



REWORK REENTRY

PLAYBOOK

Creating Pathways into Tech for
People Returning from Incarceration



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Note: There are clickable words through the playbook that appear like this, click the hyperlinks to learn more.

Key Learnings

This playbook is based on an analysis of real-world efforts to train and hire people who are formerly incarcerated into technology careers. We conducted interviews with over 40 people, including executives and staff from six major tech companies that have successfully hired people returning from incarceration, and reentry and workforce development experts from 13 different nonprofits and foundations, many of whom have themselves returned from incarceration. The tech company interviewees represented departments including human resources; legal; risk and compliance; engineering; diversity, equity, and inclusion; social impact; and talent recruitment.

Why should tech companies consider this? What are the rewards?

With a significant skilled worker shortage in the tech industry, training and hiring people returning from incarceration can help fill much-needed gaps in talent acquisition.

The **Next Chapter** network has proven that people returning from incarceration have the ability to become talented coders with the right pre- and post-release training. These individuals also make good employees, bringing valuable and durable skills that are well-suited for growth within a company. These include problem-solving and de-escalation, emotional intelligence, loyalty and high retention, and perseverance.

Tech companies have the opportunity to lead and have substantial impact: The business community already looks to technology companies as innovators. The higher salaries and quality of jobs the industry provides can create transformative change for employees as well as their families and communities, setting a new standard in business.

Hiring programs demonstrate that a company cares about justice, equity, inclusion, empathy, second chances, and resilience, as well as challenging traditional notions of who is deserving of opportunity. This work can lead to increased loyalty and retention of all employees who appreciate working for a company that acts on its values.

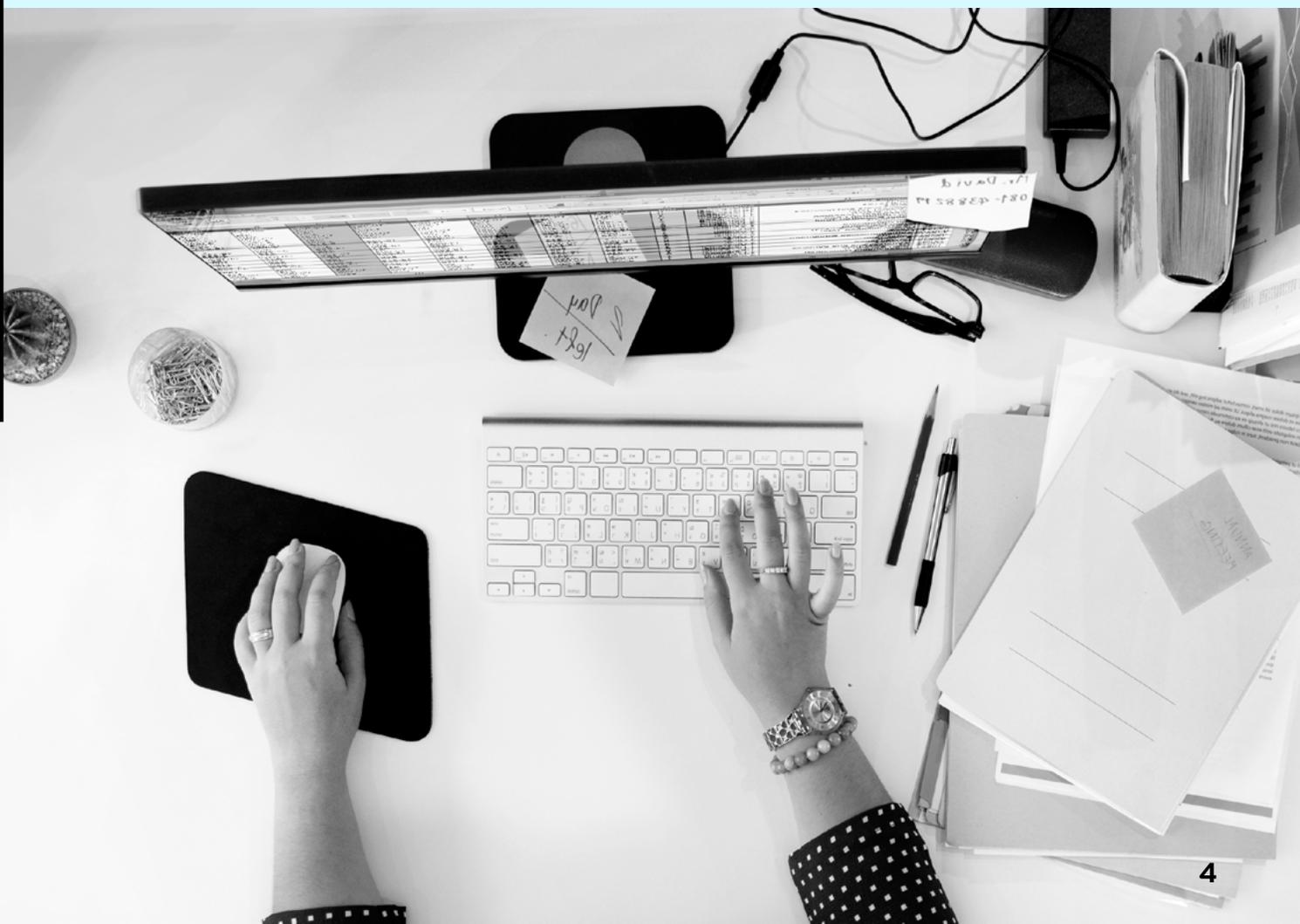
What should companies think about when considering building a program for hiring people returning from incarceration?

While there are laws at every level of government that act as barriers to people returning from incarceration to find gainful careers, major companies have found ways to work around these obstacles to provide transformative career paths. The hurdles can feel bureaucratic, but they deeply impact people's lives, and can be overcome with focus and effort.

Building a successful hiring program will take internal policy adjustments, evaluation of work culture, and substantial company-wide education.

Additional trauma-informed support and mentorship is required for each employee; working with a community-based third-party reentry organization is the best approach.

There are huge gaps between perception and reality when it comes to risk. No companies have reported security or safety incidents, whether physical or digital.



A Brief Guide to Addressing Potential Challenges & Identifying Solutions

POTENTIAL CHALLENGES

SOLUTIONS

A company has no policy in place to consider the context if a person fails a background check.

Create a policy that escalates any flagged background check results to a leadership team that has an evaluation framework like “**time-nature-time**” and invites the person to provide context.

Leadership and staff are worried about personal and information security.

Once companies establish educational opportunities and person-to-person exchanges between staff members and people returning from incarceration, worries often evaporate. Long-term employment and appropriate supports **have been shown to** reduce recidivism, and partnering with a third-party reentry support organization can help ensure that appropriate individualized assessments are made.

Pre-existing contracts or interpretations of laws in your jurisdiction prohibit people returning from incarceration from working with customer data.

Restructure backend systems and development processes to allow for sufficient compartmentalization, and give employees the ability to work securely.

A person returning from incarceration may need additional support to help with mentorship, housing, social services, trauma-informed care, and other reentry challenges.

Engage a third-party reentry organization, like Next Chapter, to help provide informed support and handle the care that companies may not be equipped to handle.

The person returning from incarceration needs specialized training and on-the-job experience to finish their education.

Partner with a training organization or boot camp to provide specialized curriculum that meets the company’s needs. A company can also bring the person on for a time-limited paid apprenticeship phase where they learn on the job and work towards established milestones of performance.

Foreword

On July 3, 2013, I walked out of San Quentin State Prison after serving almost 19 years of a life sentence due to a parole violation.

For 6,934 days, I dreamt of the day when I would regain my freedom and have an opportunity to begin rebuilding my life. But is one truly free after release from prison?

The sad truth is no.

