

# Explaining Criminal History

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Often, employers ask about criminal history during the job application process. This practice has led to a movement to “ban the box” (which seeks to eliminate questions related to criminal convictions on initial job applications) so that people who have been involved in the criminal justice system will not immediately be deemed ineligible for hire based on that factor alone (Stoll and Bushway 2008). As a result, new policies to promote fair hiring practices have been enacted at state, county, and city levels (Safer Foundation 2009). Stoll and Bushway (2008) assert that this movement may not have the desired impact because of insufficient information about “how employers use criminal history information or what its effect on hiring people who have been involved in the criminal justice system might be”.

Further, Stoll and Bushway (2008) studied 619 firms in California and found that some employers were willing to hire people who have been involved in the criminal justice system based on the type of crime committed (e.g., a drug offense versus a violent crime); this shows that employers are making informed decisions based on the substance of a person’s entire history rather than simply the existence of a criminal record. Although this is encouraging, the existence of a criminal record is often a barrier to fruitful and meaningful employment.

For a person who has been involved in the criminal justice system, the most dreaded part of the job search can be explaining a felony conviction to a potential employer. Many people who have been involved in the criminal justice system have never honestly answered the question, “Have you ever been convicted of a crime?” on an application. As a result, they drift in and out of employment – only staying with a job until their employer finds out about the conviction through a background check, a call from a Probation Officer (PO), or some other way.

The Federal Work Opportunity Tax Credit (WOTC) may be available as an incentive to hire people who have been involved in the criminal justice system and others who may have difficulty getting work. The Federal Bonding Program, in states where it is available, helps employers hire people who have been involved in the criminal justice system and bond them. These incentives, along with a positive attitude and qualifications, can make a person who has been involved in the criminal justice system an attractive job candidate.

## Tips for Clients Seeking Employment

Although there are no magic formulas for dealing with this sensitive information, the following hints may be helpful.

### To Tell or Not to Tell

It is up to you, but we recommend honesty. On the application, write “Will discuss in interview.” rather than a lengthy explanation of past convictions. In an interview, keep explanations brief, and stress what you have learned from your conviction and time in prison, how you have changed, and your skills or assets. Be positive!

## Gaps in Employment Due to Time Served

If you had a job in prison, list this. Under salary, write “minimum wage”. After all, a dollar a day was the minimum wage. Again, be positive and stress that, although you were incarcerated, you have been acquiring valuable experience and skills.

## Reason for Leaving

Avoid negative words like “went to jail” or “paroled”; instead, put “relocated” or “contract ended”. Both are true.

## The Interview

Relax – be comfortable discussing the conviction. Practice ahead of time and maintain eye contact. Again, keep explanations short and focus on what you have to offer the employer and steer hard questions back to the skills and positive traits that you bring to the job. Believe in yourself, and it will show.

## The Application

If you are asked about felony convictions on the application, put “Will discuss in interview.” Since the purpose of an application is to get an interview for the job, by putting “will discuss” instead of possibly damaging information, you are encouraging the employer to either give you an interview to get more information or to eliminate you without really knowing why. If you are a qualified applicant, most employers want to interview you.

When you fill out an application in a company’s employment office, you should be groomed and dressed as if you were going for an interview. Sometimes, you may be interviewed on the spot. When you file an application, don’t forget about it, and hope the employer calls you. Instead, follow up after five to seven days. A phone call to check on the status of your application is recommended. In fact, the best advice any job seeker can get is, “Don’t give up!” There probably will be many “no’s” before you get a job. However, if you’re willing to work at getting a job, you will be successful.

## Phone Scripts

These scripts give you an idea of how to talk to an employer over the phone. You should always use your own words and language you are comfortable with. Remember – every interaction with a potential employer should highlight your strengths and skills. Be polite and professional and try not to use slang words.

### For a Classified Ad:

Hello, my name is \_\_\_\_\_. I am calling about the (JOB TITLE) position advertised in (NAME OF NEWSPAPER AND EDITION OR NAME OF ONLINE SOURCE). I have had (# OF YEARS, OR USE “MANY” INSTEAD OF A SPECIFIC # OF YEARS) experience in the field of (INSERT FIELD), and I would like to set up a time for us to meet to discuss the position in more detail.

### For a Cold Call:

Hello, my name is (INSERT NAME). I'm calling to see if you have any openings for (JOB YOU'RE INTERESTED IN). I have had (# OF YEARS, OR USE "A LOT" INSTEAD OF A SPECIFIC # OF YEARS) experience in the field of (INSERT FIELD), and I would like to set up a time for us to meet to discuss the position in more detail.

### If They Don't Have Openings:

Would it be possible for me to come down and fill out an application in case any positions become available? Do you know of any (JOB TITLE) openings in the area?

