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The BTB policy is purported to create equitability in the hiring process for justice-involved persons by delaying the disclosure of criminal history to a later point in the hiring process (Doleac, 2016). Previous research designs of BTB policies mainly focused on quantitative methodological techniques. While the methods used to support research on BTB policies have advanced in recent years, most studies have acknowledged issues with discrimination and implicit bias which could be further investigated and nuanced with qualitative methodologies. This study used a qualitative approach through semi-structured interviews and policy document reviews to assess the BTB policy from HR professionals and a sample of BTB resolutions from cities and counties in North Carolina. The results of this study revealed that BTB policies are implemented in various contexts and at various times throughout the state of North Carolina. This variability creates ambiguity and confusion with HR professionals' conceptualization and understanding of the BTB policies. With this lack of understanding, it is difficult to determine the merit, worth, or value of the BTB policies, although participants indicated that they may unknowingly or knowingly utilize BTB practices in their hiring process. Using the conceptual framework of Teasdale's (2021) model, evaluative criteria can be developed to assess the implementation of the BTB policy and ultimately improve future evaluations and assessments of the BTB policies across jurisdictions and levels.

BEYOND PRISON WALLS: DEVELOPING CRITERIA TO

EVALUATE THE EQUITABLE IMPLEMENTATION

OF THE BAN-THE-BOX POLICY

by

Tyler Synclaire Clark

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the Faculty of The Graduate School at
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Doctor of Philosophy

GREENSBORO

2023

Approved by

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Dr. Aileen Reid
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DEDICATION

I dedicate this dissertation to my loving family, supportive friends, and God!

APPROVAL PAGE

This dissertation written by Tyler Synclaire Clark has been approved by the following

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CHAPTER I: INTRODUCTION

Positionality and Relevance

My name is Tyler Clark, a native of Charlotte, NC, and a two-time alumnus of North Carolina Central University (NCCU), a Historically Black College and University (HBCU), where I earned a B.A. in Psychology, a B.S. in Criminal Justice, and an M.S. in Criminal Justice. While studying for my Master's, I noticed a gap in the Criminal Justice Department regarding equity, diversity, and inclusion for young Black female students. Noticing this inequity prompted me to found a cohort model gender-specific social justice organization called J.E.W.E.L.S., Inc., with a mission to empower future women leaders who seek professional and personal growth through mentorship, networking, and service. I am a heterosexual, cisgender female Ph.D. student pursuing a degree in Educational Research Methodology (ERM) with a concentration in Program Evaluation at the University of North Carolina Greensboro (UNCG). During my tenure at UNCG, I teamed up with a few colleagues and faculty mentors to publish an article entitled "Exploring NSF-Funded Evaluators' and Principal Investigators' Definitions and Measurement of Diversity, Equity, and Inclusion," where we studied how principal investigators and evaluators measured equity, diversity, and inclusion in their advanced technological education (ATE) projects.

I chose to pursue ERM due to its interdisciplinary nature. With my background in criminal justice and psychology, I wanted to further develop my research skills while being able to focus on a particular content area that interested me. During my Master's program, I studied criminal and employment discrimination concerning the Ban-the-Box (BTB) policy. This specific policy was developed to create equitable hiring practices for job applicants with criminal records. However, research has shown that, in some cases, the BTB policy has further

exacerbated discrimination in the workplace. During my preliminary search, there was no evidence of any evaluation of this particular policy that might provide some opportunity for new and improved iterations. Furthermore, it is important to approach this impactful policy with an appropriate method that appreciates the value of cultural differences and social norms for all stakeholders instead of segregating explorations based only on researchers' biases.

The murders of George Floyd, Breonna Taylor, Ahmad Arbery, and countless others caused conversations of social justice and equity to resurface throughout society. Many were forced to face the realities of systemic oppression in the criminal justice system which ultimately trickled down to all other disciplines as culture, discrimination, and social justice are ubiquitous concerns across the board. With equitable criminal justice reformative policies, change can be implemented, but that starts with understanding our own positionalities and challenging our epistemological and ontological perspectives.

Just as my positionality may impact my approaches to investigations and inquiries, this same influence can occur from the evaluator's perspective when evaluating marginalized populations. This highlights the importance of intentional inclusive and equitable practices in evaluation of all cultures, backgrounds, and positionalities and, even more, supports the need for the development of culturally responsive and social-justice-oriented evaluations and evaluative criteria.

Introduction to the Problem

In the field of criminal justice, there are many different levels of interactions and encounters. The justice system is made up of those who make the law, those who break the law, and those who enforce the law. However, the overall purpose and, seemingly, the overall goal of the criminal justice system is to minimize the number of individuals who break the law. Contrary

to common belief, the labeling of individuals who serve time for breaking the law does not reduce crime; in fact, it potentially increases recidivism (Davis and Tanner, 2003). Labeling theorists support this assertion by claiming that after their first act of primary deviance, individuals are labeled as criminals (Akers et al., 2017). Criminal records serve as a stigmatizing factor that classifies justice-involved persons among some of the "worst" (Davis and Tanner, 2003). As a result, individuals with a criminal record encounter barriers to obtaining employment.

Planned and unplanned events can affect employment in drastic ways; both can be the cause of massive layoffs. During the most recent unplanned COVID-19 pandemic, many people became unemployed and, to sustain themselves, received unemployment benefits from the federal government. As a part of the benefit program, recipients were required to apply for jobs weekly as a counteractive method for continuation in the program. As difficult as it was to get a job as a law-abiding citizen during this pandemic, it was and always has been much more difficult for those with criminal records to obtain employment. There are over 10.1 million documented unemployment cases in the United States (Long, 2021). Interestingly, over 65 million Americans have reported criminal records (O'Connell, 2015). These numbers are extremely disproportionate in a way that disadvantages justice-involved persons with criminal histories.

In a perfect world, everyone would have equal opportunities regardless of race, gender, or criminal status. However, in today's society, it is likely that one will encounter one or more forms of discrimination along one or more of these lines in just about any opportunity sought. Both explicit and implicit bias plays an important role in our conscious and unconscious discriminatory acts towards each other in many phases of society (Ziegert & Hanges, 2005).

These biases ultimately have an effect on the welfare and livelihood of certain individuals when choices are made about hiring and employing these individuals who possess particular features that are different from our personal prejudices. The effect on employment can stretch from the process of hiring through to the process of assignment of responsibilities, to fair compensation, and maybe even to job advancement. This phenomenon is identified as workplace discrimination (Bartlett, 2009).

Having a criminal record has proven to be an employment barrier for those seeking jobs. Oftentimes, job-seekers with criminal records do not progress past the application process to the interview phase due to this barrier. However, employment policies have been put in place in an attempt to help address this issue. Chief among these policies is the Ban-the-Box (BTB) policy, which was developed and is now being implemented in several counties, cities, and states to address this issue (Agan & Starr, 2017). The BTB policy suggests the removal of criteria, or the "box," on job applications that requires applicants to disclose their criminal history. The policy allows those with criminal records to make it past one of the initial hurdles in the hiring process. However, because the policy is not federally implemented, the stipulations for BTB policies vary by county, city, and state.

BTB policies are not consistently applied in counties, cities, or states because it is not mandatory to be implemented as a national policy. In addition, BTB policies have been found to be flawed in ways that may discriminate against particular populations (Agan & Starr, 2017). The ability for several governmental entities to develop their own iteration of the BTB policy allows for independence but also yields inconsistencies in its implementation. Furthermore, little is known about the merit of BTB policies and how they are implemented across states, counties, cities.

Purpose and Significance of the Study

My dissertation explores the use of the BTB policy across cities, counties, and states and the consistency or lack thereof between these entities. I reviewed and explored existing BTB policies and viewpoints of human resource professionals to develop evaluative criteria to determine the merit, worth, and value of BTB policies being implemented on various levels. I took a generic qualitative approach to allow participants to share their experiences that frame their perceptions of the justice-involved person employment phenomenon and the implementation of the BTB policy (Kahlke, 2014). This study used qualitative methodology to achieve this goal. I conducted document reviews of BTB policies to better understand the explicit positionality of the county and city policies regarding hiring justice-involved persons as well as semi-structured interviews to understand the perspectives and experiences of human resource professionals with regard to BTB. I chose to focus on human resource professionals in this study because they are the most removed from the process of policy-making, yet have the most jurisdiction over hiring practices and employment decision-making.

The contextual perspective of this study is rooted in the fields of evaluation and criminal justice. There have always been equitable, diverse, inclusive issues for criminals with a record. Research evidence is an important factor that impacts the development of evaluation in the criminal justice field. This also can have a significant impact on decisions made. Through my preliminary search for research literature on this topic, my first observation was that the majority of the studies used quantitative methods. Of the existing research base that utilized a mixed-methods approach or strictly qualitative approach, a preponderance of the articles explored the perspectives of the justice-involved persons and job-seekers versus the perspectives of the human resource professionals. This scant research on this topic shows the need for further examination

in order to add to the body of knowledge regarding evaluative practices in criminal justice and specifically with regard to the Ban-the-Box policy. This study is significant in that it aims to not only inform hiring practices but also to improve the consistency in the development of the BTB policy, but also to expand on the evaluation of criminal justice (CJ) policies while cultivating criteria to conduct those evaluations. Current evaluation models around CJ policies are limited in nature and have yet to employ evaluative criteria as a conceptual model. Many of the existing evaluations can be utilized to validate and justify the existing power dynamics and often tend to focus on whether or not a policy or program works without extensively examining the underlying reasons or identifying the beneficiaries of these policies and programs, and often does not systematically redress social inequities (Picciotto, 2016). Social-justice-oriented models do seek to ameliorate the democracy and social emancipation, but such models have not been widely adopted (Picciotto, 2016). This study is significant in a way that contributes to the field of evaluation by developing evaluative criteria that also focus on social justice and culturally responsive issues.

Elements of the Study

Research Questions

This study was guided by the following questions:

1. Research Question One: Is the BTB policy being used consistently across states, cities, and counties?

2. Research Question Two: What is the merit, worth, and/or value of the BTB policy to HR professionals?

3. Research Question Three: To what extent can criteria be developed to assess the implementation of BTB policies?

Key Terms

The following section provides working definitions for key terms used in this study.

Discrimination

Discrimination can be experienced in many different forms in the workplace. Title VII of the Civil Rights Act of 1964 was established to eliminate biases in places of employment. This Act prohibits discrimination "based on race, color, religion, sex, or national origin" (Civil Rights Act, 1964). Webster's Online Dictionary defines discrimination as "a biased decision based on a prejudice against an individual group characterized by race, class, sexual orientation, age, disabilities, etc.…." Interestingly, these accounts of discrimination still occur in the workplace, whether it is gender, criminal, or racial discrimination. For the sake of this study, these forms of discrimination will be explicated below.

1. *Criminal Discrimination* can be defined as an incident in which an individual is given an unequal opportunity (lower pay, unfair treatment, or denied employment) due to the fact that they have a criminal record (Harwin, 2012).

2. *Racial Discrimination* occurs when an individual is found to be subject to unfair treatment due to their actual race or the appearance or perception of their race (Strauss, 1991).

3. *Gender Discrimination* occurs when an individual is subjected to discriminatory acts due to one's gender (Abrams, 1989).

Ban-the-Box Policy

The Ban-the-Box (BTB) policy, or the "fair-chance policy," as it became known after years of implementation in some venues, mandates the removal of the criminal history inquiry from job applications for some private and public employment (Solomon, 2012). The policy was

created as an attempt to give persons who had criminal backgrounds and who are labeled as "criminals," "felons," or whatever title society decided to place on such persons for having broken the law, a chance at being considered for employment, once released from incarceration.

Justice-Involved Person

For the purpose of this study, the term justice-involved person is used to refer to an individual who has been convicted of a misdemeanor or felony offense. This study recognizes that others may use the term criminal, but, in this case, to differentiate justice-involved persons from criminals, I define justice-involved persons as those who are not actively engaging in criminal activity but have a history of having done so.

Criminal History, Record or Background

In this study, a criminal record, criminal history, and criminal background will be used interchangeably to refer to a listing of one's arrests and convictions. All arrests, including those for which the justice-involved person has not been convicted or declared guilty, are displayed on histories, records, and backgrounds.

Implicit Bias

Throughout this study, the phrase implicit bias will be used to describe unconscious attitudes, stereotypes, and prejudices that influence our actions and judgments without our awareness or intentional control. These biases are formed through exposure to societal and cultural influences, and they can affect our perceptions and behaviors, often leading to unintentional discrimination or unfair treatment especially in the hiring process when candidates are being selected for a position.

Human Resource (HR) Professional

This study refers to a human resource professional as someone who works in the human resource department of an organization and handles employee relations, which includes screening, hiring, recruitment, talent acquisition, retainment and management of employees in the organization, as well as serving as an HR consultant for several companies or organizations.

Theoretical Background and Conceptual Model

Criminological theories about how and why people commit crimes vary between macro- and micro-level theories. Some theories seek to explain criminal behavior on a small scale, while others seek to explain those same deviant behaviors on a much larger scale. To understand criminal behavior, this dissertation will also explore labeling theory. In much of the system of criminal justice, the focus is on the aspect of "enforcing" the law. If a law is broken, the perpetrator will be reprimanded in such a way that will hopefully deter him, and others, from recidivating. However, labeling theorists state otherwise. Labeling theory emphasizes how society often unfairly awards the epithet "criminals" to those with criminal records even years after they served their time. This labeling greatly impacts their ability to obtain employment. Answering "yes" to either question on a job application that requires individuals to indicate whether they have a criminal record or if they are a convicted felon drastically decreases one's chances to be selected for employment opportunities (Denver, Pickett, & Bushway, 2018). Comparatively, only 6.6% (roughly 8.7 million) of the working population consists of justice-involved persons while working-age justice-involved persons are estimated at 13.9 million of the United States population (Denver, Pickett & Bushway, 2018).

One in every eight persons are justice-involved persons, yet only one in every 15 persons are working (Denver, Pickett, & Bushway, 2018). These disparate numbers are mainly why the

BTB policy was created—to reduce the risk of labeling and ultimately reduce secondary deviance. Furthermore, studies have shown that upon the removal of the criminal history inquiries on job applications, employers were forced to make hiring decisions based solely on the face value of the applicant, which in turn targeted Black applicants (O'Connell, 2015). The blind assumption that Black men and women were all criminals, regardless of their ability to do the job, disproportionately lowered their callback rates and job offers (Agan & Starr, 2017).

There is a need to evaluate the efficacy of the BTB policy on all levels because it has important implications for justice-involved persons, especially Black people; however, it becomes difficult to do so as the BTB policy is implemented on many different levels, including on the city and county level. Teasdale (2021) created an integrated model of criteria domains and perspectives to develop evaluative criteria assessing the merit, worth, and value of an evaluand. In this study, I used this conceptual model to develop evaluative criteria to analyze the design and implementation of the BTB policy through the relevance, design, effectiveness, replicability, unintended effects, consequences, and equity domains. The sources of these domains primarily focused on intervention-related and external sources from the HR professionals and the BTB policy resolutions for local NC municipalities. Utilizing these criteria domains and perspectives led to the development of the evaluative criteria that will be presented in Chapter IV, which is purported to provide a comprehensive framework for assessing the BTB policy, improve the policy's overall effectiveness and implementation, and lessen the detriment it has on Black communities.

Organization of the Study

This study is organized by chapters. Chapter I provides an introduction to the study, the purpose and significance of this research, and defines the key terms. Chapter II provides a

historical analysis of the BTB policy, evaluations using a culturally responsive and social justice approach, criminal justice evaluations, and instrument development for evaluative criteria. The chapter culminates with an explication of the theoretical background and conceptual model and rationale for the study. Chapter III provides an overview of the methodological approach to this research study, explaining the research design, population, proposed data collection strategy, and data analyses. Chapter IV presents the findings of the study, and finally, Chapter V discusses the implications of findings as it pertains to developing evaluative criteria, and feedback regarding future directions for research.

CHAPTER II: REVIEW OF THE LITERATURE

Although evaluation is a relatively new field, there are several resources on evaluations and research on evaluation. However, the deeper one dives into the content area of evaluation research, resources become more scarce. In today's sociopolitical climate, evaluations of criminal justice policies and programs have become even more important but are hard to find. Literature on criminal justice evaluations has been sparse, and of the resources that are available, many empirical articles are more quantitative in nature. As the search was narrowed down even further to criminal justice policies, and more specifically BTB policies, there were few to no actual evaluations found in the research. Research focusing on the evaluation of other criminal justice policies has been included in this literature review because their methodological approaches lend support to the design of this current study, which aims to fill a methodological gap in the literature by using a qualitative approach of document review and interviews to develop evaluative criteria to investigate the implementation of BTB.

Chapter II begins with a historical synthesis of the field of evaluation and how it is used in the field of criminal justice. Criminal justice evaluations will be organized in order of when the evaluation took place to show change in evaluation approaches and strategies over time. The research then presents existing criminal justice evaluation approaches and methods that are suitable to address BTB policies. The research will be grouped and presented by method and approach. The chapter concludes with a description and discussion on how this study fills a methodological gap and expand the fields of evaluation and criminal justice.

History of Evaluation

Evaluation is what Scriven (1998) calls "an art founded on science" (p. 79). The first evidence of evaluation can be found in the book of Genesis in the Bible with the story about

Adam and Eve and the forbidden fruit. This story was the introduction of knowledge of good and evil, where Adam and Eve were informally tasked to determine the worth of eating the forbidden fruit. "Evaluation is simply the process of determining the merit or worth of entities, and evaluations are the product of that process" (Scriven, 1994, p. 152). Evaluation is used in our daily practices in which we make decisions and assess the best and worst options for particular situations. This might look like distinguishing "between good practice and bad, good investigatory designs and less good ones, good interpretations or theories and weaker ones, and so on" (Scriven, 1994, p. 152).

Evaluation has since evolved into a new and growing field of study. The main areas of application for the evaluation discipline can be identified as the "Big Six," which include program evaluation, personnel evaluation, performance evaluation, product evaluation, proposal evaluation, and policy evaluation (Scriven, 1994). Although there have been many contributions to these applied areas in evaluation, the foundation has remained the same.

Evaluation Methodologies

Culturally Responsive Evaluation (CRE)

As the field of evaluation grew, so did the perspectives, methods, approaches, and types of evaluation. From this expansion, evaluators began to find importance in specific areas of the evaluation process. Some valued stakeholder involvement, others valued the use and utilization of the evaluation. However, the political climate opened the eyes of many in the field to begin emphasizing culture in their practices, which birthed the term *Culturally Responsive Evaluation* (CRE). According to Boyce and Chouinard (2017), CRE is defined as "responsive evaluative inquiry that meaningfully attends to and addresses the cultural context of the community" (p. 267).

CRE was derived from the field of education through the work of Carol Lee and Gloria Ladson-Billings, who coined the term "culturally responsive pedagogy" (Hood, Hopson, & Kirkhart, 2015). CRE also stems from educational assessment, which originated from Edmund Gordon and Sylvia Johnson (Hood et al., 2015). Stafford Hood then began to expand those foundational works to what was known as culturally responsive assessment and now broadened to culturally responsive evaluation. The term CRE was first officially used by Hood during his presentation in May 1998 at a festschrift that honored Robert Stake's work in responsive evaluation. Hood explained "responsive evaluation Amistad style," which prioritizes shared lived experiences between evaluators and stakeholders (Hood et al., 2015, p. 285). Since this presentation, Hood has continuously contributed to the development of CRE. He co-founded a National Conference known as Relevance of Assessment and Culture and Evaluation (RACE) at Arizona State University and continued serving on two American Evaluation Association (AEA) committees identified as the Diversity Committee and the Advisory Oversight Committee of Building Diversity Initiative (BDI) and is the Founding Director of the Center for Culturally Responsive Evaluation and Assessment (CREA; Hood et al., 2015).

Culturally Responsive Evaluation acknowledges that the values and beliefs defined and influenced by the culture to which one belongs are intrinsically part of every evaluative process (Hood et al., 2015). To further understand the concept of CRE, we explore and define the root words of the phrase. Culture is defined as "a cumulative body of learned and shared behavior, values, customs, and beliefs common to a particular group or society" (Frierson, et al., 2002, p. 63). Responsive is defined as attending "substantively and politically to issues of culture and race in evaluation practice" (Hood, 2001, p. 32). As mentioned previously, evaluation is defined as the "process of determining the merit or worth of entities" (Scriven, 1994, p. 152). Ergo, CRE

attends to values, customs, and beliefs when determining the merit or worth of a program, policy, or its outcomes. The goal of CRE is to create equity during the evaluative process (Hood et al., 2015). The most important characteristic of a culturally responsive evaluator is to commit to being a lifelong learner, as culture is constantly changing. Evaluators must continuously educate themselves to better understand the cultural, contextual, and historical components of the audience whom they serve (Boyce & Chouinard, 2017).

Social-Justice-Oriented Evaluation (SJOE)

In recent years, scholars have begun to expound on the ambiguous connection between social justice and evaluation. Philosophers Barry MacDonald and Ernest House were amidst the first to distinctly integrate social justice interests and evaluation. Both MacDonald and House found practicality in democratizing the evaluative process. They argued that encompassing the interests of citizens at-large and allowing the decision-making process for programs and policies to be open to public scrutiny and deliberation would lead to fair and just dissemination of advantages and responsibilities for all stakeholders involved. Sirotnik (1990) asked a very important question that inquired, "If evaluation of social programs is to serve the interests of society, then should not techniques and procedures derive from, rather than frame, the moral and ethical dimensions of the evaluative problem?" (p. 1). *Social-Justice-Oriented Evaluation* encourages evaluators to do just that and to begin to shy away from value neutrality and shift to value convolution.

Social Justice-Oriented Evaluation is defined as assessing "the holistic nature of social problems" (Thomas & Madison, 2010). This type of evaluation purports to take the democratic approach that MacDonald and House introduced. Furthermore, while CRE focuses on context and culture, SJOE finds significance in respecting the rights of the participants while giving

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credibility to their lived experiences. This is extremely important to ensure not only the validity and fairness of evaluations, but also to meaningfully impact the populations they serve (Vang, 2019). Vang (2019) notes that "Advocates view social justice as the most important value of evaluations and see evaluations as a method to open up the decision-making process to the public and as a method to integrate the interests of participants into program design" (p. 5).