After serving my time, I returned to a broken system of support for people reentering society after prison and a laundry list of far-reaching collateral consequences.

The stigma associated with incarceration perpetuates systemic barriers to housing and employment. As a result, people returning to their communities after incarceration are 5x more likely to be unemployed than the general public. One study concluded that formerly incarcerated people are almost 10x more likely to be homeless than the general public. And in California, 70% of people experiencing homelessness have a history of incarceration.

There are an estimated 600,000 people leaving jails and prisons each year and they need stable jobs for the same reasons as everyone else: to support themselves and their families, pursue life goals, and contribute to their communities.

And they can't do it alone.

Programs like Next Chapter have shown what's possible when organizations commit to expanding access to opportunity, investing in people and changing perceptions. This work isn't easy, but its impact is profound. My hope is that this playbook empowers more companies to take action on this issue, showing them how they can contribute to a more equitable workplace, a place where everyone has an opportunity to thrive.



Kenyatta Leal
Executive Director,
Next Chapter

For those of us who have grown a company or built a career in tech, one of the things we tend to value is that it rewards those who dare to reimagine how the world should work. This appetite to challenge the status quo and solve tough problems has helped produce innovations that have transformed whole industries, and improved how we all work and live.

The tech sector has an opportunity and responsibility to harness this same energy to address societal injustices. Reading Bryan Stevenson’s book about the U.S.’s broken criminal justice system, “Just Mercy”, in 2015, it was clear to me that we could do much more at Slack to support reentering individuals and help end mass incarceration. The book was the company’s holiday gift that year, and in the years that followed, hundreds of Slack employees participated in prison visits and got involved in programs to support formerly incarcerated people. Today, I’m immensely proud that Next Chapter—the apprenticeship program we ultimately created with our community partners to help people who are formerly incarcerated find skilled work as software engineers—has helped more than thirty individuals build meaningful careers in tech and expanded to more than a dozen other companies.

This type of work requires commitment, care and humility. But the rewards of participating in a program like Next Chapter far exceed the investment. Here at Slack, we’ve gained talented employees, anchored our culture in equity and inclusion, and taken action that resonates with our values and strengthens our communities. Together with Next Chapter’s hiring partners, we’ve proven to the broader business community that this work is possible—and that your company can do it, too.



Stewart Butterfield
CEO and Co-founder,
Slack

Intro & Methodology

Only human interaction and experience can convince a company that hiring returning persons is right for them, and motivate them to carry it through. The role of this playbook is to act as the roadmap that helps pave the way for transformative change.

In 2018, Slack, The Last Mile, W.K. Kellogg Foundation, and FREEAMERICA founded Next Chapter to create pathways for people returning to their communities after incarceration, with the goal of helping them obtain skilled, high-paying jobs in the tech sector. As of 2022, Next Chapter has become a project of the Tides Center, and 13 more major companies have become partners, committing to hire returning persons and share their experiences with others.

In early 2022, the Aspen Institute was engaged to help scale the project and guide interested companies through the sometimes complicated internal processes necessary to set these programs up for success. Two of the Institute's programs, Aspen Digital and the Aspen Criminal Justice Reform Initiative, collaborated to perform an in-depth analysis of company needs and blockers, and engage with impacted communities and other stakeholders.

40+



Interviewees

6



Major Companies

13



Non-Profits

This playbook is in part based on interviews with over 40 people, including executives and staff at 6 major tech companies who have successfully hired returning persons and reentry and workforce development experts at 13 different nonprofits and foundations, many of whom have themselves returned from incarceration. The tech company interviewees represented departments including: HR; legal, risk & compliance; engineering; DEI; social impact; and talent recruitment.

Combined with other materials, like Next Chapter's documentary-style films that provide the public with a nuanced look at the lives of people who are justice-impacted, we hope this helps create a compelling case for hiring returning persons, and shows how it can be done. The information shared here has been aggregated and anonymized to encourage candor and openness about difficult topics and proprietary information, and is supplemented with outside research.



Language Matters.

The words we choose when we describe individuals and their backgrounds can show our support, or amplify bias and discrimination. Using terms like “convicted felon” or “ex-con” focuses on the employee’s incarceration, but erases them as a person. At a minimum, center their humanity with a term like **“person who was formerly incarcerated”** or **“person who is justice-impacted.”**

After conversations with advocates and people who have themselves returned from incarceration, some of whom had differing ideas and perspectives based on their own experiences, we have adopted the term, **“returning persons,”** which underscores that these individuals are human beings who are returning to society, ideally as fully productive, supported members of their communities.

Making The Case: Why Tech Companies?

The tech industry has unique features and challenges, but taken together, they can create a transformative opportunity for returning persons

ADVANTAGES

The industry focuses more on skills and output than individual employee education and background.

Tech companies have less formal office cultures, especially in startups and smaller companies.

Tech firms usually have the funds and personnel to invest in this process.

Their large presence in the corporate landscape, **which translates to an estimated \$2 trillion per year in direct economic value in the U.S.**, makes them influential on other companies.

Companies across multiple sectors are currently experiencing a skilled labor shortage, **with 85 million jobs projected to be unfilled by 2030** if no action is taken.

Higher average salaries and benefits mean that investing in returning persons can be transformative—for them, their families, and even their communities.

DISADVANTAGES

Their focus on output and their competitive pools of applicants make tech companies less willing to be “slowed down” by putting extra time and resources into onboarding.

The informality of workplace culture may send confusing signals about performance requirements and workplace behavior.

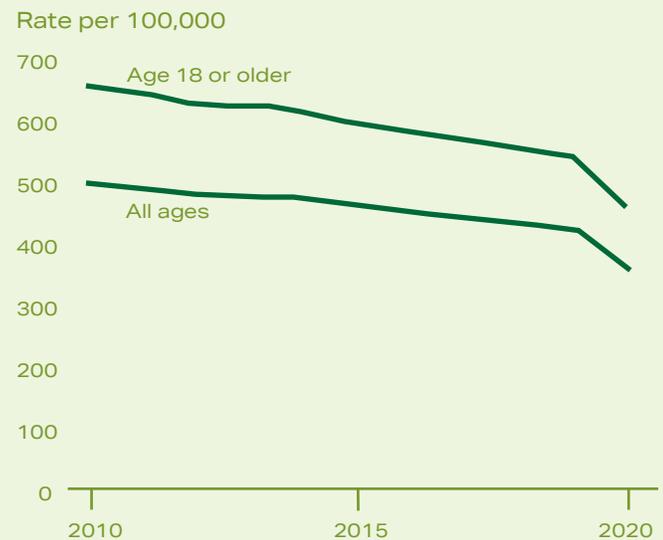
A high bar for education/training (focused on hard skills rather than durable skills) may present a challenge for some returning persons.

The relatively wealthy workforce of people from more privileged backgrounds is less likely to know someone justice-impacted.

The Business Case For Hiring Returning Persons

While the United States leads the world at imprisoning its own people, the number of individuals incarcerated in the United States **has been declining over the past decade**, to just over 1.2M at the end of 2020. That's nearly a 25% reduction since 2010. This dramatic shift underscores the urgency for hiring and supporting the over 70 million Americans who have returned to society with a criminal record. At the same time, the U.S. is facing a critical worker shortage, especially in the tech industry.

Imprisonment rate per 100,000 U.S residents, by age, 2010-2020



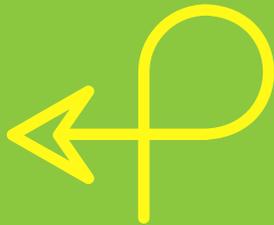
Source: Bureau of Justice Statistics, National Prisoner Statistics, 2010–2020; and U.S. Census Bureau, postcensal resident population estimates for January 1 of the following calendar year

For most returning persons, the end of their time in prison is not the end of their sentence. Instead, they will remain behind a set of invisible barriers that hamper their ability to earn a living wage, provide for their families, or establish a sustainable career. In a 2019 report, the Aspen Criminal Justice Reform Initiative described the hurdles faced by people who have been impacted by the justice system:

“Over 40,000 state laws lay out barriers to employment, housing, voting, and education. In addition, a myriad of other obstacles contribute to stigmatization and second-class status for returning [persons].”