### Remember:

- Be polite. Whether you get the results you want to not, thank the person for taking the time to speak with you.
- Be prepared to answer questions about your background and experience.
- Have a pen and paper handy to write down any notes, information they provide, or directions.
- Be prepared to set up an interview.
- Know your craft and learn as much as you can about the job you are seeking so you can speak from a place of knowledge.
- Try not to ramble if you get nervous. Giving too little or too much information is not ideal. Being detailed without rambling is the best approach.
- It's okay to not know an answer to a question. Employers also want to know how you'll respond when you aren't sure.

## Roleplay Examples

### Role Play Example 1

**Employer:** "I see from your application that you have been convicted of a felony. Will you explain this to me?"

**Poor Answer:** "Well, I was using drugs at the time, so I wasn't thinking right. My boyfriend was selling drugs. He asked me to hold some drugs for him. The police said I was part of a conspiracy to sell drugs. But I didn't do anything except trust the wrong person. They gave me two years."

*(This response might not impress an employer. They will believe the applicant takes no responsibility for his or her own actions.)*

**Better Answer:** "I'm glad you asked me because I want you to feel comfortable hiring me. I want to assure you that I have learned from my past choices. I have spent the past few years training for this career path. I am more mature now and I have a solid plan for my future. If given the chance, I will give your company 100 percent of my effort. I know you will not be disappointed if you hire me."

*(This response shows the applicant takes responsibility and does not blame others. The second half of the response focuses on the positives. As you consider your own response, be sure to use your own situation to shape your explanation, skills, and positives. It was direct and did not go into too much detail.)*

## Role Play Example 2

**Employer:** “How can I be assured your legal and drug addiction troubles are behind you?”

**Poor Answer:** “Oh, I don’t use drugs anymore. I don’t hang around those people at all. I refuse to return to that lifestyle.”

*(This response lacks assurance and a plan for the future.)*

**Better Answer:** “I have addressed my past addiction through drug treatment and various mentors and supports. I am sober now, and I intend to maintain this lifestyle. As noted on my application, I am supervised by a PO who is available to assist me in maintaining this productive lifestyle. If you have any concerns about dishonesty, I can obtain federal bonding insurance, which would protect you as my employer. Are you familiar with this program?”

*(This response tells the employer the positive things the applicant did to overcome a problem, that the applicant has a plan in place, and that there is third-party support. If you do not have drug use history, talk about the positive things you did to overcome the illegal issue and what you plan to do to remain productive. Tell the employer about any third-party support you may have, such as your PO.)*

## Additional Response Examples

**Interviewer:** “I see from your application that you have been convicted of a crime. Will you explain this to me?”

**Response #1:** “I’m glad you asked because I want you to feel comfortable hiring me. I want to assure you it had nothing to do with my previous employers. I took some things that didn’t belong to me, and, as a result, I spent some time in jail. I used that time to improve myself and to decide what field I wanted to get into. I enrolled in clerical courses and can type 50 wpm. I am familiar with several word processing and software programs and have excellent phone skills. I am very interested in learning all I can about this industry, and I know I would be an asset to this organization.”

**Response #2:** “When I was young, I got mixed up with the wrong crowd, and made choices I would never make today. I used the time to my advantage by completing a training program in air conditioning and heating, and I have received my certification. I’ve researched several air conditioning companies in the area, and yours is well-respected. I would really like to be a part of your team.”

## Closing the Interview

- If the employer does not offer you a job or say when you can expect to hear about it, ask when you may call to find out about the decision.
- If the employer asks you to call or return for another interview, make a written note of the time, date, and place.
- Thank the employer for the interview and reaffirm your interest and qualifications for the job in a follow-up email.

## After the Interview

Make each interview a learning experience. After it is over, ask yourself the following questions:

- What points did I make that seemed to interest the employer and how do I know, (Did they ask follow up questions? Did they sit up in their chair)?
- Did I present my qualifications well? Did I overlook qualifications that were important for the job?
- Did I learn all that I needed to know about the job? (How did you prepare, did I research the website, did I look at the reviews for the company?)
- Did I ask questions that I had about the job? (Always have at least one question prepared)
- Did I talk too much? Too little?
- Was I too tense? Too relaxed?
- Was I too aggressive? Not aggressive enough?
- Was I dressed appropriately?
- Did I effectively close the interview?

Make a list of specific ways you can improve for your next interview. Remember, practice makes perfect. The more you interview, the better you will get at it. If you plan carefully and stay motivated, you can market your job talents. You will get a job that uses your skills and pays you well.

## References

Shawn M. Flower, Ph.D. "Gender-Responsive Strategies for Women Offenders" *National Institute of Corrections, U.S. Department of Justice: 2010*

Employment tips adapted from the U.S. Department of Labor publication, "Tips for Finding the Right Job."