Although there has been burgeoning information around social justice and evaluation, SJOE is still a new concept, and it is oftentimes addressed in conjunction with other evaluation approaches. A search of the literature using terms such as social justice and evaluation yielded results that mainly examined social justice as a principle or model in evaluation but not as a type of evaluation. Social-justice-oriented searches mainly revealed literature on teaching, pedagogy, and other social science fields, but the holistic concept of social-justice-oriented evaluation was a difficult term about which to find relevant works. Many scholars often view social justice as a subcategory of CRE instead of a separate concept, such that the two could liaise with one another to develop a more inclusive, equitable, and just evaluative process. Both CRE and SJOE are purported to advocate for the most vulnerable stakeholders in the evaluation process, but while CRE focuses on culture and context, SJOE is driven by the entwinement of values for evaluators and participants (Vang, 2019; Thomas & Madison, 2010).

Paradigmatic and Assumption Roles in CRE and SJOE

A paradigm is a theoretical construct that links esoteric assumptions to help identify one's own worldview (Mertens, 2013). Paradigms allow researchers and evaluators to better understand how individuals think and process. There are a few types of assumptions that are associated with paradigmatic definitions. The epistemological assumption of a paradigm discusses the relationship between the knower and the would-be-known (Mertens, 2013). The

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ontological assumption of the paradigm is concerned with the nature of reality, while the axiological assumption explores the nature of ethics (Mertens, 2013).

Participants of culturally responsive evaluation are often confronted with epistemological assumptions, whether they know it or not. A main integrant of epistemology focuses on the relationship between an evaluator and the stakeholders. The epistemology of CRE "states that evaluators need to build relationships with stakeholders in culturally appropriate ways that acknowledge power differentials and support inclusion of all relevant voices, especially those who are traditionally marginalized" (Mertens, 2013, p. 31). Stakeholder engagement is a great way for those relationships to be built in CRE. In terms of the BTB policy, this shows the importance of the need for understanding the perspectives of those who might be impacted by the implementation of the BTB policy, such as human resource representatives.

Although epistemology and ontology are major components of SJOE, axiological assumptions are the linchpin for this type of evaluation. Axiology prioritizes "accepting that the primary purpose of the evaluation is to promote human rights and further social justice" (Mertens, 2013, p. 29). As mentioned previously, SJOE focuses on respecting the human rights of participants, which axiological assumptions support. This paradigm highlights a major concern for the BTB policy as justice-involved people are often not treated fairly when seeking post-incarceration employment. Acting ethically and being mindful of the rights of the stakeholders in the axiological assumption of the paradigm directly impacts the credibility of the evidence resulting from an evaluation. Furthermore, the concern for human rights and ethical behaviors provides an appropriate lens for evaluating the Ban-the-Box policy, which will be further explicated later in this chapter.

The ontological perspective is an interesting assumption of the paradigm. Ontology focuses on the realities of the participants (Mertens, 2013). This assumption is also a main component of CRE because responsivity to the participants' realities is a vital component for the validity of an evaluation. This assumption also hones in on the issues of power differentials, where those in power could potentially influence or misinterpret the realities of those with less power (Mertens, 2013). This, in turn, would invalidate the results of the evaluation. In criminal justice, this could be when an investigator (in a position of power) assumes what reality exists for the criminals (with inherently less power) they encounter.

Just as paradigms, and the assumptions of those paradigms, can impact participants, they can also impact those conducting the research and evaluations. In some approaches to evaluation, the goal is to remain as objective as possible, while other approaches encourage evaluators to embrace and acknowledge their subjectivities and incorporate them into their evaluation process. Yet again, this further illustrates the shift from evaluation being neutrally technical to evaluation being inherently value-based. For example, the evaluative criteria of the Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) are viewed as neutral criteria that can be applied to any evaluation, whereas social-justice-oriented evaluation and culturally responsive evaluation intentionally bring values to the table (Chianca, 2008). OECD DAC criteria are considered neutral due to the fact that values are not deliberately a part of the evaluation process. This particular set of criteria focuses on increasing the objectivity of the evaluation versus understanding the values of the stakeholders and how that could impact the evaluation.

True objectivity is nearly impossible to accomplish as an evaluator. To truly be an objective evaluator, one would have to "lack opinions, prejudices, and bias and…also able to

accurately interpret the participant's response as well as the context from which the participant references" (Vang, 2019, pg. 3). Vang (2019) argues that CRE and SJOE evaluators are not objective observers but active participants. With this active participation comes evaluators' personal beliefs, biases (both implicit and explicit), and cultures. The President of the International Organization for Cooperation in Evaluation stated that "there is a growing understanding within the professional community that 'the set of profound beliefs that each evaluator holds as his or her worldview about the nature of reality (ontology), the nature of knowledge (epistemology), and the nature of human nature (axiology), is reflected in the approaches he or she chooses to employ in practice—knowingly or unknowingly, consciously or unconsciously'" (Kosheleva, 2016). However, social-justice-oriented evaluation challenges existing evaluation hegemonic ontological, epistemological, and axiological practices that demean and demoralize marginalized populations based on societal expectations (Boyce & Chouinard, 2017).

Merit, Worth, & Value

As previously mentioned, evaluation is the process of determining the merit, worth, or value of something. Lincoln and Guba (1980) argue that merit "is context-free, but worth can be determined only in relation to an actual context" (p. 61). It is important to define merit in the evaluation frame of reference due to the alternative way merit is used in the field of criminal justice (CJ). In criminal justice, merit is more aligned with the behaviors of individuals (i.e., prisoners). Although both references of the word merit essentially mean doing what it is/they are purported to do, the references add different nuances to the terminology and use of the term. In this case, we will be using the evaluation frame of reference for merit and worth to evaluate this criminal justice policy. Merit is an intrinsic property of the person or thing being evaluated and

could be established "by assessing the degree to which the evaluand conforms to certain standards upon which a relevant professional group or group of experts agree, which might be called absolute merit evaluation, or by comparing the evaluand to other entities within the same class, which might be called comparative merit evaluation" (Lincoln & Guba, 1980, p. 65). This emphasizes the importance of developing evaluative criteria for the BTB policy to assess the merit in terms of how it impacts justice-involved persons in the criminal justice system.

Worth is an extrinsic property of the person or thing being evaluated and can be determined by "comparing the evaluand's impact or outcomes relative to some set of external requirements" (Lincoln & Guba, 1980, p. 65). An example of this would be the outcomes of a content evaluation or even determining the worth of a life that was previously incarcerated (Lincoln & Guba, 1980). Merit is more objective and is often consented upon, while worth is more subjective and often differs among social and organizational grouping (Lincoln & Guba, 1980). Worth evaluates the appositeness of intervention goals, methods, and intended consequences, as well as the connections between the results achieved, the outcomes produced, and the overall effects (Picciotto, 2016). Assessing worth primarily focuses on whether the intervention is aligned with stakeholders' needs and contributes to the betterment of society (Picciotto, 2016).

Value plays a crucial role in incorporating merit and worth when evaluating the effectiveness of an intervention. By assessing value, one can weigh the costs associated with different merit-based attributes in relation to their worth (Picciotto, 2016). This evaluation process helps identify discrepancies between merit and worth and offers recommendations for enhancing the intervention's social impact (Picciotto, 2016). This particular phase of evaluation tends to be highly debated. Ultimately, value encompasses both ethical considerations ("doing

right") and the pursuit of positive outcomes ("doing good"; Picciotto, 2016). It is important to understand the merit, worth, and value as it relates to evaluating BTB policies in order to better understand how to improve the implementation and sustainability of the policy.

Although there are minute ways to distinguish and demarcate the three terms, in this study, the terms merit, worth, and value are being addressed as a ubiquitous term because there may be a lack of clarity among HR professionals regarding the nuances and distinctions between these concepts, as they are often merged together. This is expected in ways, as the definitions of the three concepts often use each other in their definitions (i.e., worth is used in the definition of merit; value is used in the definition of worth). By using a unified term, it aims to provide a comprehensive approach that encompasses all three aspects and avoids any potential misunderstandings or misinterpretations and facilitates effective analysis and decision-making.

Evaluative Criteria

As previously mentioned, the BTB policy is not consistently applied in counties, cities, or states because it is not mandatory to be implemented as a national policy. In order to explore the use of the BTB policy across counties, cities, and states and the consistency or lack thereof between these entities, developing evaluative criteria is instrumental. "Evaluative criteria define a 'high quality' or 'successful' evaluand and provide the basis for judgment of merit and worth, yet they are often assumed and implicit in the evaluation process." (Teasdale, 2021, p. 354). Teasdale (2021) developed a model that incorporates two components of selecting evaluation criteria: domains and sources. Domains are usually the focus or substance of the criteria, whereas sources are usually contextual in nature, specifying the individual, group, or document from which the criteria are pulled (Teasdale, 2021). The model she developed includes eleven different criteria domains and ten different sources of criteria.

Regarding the domains of the criteria, Teasdale (2021) uses previous literature from Schwandt (2015) and other scholars as well as governmental entities to regroup and reorganize a framework for evaluation criteria. She categorized the domains in a dichotomous fashion with one including domains that take aim at conceptualizing and implementing an intervention, while the other is grouped by those that focus on the results of the intervention separately or in conjunction with implementation. She further describes eleven domains to help explain the focus of each (Teasdale, 2021). In the conceptualization and implementation category, she places the relevance, design, alignment, replicability, and experience domains. In the intervention and/or implementation category, she places the effectiveness, unintended effects, consequences, equity, resource use, and sustainability domains (Teasdale, 2021). The descriptions and categories can be found in Table 1 below.

Table 1. Criteria Domains

Category	Domain	Description
Domains that address the conceptualization and implementation of an intervention	Relevance	Aims and activities are consistent with the needs, requirements, culture, interests, or circumstances of the intended beneficiaries.
	Design	Activities and implementation are consistent with relevant theoretical principles, best practices, standards, and/or laws, and/or implementation is timely.
	Alignment	Intervention is consistent and coordinated with larger initiatives, related interventions, funder aims, and/or interconnected problems.
	Replicability	Components, activities, or the underlying model, or principles can be duplicated or adapted to another context.
	Experience	Activities are delivered in a way that is respectful, rewarding, and/or enjoyable.

Category	Domain	Description
Domains that address intervention results, considered alone or with implementation	Effectiveness	Intervention achieves desired results, outcomes, or objectives
	Unintended effects	Intervention is associated with unintended positive consequences and/or the absence of negative consequences.
	Consequence	Intervention yields significant benefits to intended beneficiaries and other relevant populations and/or reaches a significant number of people or locations.
	Equity	Opportunities, experiences, benefits, and results are fair and just, with particular consideration to prioritizing marginalized populations.
	Resource use	Funding, personnel, and materials are used economically; funding, personnel, and materials are sufficient to implement the intervention; and/or intervention yields an appropriate level of benefit in relation to the funds, personnel, and materials required.
	Sustainability	Intervention has long-term benefits, and/or activities can continue beyond the initial start-up period.

Note. This table was produced by Teasdale in 2021, summarizing the criteria domains synthesized from evaluation literature and empirical analysis of evaluation reports. From "Evaluative criteria: An integrated model of domains and sources," R. M. Teasdale, 2021, In *American Journal of Evaluation,* 42(3), 354–376.

Sources are an important component of criteria because depending on the source they are drawn from, values that are considered could be different with regard to constituting a high-quality or successful evaluand (Teasdale, 2021). Sources bring lots of nuance to the table, including considerations of power and privilege. Shadish and Epstein (1987) define sources as the "dependent variables used to judge program effectiveness" (p. 562). In synthesizing the literature search, Teasdale (2021) categorized the sources of criteria into three sections: those grounded in the actual intervention, those related to the evaluation, and those external to the intervention and evaluation. In the intervention-related category, she places objectives, staff or leaders, beneficiaries (intended or actual), and partners. In the evaluation-related category, she

places commissioner, previous studies, and evaluators or evaluation literature. Finally, in the external category, she places substantive literature or experts, requirements or standards, and the general public. Descriptions and categories are shown in Table 2 below.

Table 2. Source of Criteria

Category	Source	Description
Intervention-related sources	Objectives	Aims, goals, and/or intended outcomes of an intervention
	Staff or leaders	Individuals who design, direct, or implement the intervention
	Beneficiaries (intended or actual)	Individuals the intervention aims to serve or assist or those engaged as participants, clients, etc.
	Partners	Staff or leaders who direct or operate entities that contribute to, collaborate on, or otherwise provide support for an intervention.
Evaluation-related sources	Commissioner	Evaluation sponsor who requires, requests, and/or funds the study.
	Previous studies	Prior assessments of the intervention or similar interventions.
	Evaluators or evaluation literature	Individuals who conduct the assessment of the intervention or other interventions and/or research, scholarly, or practitioner publications around assessing interventions.
External sources	Substantive literature or experts	Research, scholarly, or practitioner publications that are relevant to the intervention type or topic or individuals with relevant, specialized knowledge or experience.
	Requirements or standards	Legislation, policies, and procedures that govern an intervention and/or professional norms or best practices that are relevant to the intervention.
	General public	Individuals who are members of the community (neighborhood, city, state, country, etc.) where an intervention takes place, but are not the intended or actual beneficiaries

Note. This table was produced by Teasdale in 2021, summarizing the sources of criteria synthesized from evaluation literature and empirical analysis of evaluation reports. From "Evaluative criteria: An integrated model of domains and sources," R. M. Teasdale, 2021, In *American Journal of Evaluation,* 42(3), 354–376.

Teasdale (2021) further explains the importance of understanding the relationship between the two dimensions and how they could be utilized in a conjoined fashion to help guide evaluators in developing and selecting evaluation criteria. The model she developed combines the 11 domains and 10 sources to emphasize the correspondence between domains and sources during the criteria specification process (see Figure 1). The criteria domains and sources are integrated into a single model to highlight interaction between domains and sources during the criteria specification process. If evaluators only focus on domains, they may be able to determine success and quality indicators but miss the nuance of values that may have impacted the results.

Figure 1. Integrated Model of Criteria Domains and Perspectives
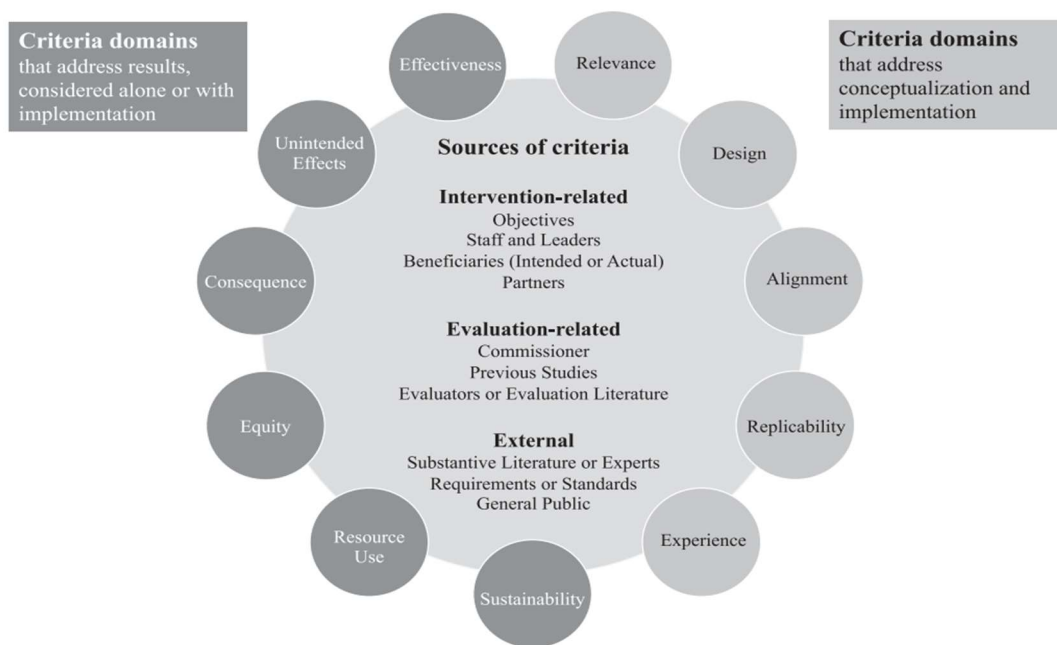
Note. This figure was produced by Teasdale in 2021, summarizing the integrated model of criteria domains and perspectives from synthesized evaluation literature and empirical analysis of evaluation reports. From "Evaluative criteria: An integrated model of domains and sources," R. M. Teasdale, 2021, In *American Journal of Evaluation,* 42(3), 354–376.

Whereas if evaluators only focus on the sources of criteria, they may be able to recognize whose values should steer an evaluation but may omit the context and indicators of stakeholders' values. Teasdale's integrated approach provides a model to evaluate the BTB policy as it includes both aspects of criteria (domains and sources) and their interaction.

Criminal Justice Evaluations

The field of criminal justice has continued to develop over the last few decades. With this continuous growth, public policies (i.e., BTB policy, Youth Criminal Justice Act), government programs (i.e., Tri-Agency Resource Gang Enforcement Team, Prisoner Reentry Employment program), and other criminal justice entities (i.e., North Carolina Division of Adult Correction, U.S. Department of Labor), have begun to value the need and advantage of implementing evaluation in these areas. Evidence of evaluative investigations regarding the effectiveness of these policies and programs was initially found in the 20th century in the United States (Leeuw, 2005). The earliest examples of such evaluations or social research procedures took place in the 1930s with community action programs (Freeman, 1977). In addition, there were experimental designs on juvenile delinquency, re-housing and education, and mass communication amongst military soldiers during World War II (Leeuw, 2005; Oakley, 2000; Hovland et al., 1949). Since then, criminal justice evaluations have expanded in subject matter (e.g., gang affiliation, domestic violence, substance abuse, and reentry) and are more thorough with their evaluative processes. The following sections summarize five evaluations conducted on programs in the criminal justice sector: (a) Evaluation of Gang Crime Reduction Programs, (b) Evaluation of Criminal Justice Interventions for Domestic Violence, (c) Evaluation of Youth Criminal Justice Act, (d) Outcome Evaluation of a Prisoner Reentry Employment Program, and (e) Restorative Justice Evaluation for Sexual Offenders.

Evaluation of Gang Crime Reduction Programs

Gang affiliation and violence have become emerging problems in the field of criminal justice. According to Klein (1971), gangs are defined as an "identifiable group of youngsters who (a) are generally perceived as a distinct aggregation by others in their neighborhood; (b) recognize themselves as a group (almost invariably with a group name); and (c) have been involved in a sufficient number of delinquent incidents to call forth a consistently negative response from neighborhood residents and/or law enforcement agencies" (p. 15). As such, practitioners have developed gang membership programs to decrease the amount of youth involvement in gangs and, from there, the development of gang membership prevention programs occurred to intercept the future involvement in gangs for at-risk individuals (Kent et al., 2000). In the event that gang involvement could not be intercepted, gang membership intervention programs were created to extricate people from their current participation in gangs. Until this point, gang membership prevention was frequently neglected with regard to policy and program planning, and rarely ever evaluated (Kent et al., 2000).

This evaluation focused on the Tri-Agency Resource Gang Enforcement Team, also known as TARGET, a gang crime intervention program that was created in Westminster, California, to respond to gang members' criminal offenses (Kent et al., 2000). The main goal of the program was to incarcerate repeat gang offenders before the recommissioning of gang crimes. Repeat gang offenders were verified based on their criminal history. They were then monitored for new crimes on the presumption that those who had committed previous crimes would be more probable to commit a future crime (Kent et al., 2000). Ultimately, this was to lower gang crime rates in the community. The program was implemented through multi-agency cooperation that included police detectives, probation officers, and the district attorney. This

group worked together at the same police department to improve coordination and strategic planning for such issues that operated more efficiently than the typical political and bureaucratic process. With this collaboration, agencies were able to prepare cases and set up witness protection prior to when the gang offender was in custody (Kent et al., 2000).

The evaluation team implemented a theory-driven approach to test the program theory that "represents how the program was designed to reduce gang crime, without being a test of social science theory about gangs or gang crime" (Kent et al., 2000, p.118). They utilized the basic two-step procedure, which encompasses an intervening or proximal variable and an outcome variable. The first step states that either the independent or dependent variable will be the only intervening (proximal) variable. This variable is presumed to change consequentially from the activities of the program, which in this case would be arresting the repeat gang offenders (Lipsey & Pollard, 1989; Kent et al., 2000). The second step is the outcome (distal) variable that denotes what the overall program is trying to accomplish, which is the goal of decreasing gang crime in communities. This supports the hypothesis that changing the intervening variable will cause a change in the outcome variable, so essentially this means they hypothesized that arresting repeat gang offenders would lead to a decrease in gang crime (Kent et al., 2000). Regarding program implementation, if a positive relationship was found between the delivery of treatment and the incarceration status of repeat gang offenders, that would signify success (Kent et al., 2000). Regarding program theory, a positive relationship between the incarceration status of repeat gang offenders and gang crime within the community would also signify success (Kent et al., 2000).

This theory-driven approach to program evaluation allowed evaluators to collect data during the period from arrest to final sentencing of 237 gang offenders (Kent et al., 2000). With

this length of time, along with sufficient baseline data, the evaluators were able to manage most internal and external validity concerns. As a result of this evaluation approach, evaluators indicated that this program should be reproduced in other jurisdictions to reduce gang crime rates and further explore opportunities to improve the efficacy of the TARGET program (Kent et al., 2000). Although, the results of this study showed a decrease in recidivism rates for gang crimes, the theory-driven approach only examined the single variable, gang crime, but did not further explore other possible mediating variables, for example, the level of contact police officers had with local gang members that could have had impacted the decrease in gang crime activity (Kent et al., 2000).