There are societal, individual, and company benefits that result from hiring returning persons, but it's not always an easy path. In this section, we'll discuss the reasons why this might be a good fit for some organizations, and a few areas where it might not.

Societal Benefits



Reversing the trend:

Access to career opportunities isn't equitable in America. The disproportionate incarceration of people of color, historically marginalized groups, and low-income individuals is well-documented. **Economists estimate** the cost to the US economy is over \$85B annually. Successful companies have the opportunity to help even that playing field.



Leading industries:

Employing returning persons is also an industry leadership opportunity: when high-profile companies invest in people who have been historically difficult to hire, they act as role models, giving other organizations (in technology and beyond) the confidence to follow. Every additional company that engages returning persons generates evangelists who carry the message to other companies.



Strengthening communities:

A high-paying, stable career will be transformative not only for the employee, but also for their family and community—possibly for generations. The cost of imprisoning an individual is a burden to taxpayers, while a returning person with a steady job not only pays taxes, but has a reduced likelihood of returning to prison ever again. A steady income and professional-level skill set unlock home ownership and generational wealth creation, enable families to support higher education for their children, and contribute to community philanthropy and investment. These benefits support stronger societies, and break the cycle of poverty by creating positive new opportunities and real hope for the future.



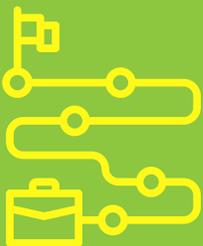
Individual Benefits



Renewing faith in people:

Every person deserves a second chance. People who have been incarcerated have served their time, and benefit from opportunities to better themselves through education and training. Once they leave prison, the hard work of returning to society begins. The estimated unemployment rate for returning persons is 27%. **Research has shown** that transitional job programs have been ineffective at increasing post-prison employment and have little effect on recidivism. However, hiring returning persons into good paying careers establishes a path to completing their rehabilitation and avoiding recidivism by returning to steady long-term work and being productive and valued.

“They’re just people who happen to have this one experience.” - A tech company HR executive



A path to success:

Hiring a returning person and helping them to become an active, productive, valued member of a team will change their life. Stable employment is one of the top drivers to prevent recidivism. Many workforce development programs focus on minimum wage roles that can continue cycles of poverty, but providing career pathways to high wage opportunities puts returning persons and their families on a trajectory towards building generational wealth.

Company Benefits



Returning persons can do (and lead) the work:

Individuals who have been impacted by the justice system often bring valuable and durable skills to the workplace, including a high degree of emotional intelligence, advanced conflict resolution and de-escalation skills, loyalty, and an appreciation for the value of rules, procedure, persistence, and productivity. They understand the value of the company's investment in them, they are highly motivated to do good work, and they sustain opportunities they are given. In the workplace, these attributes can be contagious. They can be critical and necessary team members and leaders.



A signal to employees:

In human resources, it's often said that "the way you treat one employee is the way you'll treat every employee." Choosing to hire and support people who are formerly incarcerated can send a strong signal of the company's commitment to its people and community. Concrete action builds trust and positive feelings toward the company more deeply than office parties and swag ever will. The cost of staff turnover and recruitment is immense, so even marginal increases can be of huge benefit.



Do good, and be seen for it:

A great deal of company promotion talks about changing the world without taking concrete action. Yet people want to work for companies that are doing genuine good and make them feel like they're contributing to a cause: for example, in a **2021 worker survey**, 56% of respondents said the pandemic made them want to contribute more to society. Employees will see the benefit as they work with returning persons and help them to thrive.

Gut Check: The Challenges

Programs like Next Chapter provide the opportunity for real, lasting, transformative change, but there may still be reasons that employing people who are formerly incarcerated isn't right for a company. We want to be candid about the challenges, because a failed program can be difficult for both the company and the returning person.

There are no easy wins: Building a successful program can be challenging and time-consuming. It also doesn't lend itself to high-profile PR campaigns and marketing (really important, complex and nuanced work with humans often doesn't). It requires patience and a lot of listening and engagement with staff—from boards and leadership, to front-line staff. We've designed this guide to make it easier, but implementation will take a substantial organization-wide effort to be effective.

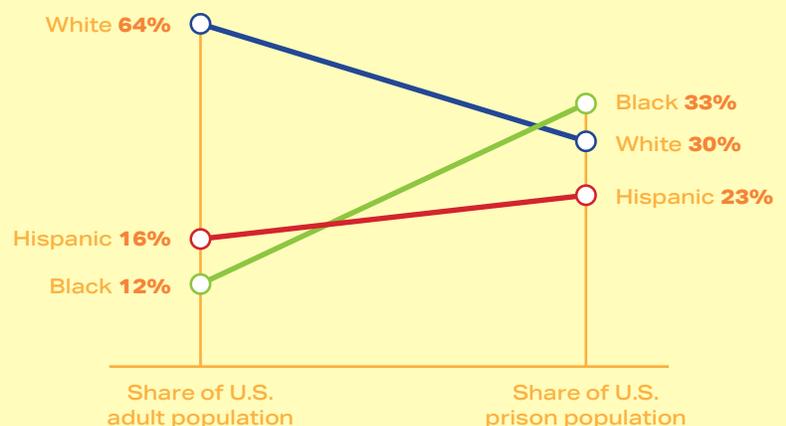
“At the heart of the program are the lives of individuals who have been impacted by the justice system.”

The program is high touch: They're looking for a second chance, and an opportunity to get their lives back on track. Being incarcerated has dramatic and lasting effects on individuals and their families, with continuous emotional and psychological challenges. Returning persons need ready access to trauma-informed care to support them in their journey back into everyday society. Each step has to be taken with empathy and proper preparation; failure will be harmful, emotional, and counterproductive, and can have serious impacts on the returning persons and their families.

We're going to talk about race and class: The justice system is not applied equally to **all citizens**.

This work intersects with issues of diversity, equity, and inclusion, and will undoubtedly foreground issues of race and class. Leadership and staff must be ready to acknowledge and discuss their biases and issues of race, class, and systemic barriers.

U.S. adult population and
U.S. prison population
by race, 2017



Source: PEW Research center

The Elephants in The Room

Undertaking a hiring program for returning persons can be a major change from a company's usual hiring practices, and employers may have concerns about the welfare of their current staff members and what effect it can have on the business. Each of these questions is addressed in more depth later on, but here is a preview.

“Will this put my employees in danger?”

No. None of the companies interviewed have had any security incidents. Once companies established educational opportunities and person-to-person exchanges between staff members and returning persons, worries among staff evaporated. Long-term employment and appropriate supports like connection to housing and educational opportunities **have been shown to** reduce recidivism, and partnering with a third-party reentry support organization can help ensure that appropriate individualized assessments can be utilized.

“Can returning persons be successful coders?”

Yes, with the right support and training. The Next Chapter network has graduated successful engineers who have emerged as leaders at their companies, as have other initiatives like the Last Mile, Underdog Devs, and Grow with Google. Success may require creating specialized, paid training programs to make sure a returning person's skills match up with organizational needs, plus additional support during a fixed-term apprenticeship phase, but it is absolutely possible. In addition to coding skills, which can be taught, returning persons already come with many durable skills like perseverance, conflict de-escalation, emotional intelligence, and attention to detail that make them especially valuable employees.

