize the great potential of offering fair chances.

A few practices that employers can adopt from ESEs to ensure they are offering dignified work that leads to better economic outcomes for their employees and the company:

- **Human-centered, asset-based language:** use language that humanizes employees and lifts up the value they bring to the organization.
- **Trauma responsive employment practices:** understand the impact that trauma has on how employees show up to work and design policies to address this trauma.
- **Success metrics:** consider more holistic measures of employee satisfaction and wellbeing to understand how the employer can create an inclusive environment that enables employees to thrive.
- **Build financial competency:** offer financial competency workshops so that employees can manage their income and grow their wealth.
- **Partner with community organizations:** partner with community organizations to offer referrals to essential services for all employees (e.g., mental health, housing).

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<sup>19</sup> Urban Institute [Improving Recidivism as a Performance Measure](#)

<sup>20</sup> [The Limits of Recidivism: Measuring Success After Prison](#)

<sup>21</sup> [The Limits of Recidivism: Measuring Success After Prison](#)

<sup>22</sup> Checkr [What Are Fair Chance Hiring Practices](#)

- **Access financial incentives:** apply for government programs (e.g., federal bonding program, Work Opportunity Tax Credit) to gain financial incentives for hiring people with barriers to entry in the workforce.
- **Expand talent pools and improve retention:** partner with ESEs and other workforce development organizations to design job training that aligns with industry requirements and to recruit talent breaking through barriers to work.

By engaging in these types of practices, employers can leverage overlooked talent, such as people with justice system involvement, while also promoting a more inclusive working environment for all their employees.

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