Evaluation of Criminal Justice Interventions for Domestic Violence

Domestic violence has been an underlying issue for many years. This gender-related violation has had an extensive past but a brief history (Erez, 2002). Historically, women were taught not to speak up against their husbands who were abusing them, whether that was physically, mentally, or emotionally (Erez, 2002). Part of this could probably be attributed to the fact that it wasn't until the late 1970s that domestic violence was finally justified as a crime (Erez, 2002). This encouraged intervention on behalf of the criminal justice system to provide support for women who have experienced domestic violence. As such, there have been many evaluations of these types of programs. However, there has been a lack of evaluations of programs that are designed for the abuser (Dobash & Dobash, 2000).

Dobash & Dobash (2000) conducted what was known as the Violent Men Study. This was a comparison of two criminal-justice-based programs designed for violent and abusive men with other criminal justice histories. The two abuser programs, CHANGE and Lothian Domestic Violence Probation Project, "were established in Scotland in 1989" as "the first criminal-justice-

based abuser programs…in Europe" and "are strictly court-mandated programs" as all of "the men who participated had been arrested, prosecuted, found guilty, and placed on probation" (Dobash & Dobash, 2000, p. 258). The program was a part of their probation requirements as they participated in intensive group work. The programs had similar philosophies of domestic violence, agreeing that it is often caused by issues of power and control. With this, the structures of both programs were cognitive-behavioral based due to the fact that domestic violence is viewed as a learned behavior. The only way to unlearn a behavior is to learn a new way to respond, so these programs focused on educating the participants.

The evaluators implemented a mixed-method approach that shied away from solely utilizing the randomized trial methodology and added nuance through the theoretical and contextual components. They used a comparative, longitudinal panel design. Two comparison groups were inherently created: "the Program group (men who participated in one of the abuser programs) and the Other Criminal Justice (CJ) group (men sanctioned in other ways, including fines, traditional probation, and prison; the vast majority were fined)" (Dobash & Dobash, 2000, p. 259). Both male and female intimate partners were evaluated across three time periods. The first was at the time of the intervention (Time 1); the second was three months after the intervention (Time 2), and the final was 12 months after (Time 3). During Time 1, the evaluators used in-depth interviews, and during Times 2 and 3, they utilized paper-and-pencil questionnaires that were mailed to participants. Dobash & Dobash (2000) stated that this approach was a better fit based on the phenomenon of domestic violence because it is "attuned to both outcome and process and results in more empirically informed assessments of how change is achieved in the behavior and orientations of violent men" (Dobash & Dobash, 2000, p. 252).

The evaluators conducted a three-year-long evaluation of the two Scottish domestic abuser programs, which yielded results that indicated some evidence of a decrease and/or elimination of violent behavior from men in intimate relationships. This contextual approach allowed evaluators to collect both meaningful quantitative and qualitative data regarding domestic violence and the impacts of an abuser intervention. Also, being informed by theory provides evidence for the outcomes of the evaluation. Dobash & Dobash (2000) claim that evaluations of criminal justice programs and interventions should expand past just hard numbers to implement meaningful change in beliefs and behaviors.

Evaluation of Youth Criminal Justice Act

In 1984, Canada passed what was known as the Young Offenders Act (YOA). This contentious statute brought up arguments that the law was too soft on youth crime, while others were concerned about the increased rates of youth custody, some of the highest in the world. To address some of these concerns, the federal government made several modifications to the act. The first amendment took place in 1986, then 1992, 1995, and then finally in 1998. However, four years later, the government created an entirely new statute meant to substitute for YOA. This statute was known as the Youth Criminal Justice Act (YCJA). The main goals of the YCJA were "to reduce the use of courts and custody for the majority of adolescent offenders and to improve the effectiveness of responses to the relatively small number of young offenders convicted of serious crimes of violence" (Bala et al., 2009).

In the preamble of the act, it is outlined that there should be a criminal justice system that is separate from the adult system, specifically for youth. The purpose of this is to (a) prevent crimes by confronting the young person's deviant behavior, (b) provide sources for rehabilitation

specified for youth to help reintegration into community life, and (c) protect the community by implementing punishments for deviant behaviors (Bala et al., 2009).

The evaluators assessed the first five years of implementation of the YCJA, paying specific attention to issues related to diversion from the court and the use, and possible overuse, of youth custody (Bala et al., 2009). They administered a strictly quantitative approach to the analysis using statistical survey data on youths incarcerated in Canada from the Canadian Centre for Justice Statistics—Uniform Crime Report (Bala et al., 2009). Although the UCR data are validated and readily available, this approach limits the evaluator's understanding of the contextual nature that might have impacted the statistics for youth offenders. As a result of the evaluation, they found that as a result of the Youth Criminal Justice Act, the use of courts and youth custody saw a major decrease, while also preventing an increase in youth crime rates. In addition, this reduction in usage has also decreased the amount of money spent on courts and facilities for custody, which led to the ability to reallocate funds to be used for community-based programming (Bala et al., 2009).

Outcome Evaluation of a Prisoner Reentry Employment Program

Gaining employment after being released from prison is a major issue for recent offenders. Employment serves as a deterrent for recidivism, as supported by several criminal justice theoretical frameworks (Akers, 1998). *Social Control Theory* posits that gainful employment provides opportunities for justice-involved persons to get involved with conventional activities that ultimately reduce crime (Hirschi, 1969). *Strain Theory* states that gainful employment decreases the economic need and strain on an individual to accomplish "success" (Merton, 1938). *Social Learning Theory* purports that relational connections with coworkers could have a positive influence on beliefs and decision making (Akers, 1998).

Labeling Theory articulates that the label of "criminal" can negatively impact one's opportunity for employment which could lead to future criminal behaviors (Needels, 1996). Lastly, *Life-Course Theory* claims that gainful employment can lead to an important reality check and a turning point in someone's life that would deter them from committing a crime (Uggen, 2000).

All of these theoretical backings highlighted a need for a program that would help justice-involved persons gain employment, and so EMPLOY was developed. EMPLOY is an offender reentry program housed in the Minnesota Department of Corrections (MNDOC; Duwe, 2015). The purpose of this program is to assist currently incarcerated individuals in finding and maintaining gainful employment post-release. Employment assistance takes place during the last few months of one's incarceration period and continues through the next 12 months after one has been released from prison (Duwe, 2015). The main differentiation between EMPLOY and many other institutional-based programs is that EMPLOY continues with community-based programming even after offenders are released.

The evaluators implemented a retrospective, quasi-experimental design to evaluate the effectiveness of whether the program decreased recidivism rates and increased post-release employment. This effectiveness was "evaluated by comparing recidivism and employment outcomes between EMPLOY participants and a matched comparison group of nonparticipants who were released from prison between July 2006 and December 2008" (Duwe, 2015, p. 565). There were 232 offenders in each group totaling 464 offenders. They were all monitored through June 2010, with an average follow-up period of approximately 28 months (Duwe, 2015).

To specifically evaluate the impact of EMPLOY on post-release employment, the evaluators ran a multivariate logistic regression that supported that participation in the program drastically increased the chances of offenders gaining employment within the first year after

release from prison by 72% (Duwe, 2015). To specifically evaluate the impact of EMPLOY on recidivism, the evaluators used the same regression model to determine that the program significantly decreased the hazard ratio for all four recidivism variables, which include rearrest, reconviction, reincarceration for a new offense, and technical violation revocation (Duwe, 2015). Overall, the results of this quantitative evaluation support that EMPLOY is an effective employment program for released prisoners (Duwe, 2015).

Restorative Justice Evaluation for Sexual Offenders

Recidivism rates have always been a major concern for the criminal justice system. As prison populations increase, criminal justice practitioners continue to search for ways to mitigate these issues. One major way to negate the increase in recidivism rates is to implement restorative justice practices (Chouinard & Boyce, 2018). Restorative justice has been in use as far back as several hundred years. However, the most recent identifiable demonstration was during the 1970's civil rights protests and political unrest (Chouinard & Boyce, 2018). This also influenced some interest in using restorative justice practices in several European countries during the 1990s (Chouinard & Boyce, 2018). This evaluative approach was developed to refute the positivistic claims that we should respond to social issues with technical, objective, and valueless approaches. As Hopson (2014) states, "The justice turn in evaluation privileges issues of power, fairness, justice, and rights beyond practical and technical considerations" (p. 83). With this approach, we shift our thinking from the idea of retributive and punitive justice, where the criminal justice system adopts the "eye for an eye" attitude, to restorative justice, where we find value in repairing and rehabilitating those who interact with the criminal justice system (Bazemore, 1998).

One of the most prominent concerns for recidivism is sexual crimes. At the completion of their sentences, most sex offenders are allowed to re-enter their community and usually without formal supervision, which becomes an issue when the recidivism rates for untreated and unmonitored sexual offenders have been estimated as high as 80% (Ellman & Ellman, 2015). Chouinard & Boyce (2018) focus on Circles of Support and Accountability (CoSA), which is "a program based on principles of restorative justice, [and] was created to address this shortfall by providing support and accountability to high-risk sex offenders who have a long history of offending, have failed in treatment, and have displayed intractable antisocial values and attitudes" (Chouinard & Boyce, 2018, p. 140).

Oftentimes when sexual offenders are released back into the general population, they do not have support from family or friends when it comes to obtaining basic necessities, including housing and food sustainability (Chouinard & Boyce, 2018). On top of the physical depravities, these offenders also experience emotional distress. To mitigate this psychological and emotional pressure, this program provides a space for participants to have open, candid conversations about their feelings with other human beings, without forcing them to go through the formal institutional process due to lack of trust (Chouinard & Boyce, 2018).

Since CoSA was developed in 1994, three program evaluations have been conducted (Chouinard & Boyce, 2018). The first two evaluations were strictly quantitative in nature as they used the quasi-experimental methodology. The third evaluation attempted to use a mixed-methods approach before being shut down by the federal government because they claimed taxpayers did not want to spend their money on sexual offenders (Chouinard & Boyce, 2018). Although the program and others like it have shown evidence of effectiveness in regard to reducing recidivism rates, sex offenders still face the challenge of informal labeling of *otherness*

by society (Chouinard & Boyce, 2018). The authors use this previous knowledge to then rethink the approach to evaluating this program using restorative justice principles.

Chouinard & Boyce (2018) used the 3Rs of complex ecologies (relationships, responsibilities, and relevance), outlined during the American Evaluation Association Conference in 2012, as a foundational structure for their restorative justice approach to evaluation. This led to the addition of another R in the framework, identified as "restoration," creating the four Rs of the restorative justice approach illustrated in Figure 2 below.

Figure 2. The Four Rs of a Restorative Justice Approach
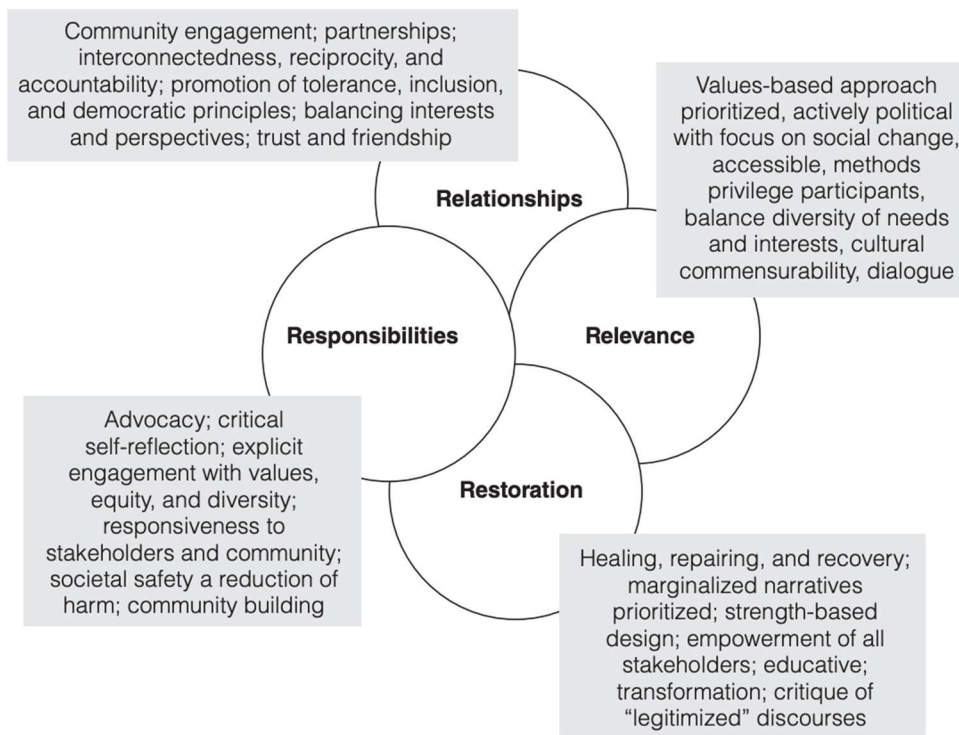
Note. This model was produced by Chouinard & Boyce in 2018, summarizing the 4Rs that frame the understanding of a restorative justice approach in complex ecological evaluation contexts. From "Creating collaborative community practices through restorative justice principles in evaluation," J. A. Chouinard and A. S. Boyce, 2018. In R. Hopson, F. Cram, & R. Millett (Eds.), *Tackling wicked problems in complex evaluation ecologies: The role of evaluation* (pp. 129–154). Redwood City, CA: Stanford University Press.

The relationship component of the model emphasizes community engagement and partnership with participants in the evaluation. The relevance component of the model emphasizes the values-based approach to evaluation while focusing on social change and balancing a diversity of needs and interests. The responsibilities component focuses on self-reflection, responsiveness to stakeholders, and advocacy. Finally, the additional R, restoration, focuses on rehabilitation, repair, and recovery of the participants in the evaluation (Chouinard & Boyce, 2018). In an attempt "to repair broken relationships, restorative justice promotes ex-offender, victim, and community reflection, accountability, and responsibility to create a just and safe society" (Chouinard & Boyce, 2018, p.145)

The suggested restorative justice evaluation approach, using the 4 R's, opposes the commonly used technical and positivistic approaches that often disregard institutional inequities. Evaluators who value restoration bring a new perspective to the criminal justice field. Chouinard & Boyce (2018) claim that relationships, responsibility, and relevance do not address all issues of inequities for marginalized populations, while adding the value of restoration, recovery, and healing in evaluation practices creates spaces for social change and a better future. In order to do so, Chouinard & Boyce (2018) suggest using methods that encourage restoration but (a) do not provide guidelines or criteria for such programs and (b) still utilize mainly quantitative methods which have been prominently recognized to be oppressive and inequitable.

Overall, the criminal justice evaluation literature spread across a variety of subjects, including gang crimes, domestic violence, juvenile delinquency, sexual offenses, and reentry; however, none evaluated gainful employment post-release from prison. A summary of the five criminal justice evaluations can be found in Table 3 which follows. The majority of the literature presented utilized a quantitative or mixed-methodological approach, but often included

Table 3. Summary of Criminal Justice Evaluations

Article	Program	Population/ Sample	Method/ Approach	Strengths	Limitations
Kent et al., 2000	Evaluation of Gang Crime Reduction Programs	237 Gang Offenders	Theory-Driven Approach	Able to collect data from arrest to final sentencing, has sufficient baseline data, and managed most internal and external validity concerns	Only examined the single variable, did not explore other possible mediating variables
Dobash & Dobash, 2000	Criminal Justice Interventions for Domestic Violence	Two Scottish Domestic Abuser Programs	Mixed-methods approach	Being informed by theory provides evidence for the outcomes of the evaluation and adds nuance through the theoretical and contextual components	Small numbers after one year follow-up and limited amount of selection bias
Bala et al., 2009	Youth Criminal Justice Act	Adolescent offenders	Quantitative Survey	Uniform Crime Report data are validated and readily available	Limits understanding of the contextual nature that might impact the statistics for youth offenders
Duwe, 2015	Prisoner Reentry Employment Program	464 offenders in Minnesota Department of Corrections Reentry program	Retrospective Quasi-Experimental Design	Able to monitor offenders 28 months post-release from prison	Strictly quantitative methods limits the contextual nature of the results
Chouinard & Boyce, 2018	Restorative Justice Evaluation for Sexual Offenders	Circles of Support and Accountability (CoSA)	Mixed-Methods Approach	Value restoration brings a new perspective to the criminal justice field for social change.	Used mainly quantitative methods recognized to be oppressive and inequitable

limitations of understanding the contextual nature behind their findings. Because of this, there is no need to further replicate quantitative inquiries on BTB policies. Developing evaluative criteria for the BTB policy utilizing Teasdale's integrated model allows for both content and context.

Ban-the-Box (BTB) Policy

The Ban-the-Box (BTB) policy, also known as the fair-chance policy, is a statute that mandates employers to remove criminal history inquiries from employment applications for public and some private sectors (Solomon, 2012). As reported in the year 2021, the BTB policy is enforced in a total of 37 states, the District of Columbia, and over 150 cities and counties (Avery & Lu, 2021). The BTB policy is not a federal or national law that applies to all 50 states; instead, the decision for implementation is left to policymakers on the state, city, and county levels. The purpose of the policy was to extend an opportunity for justice-involved persons with criminal histories, who are given the label of "criminal," "felon," or any other designation someone who has broken the law is assigned by society, a chance for consideration in the employment process once they are released from prison (O'Connell, 2015).

O'Connell (2015) reflects on the relationship between criminal backgrounds and one's opportunity for employment and determined that throughout the hiring process, discrimination can occur against justice-involved persons with criminal records. He further explains that employment applications commonly incorporate questions about an applicant's criminal history, and oftentimes hiring managers utilize these inquiries to immediately dismiss applicants in the hiring process because of the stigmatized label of having once been a criminal (O'Connell, 2015). The unfortunate part about this dismissal is that it usually does not include consideration of the applicant's skill level, work ethic, or ability to do the job.

The Ban-the-Box policy suggests the removal of the box on job applications as a way to mitigate these discriminatory behaviors. Although the issue of criminal records inquiries on a job application is a major concern, this also highlights an even more concerning problem. This particular demographic of people are labeled based on their history, and thus treated differently (Agan & Starr, 2017). Consequentially, this leads to these labeled individuals' limited opportunities for gainful employment because of their criminal history, further perpetuating a cycle of incarceration.

Some believe that labeling and identifying individuals as criminals will deter and reduce crime; however, this could possibly have a completely opposite impact. It can potentially increase recidivism rates in communities, as criminal histories are a stigmatizing factor that segregates and classifies justice-involved persons as some of the "worst" in society (Davis & Tanner, 2003). As a result of this label, justice-involved persons encounter major barriers to obtaining employment. Studies conducted by Pager (2003) and Agan (2017) postulate that there is an existing correlation between job opportunities and justice-involved persons with criminal records. In 2003, Pager conducted an experimental audit using matched pairs of male college students, called "testers"—two Blacks and two Whites who applied, mainly in-person, for real entry-level jobs in Milwaukee, Wisconsin. One of the testers on each team was alternately assigned a criminal record each week of the experiment. In this study, the criminal record (independent variable) was alternated among Black and White testers over the duration of the experiment. The results of this experiment showed that possession of a criminal record had a significant effect on whether the applicants received a callback or job offer (the dependent variable) from the employers from whom they sought employment. Pager conceptualizes "criminal record" to reflect the stigma associated with criminal justice intervention and the ways

in which employers respond to this stigma in considering applicants, not on the institutional or individual effects of incarceration. The criminal record was assigned as a felony drug conviction (possession with intent to distribute cocaine) and 18 months of (served) prison time. The dependent variable, "callback" or "job offer" was measured qualitatively as either a positive response from the employer or, in cases where no response was given, a negative response.

According to Pager (2003), the results of the study offered direct evidence of the causal relationship between a criminal record and employment outcome—a criminal record closes doors to employment. In fact, setting aside the impact of a criminal record, Pager's study showed that there was a direct causal relationship between the possession of a criminal record and employment possibilities (Pager, 2003). Her data show a ratio of 17:5 (White/Black) callbacks or job offers for her testers with a criminal record, and a ratio of 34:14 (White/Black) callbacks or job offers for her testers without a criminal record. The analysis of the criminal record data showed that a criminal record closes doors in employment situations because many employers use the criminal information at face value, without attempting to probe deeper into the possible context or complexities of the situation (Pager, 2003).

Pager's study could only offer an unbiased estimate of the extent to which race served as a major barrier to employment because of how her teams were paired and because the pairs were not sent to apply with the same employers. Regarding Pager's third concern about the differential effects of a criminal record for Black and White applicants, the results revealed that the situation was more pronounced for Blacks—that employers who were reluctant to hire Blacks in the first place were even more reluctant to hire Blacks with criminal records. Pager (2003) suggests that the link between the stigma of possession of a criminal record and poor employment possibilities is a form of stratified labeling that she calls "negative credentialing." This basically means that

these individuals who possess criminal records are collected in a group by society as to where they "belong" and what (low) expectations we have for them. On the contrary, another societal group, such as college students, would be collected in a group with (high) expectations. The stigma attached to the group with criminal records is what Pager (2003) perceives to affect the outcome of employment.

The use of an audit methodology in both of her studies combines an experimental model with real-life contexts (Pager, 2003). However, Pager points to the limitation of using an indirect approach of mailing in applications to potential employers without in-person contact. She shares that 75% of the applications in her 2003 study were submitted without any contact with employers. She postulates that the in-person audit procedure is better because it simulates the process most often followed for entry-level employment, as well as giving a better picture of the effects of race on hiring outcomes. Her study "isolates the effect of a criminal record, while observing employer behavior in real-life employment settings" (Pager, 2003).

In Agan's 2017 study, approximately 15,000 online job applications with "White" and "Black" names on behalf of fictitious male applicants were sent to employers in New York and New Jersey before and after these states adopted the BTB policies in 2015. The applications were randomly assigned a felony conviction. Approximately one half of the applications were sent to employers as matched pairs of Black and White applicants before the BTB policies were adopted, and the other half was sent to employers after these areas adopted the BTB policies. The results of this study were varied. Regarding her concern as to whether employer callback rates varied by race, Agan learned that before BTB, White applicants were 7.0% more likely than Black applicants to be called back for an interview; after BTB, they were 43% more likely to be asked back (McWilliams, 2018). With reference to her concern about one's felony

conviction status, Agan learned that the presence of a criminal record reduces job opportunities for all applicants (McWilliams, 2018). She concluded that BTB policies encourage racial discrimination (Agan, 2017).