“What if my customers find out?”

Maybe they'll want to hire returning persons too! Of course, the company will have to take steps to ensure it complies with its customer agreements and meets its security and privacy requirements; and some client data may, in the end, be off limits to returning persons. With those safeguards in place, hiring returning persons is a great opportunity to show clients the company's commitment to inclusion and acting on social issues.



If clients, or any external stakeholders do have questions, have communications ready describing how the program fits into the company's mission, why it's important, the positive DEI impact, and what safeguards are in place to prevent *any* employee from being a security risk.

“So...what kinds of crimes are we talking about?”

Often serious ones, but once senior leaders and staff get to meet and connect with returning persons, and see them as people, the details matter very little. It may be tempting to limit hiring to only individuals with a history of less “objectionable” crimes, but the impact of this program actually comes from digging deeply into our biases and providing opportunities to those who need them most. While some companies do have limitations on the type of criminal background they allow, many others do not, instead only restricting returning persons whose background represent a specific risk, like cyber crimes or data theft. Further, it's best for company's counsel to determine if adding restrictions about types of charges is actively discriminatory.

“Aren't there laws that prevent us from hiring returning persons?”

There are unfortunately numerous federal, state, and local laws that place unnecessary and discriminatory barriers to returning persons finding gainful employment, but plenty of major companies have found ways around them by redesigning roles and internal systems in a particular way, challenging existing interpretations, or finding legal loopholes. Setting up conversations with general counsels at companies who have successfully hired returning persons is a crucial step, as is supporting groups that are advocating for these laws' repeal.

Helpful & Complicating Factors for Companies

There is no one-size-fits-all roadmap for a successful hiring program, partly because every organization differs in size, structure, and stage of maturity. Certain features make this process more or less difficult.

Features That Simplify Things

A values-based mission that is committed to societal impact and change.

Nimbleness when it comes to internal policy changes due to small company size or a dynamic team structure.

Enough staff and financial resources to devote the time and energy to undergoing this process with thought and attention to detail.

No existing client or vendor contract clauses that impede the hiring of returning persons (and lengthy institutional memory about whether they exist).

Substantial compartmentalization built into backend infrastructure to wall off customer data, if needed.

Employees who have substantial trust in leadership and feel comfortable speaking candidly about their concerns and desires when it comes to internal policy.

Features That Complicate Things

Internal resistance to policy changes and siloed departments that rarely work in concert.

Substantial numbers of client and vendor contracts in place that have restrictions for hiring returning persons.

A spiderweb of backend engineering infrastructure with very little compartmentalization to wall off customer data, if needed.

Employees who distrust their leadership, HR, or legal teams to create safe working environments.

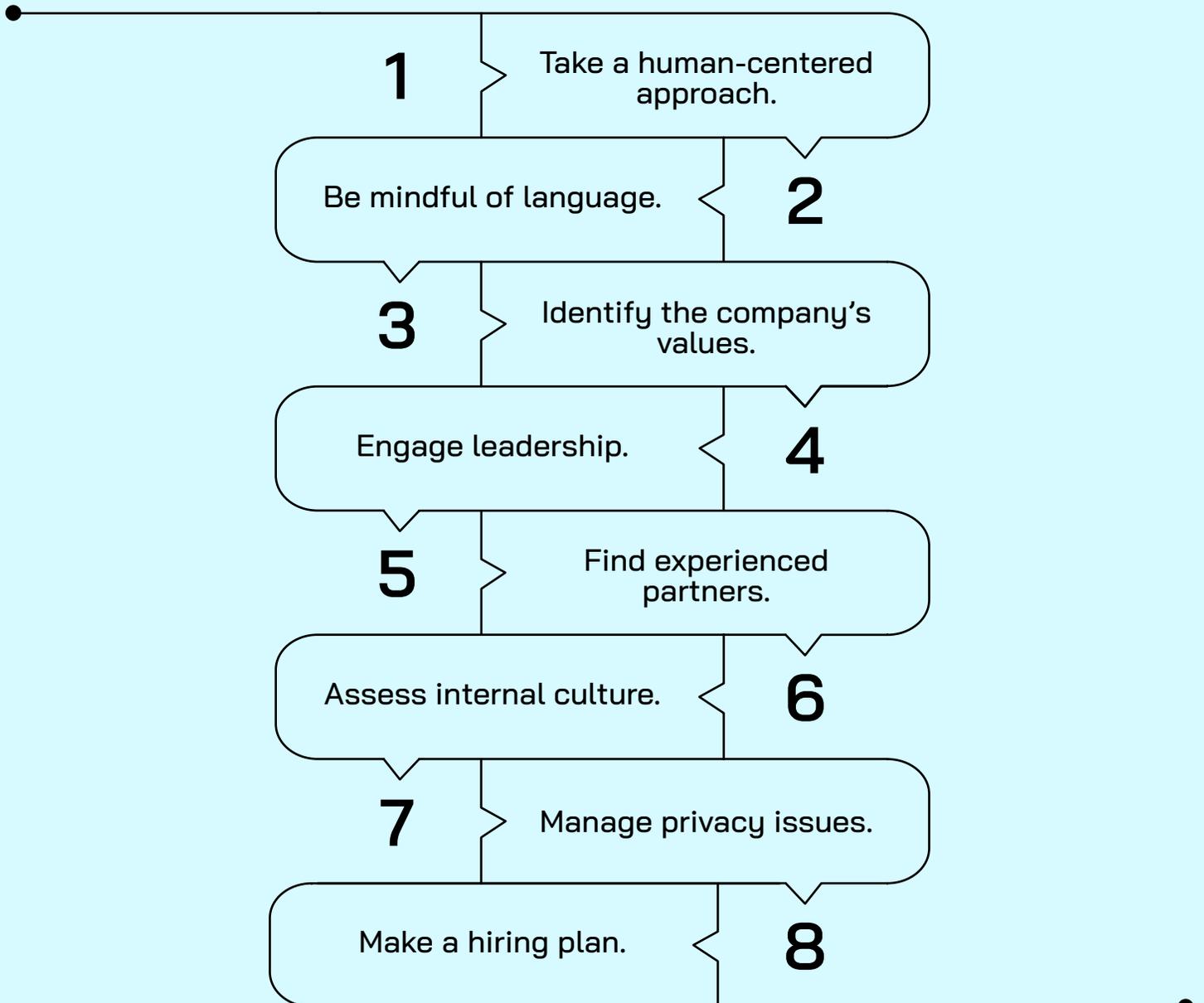
Underlying issues of equity and inclusion that are unaddressed and/or a leadership unwilling to engage in issues of race or class in the workplace.

Getting started

Setting the stage for success

To companies who have already decided to pursue hiring people returning to their communities after incarceration: congratulations! It's a choice to use the organization's power, influence, resources, and values to change people's lives, strengthen teams, and improve the community where the company operates. It's a big deal, and while it isn't going to be easy, it's truly life-altering work.

To prepare the organization, we've outlined eight steps to build a plan and team that will coordinate the sourcing and hiring of candidates:



1

Take a human-centered approach

It's important to recognize that the company is not the main character in this story. Everyone will be working closely with someone who has experienced trauma, isolation, exclusion, and rejection. If these discussions are entered with respect, and awareness of their experiences, the company can be a good ally and the returning persons will be empowered to become a great employee. While there will be significant behind-the-scenes work with leadership, board, staff, and partner organizations, it is important to focus on the people that the company is trying to help at every step of this process. A human-centered approach can ensure that no harm is done while also setting up returning persons for long-term success.