The independent variable "criminal record before and after BTB or felony status" was for a non-violent and fairly minor—either property crime (e.g., shoplifting or receiving stolen property) or drug crimes (controlled substance possession) incarceration. Criminal record is operationalized as having or not having been incarcerated. The dependent variable was the callback or job offer following the submission of an application. The terms were both conceptualized and operationalized. Since all three of the studies dealt with basically the same issues, there is consistency in the meaning and use of the terms: criminal record, discrimination, and callback.

Agan agrees with Pager's "negative credentialing" stigma (2003) in principle and also posits that statistical discrimination, or employers' rational and non-prejudiced beliefs based on the statistical likelihood that someone has committed a crime, also serves as a link. The researchers isolate the impact of criminal record stigma by manipulating applications so that all job qualifications, except for the criminal record, which was randomly assigned to each applicant, were basically the same for all of the testers, even Agan's paper applicants. Agan was even able to assign race to her applicants to isolate the effect of the stigma of a criminal record that she was primarily interested in.

Her data showed that applicants without convictions were 63% more likely to be called back than those with convictions. Next, her data showed that BTB does appear to increase racial discrimination but that the variation between White and Black applications after the "criminal box" question was eliminated ranged from 7% to 45% callbacks or job offers. This range shows

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higher callback rates for testers with similar qualifications in both of Pager's studies. Pager's studies show remarkable consistency in her White/Black callback ratios, the results of which represent a more generalizable outcome.

Agan uses a field exercise that can be best described as a "quasi-audit" experiment to determine the effects of the BTB policies on employment. She suggests that this process allowed her to make a valuable contribution to the literature on the impact of a criminal record on employment (Agan, 2017). She also indicates that her method is the first experimental study of the BTB effects on employment. Further, she states that the field exercise in her experiment "allowed her to perfectly observe and randomize all of the fictional applicant characteristics, including race." With this feature, she claims she was able to avoid many of the likely threats to causal inference that affected purely observational research (Agan, 2017).

Historical Context

Discrimination in the workplace can be dated back to the 20th century. In 1964, the Civil Rights Act established the Title VII statute to eradicate biased behaviors in the workplace. This Act further explains the prohibition of discrimination in places of employment "based on race, color, religion, sex, or national origin" (Civil Rights Act, 1964, SEC. 2000e-3. [Section 704]). Unfortunately, we have still witnessed the occurrence of many accounts of discrimination in the workplace.

In 1998, Hawaii was the first to introduce a BTB policy (Doleac, 2016). It was developed to assist justice-involved persons in achieving employment by removing the criminal history inquiry from employment applications (Doleac, 2016). Today, Hawaii's BTB policy is the strongest of its kind because it strictly prohibits employers and hiring managers, both in the private and public sectors, from being notified or asking about one's criminal background until a

conditional offer of employment is made (Flake, 2018). Furthermore, in the event in which a justice-involved person receives a conditional offer, employers are not allowed to withdraw the offer unless the indictment was directly related to or impacts on the potential employees' ability to complete the task required for the position offered (Flake, 2018).

In 2003, the BTB policy transitioned to be implemented in the mainland United States at the succession of the development of an organization known as "All of Us or None" (Flake, 2018). This organization was developed in Oakland, California, by a group of justice-involved persons to stop criminal discrimination in the workforce. All of Us or None purported to influence public sector employers to remove the questions on job applications that inquired about applicants' criminal histories (Flake, 2018). This initiative was identified as the "Ban-the-Box Campaign" (Flake, 2018, p. 1088). As time passed, BTB policies were expanded to other states to give applicants an equitable chance to represent themselves, in person, prior to the final decision of job opportunities; as both Pager and Western and Sugie (2009) postulate, personal contact is a vital component of the hiring process as applicants are able to establish rapport with employers.

Since then, the implementation of the BTB policy, or policies like it, has varied states' chances to inquire about an applicant's criminal background during one of the subsequent phases of the employment process: (a) after a job application has been submitted and an initial interview conducted; (b) after a conditional job offer has been made; (c) after offering an interview; (d) after providing an opportunity for an interview; (e) once it's determined that the applicant meets the position's minimum requirements; and (f) at either the final interview, conditional offer of employment, or (g) during the interview process (Intellicorp, 2018, p. 2). In addition, the BTB policy can be enforced for (a) all employment, (b) only employment for state positions,

(c) all employment at operations with at least five employees, (d) public employment,

(e) executive branch employment, and (f) employment at operations with 11 or more employees

(Intellicorp, 2018, p. 2). All in all, the BTB policy has seen many iterations applied to different

states, cities, and counties, but the overall purpose of the policies has remained the same—to

provide equitable hiring practices for all.

Theoretical Background

Labeling theory was established in the 1960's by a number of criminological theorists,

including Edwin Lemert, Howard Becker, George Herbert Mead, and Edwin Schur (Akers et al.,

2016). However, the French sociologist, Emile Durkheim, was one of the first to widely use the

concept. He wrote a book entitled *Suicide*, in which he discussed how negative labeling is

actually a way in which society attempts to control behaviors (Akers et al., 2016).

According to Lemert, Becker, and Schur (Akers et al., 2016), efforts to control crime

through law enforcement and public humiliation can have an impact on increased criminal

behaviors. In the process of arrests, convictions, and prosecutions, the justice system formally

labels such participants as "criminals" (Akers et al., 2016). In response to this stigmatizing label,

society perceives persons involved in the process as criminals and treats them as such (Akers et

al., 2016). The label, which seems to become permanently attached to the formal criminal justice

system, forms a societal perspective and substantially increases the probability of secondary

deviance to occur. Essentially, labeling theorists propose that criminal behaviors are

ramifications of reaction instead of action (Akers et al., 2016). This notion also connects to the

Thomas Theorem which states that "if men define situations as real, they are real in their

consequences" (Thomas & Thomas, 1928, p. 572) and has been applied to evaluations

(Bornmann & Marx, 2020).

Akers and colleagues (2016) elaborate on two key concepts of labeling theory: societal reaction and stigmatized labeling. According to them, societal reaction is simply the response and perception of society regarding a criminal or deviant. This labeling occurs after the initial deviant act, and theorists argue that without this key concept, deviance would become spasmodic and unkempt (Schultz, 2014). Also, based on labeling theory, without societal reaction, we would not be able to dissect and determine criminal behaviors (Schultz, 2014). Societal reaction is a large component, if not the main reason for deviant behavior (Schur, 1965).

Stigmatized labeling has also generated negative effects regarding criminal behaviors. Such impacts occur following the initial deviant act in which perpetrators are characterized as "criminal," "subordinate," and "dishonorable" (Schultz, 2014). These labels create a divide between the labeled and unlabeled (criminals vs. society), and society subsequently deems the labeled inferior. This inferiority stigmatization causes successive deviants (Schultz, 2014).

Lemert differentiates between primary deviance and secondary deviance (Thomas & Bishop, 1984). Primary deviance is the initial deviant act that often is not known to be deviant to the individual but is considered deviant by society. Such deviant acts are seen mostly in adolescents and transitional-age youth (16–23 years old; Davies & Tanner, 2003). Primary deviance is considered rebellious but often harmless and something that youth are expected to grow out of (Thomas & Bishop, 1984). As a result of primary deviance, society stereotypes these individuals and attaches what is known as an informal label (Thomas & Bishop, 1984). These are not official labels but affect the social status of the individual.

However, after informal labeling has created a negative perception, oftentimes formal labeling occurs (Thomas & Bishop, 1984). Formal labeling occurs in the case in which an individual is entered into the justice system for criminals and is formally processed. This process

frequently yields felon or criminal identification labels. As a result of formal labeling, secondary deviance occurs (Thomas & Bishop, 1984). This deviant behavior is known to be a direct reaction to the labels attached to the individual. These individuals adapt and adopt the stigmatized label. If the individual feels as though there is nothing that can be done that might change or reshape society's perception of them, then he/she will proceed with their deviant behaviors (Thomas & Bishop, 1984).

Target Audience

The BTB policy targets individuals with criminal backgrounds and histories. Justice-involved persons often have a hard time finding employment when they are released from prison, so this law was developed specifically to give them a better opportunity at gaining and maintaining employment. This can include both violent and non-violent, male and female, and all races and ethnicities of justice-involved persons. This policy does not target currently incarcerated offenders. It only applies to those who have completed their incarceration period and have been released from prison. Most BTB policies focus on the public sector but have also been applied in the private sector.

Approaches, Methodologies, and Methods for BTB Investigations

Investigative research is a major contributor to the well-being of society. Research answers questions that may arise about controversial topics that impact our daily lives. To achieve these answers, researchers must strategically select approaches, methodologies, and methods that best apply to their area of interest. The following sections will overview the current approaches, methodologies, and methods being used to investigate the BTB policy. An analysis of the outcomes and effects of investigations of BTB policies will be presented later in this chapter. Methodologies are defined as the "theory and analysis of how research should proceed"

(Harding, 1987, p. 2). Researchers then select the approach to that research methodology. In investigatory research, approaches and methodologies are closely interrelated. For the sake of this review, approaches and methodologies are presented simultaneously.

Qualitative

Qualitative research is defined as "a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem. The process of research involves emerging questions and procedures" (Creswell, 2003 p. 4). Qualitative methodologies often reveal research participants' truth. The literature search revealed evidence of qualitative research methodologies being utilized to investigate BTB and fair chance policies. Johnson and colleagues (2021) used a comparative case study approach to analyze the BTB policy's regulation of the use of criminal histories in the college admission process. They define case studies as "intensive, holistic descriptions of a single unit" (Johnson et al., 2021, p. 710). The comparative case study approach allows researchers to cross-case analyze to help reveal similar and different components between the cases. This approach provides a thorough and descriptive understanding of the different BTB policies that were implemented in each state, city, and county, as well as an understanding of the context of how they were developed.

When utilizing the multiple case study approach to research BTB, the researchers inquire about the following: "(a) What is the 'problem' represented to be in each state's BTB policy?, and (b) What are the potential consequences of this representation of the 'problem?'" (Johnson et al., 2021, p. 710). Their findings converge with those of policy researchers as they illustrate how "reducing the 'problem' to the box ignores real, structural barriers and limits equity-minded policy solutions" (Johnson et al., 2021, p. 704). One of the limitations of this approach was that although the BTB policies from different states seemed similar at face value, the multiple case

studies yielded different results based on how that state might consider criminal records in college admissions (Johnson et al., 2021). Johnson and colleagues (2021) also mention the importance of widening the perspectives of those involved in the policy-making process (who also control how it is implemented and whether the intended outcomes are met) to include those it might impact.

Resultant of this comparative case study, Johnson and colleagues (2021) found it important to frame problems within their full context. They further explain that diminishing the "problem" to the box on job applications disregards structural barriers and restricts equity-minded policy solutions. In addition, they found that while each BTB policy appears to be alike at face value, they argue that outcomes will likely vary depending on how the consideration of criminal justice records in college admissions applications is framed and problematized (Johnson et al., 2021).

Another study conducted by Griffith & Young (2017) employed a phenomenological investigative approach, which examined hiring managers' experiences and perspectives to reveal essential factors in how they choose to select or not select applicants with a criminal history for job openings. They chose to implement the phenomenological investigative approach because it "puts emphasis on critical discovery of the universals underlying individual experiences of a phenomenon" (Creswell, 2013, p. 58). This approach also allows researchers to investigate a phenomenon that is very different when trying to use traditional assessment techniques (Moustakas, 1994). The researchers also agreed with the perspective of Gioia et al. (2012) that employers are knowledgeable agents who "know what they are trying to do and can explain their thoughts, intentions and actions" (p. 17). Therefore, they focused on the experiences of the hiring managers to allow them to share their lived experiences with the BTB phenomenon to expose

their implicit biases, hidden motives, decision-making processes, and influences on the hiring process for individuals with criminal backgrounds (Griffith & Young, 2017). Interestingly, the results of this study actually show that human resource (HR) professionals were likely to hire applicants with criminal records. However, the results also showed that those hiring decisions are often positively influenced by: "perceived value of criminal history; concerns about safety and cost; characteristics of the offense; motivation to hire; and evidence of applicant growth" (Griffith & Young, 2017, p. 501). Moreover, Griffith & Young (2017) found that a lack of a systematic evaluation process for HR professionals also presented as a barrier to employment. This accentuates the need for development of evaluative criteria.

This phenomenological investigative approach revealed that, in opposition to previous research, employers were actually more predisposed to hiring applicants with criminal records as well (Griffith & Young, 2017). Nevertheless, the results of the study also indicated that those employment decisions were positively influenced by: "perceived value of criminal history; concerns about safety and cost; characteristics of the offense; motivation to hire; and evidence of applicant growth" (p. 501). The researchers also determined that the lack of evaluation of the systematic process hiring managers take to select candidates can also serve as a barrier to justice-involved person employment.

Quantitative

Quantitative research is defined as "a means for testing objective theories by examining the relationship among variables. These variables, in turn, can be measured, typically on instruments, so that numbered data can be analyzed using statistical procedures" (Creswell, 2003 p. 4). Quantitative methodologies are often used in social sciences to explore various research topics through numerical and statistical patterns. When investigating the BTB policy, there are

many approaches to quantitative research, but the most prominent is that of the quasi-experimental approach. Doleac and Hansen (2020) exploited "variation in the adoption and timing of state and local BTB policies to test BTB's effects on employment outcomes, using individual-level data from the 2004–2014 Current Population Survey (CPS)" (p. 324). They focused on the probability of being hired for Black and Hispanic males between the ages of 25 and 34. An additional criterion was that the participants were low-skilled, meaning that they had no college degree. The researchers selected these individuals from among young Black and Hispanic males with no higher education, as they are the demographic that is most likely to be recently incarcerated (Doleac & Hansen, 2020). The results of that study show that there is a decrease in the probability of employment for both Black and Hispanic men without college degrees when the BTB policy was implemented. However, a limitation of this study is that the *Current Population Survey* does not include those who are incarcerated (Doleac & Hansen, 2020). For example, those who were unemployed resultant of the BTB policy who might have committed a crime and were sent to prison, they were not included in this sample (Doleac & Hansen, 2020).

Doleac and Hansen (2020) reached a different conclusion in their quasi-experimental approach than many of the other studies. While using the Current Population Survey (CPS) statistics from 2004 to 2014 "and exploiting temporal variation in BTB laws' enactment across jurisdictions, they find that BTB laws decrease the employment of less-educated (no college degree) Hispanic men ages 25–34 by approximately 3%–4% and African American men ages 25–34 by 5%" (p. 324).

Mixed-Methods

Mixed-methods research is defined as "a plan for a scientifically rigorous research process comprised of a qualitative or quantitative core component that directs the theoretical drive, with qualitative or quantitative supplementary components. These components of the research fit together to enhance description and understanding and can either be conducted simultaneously or sequentially" (Morse, 2003, p.191). Mixed methodologies allow researchers to incorporate quantitative and qualitative evidence of a claim or line of inquiry. When investigating BTB policies, Day (2019) administered surveys to companies in the nonprofit and private sectors, while also conducting semi-structured interviews with a sample of the hiring managers from those companies. This approach allowed the researcher to determine if the employers banned the box and if they continued to inquire about an applicant's criminal background despite the laws and policies implemented.

In this mixed-methodological approach implemented by Day (2019), the results indicated that almost 33% of the employers did not ban the box, and in some cases, a few of them disregarded the laws put in place to regulate employment discrimination and continued to probe for information about an applicant's criminal record sooner than what was permitted by the laws of their districts. However, when the questions about criminal records were from employment applications, employers were less likely to violate other provisions of the BTB policy, including searching on the Internet for an applicant's criminal history (Day, 2019).

Agan and Starr (2017) conducted an auditing research approach that used mixed methodologies to assess the BTB policy. They define audit studies as "field experiments in which researchers randomly vary the characteristics of interest about a person with whom a subject interacts (for example, a job applicant)" (p. 8). In this study, Agan and Starr (2018) used

written communications, like resumes, cover letters, and job applications, to manipulate the characteristics of the fabricated participants allowing the researchers to identify potential discriminatory reactions based on race, gender, or any other identifying factor. Using this approach can also provide researchers with a stronger grounding to make causal inferences (Agan & Starr, 2017). The researchers also increase external validity by assessing the true response of hiring managers during their hiring processes. To further support the causal inference, the researcher combined the field experiment with other econometric approaches—the researchers implemented a quasi-experimental approach to both enrich the study of discrimination but also identify differences (Agan & Starr, 2017).

This audit research suggested that there is a causal relationship between criminal records and employment (Agan & Starr, 2017). Even with this barrier being identified, they also determined that BTB policies lead to statistical discrimination based on the race of the applicant. Their results also indicate that the gap between the White and Black callback rates expands tremendously when the BTB policy is implemented. Prior to the implementation of the BTB policy, "White applicants to BTB-affected employers received about 7% more callbacks than similar Black applicants, but BTB increases this gap to 45%" (Agan & Starr, 2017, p. 1). The percentage of callback rates for White and Black applicants is illustrated in Figure 3 below.

Methods

Methods are "procedures, tools and techniques" of research (Schwandt, 2001, p. 158). As highlighted by the various methodologies and approaches to investigations of BTB policies, methods are the ways researchers were actually able to test their hypotheses and inferences. Overall, several methods were used to assess the BTB policy, including surveys, interviews, observations, and document reviews. Day (2019) utilized semi-structured interviews to

Figure 3. Callback Rates by Race, Criminal Record, and Period

Callback rates *by race, criminal record and period*

Black Applicants: 8.0%, 13.4%, 10.3%

White Applicants: 8.7%, 14.1%, 14.8%

Legend:
- **Before Ban the Box:** Criminal backgrounds
- **Before Ban the Box:** Clean backgrounds
- **After Ban the Box:** All backgrounds

Source: Graph adapted by APM Research Lab from Amanda Agan and Sonja Starr, "Ban the Box", Criminal Records and Racial Discrimination: A Field Experiment," Quarterly Journal of Economics (2017;133(1):191-235).

Note. This figure was adapted by APM Research Lab from Amanda Agan and Sonja Starr, summarizing callback rates by race, criminal record, and period. From Agan, Amanda, & Sonja Starr. "Ban the box, criminal records, and racial discrimination: A field experiment." *The Quarterly Journal of Economics, 133,* no. 1 (2018): 191–235.

determine the use and effectiveness of the BTB policy for several New York companies. Pager (2003) employed an observational study to observe applicants going through job interviews with employers who implement and do not implement BTB policies. Both Doleac and Hansen (2020) and Day (2019) employed surveys in their research studies of BTB policies. And in 2017, Agan and Starr conducted a study using document review where they analyzed job applications, cover letters, and resumes as a part of their audit research. All of these studies used different methods, and all generated meaningful results. The outcomes of these methods will be elaborated in the following sections.

Effects of BTB Investigations on Stakeholders

Positive Effects

Implementation of the BTB policy does not completely prevent hiring managers from inquiring about an applicant's criminal history, but it does delay that inquiry at least until the applicant receives a callback or interview for the position. This allows these justice-involved persons to have the opportunity to prove their worth and potential contributions to the company and would improve the probability that hiring decisions would be based on an applicant's qualifications for the job and not on the past history of criminal activity.

In addition to the concerns of defining justice-involved applicants based on previous decision-making rather than their potential and ability to do the job, we have run into the issue of safety concerns for the public (Berg & Huebner, 2011). Research indicates that justice-involved persons are more likely to recidivate if they are unable to obtain reliable employment (Berg & Huebner, 2011). This means that if no structure and support system is in place to provide the justice-involved persons with a steady job, it creates more danger to society as they are more likely to recommit crimes and put additional stress on the already extremely limited welfare resources (Berg & Huebner, 2011).

Negative Effects

Although the BTB was implemented to provide equity in the hiring process, implementation of this policy has led to hiring managers both explicitly and implicitly projecting their biases in the hiring process to determine who is and is not deserving of employment at their companies. Oftentimes, young Black males have been negatively impacted the most as they receive much lower callback rates since the BTB policy was implemented (Agan & Starr, 2017). And as expected, the policy impacts those who have criminal records but has even affected those

who do not have criminal records. Without the criminal inquiry on job applications, the assumption has been that more individuals have criminal records and, thus has led to decreased job offers to all, including those without criminal records. This is what Doleac (2016) describes as "unintended consequences." She defines "unintended consequences" as the impact of the implementation of the BTB policy by allowing employers to make unwarranted decision-making regarding potential employees, with or without a criminal record, mainly due to a stigmatized label (Doleac, 2016).

Although the BTB policy was not designed to address racial discrimination, research has shown that the policy's implementation has created a greater divide among races and their encounters with employment opportunities (Doleac, 2016). In fact, several research studies have been conducted that suggest that the BTB policy has had the complete opposite effect on Black and Latino males' opportunities for employment (Doleac, 2016; Agan & Starr, 2017). It is quite interesting to acknowledge that the BTB policy has shown evidence of actually hurting the people it was designed to help (Davies & Tanner, 2003). As some may disregard this problem because they think that criminals get what they "deserve," it is important to denote that if the goal of the BTB policy is to reduce recommission of crime, reducing and reimagining stigmatized labeling as a society will allow justice-involved persons a better chance at employment and change repeated criminal behaviors (Davies & Tanner, 2003). With some of these implications, it shows the importance of evaluating policies like BTB using a more contextualized lens/approach. To begin this process, existing literature was reviewed to further examine the approaches, methodologies, and methods that were used to evaluate the BTB policy in previous studies.

Approaches, Methodologies, and Methods for BTB Evaluations

The BTB policy has been a part of the criminal justice system for several decades, yet there is no evidence of a formal evaluation. Evaluations are important to identify the efficacy of a program or policy that is implemented. However, employing just any evaluation can allow the same concerns and issues to continue to exist, which is why administering social-justice-oriented evaluations is necessary as they value participants' rights, values, and lived experiences. Keeping that in mind, the BTB policy is not flawless. There are ways to make improvements, and the best way to identify what changes are needed is to conduct an evaluation. The next section provides an overview of approaches, methodologies, and methods to evaluate the BTB policy.