2

Be mindful of language

Words have the power to elevate or to diminish. If the company wants to create an inclusive, welcoming environment for returning persons to thrive, the language used matters at every step, from official communications, to the **job posting** and the application language, to what is used colloquially around the office. We use "returning person" throughout this guide, and experts who have lived these experiences also recommend **human-centered language** like "people who were impacted by the justice system" versus demeaning language like "offender" or "ex-con" which boil their whole humanity down to one experience. Do not position this internally or externally as "charity" or using other paternalistic wording. Once language has been changed, **match the words** with affirming actions that demonstrate commitment, and keep up to date **as language evolves**.



3

Identify company values

Think about how this effort aligns with the core values of the organization, and how it will be discussed with the board, leadership, and staff. Hiring returning persons demonstrates inclusion, fairness, equity, courage, respect for the whole human experience, and empathy. Be sure that it's an earnest effort, not a performative one for PR purposes. There will be resistance—often based on preconceived notions, concerns unfounded in fact, and personal biases, though sometimes out of real concern, especially for those who have been the victim of a crime. This will take moral courage, values-based leadership, and a clear business case to push it through, and to bring everyone together around it.

“You have to get them to ‘see you’ first. They have to get over whatever they told themselves about you.” - A returning person interviewed for this playbook

4

Engage leadership

Bringing returning persons into the workplace will require engagement from a variety of functional areas—from HR and legal, to engineering, security, and product. Build a taskforce of top people in each of the major departments. Operating teams tend to be very siloed within organizations, but they are a crucial part of this conversation, especially if internal counsel determines there are data access restrictions. Ensure that they're a part of the process throughout. Go slowly to get the decision-makers and applicable departments on board; give them time to review, update, or create appropriate policies, but also have regular check-ins to prevent any one department from stonewalling.

It's also a good idea to engage the board, at a minimum so there are no surprises or setbacks. They may have their own concerns and biases to address. Along the way, remember: many others have worked through this, and they can share their experiences. Set up conversations with other companies who have successfully hired returning persons: CEO to CEO, c-suite to c-suite, general counsel to general counsel.

5

Find experienced partners

This work does not need to be done alone, and it shouldn't be. There are many qualified non-profits that can provide advice and support. Reach out to a third-party organization like Next Chapter or a local reentry-support agency that provides recruitment, training, mentorship, coaching, and other forms of help. Returning persons may need extra support that is likely not appropriate or reasonable to come from the employer: things like housing, individual or couples therapy, financial management advice, and other family and health services. Respect their privacy, but also take steps to ensure they have the resources they need and know how to access them. Working with trusted partners is a good way to do that.

6

Assess internal culture

This work intersects with issues of diversity, equity, and inclusion, and will undoubtedly foreground issues of race and class. Simply raising the concept of hiring returning persons will unearth biases and underlying issues. Taking on one kind of injustice may encourage employees to raise other injustices they perceive in their workplace. That's normal, and can even be valuable—as long as leadership is prepared to address them. Leadership and staff must be ready to discuss race, class, and systemic barriers.

Be very realistic about company culture and what adjustments need to be made—is there trust in leadership, a clear feedback system, and the willingness to embrace challenges and differences? Consider how those at the top will check their own biases and assess preconceived notions. Work with third parties to provide implicit bias training, especially for leadership and hiring managers. Consider adding a module that specifically focuses on returning persons and the issues they face, to help build a more empathetic culture for them.

7

Manage privacy issues

Managing privacy for returning persons is vital for building trust, but there are tradeoffs. The staff as a whole should be bought into the idea of a hiring program and understand its value to the organization, but returning persons also deserve to have the best possible opportunity to build collegial relationships and do their best work, without being seen as 'different', or worse, subject to discrimination and fear. Hiring panels and managers who have access to returning persons' history must respect and protect employee privacy. The best way to do this is to have HR and legal evaluate the relevant internal processes to ensure only those who are required to know about an employee's specific background have access to that information, and include privacy training for all relevant staff, including hiring managers. Ensure that direct managers are properly trained in hiring and managing returning persons. They likely will not need to know the intimate details of someone's background, but transparency that their report has experienced incarceration allows a manager to provide necessary support.

8

Make a hiring plan

Determine what roles need to be filled, and work with hiring managers and HR to carefully define the qualifications. Job descriptions often have a lot of "nice to have" skills, but it's important to really know what "must-have" skills are being sought. Early on, it may be that the candidates lack a key area of expertise. Ask teams if this is something that can be learned on the job, or if one of the third-party training providers can add it to their curriculum.

Lastly, start slowly. For jobs like engineering, avoid trying to hire more than a few candidates at first. This can scale in the future, but at the outset, be intentional and focused on a small group so that everyone in the process can receive full attention, and identify and respond to challenges quickly.

What if we make a mistake?

This will be a new and difficult process for any organization, and mistakes will likely be made along the way. Other companies have stumbled by using overly restrictive data practices, not properly training managers on the extra needs of returning persons, or not sufficiently building coalitions of staff before the program began. And, as with all new hires, sometimes an employee will just not work out. The important thing is to build good communication across teams, and to handle each mistake with humility, intentionality, and respect for the impacted people. Have processes in place to constantly assess and reassess how things are going, and use retrospective processes to evaluate and constantly improve.

Legal & HR

The legal and HR departments can be the key to a successful program. Often seen as the “departments of no,” these two groups can derail a program before it even begins. This is the opportunity to rebrand these vital departments as enthusiastic supporters of this initiative.

Getting started

Take stock of the landscape: Have internal counsel do an assessment of all possible federal, state, and local laws that could impact hiring ability when it comes to returning persons. These laws can vary across jurisdictions, so it’s best to do a custom assessment. Also review the numerous laws that protect returning persons from discrimination based on their criminal history.

A returning person who has served their time for an unrelated crime, has undergone the intense training needed to receive a coding job, is actively working with a third-party support organization, and is being offered a high-paying career has already taken a lot of steps to prove they are of minimal risk.

Laws and regulations around data access

The biggest hurdle for some large companies is determining what data could be accessed by returning persons they employ, especially financial data and personal identifiable information. Others have no issue with this because the way their data is already compartmentalized meets the constraints, or because internal counsels interpret laws differently.

Laws & their interpretations: There are numerous laws and regulations that deal with customer privacy, and many include vague or ambiguous language that has led companies to come to different conclusions about what is permitted. The Payment Card Industry Data Security Standard, for example, asks companies to “Screen potential personnel prior to hire to minimize the risk of attacks from internal sources. Example screening includes previous employment history, criminal record, credit history, and reference checks.” Many companies may not interpret that to mean that a criminal history is automatically disqualifying, but a risk-averse one may.

Restrictions in pre-existing contracts: Depending on what types of clients and vendors the organization works with, there may be clauses in existing contracts that are based on these narrow legal interpretations. Newer or smaller companies may not have entered into many entangling contracts yet and may even have enough institutional memory in their legal departments to make this assessment a quick process. For other companies, however, it may mean sifting through years or decades of contracts to see if these clauses exist.

Be the change: Do not agree to these clauses in contracts going forward, nor require them when receiving or providing services, as this actively hampers other companies from starting their own hiring programs.

Defining roles

Determine what role returning persons can fill: If it's determined that there are no limitations regarding data access, there are plenty of options! This is not an excuse to just hire entry-level, minimum-wage workers, however—engineering is an incredibly lucrative, rewarding career path that can be attained relatively quickly compared to other paths.

If the legal team determines there are data access restrictions, there will need to be heavy input from the engineering and risk and compliance departments, who may need to completely restructure various systems and processes to create appropriate compartmentalization. One company found that client contracts they had previously signed disallowed returning persons from working on “services to clients,” but determined that returning persons could work on the public website. In another case, returning persons were not able to work on systems in production because they would have access to live user data, but were placed in roles where they could produce new features and test them using approved sample data prior to them being pushed live.

Remote work: Working from home can have certain benefits like ameliorating the need for reliable transportation or allowing people to live in lower cost areas, but it does require a stable home. At least at first, returning persons may be unhoused, have unstable living arrangements, or have unreliable connectivity. Be flexible with working location arrangements, if possible.

Starting with an apprenticeship phase

Next Chapter's model of hiring returning persons into apprenticeships as a first step has proven successful. This approach has helped the individual employees to ease into the job with extra support networks in place and customized education in partnership with a coding boot camp. From the company side, this arrangement also allows them to not fully commit to the employee until they have received specialized training. A successful apprenticeship should be well-paid, and companies usually categorize the employee as a contractor. The returning person will be able to access Next Chapter's support with technical skills, continuing education, career coaching, and other reentry services.

HR executives who helped design their internal apprenticeship programs suggested being actively generous with benefits and payment and underscored the importance of not creating second-class citizens. Having pre-established pay bands and rubrics can help ensure fairness. These apprenticeships were term-limited, and as of 2022, all apprentices had gone on to become full-time employees of the companies they worked with. In a few cases, the decision was made to extend the apprenticeship phase to help them get over the finish line.



Background checks and the illusion of security

Background checks: Background checks have become a go-to for many companies as a regular screening for all employees. Specific rules **vary by jurisdiction** and there are **federal protections in place to prevent discrimination**, but these civil rights protections can be poorly enforced. As one executive pointed out, **background checks are not necessarily representative of risk**, but many companies view any flag as an immediate disqualifier when this does not have to be the case.

Depending on how far back the company's jurisdiction allows background checks to search, returning persons may or may not have their application flagged. If company leadership does persist with background checks, **Checkr**, a background check company, and organizations like the **John Jay College Institute for Justice & Opportunity** have created guides to help make them more justice-oriented.

Things to especially consider:

If something does come up on a background check for any applicant, have a system in place to assess how to move forward. Assign a set group of people to look over the result, allow the returning person to confirm accuracy and provide context, and have a set rubric for how the decision will be made. The Society for Human Resource Management explains [here](#) how this helps to stay in compliance with current EEOC guidance. One company said that once they began allowing applicants to provide context, they never turned anyone down for a flag on a background check again. One New York State-based organization employed an outside counsel to make an independent assessment every time something was flagged to ensure they were complying with NY's specific anti-discrimination laws.

Consider the **nature/time/nature test**, which looks at the nature of the conviction, how much time has passed since the crime was committed, and the nature of the work the returning person is being hired for.

Limit background check disqualification to crimes directly related to the position, like cyber crimes or data theft if those are relevant to the job.

Ban the Box laws that only allow a background check after a conditional offer are well-intentioned, but they also delay necessary conversations around criminal histories and can be detrimental to someone who is offered the job and is then turned down based on the background check without the ability to provide context.

Educational requirements: If the company has a blanket policy requiring a four-year degree to get in the door, now is a great time to drop it—for all applicants. Instead, build in educational incentives and help employees navigate and pay for continuing education opportunities for current employees. There may also be opportunities to partner with postsecondary institutions or vocational education programs that are providing high quality degree and credential opportunities for people in confinement to help build career pathways prior to release.

Creating the right village of support

Who needs to know and when? To prevent “othering” and to respect the privacy of the returning persons, full knowledge of the individual’s criminal history should be limited to a very strict need-to-know basis. While it’s important to have stakeholder buy-in across the entire organization for the program, and its existence should not be a secret, do everything possible to protect the privacy of the returning persons themselves—they should not be expected to share their story or personal details. Almost everyone should see them as just another employee.

Does it matter who the returning person’s manager is? Yes, yes, yes. While some companies tried to assign a high-level sponsor on the engineering team and then keep the direct manager in the dark, this had a detrimental effect. While it may seem like a good idea to have everyone on the team “blind” to the person’s background, a direct manager needs to provide proper, informed support. The manager does not need to know the details of the criminal history, but does need to know that this person requires extra attention and resources and how to provide it. Managers need to be trained in the unique challenges returning persons face, what accommodations need to be made, how to look for red flags, and what resources are available to support them.



Engineering / Risk & Compliance

The engineering and risk and compliance departments should be engaged at every step of the process. The need to engage them in developing solutions will depend heavily on the legal department's determination about customer data access based on pre-existing contracts and interpretations of compliance laws (see section on Legal & HR). **There may be few or no changes needed to system configurations if the legal department determines that returning persons can have the same data access that other employees with similar roles have.** Every organization will have a different backend structure and different compartmentalization needs, but if there is major restructuring to be done in the engineering systems, this can become a time-consuming, costly process.

Here are some guiding principles:

Give people the tools to do their job well and grow to the extent legally possible: As one executive noted, acceptance can come as long as people can do the job, so make sure new employees are getting the tools they need. Every single time an employee has to ask a coworker to do a basic task because they don't have access, an opportunity to contribute meaningfully to their team is lost and their ability to develop peer relationships is diminished. Each restriction also puts another pane in the glass ceiling that will keep these employees from expanding their skills and having long-term career opportunities in higher positions.

“With every decision the company makes, keep the people it affects at the forefront of every process.”

Assess different access needs across all systems: In concert with the legal team, look through every system an engineering employee might access. Make a comprehensive plan of what needs to be cordoned off and how to implement that access control. This should include all systems, including analytics tools, internal messaging platforms, and other places where customer data may turn up. Specific steps may vary based on the organization's specific engineering structure and requirements, but engineering may need to form new user and quality assurance groups and create strict boundaries that omit customer data from development environments.

Whenever possible, create policies that apply to all employees: When thinking about internal risk measures, make as many as possible apply to all employees. The company likely already has policies in place regarding data spillage disclosures and internal audits, and these should be applied evenly.

Build in a mechanism for reassessment: While it's important to have a comprehensive plan in place and as much infrastructure as possible built before someone starts, create a mechanism for assessing and making updates in case initial restrictions are too tight. Security and risk are always about tradeoffs. Upon evaluation of both system and employee experiences, some companies may find that some restrictions create more harm to the employees compared to the risk they are protecting against. That will be up to leadership to determine in collaboration with the legal, risk, and engineering teams. This will likely take the form of a council of certain higher-level team members who can make the determination. Out of unfounded nervousness, some organizations have made the major mistake of going the other direction and adding more restrictions after someone starts, but this knee-jerk reaction inhibits the ability of returning persons to do their job and can deeply hurt morale.

Building Support Among Staff

For most people across the company, a program that supports people returning to their communities after incarceration will be inspiring and meaningful. Seeing their employer helping people rebuild their lives and give them a second chance is a tangible way of making a difference. For others (even those who support the idea), it may also feel scary, reveal deep-seated biases, and bring up past traumas. A successful program will require open dialogue, education at all levels, and continuing exchange as part of ongoing internal communications.



Here are six ways an organization can build support for the program among its staff:

1

Buy-in from the top

The CEO and other prominent executives must communicate their support and passion for the program. Their vocal support sends a strong message to staff that this work is a priority, and will be supported by leadership. As one interviewee said, “If the CEO says it’s going to happen, it likely will.”

2

Make it personal

It’s easy to “other” people when we only engage with them in the abstract.

Harness the power of person-to-person interaction and storytelling tools to engage colleagues.

- **Experience:** Work with a local prison to schedule a visit to meet incarcerated people with an interest in technology, and connect with local non-profits already operating inside the facilities. Many Next Chapter partners have visited San Quentin State Prison and had meaningful interactions with people being trained in tech skills through the Last Mile.
- **Listen:** Hear directly from returning persons and impacted family members about their experiences, and how these programs have impacted their lives. This can be at an all-hands meeting, a weekly all-staff, or another appropriate setting. However, don’t ask the returning persons working in the company to share their stories directly unless they specifically want to—the idea is to share relevant experiences, not put someone in the spotlight unnecessarily. A partner organization or friendly company operating a similar initiative might be able to help find someone willing to share their story.
- **Simulate:** Invite staff to try out Checkr’s incredible Reentry Simulator, which is an effective virtual tool they can explore on their own time.