Approaches

Restorative Justice. The first approach to evaluate the BTB policy is the *restorative justice* approach. This approach focuses on prioritizing the narratives of marginalized populations, and that is exactly what needs to be addressed in the BTB policy. The voices of those who are labeled as criminals are often disregarded, especially when it comes to obtaining gainful employment in this current climate of the workforce. Evaluations that take into consideration those marginalized voices set the standard for equitable change in policy and program implementation. In addition, the restorative justice approach looks beyond the technical considerations of power, fairness, justice, and rights (Hopson, 2014). This is extremely important, especially because implicit bias is not technically illegal, but morally it is unfair. If justice-involved persons are targeted based on their criminal histories, that becomes a major concern for recidivism rates. Lastly, it is important to note that a main goal of restorative justice is to empower participants as partners in the justice process (Leonard & Kenny, 2014).

Equity-Focused Evaluation. The second approach to evaluate the BTB policy is *equity-focused evaluation*. This approach focuses on ensuring equitable practices for all participants by avoiding the impact of implicit and explicit biases (Bamberger & Segone, 2011). One of the main concerns for BTB policies is that hiring decisions have now been left to the discretion of hiring managers, who often seem to project their biases in their decision making. This approach to evaluation will further alleviate the biases of the evaluators in the process and lead to equitable development outcomes that are useful for justice-involved persons.

Transformative Evaluation. The third approach to evaluate the BTB policy is *transformative evaluation*. This approach is appropriate because it addresses power imbalances. This is important because power imbalances are already present in the hiring process, where hiring managers have all of the power to determine an applicant's future. Transformative evaluation prohibits this imbalance from continuing with regard to both the stakeholders and the evaluators. This approach adds value by not only evaluating the BTB policy but implementing a positive transformation of the practices while valuing social justice impacts.

Methods and Methodologies

Regarding methods and methodologies used in BTB evaluations, these include quantitative, qualitative, and mixed methodologies. In each, there are benefits and disadvantages that can impact the research. Quantitative methodology includes quasi-experimental designs, qualitative methodology includes grounded-theories, phenomenologies, and case studies, while mixed-methodologies are a combination of both. A summary of the methodologies employed to evaluate BTB policies along with the strengths, limitations, and methods used are outlined in Table 4 which follows.

Table 4. Methods and Methodologies

Method/Methodology	Strengths and Weaknesses	Surveys	Interviews & Focus Groups	Document Reviews	Observations
Quantitative 1. Quasi-Experimental	**1. Strengths:** High external validity and better control over dependent variables **Weaknesses:** Low internal validity and risk of bias	✓			
Qualitative 2. Grounded Theory	**2. Strengths:** not developed from previous paradigms or theories, creates new point of view **Weaknesses:** produces large amounts of data that can be difficult to manage	✓	✓	✓	✓
3. Phenomenological	**3. Strengths:** richer data & unique perspectives while understanding a particular phenomenon **Weaknesses:** increased risk of bias and subjectivity	✓	✓	✓	✓
4. Case Study	**4. Strengths:** detailed and intensive study **Weaknesses:** difficult to replicate and can be time consuming	✓	✓	✓	✓
Mixed Methods 5. Combination of quantitative and qualitative	**5. Strengths:** ability to address a wide range of research questions without being confined to a specific method and triangulation of data **Weaknesses:** Difficult to be conducted by one researcher and time consuming	✓	✓	✓	✓

Note. This table was adapted by several authors in previous sections, summarizing material synthesized from research literature & analysis of methods and methodologies.

The Role of the Evaluator in the Evaluation of BTB Policies

Use of approaches, methodologies, and methods for social-justice-oriented evaluations of the BTB policy shifts the role of the evaluator from "judge of merit or worth to a social change agent" (Thomas & Madison, 2010). Evaluators should be able to better identify power dynamics and imbalances, positionalities, and ways to better serve the communities they evaluate (Vang, 2019). The role of the evaluator is to challenge the systems and practices that are in place that may negatively impact justice-involved persons in their search for gainful employment. As social-justice-oriented evaluations do not always assure that those systems and practices will change, evaluators should be able to at least call attention to where changes and improvements can be made (Vang, 2019). Change starts with awareness; awareness leads to accountability, and accountability leads to success. Success is no indication of perfection, but a conscious effort to do better, and criminal justice policies and programs need to do better at serving their communities with consideration of the many backgrounds, positionalities, perspectives, and rights of all.

<div align="center">

Summary of the Literature

</div>

Literature relating to the evaluation of BTB policies demonstrates that empirical studies have been sparse and intermittent for several decades. In recent publications, scholars have begun to look into the unintended consequences that have resulted from the implementation of the BTB policies (Doleac, 2017; Pager, 2003; Agan, 2017), but evaluative criteria to help generalize this process across all entities have not been developed to date.

While quantitative methods were mainly used to analyze BTB policies, a few studies did use a mixed-methods approach, and one used a strictly qualitative approach which shows the need to expand on qualitative literature on this topic. Criminal justice is grounded in quantitative

statistics as resources like UCR are often used to determine correlations and probability outcomes for citizens (Bala et al., 2009). This may have been sufficient for the existing research questions, but to begin to examine the impact of the BTB—both intended and unintended—criminal justice methodological approaches need to be expanded to include qualitative methodologies. Many of the studies acknowledged limitations such as generalizability between entities (cities, counties, states) as well as missing other variables that might have impacted the results of their studies (Kent et al., 2000). However, researchers have begun to acknowledge the need to progress toward more qualitative approaches to better understand the nuances of the BTB policies through the theoretical and contextual components. In addition, the field of evaluation has grown to develop spaces for social-justice and culturally responsive evaluation. However, in Teasdale's (2021) article, she mentioned the impact of social change and social problems, but the lens of the criteria domains and sources are not grounded in social-justice-oriented evaluation nor culturally responsive evaluation. She does mention that the experience domain could be applicable to evaluators who seek to understand the lived experiences of participants, including evaluators in culturally responsive and democratic traditions, and states that "this domain expands the focus of study beyond the substance of program activities to consider how those activities are experienced" (Teasdale, 2021, p. 365). This study seeks to fill that evaluative gap. Chapter III will provide an overview of the methodology that was used in this study.

CHAPTER III: METHODOLOGY

There is scant literature on the evaluation of criminal justice policies, and even less when considering the evaluation of the Ban-the-Box (BTB) policy. The research that has been conducted is strictly quantitative in nature and has acknowledged the unintended consequences of implementing BTB policies on Black communities. As this policy is not nationally implemented, it becomes difficult to generalize the evaluation process for cities, counties and states. This study sought to fill a methodological gap in the literature through a two-pronged generic qualitative approach by providing an opportunity to advance knowledge and understanding about equitable implementation of the BTB policy. Specifically, this study involved a document analysis of existing BTB policy in North Carolina and semi-structured interviews with human resource professionals to develop evaluative criteria that can be used on different levels of BTB application. This study focused on qualitative methodological approaches to advance and expand the literature on the evaluation of BTB policy.

Research Design Components

Research Questions

The following research questions guided this study:

1. Research Question One: Is the BTB policy being used consistently across states, cities, and counties?

2. Research Question Two: What is the merit, worth, and/or value of the BTB policy to HR professionals?

3. Research Question Three: To what extent can criteria be developed to assess the implementation of BTB policies?

Each research question is associated with specific data sources to enhance the relevance, rigor, and dependability of my study. This was to ensure that the data I collected directly addressed my research questions, leading to more accurate and meaningful findings. With that said, Table 5 below outlines and maps out the research questions and the data sources with which they are associated.

Table 5. Research Question and Data Sources Matrix

Research Questions	Data Sources	Data Collection Methods
RQ1: Is the BTB policy being used consistently across states, cities, and counties?	- NC county BTB policies - NC city BTB policies - NC state BTB policy - Meeting minutes - Ordinances - Executive orders - Resolutions - Administrative Procedures	Document Reviews *(NC BTB policies)*
RQ2: What is the merit, worth, and/or value of the BTB policy to HR professionals?	- HR Professionals - Demographics	- Interviews *(HR Professional)* - Survey *(Demographics)*
Q3: To what extent can criteria be developed to assess the implementation of BTB policies?	- NC county BTB policies - NC city BTB policies - NC state BTB policy - Meeting minutes - Ordinances - Executive orders - Resolutions - Administrative Procedures - HR Professionals - Demographics	- Interviews *(HR professionals)* - Document reviews *(NC BTB policies)*

Research Design

This qualitative study explored existing BTB policies and viewpoints of human resource professionals to develop evaluative criteria that can be used by HR professionals on all levels (cities, counties, states) to achieve fairness and equity in the workplace for justice-involved persons. To better understand the subjective perspectives of human resource professionals and their experiences with current implementations of the policies in their settings, I used generic qualitative study as the research design. A generic qualitative study helps understand and gain insights into the meaning and significance of personal experiences of the participants, in this case, the human resource professionals, and offers a framework for exploring these experiences (Kahlke, 2014). Generic qualitative studies are epistemologically social constructivist studies honing in on "(a) how people interpret their experiences, (b) how they construct their worlds, and (c) what meaning they attribute to their experiences" (Merriam, 2009, p. 23; Kahlke, 2014). This contradicts how criminal justice research and evaluations are mainly naturalistic and scientific in nature. The goal of this research design "is to discover personal and shared meanings and common practices, bridging the gap between the familiar and unfamiliar" (Davidson, 2004, p. 185). Using this design allowed participants to share their interpretations of their lived experiences that frame their perceptions of the justice-involved person employment phenomenon and the implementation of the BTB policy.

Population and Sample

I identified a targeted participant population as the data source to answer the research questions. Overall, the inclusionary criteria for this study were relatively but purposefully vague. I sought to have a diverse pool of human resource professionals as participants in the study. Age, race, ethnicity, and gender was not specified as particular criteria for participant selection. The

main requirement for participants was that they were in a position as a human resource professional in or that covers a North Carolina city or county that implements a BTB or fair-chance policy. For the sake of this study, I chose five out of seven counties, and five of eight cities that implement a BTB policy in North Carolina. The specific counties and cities that were included for this study can be found in the Table 6 below.

Table 6. BTB Policies Implemented in North Carolina

Jurisdiction	Implementation	Description
State		
North Carolina	August 2020	Governor Roy Cooper (D) signed Executive Order No. 158 on August 18, 2020, prohibiting state agencies from inquiring about criminal history on employment applications. Such inquiries and background checks cannot occur until after the candidate's initial job interview. The order also prohibits state agencies from considering certain types of records: expunged or pardoned convictions; convictions unrelated to the job; arrests not resulting in conviction; and dismissed charges or those for which an individual was found not guilty.
Cities		
Asheville	January 2016	The Asheville City Council passed a resolution on January 26, 2016, expressing its commitment to the Ban the Box movement and its support for the city amending its employment application so as not to require disclosure of an applicant's criminal record during the initial job application process, except for certain sensitive positions.
Charlotte	February 2014	On February 28, 2014, Charlotte City Manager Ron Carlee announced that the city had "banned the box" for City applications. The Charlotte Human Resources director said she expected the number of applications for city jobs to increase as a result of the decision.

Jurisdiction	Implementation	Description
Durham	February 2011	In February 2011, the city removed questions about criminal history from all employment applications. Potential employees who have been given a conditional offer of employment are subject to a background check.
Wilmington	December 2012	On December 6, 2012, the Wilmington City Council passed a resolution urging the city's Administration to ban the box on city employment applications. In response, Mayor Baker signed Executive Order 2012-3 on December 10, 2012, banning the box on initial job applications with the city. Wilmington will now conduct criminal background checks on applicants for non-uniformed positions after a conditional offer of employment has been provided.
Winston-Salem	November 2017	On November 20, 2017, the Winston-Salem City Council unanimously approved a resolution reaffirming support for removing conviction inquiries from city job applications. The resolution also urges private employers to follow suit and ban the box from their job applications. Council Member Derwin L. Montgomery further requested information about city vendor policies on ban the box and expressed interest in revisiting that topic in the future.

Counties

Buncombe County	April 2016	On April 19, 2016, the Buncombe County Board of Commissioners adopted a resolution to remove criminal history questions from the county's initial job application.
Cumberland County	September 2011	On September 6, 2011, the Cumberland County Commissioners unanimously voted to ban the box and implement a new pre-employment background check policy.
Durham County	October 2012	Effective October 1, 2012, the County does not inquire into an applicant's criminal history on an initial employment application form, unless explicitly mandated by law. The threshold for inquiry is after an applicant's credentials have been reviewed, it has been determined that the applicant is otherwise qualified for a position, and the applicant has been recommended for hire by the department where the vacancy exists.

Jurisdiction	Implementation	Description
		Records of criminal arrests, dismissals, or convictions which have been expunged may not be used. The policy explicitly incorporates language from the 2012 updated EEOC guidance—for example, applicants are provided the opportunity for an individualized assessment.
Wake County	April 2016	On April 18, 2016, the Board of Supervisors approved an ordinance to require that the initial application form not inquire about prior convictions. Background checks will be conducted only after the applicant has been recommended for hire. An applicant's record cannot be used as a basis for denial unless a conviction is job-related as determined by an individualized assessment incorporating EEOC guidelines. Before taking an adverse action, hiring departments must obtain concurrence from human resources and provide the applicant with a pre-adverse action disclosure form, a copy of the background report, and notice of the applicant's right to dispute the information in the report.
Mecklenburg County	March 2016	On March 16, 2016, the Mecklenburg County Board of Commissioners passed a motion directing the county manager to modify the county's application for employment by removing the question about criminal convictions.

Note. This table was adapted by Avery and Lu in 2021, summarizing the counties and cities implementing ban-the-box or fair chance policies in North Carolina. From "Ban the box: US cities, counties, and states adopt fair-chance policies to advance employment opportunities for people with past convictions," B. Avery & H. Lu, 2021, *National Employment Law Project*. 1–117.

To determine participants for the study, I approached the sample selection process using two non-probability sampling methods. The first method of sample selection was convenience sampling. Convenience sampling is "a type of nonprobability or nonrandom sampling where members of the target population that meet certain practical criteria, such as easy accessibility, geographical proximity, availability at a given time, or the willingness to participate are included

for the purpose of the study" (Etikan et al., 2016, p. 2). I solicited participants through an online networking group known as the North Carolina Society for Human Resource Management (NCSHRM), in which the participants were chosen based on their availability and willingness to cooperate. NCSHRM is an affiliate of the Society for Human Resource Management which is the world's largest human resources professional society. This society has nearly 300,000 members in more than 165 countries. In the state of North Carolina there are about 650 members within 19 NC chapters. The list of chapters can be found in Table 7 below.

Table 7. North Carolina Society for Human Resource Management Chapters

Chapter Name	City	Website
Catawba Valley SHRM	Hickory	http://catawbavalley.shrm.org
Iredell County HRM	Statesville	http://ihra.shrm.org
Lake Norman HR	Cornelius/Mooresville	http://lakenormanhr.org
Western NC HRA	Asheville	http://www.wnchra.org
Cabarrus Regional SHRM	Concord	http://cr.shrm.org
Charlotte Area SHRM	Charlotte/Salisbury	http://www.charlotteshrm.org
Gaston HR	Gastonia	http://www.gastonhr.com
Union County HRA	Monroe	http://uchra.shrm.org
Alamance County HRA	Burlington	http://achra.shrm.org
HRA of Greater High Point	High Point	http://hraghp.org
HRMA of Greensboro	Greensboro	http://hrmag.org
Winston Salem SHRM	Winston-Salem	https://www.wsshrm.org
Central Carolina SHRM	Sanford	www.centralcarolina.shrm.org
Fayetteville Area SHRM	Fayetteville	http://www.fashrm.org
Raleigh-Wake HRMA	Raleigh	http://www.rwhrma.org
Triangle SHRM	Durham	http://tshrm.com

Chapter Name	City	Website
Golden East HRMA	Rocky Mount	http://geshrm.shrm.org
Lower Cape Fear HRA	Wilmington & Jacksonville	http://lcfhra.org
NC Coastal SHRM	Greenville	http://www.nccshrm.com/index.html

Note. This table was adapted by North Carolina Society for Human Resource Management in 2022, summarizing the North Carolina Society for Human Resource Management Chapters. From "*Find your chapter*. North Carolina State Council Society for Human Resources Management. (2022, July 25). Retrieved January 7, 2023, from https://ncshrm.com/chapterlocator/."

Next, I followed up with snowball sampling which is "when the researcher accesses informants through contact information that is provided by other informants," in which "informants refer the researcher to other informants, who are contacted by the researcher and then refer her or him to yet other informants, and so on" (Noy, 2008, p. 330). The existing participants for the online networking group were then asked to refer other human resource professionals who were relevant to the study to increase sample size and diversity. Contact information for potential participants varied, ranging from emails, to phone numbers, and even LinkedIn accounts. If applicable, I cross-referenced potential interviewees by viewing their location on LinkedIn, as it provides an opportunity to view occupation location if provided and allowed by the user. I took this step to ensure maximum variation in my study so I was not contacting individuals from the same jurisdiction. I also used LinkedIn as a form of direct contact with these potential participants. Based on the 19 NCSHRM chapters, seven counties, and eight cities that implement a BTB policy, I had a goal of eight to ten interviews for this dissertation (Baker & Edwards, 2012). However, I was able to conduct 15 total interviews. This covered more than half of NC counties and cities with BTB policies, and some members from more than half of the NCSHRM chapters, although all participants were not SHRM certified.

Overall, the range of participants and their demographic identifications were relatively diverse in nature. Reporting cities and counties, along with the specific job title of the participants for each location, have been suppressed to protect identities of participants; however, in aggregate, over 27 cities/counties were represented in this sample, and the positions ranged from Senior Vice-Presidents of HR, HR Directors, HR Consultants, HR Professor, to HR Assistants. Several participants work for companies that have multiple locations but still covered jurisdictions in NC cities and counties that were included in the suggested sample and implemented a BTB policy. Twelve different HR professional job titles were recorded in this survey.

A majority of the respondents (response rate: 40%, n = 6), identified that they've had over 20 years of experience in HR. The second most common response for years of experience was one to five years. The complete breakdown with regard to the years of experience for each participant can be found in the Figure 4 below.

Figure 4. Years of Experience

Q6 - How long have you worked in Human Resources?

Data Sources and Data Collection

I used two sources for data collection. The first data collection method was conducting document reviews of localized BTB policies of the represented entities in the study. This helped me better understand the explicit positionality of the county and city policies regarding hiring justice-involved persons. I conducted document reviews following the suggestion of Maxwell (2013) in which he states that "the initial step in qualitative analysis is reading the interview transcripts, observational notes, or documents that are being analyzed" (p. 105). I developed a document review protocol, which can be found in Appendix C, to ensure the consistency of my reviews. The purpose of the protocol was to gather detailed data and descriptive content of local Ban-the-Box policies. The protocol included general information around the policy; the city or county in which the document was produced; the type of document; the title of the document; the authors of the document, which could include sponsors, approvers, or solicitors; the date it was published or approved; the length of the document; brief details about the purpose of the document; the main points of the document; and any other descriptive notes key to describing the document. The documents included resolutions, meeting minutes, and policies for 10 total NC cities and counties.

The second data collection method I used for this study was semi-structured interviews. "At the root of in-depth interviewing is an interest in understanding the lived experiences of other people and the meaning they make of that experience" (Taylor, Bogdan, & Devault, 2015, p.102). Generic qualitative studies heavily rely on understanding the perspectives and experiences of the participants, where this study focused on human resource professionals (Kahlke, 2014). These interviews provided thorough explanations of such topics. I first began with creating a semi-structured interview protocol to guide my interview processes and to make

certain that the information I gain from the interviews answered my proposed research questions. An example of my preliminary interview protocol can be found in Appendix B. The interview protocol focused on understanding the hiring process for each HR professional; their role in the hiring process; the merit, worth, and value of the BTB policy; and their perspective of the effectiveness, implementation, usefulness, and equitability of the BTB policy.

After selecting the participants for the study, I collected the participants' interview narratives via audio recordings. As we were still in a pandemic, it was important to ensure the physical safety of all parties involved. The best way to do that was to conduct all interviews via Zoom, a platform for communication through video, audio, phone, and chat. I then uploaded the audio from the recording and input it into the transcription software known as Otter.ai. This is where the audio was transcribed into text. I cleaned the data using the clean verbatim technique. This technique aims to remove unnecessary speech elements while preserving the essential content and meaning of the participants' responses (Zhou et al., 2013). After completing the cleaning process for all 15 transcripts, I member-checked each transcript to ensure that I had captured their perspectives authentically in writing up the findings of the study. I individually emailed the transcripts to each participant and asked them to let me know if there were any adjustments or additions/deletions that need to be made to the transcripts. If they were satisfied with the transcription, then I requested for them to let me know that there were no changes/edits needed. More than half the participants had no edits, and a few participants had to clarify the spelling of jargon used in the interview. However, I did have to reach out to two of the participants to clarify the meaning behind statements they made in the interviews, which will be elaborated on in the reflexivity section of this dissertation. In order to ensure the confidentiality of participants' identities, I identified a pseudonym for each interview participant that was

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further utilized to distinguish them, and used these aliases to monitor participants' feedback so that their responses were confidentially reviewed. All data were maintained in a password-protected file.

In addition to the main data sources, I created a survey to collect demographic information from each HR professional. This allowed me to ensure diversity in my participant pool and to possibly highlight any potential cultural strengths or concerns. I used Qualtrics to create the survey and disseminated the survey to participants prior to the individual interviews. Reminders were also given post each interview if the participant had not completed the survey yet. The survey had a series of open-ended and multiple choice questions that asked participants about their position title, city or county in which they worked, length of time working in HR, if they've ever been incarcerated, if they had a close friend or family who has been incarcerated, their gender identity, sexual orientation, racial/ethnic identity, religion/spirituality, and education level. I had a 100% response rate (n = 15) for this survey.

Institutional Review Board

The participants of the study were all treated in accordance with the ethical guidelines of the University of North Carolina Greensboro Institutional Review Board (IRB). Despite the fact that there were no outstanding risks for the participants of this study, there were some necessary considerations for working with and discussing legal matters. This research solicited sensitive and thorough answers to particular questions which yielded thematic analysis and meaning extraction from the participants' statements and opinions. Additionally, the reputation and position of the participants were apparent and conspicuous to others, especially given that the results of the study may be disseminated publicly.