3

Learn, and educate each other

There's a lot of great material available to engage on these topics. Books like "Just Mercy" can be distributed to staff, and films like "13th" can be arranged for screenings. Educate employees on appropriate language use, which centers around people, rather than their experiences.

Consider anti-bias training or anti-racist training if not already part of the organization's DEI efforts. Working with justice-impacted individuals often raises these issues and it's an opportunity to engage in healthy dialogue about issues of bias and race. In each case, it's important to create spaces for discussion so people can ask questions and share what they've heard. That might be an open forum, a Slack channel, or a Q&A at a staff meeting.

4

Be open and transparent

While it's essential to protect the privacy of returning persons in the workplace, being open and transparent about how programs are designed, built, and operated will help create confidence among the staff. Ensure that employees understand what went into reviewing processes, hiring procedures, data protection, and legal considerations, and also underscore the vetting that goes into selecting candidates who are qualified, trained, and chosen for each team.

5

Create open spaces for feedback

In addition to large meetings, give employees the chance to have smaller 1:1 discussions with staff who work on the program. Always take care to acknowledge concerns, and listen, rather than just telling people their fears are unfounded. Be prepared to share statistics on recidivism and risks, which are historically very low, but be understanding: people on staff may have a history of being victims of a crime, and facts alone may not allay their fears. Most companies reported very few concerns raised among staff, even in private settings, though they did hear from employees who had been victims of crime and had concerns. One company estimated they got more pushback about changing the breakroom snacks than they did about this hiring program.

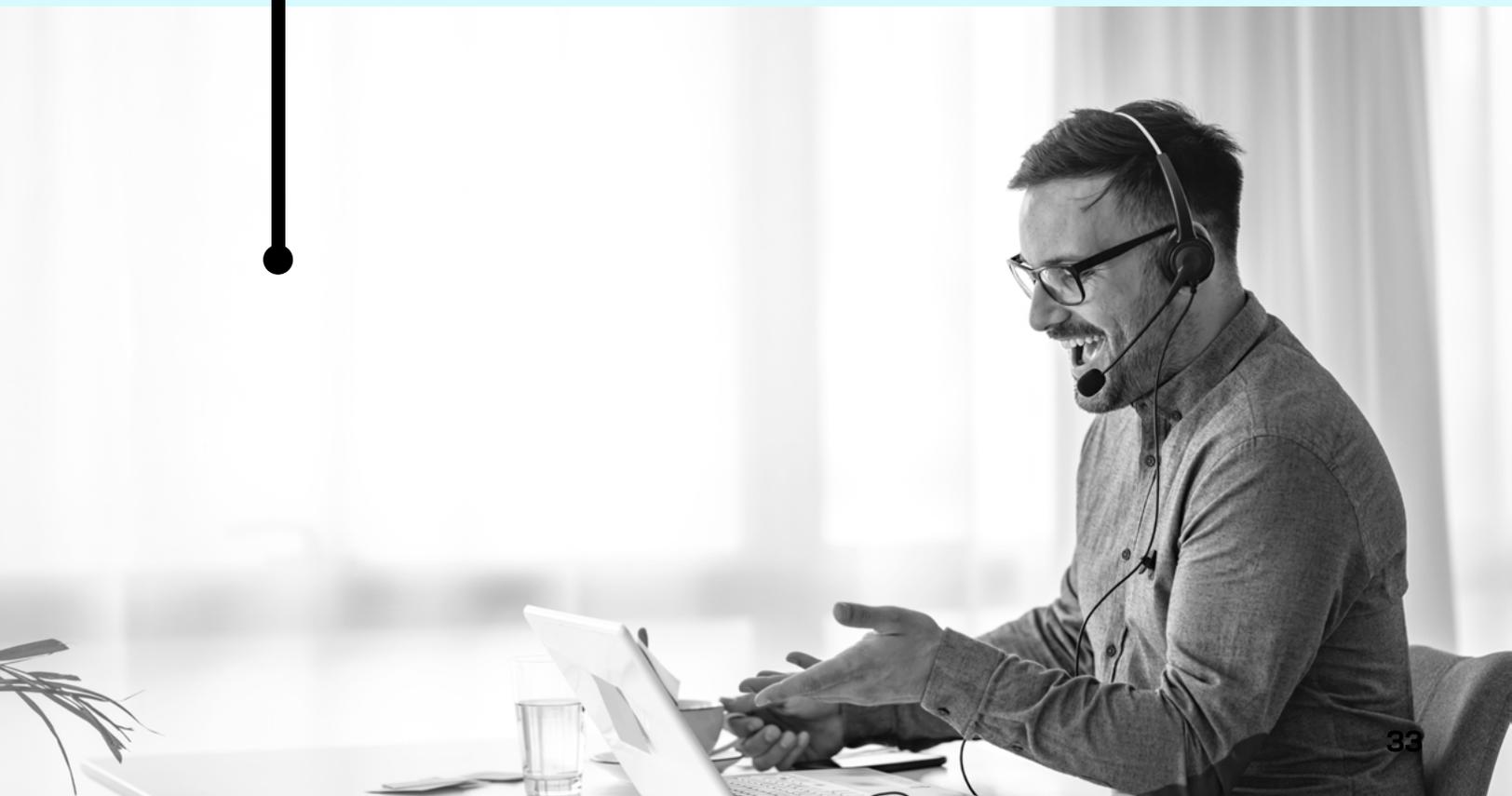
6

Celebrate the successes

After the initial hiring program starts, continue to promote it at all-hands and in new staff onboarding. Each company will decide what's most appropriate. Ideally, the returning person's work will speak for itself. If people are given the tools they need to do their jobs, and then supported so they can excel, they can become a seamless member of the team and be seen as valuable colleagues.

When considering external promotion of the program, keep stakeholders like boards, unions, suppliers, and clients in mind. For the most part, most third parties don't care about the day-to-day hiring operations as long as the company is meeting its commitments, getting results, and following its legal obligations in areas like privacy and security. Our recommendation with these stakeholders is the same as with others:

Be prepared to explain how this fits into the company's mission and values, why it's important for the business and the beneficial social impact, and what safeguards are in place to prevent any employee from being a security risk.



Doing The Work

Supporting returning persons on the job

While working through the legal hurdles, internal policy updates, and staff communication, it's crucial to keep the overall work experience of the returning persons in mind and devote substantial energy to cultivating their sense of belonging. A positive, supportive work environment is critical to success and cannot be ignored.

On the one hand, it's ideal if most staff perceive the returning persons as "just another employee" who can fully assimilate and be respected for the quality of their work and relationships. On the other hand, participants in the program will require behind-the-scenes support to help offset the additional challenges they may face.

There is no one-size-fits-all-approach, as needs will vary based on backgrounds, race, gender, age, socioeconomic status, and geographic location, but reentry advocates and organizations who have worked with returning persons can help.

Utilize a third-party support organization

Given their unique challenges, returning persons may need trauma-informed care, technical help, guidance on acculturation, access to physical and mental health services, financial literacy training, life coaching, continuing education opportunities (including navigating available aid packages), peer-to-peer counseling, or any number of other additional supports. While the company may be able to provide some of these supports as part of a standard benefits package, third-party community-based organizations can help. They may be able to provide one-stop-shop rather than making the returning person navigate multiple complicated benefit providers. Some of these organizations are run by people who are returning persons themselves, which gives them better insight. For matters that do need to be handled internally, identify a single point of contact to answer all questions and help them navigate benefits and other systems.