First, there was a possibility that the human resource professionals might not have felt comfortable discussing their perspectives about the Ban-the-Box policy or sharing personal information that might identify implicit biases. Second, there was a possibility that human resource professionals may have withheld information to protect the image of the company, county, or city that employs them. Finally, there was also the potential that human resource professionals may have had concerns about personal confidentiality. These three possibilities were considered during the development of the research design. I took every precaution to make certain that all participants felt safe, comfortable, and had the prerogative to withdraw from the study at any time.

Ensuring Data Quality

According to Tracy (2010), rich rigor means that "the study uses sufficient, abundant, appropriate, and complex theoretical constructs, data and time in the field, sample(s), context(s), data collection and analysis processes" (p. 840). To increase trustworthiness, confirmability, and dependability in this particular study, I collected a sufficient amount of data (15 interviews and 11 document reviews) to support the significant findings of the study. In addition, using the interview data and the document review data allowed me to be able to triangulate the results of the analysis which also increased trustworthiness (Hays & Singh, 2012). I used triangulation of data sources, bracketing, member checking, prolonged engagement, and peer debriefing. In the current study, I ensured a thorough understanding of the phenomenon by dedicating significant time to engage with the document reviews and semi-structured interviews. This is what Glesne (2006) identifies as prolonged engagement, which was accomplished through regular examinations of the data. By immersing myself in the data in this manner, I developed a

comprehensive familiarity with its intricacies, enabling me to gain valuable insights into current implementations of the BTB policies along with HR professionals' perspectives on the policy.

Additionally, it was important to not only have a significant number of interviews but also in-depth and thorough interviews. This is why I chose to conduct semi-structured interviews that allowed me the opportunity to probe for additional information that would add to the substantive content of the interview in a way that provides beneficial and meaningful information to increase confirmability. To conduct the interviews, I followed interview guidelines provided by Glesne (2016). I asked probing questions to further understand the perspectives of the human resource professionals. After the interview was completed, I used Otter.ai to transcribe the interviews and I followed up and cleaned the transcriptions to ensure the accuracy of the dictation. I accompanied the transcribed interviews with detailed handwritten notes. The data were also shared with the interviewees for member checks, as per Lincoln and Guba "the provisional report (case) is taken back to the site and subjected to the scrutiny of the persons who provided information" (Lincoln & Guba, 1985, p. 236). At this phase of the research, participants/interviewees ensured that the transcripts and interpretations were valid and accurately expressed their perspectives to increase dependability.

The document reviews were thorough, descriptive, and organized. It was important for the various data sources to agree with their results in order to eliminate alternative explanations. "Being able to find consistency among different data sources is a way to obtain verification and credibility for the findings" (Morra & Friedlander, n.d., p. 6).

Data Analysis

As previously mentioned, the data obtained from this study were also analyzed through triangulation, "the combination of methodologies in the study of the same phenomenon," of both

the interviews and the document review (Denzin, 1978, p. 291). Specifically, I used categorizing strategies such as a thematic analysis (Maxwell, 2013) to analyze the interview data. In order to conduct the thematic analysis, I made use of the following Six-phase guideline outlined by Braun & Clarke (2006): (a) familiarizing yourself with your data, (b) generating initial codes, (c) searching for themes, (d) reviewing themes, (e) defining and naming, (f) producing the report (p. 87). I utilized the interview transcripts to begin data exploration and coding. I took the time to read through the transcriptions to become acquainted with the perspectives and experiences of the interview participants.

I then began developing a coding scheme which is a progressive way of analyzing each transcript in order to determine the human resource professionals' perspectives. I used inductive descriptive coding, as I developed the codes based on what emerged from the data, summarizing them "in a word or short phrase— most often as a noun—the basic topic of a passage of qualitative data" (Saldaña, 2021, p. 88). Instead of using the participant's exact word, I used brief descriptive phrases to label the codes. I took some time before reviewing the transcripts again and identifying themes from the data. This procedure enabled me to gain "a general sense of the information and an opportunity to reflect on its overall meaning" (Creswell, 2014, p. 197). As I identified important concepts or central ideas, I designated a name or code to that specific part of the transcript (Glesne, 2016). I used an iterative approach, meaning that as each interview was coded, I reviewed the codes already generated and decided whether new codes needed to be created or if the existing ones adequately described the data. I then facilitated the development of a code book that outlined the meaning of each identifiable code. Document analysis incorporated coding the content into themes, similar to interview analysis (Bowen, 2009).

Reflexivity

In qualitative research, the role of the researcher's emotions is often disregarded, especially in social sciences (Reed & Towers, 2021). Positivist paradigms overwhelm the norms for criminal justice research (Scheirs & Nuytiens, 2013). Neutral and objective ontology is difficult to truly achieve. In this case, I find value in acknowledging my ontological, epistemological, and axiological perspectives that might impact this research. As a generic qualitative study, it is important to understand the perspectives of the participants, but CRE and SJOE principles encourage connection and rapport with the participants which can only be done by acknowledging my positionality in this space. In order to minimize my influence, I member-checked all of my interviews to ensure that my interpretations of their perspectives and values were accurately projected in the findings of my research, but I also engaged in reflective practices. I developed a journal reflection protocol for data collection and data analysis. Developing these reflection questions allowed me to express my own thoughts, feelings, and experiences in a way that became an acknowledged part of the data collection and data analysis process. As previously mentioned, I valued incorporating and acknowledging my ontological and epistemological perspectives as it is quite difficult to fully engage in a research process that lacks subjectivity, so instead, I intentionally incorporated those thoughts and feelings in my research. From these journal entries, I was able to retrospectively reflect on my feelings, specifically around my advocacy for restorative justice. I felt in some interviews that participants agreed with the opportunity for restorative justice while others did not, and I struggled a bit with that. However, in my analysis, I deliberately used direct quotes and quantitatively identified the responses to help accurately identify the responses of my participants to be sure I did not

inadvertently influence the findings. In addition, I had another source of accountability for my analysis of this qualitative data.

I also had a peer debriefing session during the data collection and analysis stages of my study. I partnered with someone who is completely external to criminal justice research but is experienced in qualitative research and evaluation. This peer debriefer helped me identify any biases I may have incorporated in my analysis, a new perspective on interpreting the results of the study, and overall helped me become more aware of my views in relation to the study. We met weekly during the time of my interviews and debriefed on my analysis. I wanted to be sure that I was elevating the voices of the interviewees and not my own voice. The debriefer provided alternative insights of my data interpretations based on her external perspective. This influenced my inquiry with some of the member-checking and prompted a follow-up clarifying email to a few of the participants. This was extremely helpful in synthesizing the analysis to have this feedback from both the peer debriefer and the participants, to ensure accuracy. These reflective practices were imperative to the generic qualitative study to ensure the dependability of the findings.

Chapter Summary

The purpose of this study is to explore the use of the BTB policy across counties, cities, and states and the consistency or lack thereof between these entities through the development of evaluative criteria to determine the merit and worth of BTB policies being implemented on these various levels. This study is timely given the current socio-political climate and civil unrest where Black and Brown communities are often at the forefront of these inequities. The study will also advance the field of evaluation and criminal justice.

This chapter proposed a two-pronged generic qualitative approach through document analysis and semi-structured interviews to fill a methodological gap in the literature by providing an opportunity to advance knowledge and understanding about equitable implementation of the BTB policy. The study seeks to answer three research questions: (a) Is the BTB policy being used consistently across states, cities, and counties? (b) What is the merit, worth, and/or value of the BTB policy to HR professionals? And (c) to what extent can criteria be developed to assess the implementation of BTB policies? This study's findings can potentially improve the efficacy of the BTB policy to ensure equitable job opportunities for all.

CHAPTER IV: RESEARCH FINDINGS

This qualitative study explored existing BTB policies and viewpoints of human resource professionals to develop evaluative criteria that can be used by HR professionals on all levels (cities, counties, states) to achieve fairness and equity in the workplace for justice-involved persons. This study aimed to fill a methodological gap in the literature through a two-pronged generic qualitative approach. The study provides an opportunity to advance knowledge and understanding about evaluating equitable implementation of the BTB policy. Specifically, this study used qualitative methodology to achieve this goal: document reviews of BTB policies to better understand the explicit positionality and consistency, or lack thereof, of the county and city policies regarding hiring justice-involved persons and semi-structured interviews to understand the perspectives and experiences of human resource professionals. Overall, the data collection process yielded an adequate sample size to examine and evaluate the BTB policy. The findings still show significance for future research using this generic qualitative approach and the evaluative criteria as a conceptual model to expand scholarship in the fields of evaluation and criminal justice.

The study was guided by the following three research questions:

1. Research Question One: Is the BTB policy being used consistently across states, cities, and counties?

2. Research Question Two: What is the merit, worth, and/or value of the BTB policy to Human Resources (HR) professionals?

3. Research Question Three: To what extent can criteria be developed to assess the implementation of BTB policies?

The study's findings are presented in this chapter, structured into three sections by research question. Each section begins with a statement summarizing the research question, accompanied by a thematic or methodological exposition of the results. The chapter culminates with an overview of the research findings.

Research Question One: Is the BTB Policy Being Used Consistently

Across States, Cities, and Counties?

The BTB policy is implemented on local levels, which include cities, counties, and states. There are 15 local municipalities in the state of North Carolina that implement some form of BTB policies, or Fairchance policies. Eight of the municipalities are cities, and seven of the municipalities are counties. This study focuses on five cities and counties in North Carolina to assess the consistency of the BTB policies. I used a document review protocol which can be found in Appendix C, which helped guide my analysis. The protocol included the city or county that was being assessed, the type of document, the date in which the policy or document was published and or approved, the purpose of the document, and the main points. The main points section captured the (a) employer sector; (b) who the policy might apply to; (c) when the background check should occur; (d) if the policy incorporates EEOC criteria in some capacity; (e) if the applicants were to be given a written notice of the decision to deny their employment, and why; (f) if the applicants were given a copy of their criminal history report; and (g) if they were notified of their right to appeal or complain of the decision.

I conducted 15 total document reviews: eight documents from five North Carolina cities (Asheville, Charlotte, Durham, Wilmington, Winston-Salem), six documents from five North Carolina counties (Buncombe County, Cumberland County, Durham County, Wake County, Mecklenburg County), and one document from the state of North Carolina. Although there were

only 10 cities and counties included in the study, some of the jurisdictions had several public

facing documents that referenced the BTB policy. In order to ensure that I did not miss any

nuances for the local policies, I conducted a document analysis on each document, even if the

information was redundant. The documents I had access to included resolutions, policies,

ordinances, executive orders, administrative procedures, and meeting minutes. The breakdown of

document types can be found in Table 8 below.

Table 8. BTB Documents

Type of Document	Number of Documents
Resolutions	5
Policies	4
Ordinances	2
Administrative Procedures	1
Meeting Minutes	2
Executive Orders	1
Total	**15**

Although a total of 15 document reviews were conducted, the aggregate of the analysis will only

reflect the total number of cities, counties, and state versus the number of documents. The overall

document review yielded several observations of the local policies. Below, I will provide a

chronological synthesis of the North Carolina cities and county policies, based on their public

facing documents.

**Theme 1: Varying Times of Implementation**

Of the selected sample, the city of Durham and Cumberland County were among the first

to implement a BTB policy in 2011. The policy was adopted specifically to prohibit asking about

criminal history on initial job applications for county government employment. The resolution

and policy also describe guidelines for assessing job applicants with criminal records and provided training for county staff on fair hiring practices. However, Durham County was not too far behind when, in 2012, they passed their Ban-the-Box policy, which is also specified for city government employment and provides training for city staff on fair hiring practices as well as job training for applicants to advocate for themselves. Later, in 2012, Wilmington adopted their Ban-the-Box policy for county government employment, but it wasn't until 2014 that Charlotte, NC passed their BTB policy for city government employment while offering equitable hiring trainings for city staff. This BTB policy also specifies that employers are to wait to disclose background information until after a conditional job offer has been made. In the same year, Durham also passed a similar policy for city contractors and vendors. In 2016, Asheville, NC, Mecklenburg County, Wake County, and Buncombe County approved their BTB policies for county government employment, which also require employers to delay inquiries about criminal history until after a conditional job offer has been made. Finally, the following year, in 2017, Winston-Salem, NC adopted a Ban-the-Box policy specifically for city government employment.

Overall, the resolutions of Ban-the-Box policies in North Carolina aim to promote fair hiring practices and reduce discrimination against individuals with criminal records by delaying the disclosure of criminal history. However, the implementation of these policies varied along the chronological timeline with regard to the year they were passed. Between the span of seven years the policies were implemented, and even in counties and cities that overlapped, the BTB policies were adopted at different times, which also impacted the jurisdiction that overruled. In NC, jurisdictions can choose not to implement the policy based on private policies that are local to their company, city, county or even state. In some cases, the overlap of implemented BTB policies and the time they were implemented left space for lots of ambiguity in the hiring

process. The figure below provides a visual representation of the timeline for implementation of BTB policies in cities and counties in North Carolina.

Figure 5. BTB Implementation Timeline
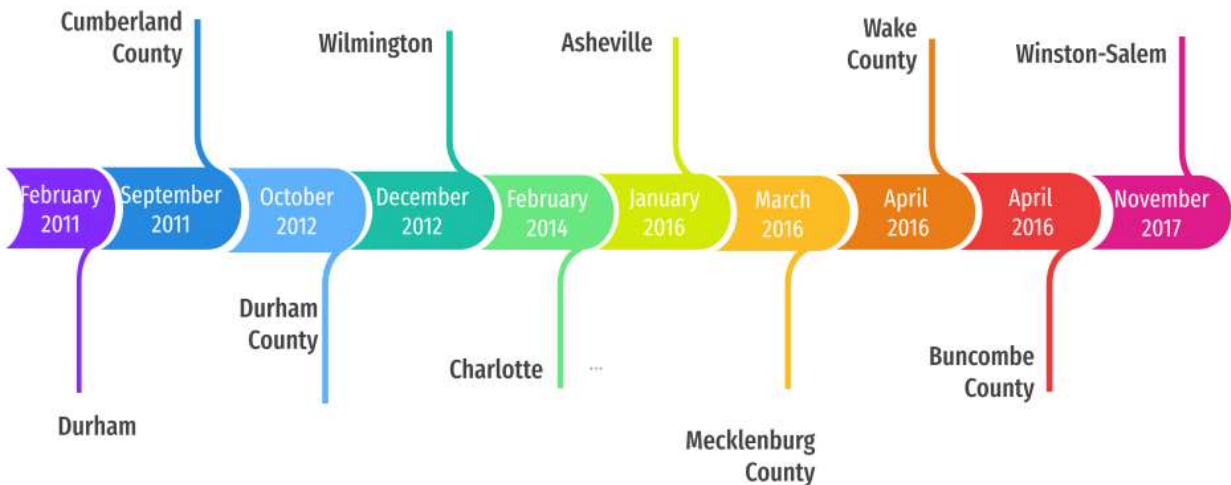
Theme 2: Background Check Process

The purpose of the BTB policy is to provide justice-involved persons a better opportunity for gainful employment by allowing them to bypass the initial hurdle in the application process and not disclose their criminal history on initial job applications. This is achieved by delaying the background check throughout the employment process. Upon review of the policies, an important theme that emerged from the data was the acknowledgement of when the background check is to take place. Three of the policies specify that the background check can only be conducted after a conditional offer is made or until the justice-involved person has been recommended for hire. This includes Durham, Durham County, and Wake County. Additionally, Wake County and the city of Charlotte's policies also mention that criminal record checks are to take place when final internal or external candidate(s) apply for positions. The state of North Carolina policy specifies that criminal history inquiries and background checks can only take

place after the candidate's initial job interview. The only other acknowledgements of when the background check can take place is referenced in the Asheville, NC policy which states that disclosure of criminal records cannot take place during the initial job application process, and the Wilmington, NC policy specifies that background checks are delayed in the hiring process but does not designate when the background check should or could be conducted. Table 9 below demonstrates at what point in the hiring process the background check takes place for local jurisdictions specified in each policy, if specified.

Table 9. Time of Background Check

Jurisdiction	Background check only after conditional offer or finalists selected	Post-initial interview
State		
North Carolina		X
Cities		
Asheville		
Charlotte	X	
Durham	X	
Wilmington	X	
Winston-Salem		
Counties		
Buncombe County		
Cumberland County		
Durham County	X	
Wake County	X	
Mecklenburg County		

All other policies included in this study make no mention of when a background check is required to take place but do mention that there will be no "box" on initial applications to inquire about one's criminal history. This means that a background check could take place immediately following the application submission or after an offer of employment has been made. This ambiguity on when background checks take place creates variation and inconsistency in the implementation of the BTB policy across cities and counties in North Carolina.

Theme 3: Sector and Position Specifications

When reviewing the BTB policies that have been assessed for consistency in the state of North Carolina, not only did policies stipulate at what point in the process background checks are allowed to occur, but some policies also specify the sector and the position to which the policy will apply. With regard to sector specifications, all policies provided some sort of indication that the policies only apply to city or county employment. For Asheville, Charlotte, Durham, Wilmington, and Winston-Salem, the policy applies to city employees, and for the NC counties, including Cumberland County, Buncombe County, Durham County, Mecklenburg County, and Wake County, the policy applies to county employees. Wake County was the only policy that explicitly stated Wake County Government positions, but it would be assumed based on the context of other policies that this would be included in the overarching groups of "county employees." In addition, the North Carolina executive order also mentions that their policy applies to state employees only. All policies that were reviewed for this study apply the regulations of their policies to employees of the county, city, or state, and do not cover private employers, contractors, or vendors. The only policy that acknowledges this omission was the Resolution from Winston-Salem, NC, which encourages private employers to follow their lead

by banning the box from their job applications, and one Councilman mentioned that they would revisit a regulation that might apply for vendors as well (City of Winston-Salem, 2017).

The BTB policies vary in their implementation based on the position that is being applied for. Particular cities and counties verify that their BTB policies only apply to non-sensitive and non-vulnerable positions within their states and cities. Out of the documents, five municipalities mention some form of exclusionary criteria for their BTB policy. The Asheville Resolution 16-29 specifically mentions an omission of this policy to exclude "certain sensitive positions." However, they do not explicitly mention what positions are included in this classification. The Charlotte Pre-Employment Background Check Policy elucidates that background checks cannot be used as a determining factor for denying an applicant an employment opportunity, except in a particular situation in which the denial is determined by a job-related issue or business necessity. A denial can be influenced by the nature of the crime and its association to the position being applied for, the length of time since the conviction occurred (in the event there is more than one conviction, that number would be taken into consideration), and finally, if the hire would threaten or put the business at risk.

Pre-employment criminal history inquiries can only take place if deemed reasonable and appropriate for the position, yet the determining factors for reasonable and appropriate investigations were not explicated. The Wilmington BTB policy mentions that background checks are to be delayed in the hiring process unless it is "necessary to prevent conduct which might be detrimental to the health, safety, or welfare of the public, or to protect the city from conduct which might be detrimental to the city and its property." The policy does not elaborate on what might qualify a situation that could be unhealthy, unsafe, or detrimental to the welfare of the public. Buncombe County's Resolution states that full criminal background checks can occur

in the event that one applies for a position that works with vulnerable populations such as working with children, elderly persons, and law enforcement. Finally, the state of North Carolina's Executive Order states that a background check must occur after the applicant's initial job interview except for when it is "demonstrably job-related and consistent with business necessity associated with the position." Nevertheless, there are no specific requirements that would categorize a situation as demonstrably job-related or as a necessity for the company and the position to be considered. The remaining six policies from Durham city, Winston-Salem, Cumberland County, Durham County, Mecklenburg County, and Wake County make no mention of exclusions in their BTB policies as it relates to sensitivity of the position, business liability, nor access to vulnerable populations. This inconsistency among exclusionary criteria for local municipal BTB policies can be visualized in Table 10 provided below.

Table 10. Position and Sector Specifications

Jurisdiction	Public Sector	Private Sector	Exclusionary Criteria
State			
North Carolina	X		X
Cities			
Asheville	X		X
Charlotte	X		X
Durham	X		
Wilmington	X		X
Winston-Salem	X		

Jurisdiction	Public Sector	Private Sector	Exclusionary Criteria
Counties			
Buncombe County	**X**		**X**
Cumberland County	**X**		
Durham County	**X**		
Wake County	**X**		
Mecklenburg County	**X**		

Research Question Two: What Is the Merit, Worth, and/or Value of the BTB Policy to HR Professionals?

Ban-the-Box policies have been adopted by various local and state governments across the United States, including in North Carolina, with the aim of reducing discrimination against job applicants with criminal records and promoting their successful reintegration into society. However, the merit, worth, and value of these policies have been the subject of debate and analysis in academic literature. This second research question focused on HR professionals' perspectives of merit, worth, and/or value of the BTB policy and yielded three overarching themes that will be explicated in the succeeding sections.

Theme 1: Lack of Understanding of BTB Policies

As mentioned, previously, Ban-the-Box policies across the state of North Carolina were not implemented at the same time, did not apply to all employment sectors, and did not require background checks to be conducted at the same time. With this inconsistency across local jurisdictions and implementation of BTB policies, there was some indication that there might be a lack of understanding of the BTB policies by HR professionals. This was evident when they were asked about their knowledge of the BTB policy; nine out of the fifteen interviewees

mentioned that their knowledge of the BTB policies was limited. Some interviewees (n = 6) stated that they had nearly no knowledge of the policy at all. One participant mentioned "I was not familiar with that policy until you mentioned it. I've heard more about minimum wage, living wage, but I had not heard of ban the box." Another participant mentioned "I honestly…I do not have any knowledge of it. I've heard the phrase before and stuff like that, but I obviously have never really looked into it, research[ed] it or anything like that."

Other participants were familiar with the BTB policy but still had very limited knowledge of it. One participant mentioned:

> I definitely remember kind of learning about it in school, and when you sent over the information, I was like, 'What does this acronym mean?' And then you explained it at the bottom. I was like, 'Oh yeah, I remember this.' But I definitely have heard of it. I have not really... And I've only been out of school myself for about a year. So, in my job experience, I have not really seen it as much, but I do know what it is.

Another participant stated:

> Okay. So, from my understanding that ban the box policy, which I believe started in Hawaii in 1989, where it was first enacted where you're not allowed to ask an applicant's criminal history. That's about all I know about it.

Table 11 below depicts the knowledge or lack thereof regarding the BTB policy, which is organized by theme, category, and codes. The themes are overarching areas, while the category refers to the associated interview question, and the codes are more refined sub-themes that emerged from the interview questions. The numbers listed in the table represent the frequency of participants who mentioned the code. Files represent how many individual participants

91

mentioned the code, and references represent the number of times the code was mentioned by the participants, as it could have been mentioned more than once in a particular interview.

Table 11. BTB Policy Knowledge and Understanding

Theme 　Category 　　Code	Files	References
RQ2 Merit, worth, or value of BTB to HR professionals		
Theme 1: Lack of understanding of BTB Policies		
Knowledge of BTB	15*	15*
Limited knowledge of BTB	9	9
To reduce discrimination by applicant history	6	6

*Indicates aggregated total

As a reminder, participants were all HR professionals, whether knowingly or unknowingly, all work in jurisdictions that have a BTB policy that is implemented and plays some role in the hiring process that is also impacted by one's criminal history. The lack of knowledge of the BTB policy among HR professionals raises concern as to how HR professionals are making hiring decisions in criminally sensitive situations with an unclear understanding of the BTB policy itself, and also limits the contributions they can make to understanding the merit, worth, and value of the BTB policy. However, there were six participants who were familiar with the BTB policy and were able to speak to the purpose and value of the policy, which brings me to the next theme that emerged from the data.

Regarding the use of BTB policies in the hiring process, a participant said that they were unclear or uncertain if they actually use it and stated:

　I'm not super familiar with it, and I can't remember if it's listed on the application or not

　　or if we even use it, but that is something that, so we won't necessarily disqualify

　　somebody if they have a criminal background. But I think that it's something that they

need to bring up in the interview. Because I don't think it's on the…I can't remember if it's on the application or not.

Overall, there was a major theme of uncertainty and unfamiliarity with the policy itself. Although participants were familiar with their inclusion or lack of inclusion of background checks in their hiring processes, when it came to systematically identifying the BTB policy in the hiring process, interviewees struggled to do so due to a lack of understanding of the policy itself.

Theme 2: Decrease of Discrimination and Implicit Bias and Increase in Equity

The merit, worth, or value of an evaluand can be indicated by its outcomes or impact (Lincoln & Guba, 1980). The six respondents who identified that they were familiar with the BTB policy also indicated that implementation of these policies decreased discrimination in the hiring process. In the interviews I conducted for this study, I asked participants about their knowledge of the policy, and much of the data analyzed from this question yielded themes around not just what the policy does but how it impacts their applicants and the hiring process. One participant elaborated on their understanding of the policy in a way that highlighted the notion that criminal history does not impact their abilities or capabilities to do the job, and implementing the BTB policy would allow employers to focus on their skills and experiences, rather than their criminal history, ultimately increasing equity in the hiring process. This participant specifically stated:

What I know about the Ban-the-Box policy is that it's a questionnaire on an application that asks about felony and misdemeanor convictions. This information could be used by employers to determine whether or not to consider someone for employment. With that being said, I feel that the box itself is more of a personal thing. While employers and colleagues may be aware of someone's criminal history, it shouldn't have a direct

correlation to their performance in the workplace. If they are capable of doing the job, their work skills and experiences should be the determining factors for their fit within the organization, rather than labeling them as a criminal.

When asked if their jurisdictions' BTB policy created equity in the hiring process, eleven participants noted that there was some sort of positive impact on equitability. These positive impacts included acknowledging participants based on their experience and decreasing implicit bias. One participant stated:

> I think it lessens discrimination. I also think just de-identified screening can also help. I think that when you let folks' credentials, experience, and story speak on their own…a lot of us know about implicit bias. And so, I think some of those things really do impact the way that we evaluate and hire folks, but the Ban-the-Box policy helps with equity in that regard.

Implicit bias is another concern that emerged in both the literature review and the interview data. Implicit bias speaks to a form of unconscious or unintentional discrimination. Participants acknowledged that when the BTB policy is implemented and criminal history is withheld, it lowers the risk of implicit bias of the HR professional because they have less access to information with which to prejudge an applicant. In referencing implicit bias, one participant commented:

> Sometimes, I think, without necessarily that information out there, you are not intentionally being biased. Like a lot of times, just knowing that information, you may treat someone differently. And if the information is not there at all, you won't treat anyone differently, more than likely.

Participants also recognized that implicit bias and discrimination can be targeted towards specific groups of people based on various factors. One participant mentioned the direct impact it has on these marginalized populations, including African American males:

> There are people who just disproportionately have, even if it's misdemeanors, more criminal offenses charged against them. Therefore, having to check that box that they've had misdemeanor or a felony, and therefore, you know, it was documented a lot of research where Ban-the-Box came from, right, that African-American males were put at a disadvantage by having to disclose that information up front.

This interviewee's comment is consistent with the literature presented in Chapter Two by Agan and Starr (2017) who found that implementing the BTB had unintended consequences that negatively impacted and lowered hiring rates for African-American males.

Theme 3: Impact of BTB is Conditional and Limited

The intention of the BTB is to decrease discrimination of justice-involved persons by delaying the disclosure of an applicant's criminal history. However, the data revealed that HR professionals found that even though the initial impact of the policy might be effective, at some point the criminal history of an applicant will be disclosed. All 15 participants admitted that the criminal history disclosure is used in the final decision-making process for an applicant. So, although BTB policies are implemented in many local jurisdictions, the impact of this policy is diminished as the criminal history of an applicant is still required to be disclosed at some point in the hiring process.

Interviewees further explained that consideration of criminal history in the decision-making process was influenced by several contextual factors: the particular position the justice-involved person is applying for, whether the company or entity to which the application is

submitted is state or federally regulated, and in some cases, the position is only offered contingent on the results of the background check. This "it depends" theme was also evident in the review of the policy documents. Many other HR professionals mentioned that the position for which the applicant is applying might be limited due to the connection of their crimes to their potential job responsibilities. For example, in financial institutions, participants mentioned they would be less likely to hire someone who has monetary crime charges that include embezzlement and fraud. In other cases, if a participant were applying for a position in healthcare or medicine, charges such as drug abuse, and other drug sensitive convictions, would impact their chances with a position at such a company. A total of nine HR professionals noted that the position that they are hiring for is a determinant of decision making and can be seen in Table 12 below.

Table 12. Conditions of Criminal History in Hiring Process

Theme Category *Code*	Files	References
RQ2 Merit, worth, or value of BTB to HR professionals		
Theme 3 Impact of BTB is Conditional and Limited		
Use criminal history in decision making	15*	30*
Context specific criteria can mitigate record	6	7
Hiring position a determining factor	9	11
Position offered contingent on background check	6	8
State or federal compliance	4	4
Use of BTB in hiring process	15*	20*
BTB used-record check when offered position	11	13
Not used in process	6	6
Uncertain of use	1	1

*Indicates aggregated total

One participant who mentioned that the conditions of an offer might be dependent on their crime and the job, stated:

We like to think about long-term commitments. If someone has repeated bad check

charges, theft, or embezzlement, even if the charges were not felonies or just showed up

as misdemeanors, that would probably be a candidate who wouldn't be successful due to

the access they would have to customers' banking and credit card information. So, we use

criminal history to ensure the candidate is positioned for the best amount of success while

working there, considering the temptation and possibility of repeated offenses.

In the same context, federal- and state-regulated companies have to follow mandates

outlined based on their policies. As a reminder, in Theme 3 of Research Question 2, I explained

that the North Carolina Executive Order elaborates that a background check can be mandated

when it is demonstrably job-related. Many times, in the context of law and government positions,

as well as vulnerable communities such as mentally ill, elderly, and children, these background

checks still occur. One participant explicitly mentioned:

When I worked in an agency, we were very critical when it came to what we could and

could not accept because it was working with a federal contractor. So, if there were

things like DUIs or recent misdemeanors within the past five to seven years, we couldn't

necessarily hire them.

Another participant stated:

The only time that it really comes into play again is with the drug abuse and/or physical

abuse type charges, because the state doesn't allow those on, because again, we're

working with special needs populations.

Overall, there are many limitations that can impact the hiring process and when a

criminal record might influence the offer of a position. Many of the participants agreed that

contextual factors can affect the decision-making process.

Research Question Three: To What Extent Can Criteria Be Developed to

Assess the Implementation of BTB Policies?

Lack of Applicability to all Criteria

Given the previous mention of the influence of context and the common "it depends" phenomena, the question stands, can criteria be developed to evaluate the implementation of the BTB policy? To answer this research question, I analyzed a combination of the results from the interview data and document reviews of local BTB policies. In order to determine whether criteria can be developed to assess the implementation of the BTB policy, I use the conceptual model outlined by Teasdale (2021) that identifies a total of 11 criteria domains: relevance, design, alignment, replicability, experience, effectiveness, unintended effects, consequence, equity, resource use, and sustainability. I used this framework to begin the development of the evaluative criteria, and although the model explains that there should or could be 11 domains, based on this analysis, only seven domains are applicable for the BTB policy which are displayed in Figure 6 below.

Figure 6. Conceptual Model of Applicable Domains and Sources
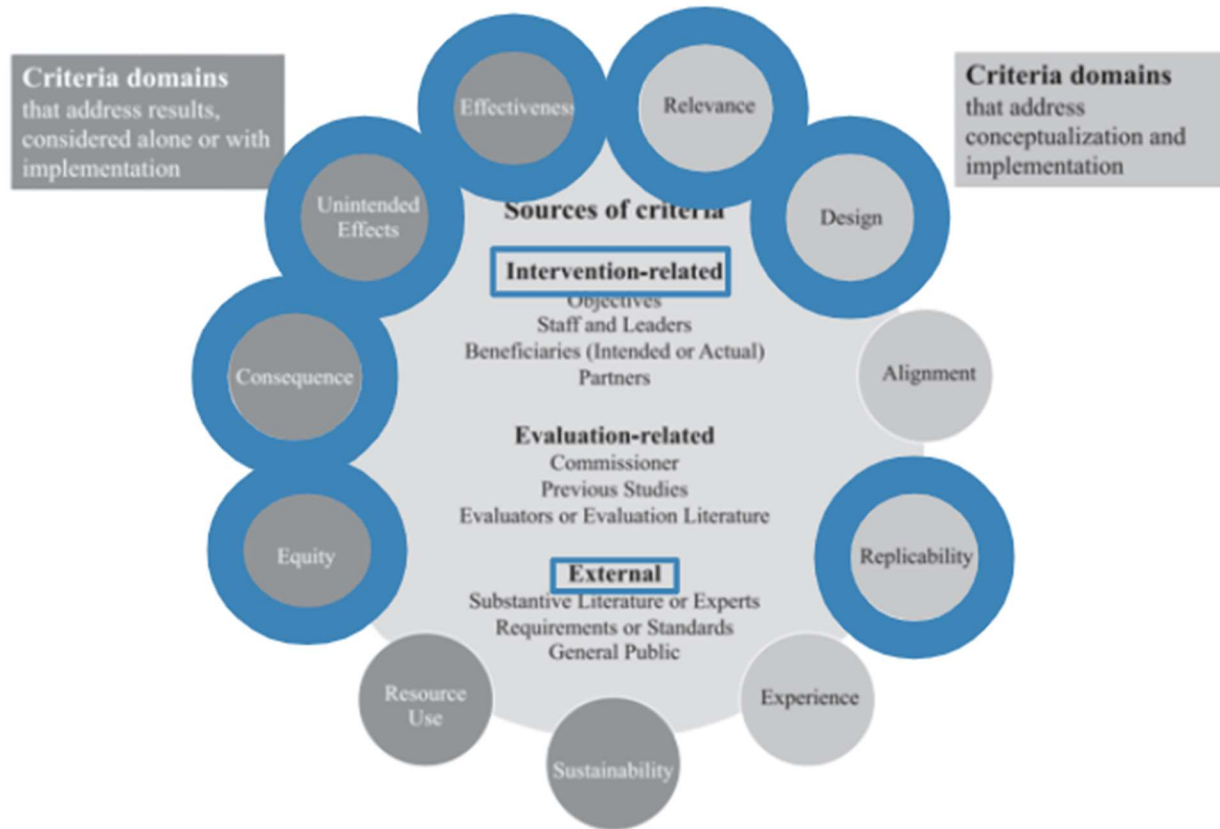
I used the findings to assess the extent to which I could develop criteria in terms of the implementation of the BTB policy using the relevance, design, effectiveness, replicability, unintended effects, consequences, and equity domains, while using criteria sources mainly derived from intervention-related and external sources from the HR professionals and the BTB policy resolutions for local NC municipalities. Teasdale (2021) acknowledges that a good or successful intervention is determined by its ability to be applied to these domains. Table 13 below indicates to which domains the BTB policies can and cannot apply, as well as the sources of those criteria domains, and those that are applicable will be expanded upon in Theme 2.

Table 13. Applicable BTB Domains and Sources

Domain	BTB Applicable	Source
Relevance	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries
Design	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries ▪ Requirements or standards ▪ Previous studies
Alignment		
Replicability	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries ▪ Requirements or standards ▪ Previous studies
Experience		
Effectiveness	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries
Unintended effects	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries
Consequence	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries ▪ Requirements or standards ▪ Previous studies
Equity	X	▪ Staff or leaders ▪ Partners ▪ Beneficiaries
Resource use		
Sustainability		

Applicable Domains

Of the 11 total criteria domains outlined by Teasdale (2021) in her Integrated Model of Domains and Sources, the BTB policy applies to seven of them, which include relevance, design, effectiveness, replicability, unintended effects, consequences, and equity. The term relevance is defined as "aims and activities are consistent with the needs, requirements, culture, interests, or circumstances of the intended beneficiaries" (Teasdale, 2021, p. 365). In the interview data, eight participants mentioned the fact that the implementation of the BTB policy was timely, important, and needed. Several participants discussed how the aim of the policy to increase equitability in the hiring process is aligned with community needs. One participant made this connection through an anecdote discussing their connection with a member of their own family by stating:

I think it's a great policy. I personally, in my own family, I've experienced positive feedback. As I've seen, you know, relatives that have done some time, and are now working citizens, and they are able to take care of their families. They are able to buy houses. They just had, you know, minor [in]discretions during their youth phase. But thank goodness, we believe in recidivism, right? So, they've done their time. And so now they are out, and they are able to be productive citizens, pay bills, buy houses, and create businesses.

This emphasis supports the applicability of the BTB policy for the relevance domain and can be found in the following Table 14.

Table 14. Relevance

Theme
  Category
    Code
	Files	References

RQ3 Extent criteria can be developed		
Relevance		
Need for BTB	12*	12*
BTB is needed, timely, important	8	8
Criminal history should have less impact	4	4

*Indicates aggregated total

The effectiveness domain is defined as when an "intervention achieves desired results,
outcomes, or objectives" (Teasdale, 2021, p. 365). In the interviews, I asked about whether
participants use criminal history in the decision-making process to have a better understanding of
the effectiveness of the program, and if the desired results of attempting to provide an equitable
hiring process for justice-involved persons are being met. All 15 interviewees mentioned that
they used criminal history in the decision-making process. They added that there were contextual
factors that might influence this decision making, and this is further explained in Research
Question Two, but can also be found in Table 15 below.

Table 15. Effectiveness

Theme
  Category
    Code
	Files	References

RQ3 Extent criteria can be developed		
Effectiveness		
Use criminal history in decision making	15*	30*
Context specific criteria can mitigate record	6	7
Hiring position a determining factor	9	11
Position offered contingent on background check	6	8
State or federal compliance	4	4

Theme
  Category
    Code
	Files	References

Criminal history impact job opportunities	15*	15*
Context determines impact	11	11
high impact	4	4
Misdemeanor vs felony impact on opportunities	14*	18*
Classification impacts opportunity	4	4
Depends on conviction connection to position	3	4
Felony considered more serious	8	8
Impacts from recency frequency or duration	2	2
Use of BTB in hiring process	15*	20*
BTB used-record check when offered position	11	13
Not used in process	6	6
Uncertain of use	1	1

*Indicates aggregated total

In addition, when asked whether criminal history impacts job opportunities for applicants, all of the HR professionals mentioned that criminal history did impact those opportunities: four mentioned high impact, and 11 other participants mentioned that context determines that impact. Additionally, I asked the participants whether a misdemeanor or felony might impact an opportunity for a job applicant to be selected for employment, and 14 out of the 15 mentioned there being a difference in impact. More than half of the participants indicated that a felony is to be considered more serious than a misdemeanor when referencing job opportunities. Finally, when asked about the use of BTB policies in the hiring process, 11 participants mentioned that criminal records were only used after a position is offered. Six participants indicated that it is not used in their hiring process, and one participant mentioned that they are uncertain of their use. Overall, these items indicate the ability to evaluate the Ban-the-Box policy, based on the effectiveness domain.

Teasdale (2021) refers to replicability as "components, activities, or the underlying model or principles can be duplicated or adapted to another context" (p. 365). On job applications there are several different inquiries that could lead to some form of discrimination, and not just criminal discrimination. This could include any identifying demographic factors of an applicant. Throughout the interview process, I spent time asking about the application process to better understand contributing factors that might impact one's opportunity for employment, be it a criminal record or other determining factors. A common reference throughout several interviews acknowledged that race and gender were optional on job applications at their company. A total of eleven participants made mention of this which can be found in Table 16 which follows.

In addition, the review of the BTB policies in cities and counties in North Carolina revealed a connection between BTB and Equal Employment Opportunity Commission (EEOC) regulations. The EEOC enforces Title VII of the Civil Rights Act of 1964 (Title VII) that forbids employment discrimination based on race, color, religion, sex, or national origin. Several of the local BTB policies are required to also meet the requirements of the EEOC regulations. One participant specifically commented:

Table 16. Replicability

Theme Category *Code*	Files	References
RQ3 Extent criteria can be developed		
Replicability		
Race and gender optional	13*	16*
Not optional	2	2
Optional	11	14

*Indicates aggregated total

Yes, the EEOC provides you verbiage, and I think OFCCP, as well, provides you

verbiage of what you can put on your application. So, a full application process will

detail like, of course, your name. Where did you hear about us? Your experience. And

then the last three sets of questions always race, disability, and are you a protected

veteran or not? So, yes, in a standard application, that's needed to stay in compliance

with EEOC, OFCCP, and all those other things—compliance guidelines, are made

optional on an application.

In Table 17 below I have indicated the local policies that use factors of the Equal

Employment Opportunity Commission (EEOC) guidelines.

Table 17. EEOC Considerations

Jurisdiction	EEOC Guidelines
State	
North Carolina	**X**
Cities	
Asheville	
Charlotte	
Durham	**X**
Wilmington	
Winston-Salem	
Counties	
Buncombe County	
Cumberland County	
Durham County	**X**
Wake County	**X**
Mecklenburg County	

Through the results of this analysis, it shows how this policy not only can be used with regard to criminal history, but can also be adapted and valuable in other contexts, including race, gender, class, etc. This indicates the replicability of the BTB policy and its ability to be evaluated based on this criterion.

The next domain that is applicable to the evaluation of the BTB policy is the design domain criteria and is met when "activities and implementation are consistent with relevant theoretical principles, best practices, standards, and/or laws and/or implementation is timely" (Teasdale, 2021, p. 365). The design of the BTB policy is based on labeling theoretical principles. Several participants in the study mentioned labeling and the issue with labeling individuals. The policy on this domain can be evaluated because of its consistency and clear and informative approach to addressing this labeling concern. One participant mentioned:

> Your criminal background is your criminal background. If you have served your time, paid fines, or taken care of your obligations, it shouldn't be the first label that defines you. It shouldn't be the first thing people see before assessing your work ethic, skills, and contribution to the organization.

In addition, the BTB policy is built on EEOC guidelines that serve as a framework for standards. Table 17 demonstrates exactly how many cities and counties utilize the guidelines indicated by the EEOC. The design of this policy was influenced by the previous implementation of the Title VII of the Civil Rights Act of 1964 (Title VII). This directly aligns with whether or not there is a background check or screening process to apply for a position at the participants' companies. Ten HR professionals indicated that they did not have a background check or screening process to apply, and a visual representation of this analysis can be found in Table 18.

Table 18. Design

Theme
    Category
        Code
	Files	References

RQ3 Extent criteria can be developed		
Design		
background-screening to apply	15*	19*
no screening to apply	10	12
screening to apply	5	7

*Indicates aggregated total

Previous research from Doleac (2016) acknowledges the concept of unintended consequences from implementing the BTB policy. In the context of evaluative criteria, Teasdale (2021) refers to unintended effects as when the "intervention is associated with unintended positive consequences and/or the absence of negative consequences" (Teasdale, 2021, p. 365). Interviews from this study yielded opposite results with regards to unintended consequences of implementing BTB policies. Many HR professionals mentioned the possibility of a liability to the company were they to hire a justice-involved person. This liability referenced several components: concern for potential employees to recidivate while on the job, concerns of liability with regard to their access in their job positions, and finally an overall concern for liability of the company, because if anything were to happen, the company would be liable for all damages or incidences in the event that they were aware of one's history. One HR professional stated,

> Definitely a liability for the company. Yes, because of the fact that when you come into a company, you are taking a risk. So, anything that happens to you, our name's attached to you, and so that's a reflection of the company, and so like we all know we want the best of the best. So, those who know how to conduct themselves in different areas to be a part of our company or any company that you work for.

Table 19 below further explicates the number of interviewees who mentioned this concern of liability and in what context.