Do not put the onus on the returning persons

It is not the job of the returning persons who are hired to educate the company or individual employees and teams on the justice system or their personal circumstances. As one Next Chapter apprentice we spoke with said, "Don't make me be the one teaching them. Don't add that responsibility to me." Never put the returning person in a situation where they're forced (or "nudged" or "welcomed") to disclose their background to others who are not on a strictly need-to-know basis.



Use trusted messengers to communicate company culture

It may be difficult for returning persons to trust authority figures they barely know, like HR staff, and they may be more comfortable speaking with close team members or the third-party partner organization regarding workplace culture. Every company has a different set of spoken and unspoken rules to navigate, and tech companies' less formal business culture may give inaccurate expectations that internal policies or performance expectations are lax. A trusted teammate can do a better job offering guidance than an executive who isn't embedded in their specific team.

Understand they're managing work-life balance on an astronomical scale

People bring their whole selves to their work and may need additional accommodations. While the pandemic has helped shine a light on the challenges all workers can face when it comes to health and family, returning persons have **even more immense hurdles** to balance outside their working life. This can include homelessness, effects from long periods with limited healthcare access, mental health concerns, parole limitations (see below), childcare complications, interpersonal conflicts with family and friends, and lack of community support networks, among others. For example, the absence of reliable transportation may make it difficult for the returning persons to arrive at work on time.

Learn about parole limitations and the ways it can affect work

While not all returning persons are on parole, those who are are under immense pressure to follow a **very strict set of rules** with the **constant fear that any infractions can lead to being re-incarcerated**. This creates a devastating emotional toll and can limit where people live, where they can travel, who they can associate with, what hours they can work, what fees they have to pay, what outside counseling they need to receive, etc. When choosing between a commitment mandated by their parole and a work commitment, the former will understandably always take priority. Be flexible with work schedules and understand that common tech company cultural practices like late nights in the office, staff retreats over jurisdictional lines, or meeting for drinks at a bar after work might not be possible. Also, parole officers frequently need to visit offices and may not be discrete or respectful of the returning person's dignity. Do whatever is necessary to provide them with privacy during these visits.

Be very clear with expectations and keep communication channels open

Clarity is kindness, according to one HR executive we spoke with. The best way to help someone adapt and excel at their job is to provide clear instructions and constructive feedback, while also accepting feedback from them. Being dishonest about progress does not help anyone, so set up additional performance evaluations and check-ins, though these should not be used as an opportunity to be more critical than a manager would be of any other employee. Some companies who first brought in returning persons as apprentices would extend their timeline to allow for greater skills development, but they did not lower their overall expectations, which would undermine the employee's long term success.

Help them navigate benefits and problem-solving channels

While returning persons can be adept at de-escalation, discerning patterns of behavior, and reading cues, they may have also become accustomed to rigid, rules-oriented structure inside of prison where they have no protections or ability to lodge complaints. They may require more explicit communication about rights such as confidential reporting, PTO, disability coverage, substance abuse support, whistleblowing, and how to navigate complicated benefits structures. A returning person may be less likely to report it when a fellow employee acts inappropriately toward them out of fear they won't be believed, so communicate from the beginning that they have appropriate protections and rights that will not result in termination or reincarceration. Every person in the problem-solving channels should receive extensive implicit bias and anti-racism training to help them assess issues fairly.

Check privilege and understand the financial inequities

In major tech companies, engineers are more likely to come from a higher socioeconomic status and acclimate more easily to the social norms of an office environment, even one with a "casual" culture. Returning persons may need more financial literacy support, advice on how to manage and protect their savings, and tips for navigating social situations.





Think through the pros and cons of remote work

While working remotely has public health benefits and can alleviate time-consuming commutes and worries about physical appearance and social cues, it also makes it much more difficult for new employees to learn their job, adapt to a new corporate culture, and develop relationships with colleagues. Remote work as a benefit also assumes that the person is housed, has a safe and quiet place to consistently work, and has stable connectivity. Just providing the right hardware is not enough. These factors should be thoroughly discussed with the third-party organization the company is partnering with and accommodations made to even the playing field.

Be mindful of transitions

Moving between jobs or stepping up a level (e.g., from an apprenticeship to full-time employment) can be jarring, as their pay, benefits, and responsibilities can suddenly increase substantially, and support services should not be discontinued even if someone seems “ready.” If someone’s role or team changes, always check in with them about the transition and ensure their new manager is also properly trained.

Assessing Success

It's important to set clear and achievable goals for the program, and to have real expectations on what success looks like. At the same time, recognize that investing in people takes time.

There are two key questions that most companies employing returning persons will seek to answer when evaluating their program:

1

How successful is the returning person in their role and on their team?

In many instances, returning persons are integrated into the team in much the same way as any other employee, though with possible constraints on access, or need for additional support. Supporting their skill training and paving the way for meaningful working relationships with colleagues and managers are important keys to long-term retention and growth.

2

Is the returning person providing value to the organization?

Like any employee, returning persons want their work to be important, useful, and valued. Evaluate their work and ensure that they're being set up to produce useful results on projects that are relevant to the core business.

As the program matures, additional metrics can be added that demonstrate progress towards particular goals of recruiting, onboarding, and retaining returning persons. Indicators will be specific to the company, but examples may include time to onboard, progression through key performance metrics, role advancement, retention rates, or employee satisfaction or engagement.

Commit to more frequent evaluations for apprentices and people newly promoted to full-time employment, so that issues can be identified early and support can be provided to keep things on track.

In the event that an employee doesn't work out and they have to be let go, it's important to do a full retrospective to evaluate company policy, leadership, and team dynamics to determine their impact on the outcome and how each actor within the company can do things differently moving forward.



CONCLUSION

This sounds like a lot of work, and it is. But it's worth it. At its most simple, the task is this: take individuals who are seeking a second chance, and help them to learn and be productive within the company. Support them, and take care to adapt to their specific needs. If this is done, companies can change lives, and make their community, and the organization, better for it.

Appendix

Leading organizations supporting returning persons

There are hundreds of organizations, networks, and individuals working in the trenches every day to help ease the path of returning persons into the workforce. Here are just a few:

The **Bard Prison Initiative** works to redefine the availability, affordability, and expectations typically associated with higher education in America.

Code for America works with communities and governments to fundamentally transform the process of clearing records.

The **Center for Employment Opportunities** provides immediate, effective, and comprehensive employment services exclusively to individuals who have recently returned home from incarceration.

Creating Restorative Opportunities and Programs (CROP) reimagines reentry through a holistic, human-centered approach to advocacy, housing, and the future of work.

The **Ford Foundation's** criminal justice program focuses on ending a racially discriminatory era of mass incarceration that has become a defining feature of American life for too many communities.

FREEAMERICA exists to amplify the voices of individuals impacted by the criminal justice system and those who are working to change it.

From Prison Cells to PhD is dedicated to promoting and advocating for higher education for currently and formerly incarcerated men and women.

Hope Foundation Reentry Network provides free pre-and-post release services to men and women returning to the Washington, DC community.

The **John Jay College Institute for Justice and Opportunity** opens doors and eliminates barriers to success for people who have been involved in the criminal legal system and creates access to higher education and pathways to satisfying careers.

The Last Mile prepares incarcerated individuals for successful reentry through business and technology training.

The **National Employment Law Center** is a leading advocacy organization with the mission to build a just and inclusive economy where all workers have expansive rights and thrive in good jobs.

Next Chapter is transforming the technology sector by creating a more equitable workplace for formerly incarcerated individuals.

The **Tech Equity Collaborative's** System Reset Campaign helps tech companies to recruit, hire, and retain people returning from incarceration.

The **Televerde Foundation** is a nonprofit organization that provides "a path forward" to currently and formerly incarcerated women.

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