Table 19. Unintended Effects

Theme Category Code	Files	References
RQ3 Extent criteria can be developed		
Unintended effects		
Unintended consequences implementing BTB	8*	8*
Potential increase in company liability	1	1
Risk for unintended consequences exists	3	3
Time spent on applicant	4	4
Hiring with criminal history a liability	15*	17*
Liability connected to job position	5	5
Liability for hiring company	5	6
Liability in potential recidivism	6	6

*Indicates aggregated total

Another unintended effect of implementing the BTB policy that emerged from the data was the concern with wasting time and resources on applicants. Some participants mentioned the cost of conducting background checks and mentioned that if the box is checked at the initial application, the company could save money by not conducting background checks for every applicant. In addition to the cost, others were concerned about wasting time. The time used to continue an application process for a potential employee who was justice-involved in a situation where they would be omitted anyway due to the federal and state regulations or sensitivity and relationship to the applicable job, takes away from other potential employees who might be ideal candidates for these positions. Although the results of this study indicate a presence of negative

unintended effects, it also shows the ability to use these criteria to evaluate the BTB policy even if the results of the evaluation yield negative outcomes.

Teasdale (2021) defines the consequence domain as when an "intervention yields significant benefits to intended beneficiaries and other relevant populations and/or reaches a significant number of people or locations" (p. 365). As a result of implementing the BTB policy, some local policies indicate an opportunity for applicants to explain themselves in the event that they are denied employment due to their criminal history. Table 20 below demonstrates the distribution of those indications and local policies.

Table 20. Denial Response

Jurisdiction	Notice of Denial	Copy of Record	Appeal or Complaint
State			
North Carolina	X	X	
Cities			
Asheville			
Charlotte			
Durham			
Wilmington	X		X
Winston-Salem			
Counties			
Buncombe County			
Cumberland County			
Durham County	X	X	X
Wake County	X	X	X
Mecklenburg County			

In the interviews, a participant shared an experience in which they were consulting with a company where an applicant had a felony charge for manslaughter. Upon initial review, the HR consultant asked the employer if they were aware of the details of the felony. The employer indicated that they were unaware of these details and were encouraged by the HR consultant to take the time to inquire about the conviction. When they provided the participant an opportunity to explain the charge, they found out that the applicant was protecting a family member in a domestic violence situation. After providing this opportunity for the applicant to explain themselves, the employers were much more understanding of the situation, and gave that person an opportunity for employment. Another participant stated,

> That doesn't discount the fact that someone in an interview may have an explanation. If it wasn't their fault, if they were blamed, or they pleaded guilty, we do look at police reports and court documents if it got to that. But for the most part, that would be less than 20% of our practice…

The final domain, equity, is defined as "when opportunities, experiences, benefits, and results are fair and just with particular consideration to prioritizing marginalized populations" (Teasdale, 2021, p. 365). When asked about whether their jurisdictions' BTB policies create equity in the hiring process, 12 interviewees mentioned there was a positive impact on equitability and 12 interviewees also mentioned that when they remove the box from applications, it gives access to more applicants, ultimately increasing the equity and fairness of the hiring process. One participant mentioned,

> I think it makes it more equitable. I think it sets an expectation for people, and certainly in my role as policing our hiring policies and practices, but also for people who are really trying to, you know, evolve as leaders to understand. You know that you can't paint

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everyone with a broad brush because of what the background check may have. You need

to really look at it on an as objective as possible, case by case basis, based on what the

job is and what they'll be doing and what their conviction was.

However, as previously mentioned, there are still concerns of liability with regard to hiring

justice-involved persons. Yet, 12 participants indicated that a criminal background does not

impact their ability to do the job. This breakdown can be found in Table 21 below.

Table 21. Equity

Theme Category *Code*	Files	References
RQ3 Extent criteria can be developed		
Equity		
jurisdiction's BTB creates equity in hiring process	15*	32*
jurisdiction doesn't use BTB	1	1
limited impact on equitability	2	2
positive impact on equitability	12	16
removing the box gives access to more applicants	12	13
hiring with criminal history a liability	15*	17*
liability connected to job position	5	5
liability for hiring company	5	6
liability in potential recidivism	6	6
criminal background impact ability to do job	15*	15*
context specific impact	3	3
no impact on ability to do job	12	12

*Indicates aggregated total

The findings indicate the ability to assess BTB policy based on the seven criteria

domains: relevance, design, effectiveness, replicability, unintended effects, consequences, and

equity, and the justification for each can be found in Table 22 which follows.

Table 22. Domains and Justifications

Domain	BTB Applicable	Reasons/Themes
Relevance	X	Timely, important, and needed. Aim of the policy to increase equitability in the hiring process is aligned with community needs.
Design	X	Labeling theory, EEOC
Alignment		
Replicability	X	Identifying demographic factors of an applicant, EEOC
Experience		
Effectiveness	X	Used criminal history in the decision-making process, impacted by contextual factors
Unintended effects	X	Liability to the company, recidivism, wasting time and resources
Consequence	X	Opportunity for applicants to explain themselves
Equity	X	increasing fairness of the hiring process
Resource use		
Sustainability		

Although there were concerns with liability and safety, many participants indicated that implementing this policy creates more equitability in the earliest stages of the hiring process by allowing the applicants to present themselves based on their knowledge, skills, and abilities, rather than the label of being a justice-involved person.

Chapter Summary

This chapter presented the study's findings, organized by research questions. Overall, the data collection process produced quality data on the BTB policy. Many participants indicated a lack of familiarity with the policy itself, but implemented components of the policy in their hiring process. The cities, counties, and state that were analyzed in this chapter varied in implementation time, applicability, and jurisdiction. Seven out of 11 of Teasdale's (2021) evaluative criteria domains were applicable to the BTB policy. The analysis also produced some evidence to support prior research findings and the possibility of developing evaluative criteria to assess the implementation of the BTB policy on various levels.

CHAPTER V: DISCUSSION, LIMITATIONS, FUTURE RESEARCH, AND CONCLUSIONS

The BTB policy is purported to create equitability in the hiring process for justice-involved persons by delaying the disclosure of criminal history to a later point in the hiring process (Doleac, 2016). Previous research designs of BTB policies mainly focused on quantitative methodological techniques. While the methods used to support research on BTB policies have advanced in recent years, most studies have acknowledged issues with discrimination and implicit bias which could be further investigated and nuanced with qualitative methodologies. This study used a generic qualitative approach through semi-structured interviews and policy document reviews to assess the BTB policy from HR professionals and a sample of BTB resolutions from cities and counties in North Carolina.

The study was guided by three research questions:

- Research Question One: Is the BTB policy being used consistently across states, cities, and counties?

- Research Question Two: What is the merit, worth, and/or value of the BTB policy to HR professionals?

- Research Question Three: To what extent can criteria be developed to assess the implementation of BTB policies?

Chapter V begins with a summary and discussion of key findings. Next, the limitations of the study are discussed. The chapter concludes with recommendations for future research, the implications of the study, and conclusions drawn from this study.

Discussion of Key Findings

Research Question One: Is the BTB policy being used consistently across states, cities, and counties?

BTB policies are not being consistently used across cities and counties in North Carolina. The implementation varies by whom the policies apply to and at what point in the hiring process a background check is conducted. There is even variation from when the BTB policies were developed for each jurisdiction. From the selected sample for this study, implementation of these policies spread across a span of seven years. The significance of acknowledging the different implementation times is to also recognize that there may have been different environmental or contextual factors that influenced how these policies have been used. For example, the North Carolina Executive Order for the state's BTB policy was signed and passed in 2020, which is also the year the COVID-19 pandemic occurred. In light of the pandemic, the well-being and livelihood of citizens, and consequently justice-involved persons, became a concern of local governmental entities and could have impacted the development and implementation of the state BTB policy.

In addition to this, existing literature aligns with the results of this study around the inconsistency of implementation and to whom the policies apply. Outside of North Carolina, Hawaii's BTB policy is one of the only policies that covers both private and public sectors (Flake, 2018). Within North Carolina, local BTB policies only apply to public employees of the cities, counties, and state. The literature also explicitly states that the BTB policy might specify application for all employees, state employees, any operation with at least five employees, public employees, executive branch employees, or operations with 11 or more employees (Intellicorp, 2018). The inconsistency continues through themes of the timing of a criminal background check

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during the various phases of the hiring process that include, post-application, post-conditional

offer, during the interview process, post-interview, once the applicant is deemed to meet the

position requirements, or post-final interview (Intellicorp, 2018). The analysis of the data

revealed this same theme where the state of NC indicated that background checks should occur

post-application process, while other cities and counties specified that this disclosure should not

occur until after the conditional offer. Overall, both previous literature and the results from the

policy document review indicate that, although all BTB policies have similar aims to create a

more equitable hiring process for justice-involved persons, several iterations of policies on the

state, city, and county levels confer that BTB policies are not used consistently.

This inconsistency and jurisdictional variation of BTB policy implementation highlights

the need to explore the factors that contribute to these variations, such as local laws, regulations,

political climate, and cultural contexts, which may influence the consistency of policy usage. If

and when policies vary, it increases the likelihood of inequities in the hiring process which

ultimately negatively impact the chances for justice-involved persons to find gainful

employment. In addition, the findings from this research question bring forth concerns with

compliance and awareness of the policy because HR professionals in these jurisdictions are not

fully aware of the policy and do not necessarily understand its requirements and/or actively

enforce its provisions to ensure consistent application, which ultimately may affect hiring

decisions, employment opportunities, and potential biases faced by individuals with criminal

records in different jurisdictions. The findings of this study also provide an opportunity to

highlight jurisdictions that demonstrate consistent usage and analyze their strategies to inform

other jurisdictions seeking to improve their policy implementation. For example, Durham

County and Durham City were the most consistent and equitable of the sample in terms of

implementation of the BTB policy. Using these findings may provide insight into best practices and lessons learned from these jurisdictions that have effectively implemented the policy and will increase future consistency of implementation.

Research Question Two: What is the merit, worth, and/or value of the BTB policy to HR professionals?

The merit, worth, and/or value of the BTB policies ascribed by the HR professionals were difficult to determine because the majority of the respondents were not familiar with the policy. Scriven (1994) acknowledges how evaluation is "the process of determining the merit or worth of entities, and evaluations are the product of the process" (p. 152). The hopes of the study were to determine the merit, worth, and/or value of the BTB policy to HR professionals to ultimately influence the development of evaluative criteria. However, due to the fact that many of the respondents were unaware of and unfamiliar with the policy, it makes this indication quite difficult. Granted, it is difficult to determine the merit, worth, and/or value of the BTB policy, with its many inconsistencies across jurisdictions. Because it is not a federally implemented policy, local jurisdictions' policies create lots of variability, and ultimately impacts the understanding and knowledge of BTB policies by HR professionals.

There is research evidence about the inequities and limitations of the policy because the policy unintentionally targets specific demographics (O'Connell, 2015). However, the evidence is not from evaluations that help assess the implementation of the BTB policies and provide recommendations for improvement on these many different levels. The lack of federal implementation of the BTB policies and their impact on the understanding and knowledge of BTB policies by HR professionals is an indication as to why BTB policies have not been evaluated in the past. With that, it is inconclusive as to what the merit, worth, and/or value of the

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BTB policy is to all HR professionals, yet some do mention that it assists with increasing equitability in the hiring process for justice-involved persons and decreases discrimination and implicit bias, whereas implicit bias is difficult to recognize as it is an unintentional consequence.

Evaluating the merit, worth, or value of the BTB policy to HR professionals provides insights into their perceptions, experiences, and impacts. Although there was some lack of conceptualizing BTB policies, this shows the implication that mechanisms need to be put in place to bridge this gap of misunderstanding. Evaluation plays a crucial role in this process of analyzing the merit, worth, and value of BTB policies. In this study, we've recognized this knowledge gap which impacts the ability to determine that merit, worth, and value, but evaluation helps to assess outcomes (changes in recruitment practices, diversity metrics, compliance measures, or HR professionals' perceptions of the BTB policy's value in achieving their hiring objectives), identify opportunities for improvement (potential modifications, training needs, or support mechanisms that would enhance the BTB policy's value), and inform policy refinement (better address the concerns, challenges, and needs) to enhance the policy's implementation and value for HR professionals in the context of fair hiring practices.

Research Question Three: To what extent can criteria be developed to assess the implementation of BTB policies?

I used Teasdale's Integrated model (2021) as a conceptual model for determining the extent to which evaluative criteria could be developed to assess the implementation of the BTB policies. Based on the results from the semi-structured interviews and the policy document reviews, the BTB policy can be evaluated based on seven of the 11 criteria. Although it cannot be applied to all 11, even the seven criteria domains are applicable to this policy and could be used on several levels, including the city, county, and state levels.

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There are over 150 cities and counties and 36 states that are implementing some form of the BTB policy, and this does not include the various corporations and companies that have local BTB policies as well. With all of these various implementations of the BTB policy, it is important to find ways in which we can improve the implementation to ensure that it is achieving its purported aims and outcomes. Previous research concluded that there are unintended consequences of implementing the BTB policy that disadvantages specific demographics (Doleac, 2016), and utilizing an evaluative criterion provides an opportunity for assessments, refinements, and improvements of these policies on all levels.

This bridges a large gap in the literature and the fields of evaluation and criminal justice as there is no current evidence of evaluating the Ban-the-Box policy. The development of this evaluative criteria will overall improve the BTB policy and could possibly be adopted and expanded for other equitable hiring policies. This research question around determining whether criteria can be developed to assess BTB policy implementation provided insights into areas for policy improvement; helped identify gaps or challenges in evaluating implementation; and informed the refinement of evaluation criteria, guidelines, or tools to enhance the assessment of BTB policy implementation in the future.

BTB Policy Checklist

Using the findings from the analysis, I developed a final evaluative criteria checklist that can be used to assess the implementation of the Ban-the-Box policy around the seven domains listed above (see Table 23 which follows). The checklist is designed to acknowledge a clear yes or no answer but also asks for context and nuance to help understand the reasoning behind the response, which also seeks to allow the checklist to be applied in jurisdictions like NC that have ambiguous implementation of the BTB policy.

Table 23. Evaluative Checklist for BTB Policies

Domains/Questions	Yes/No	Explanation
Relevance Domain:		
Is the policy needed, timely or important to implement equitable hiring practices? If so, why? If not, why not?		
Is the BTB policy aligned with current societal needs and concerns related to fair hiring practices and reducing employment barriers? If so, how? If not, how not?		
Does the policy address the specific challenges and disparities faced by individuals with criminal records in accessing employment opportunities? If so, how? If not, how not?		
Design Domain:		
Are the policy guidelines and regulations clearly defined and accessible to employers and job applicants? If so, how? If not, how not?		
Does the policy consider EEOC guidelines? If so, how? If not, how not?		
Is the implementation of the policy feasible and practical for employers of different sizes and industries? If so, why? If not, why not?		
Does the policy provide flexibility for employers to consider individual circumstances and job requirements during the hiring process? If so, why? If not, why not?		
Effectiveness Domain:		
Has the BTB policy demonstrated a positive impact in reducing discrimination against individuals with criminal records during the hiring process? If so, how? If not, how not?		
Are felony convictions considered differently than misdemeanor convictions? If so, why? If not, why not?		
Are employers complying with the policy and implementing fair hiring practices consistently? If so, how? If not, how not?		

Domains/Questions	Yes/No	Explanation
Are there measurable outcomes or indicators, such as increased employment opportunities or reduced recidivism rates that can be attributed to the policy? If so, what are they and how are they identified? If not, why not?		

Replicability Domain:

Can the BTB policy be replicated and implemented effectively in different jurisdictions and organizational contexts? If so, why? If not, why not?

Is there consideration of other factors that might also impact the opportunity for jobs such as race, gender, ethnicity, etc.? If so, how? If not, how not?

Are there best practices or guidelines available to support the successful adoption and implementation of the policy in diverse settings? If so, what are they and why? If not, why not?

Has the policy been successfully implemented in multiple jurisdictions or organizations, indicating its replicability potential? If so, how? If not, how not?

Unintended Effects Domain:

Does implementation of the BTB policy increase the liability for local jurisdictions? If so, how? If not, how not?

Have there been any unintended consequences or adverse effects resulting from the implementation of the BTB policy? If so, what are they and why? If not, why not?

Are there any potential negative impacts on employers, job applicants, or other stakeholders that need to be addressed or mitigated? If so, what are they and why? If not, why not?

Are there mechanisms in place to monitor any unintended effects of the policy? If so, what are they and why? If not, why not?

Consequences Domain:

Are there overall social, economic, and legal consequences of implementing the BTB policy? If so, what are they and why? If not, why not?

Domains/Questions	Yes/No	Explanation
Are there any costs that are resultant of implementing the BTB policy? If so, what are they and why? If not, why not?		
Are the applicants notified of the reason for their denial and are they given the opportunity to appeal the decision? If so, how? If not, why not?		
Are there any potential trade-offs or conflicts with other policies or legal frameworks that need to be considered? If so, what are they and why? If not, why not?		
Are the consequences of the policy acceptable in relation to the intended goals and societal benefits? If so, what are they and why? If not, why not?		
Equity Domain:		
Does the BTB policy promote equal employment opportunities for individuals with criminal records while considering the safety and security concerns of employers and the public? If so, how? If not, how not?		
Does the policy address any potential biases or disparities that may arise during the hiring process? If so, how? If not, how not?		
Are there mechanisms in place to ensure fair treatment and protect the rights of both job applicants and employers throughout the implementation of the policy? If so, what are they and why? If not, why not?		

This evaluative criteria checklist provides a framework to assess the BTB policy from multiple domains, including relevance, design, effectiveness, replicability, unintended effects, consequences, and equity. Researchers, evaluators, and/or policy makers can utilize this checklist to systematically evaluate and analyze their jurisdiction's BTB policy strengths, weaknesses, implementation, and overall impact.

Limitations of the Study

As always, there are limitations to every study. For this particular research, one of the limitations includes that the results of the study will mainly be transferable to counties and cities

within North Carolina, and not all municipalities. Also, since the COVID-19 pandemic, many of these policies might have changed since its initial implementation. Second, the participants may have been reluctant to disclose sensitive information about their hiring practices, especially if they perceived the Ban-the-Box policy to be controversial or if they felt their responses may have legal implications. This could lead to incomplete or inaccurate data, which may have limited the trustworthiness of this study. Third, human resource professionals may not be the only decision-makers involved in the hiring process, and their responses may not reflect the perspectives of other stakeholders. For example, hiring managers or executive leaders may have different views on the policy, which could affect the implementation and effectiveness of the Ban-the-Box policy. Fourth, the use of semi-structured interviews may have limited the confirmability of the study's findings, as the perspectives of human resource professionals may not be representative of all organizations or industries. Fifth, although I intentionally incorporated reflexivity in my data collection and analysis process, there is still a possibility that my own biases and preconceptions may have influenced the interview process and subsequent analysis. I ran the risk of limiting the study when only utilizing qualitative research methods because it can increase the chance of bias and subjectivity from both the participants and the researcher. However, through regulatory practices, I have made a valiant effort to minimize the impact of these limitations on this study. Finally, I faced challenges in recruiting a large diverse sample of human resource professionals who were willing to participate in the interviews. I tried my best to recruit participants that represent various identities, but upon completion of the study I acknowledge that more than half of my study includes heterosexual African-American cisgender women. Although this may be representative of the HR population in the state of North Carolina, I could not find reliable statistics to support this claim. So, without confirmation of the

demographic breakdown for HR professionals in NC, this could limit the confirmability and dependability of my findings and may have resulted in a biased sample in the case that other potential participants might have had different views on the Ban-the-Box policy than those who agreed to participate.

Recommendations for Future Research

As this study has yielded important findings, it has developed a foundation for future research and data collection to better understand the implementation of the BTB policy and further improve its efforts. The first area for potential future research is to expand outside of the North Carolina sample. This particular study focused on a sample of North Carolina cities and counties, to determine its consistency of implementation, as well as its merit, worth, and value. However, in order to be able to improve the trustworthiness and dependability of the results from the study, the qualitative research should be expanded to include other cities, counties, and states.

The second recommendation for future research is to focus on ways to improve HR professionals and practitioners' awareness of the BTB policy which they implement on a daily basis. In order to truly understand the merit, worth, and/or value of the BTB policy, it is important to have a pool of participants who fully understand the operationalization of the BTB policy. Although the results of this study demonstrated that they still use this policy in practice, whether knowingly or unknowingly, further investigation is needed about how and why there is a lack of understanding of the BTB policy. In addition, this research can continue to develop in a way that can be incorporated into the education and training of HR professionals. This knowledge gap could be further explored through the means of their training and certification process to become a SHRM-certified individual.

Next, I think it is important to further investigate the experiences of justice-involved

persons. Although it may be difficult, as they are considered a sensitive population of participants, I do believe this would help understand the practical implementation of this policy, and specifically understanding the shared lived experiences of those whom it affects the most. I do think there may be concerns with having access to these individuals, as they may be reluctant to participate in a research study that discloses their criminal history. Nevertheless, I still believe it is important to consider this for future research.

Another recommendation for future research is to consider the perspectives of policy makers who are the most involved in the development of BTB policies. Hiring managers and HR professionals incorporate this policy in their day-to-day work, and justice-involved persons are the targeted audience of this policy, yet policy makers have the most influence on how this policy is developed and how it is implemented. In future research, understanding their perspectives and how they conceptualize the policy could help with future implementation.

Finally, another avenue for future research in this area would be to specifically look at hiring managers' perspectives. Although I targeted HR professionals in this study, I realized that there are many different responsibilities and roles of HR professionals in different entities and sectors. For some companies, HR professionals handle initial screenings, where other companies consider HR professionals as an interviewer, and other entities consider their HR representatives as the hiring managers. As I interviewed these participants, it revealed that some of them were not so involved in the selection and hiring process as intended, and might not have as much familiarity with the BTB policy because of this. Future research could specify a target audience of hiring managers who are directly involved in the hiring process for potential employees.

Implications

The implications of this research are to emphasize the importance of evaluative criteria for policies that are implemented on several levels. If evaluative criteria are not developed, it becomes difficult to evaluate policies on several levels if that process is not operationalized in a way that can be used despite the variability of its usage. The benefit of Teasdale's (2021) model is that it includes a list of 11 criteria domains that can be applied or omitted in the development of any evaluative criteria. It creates space to specify and tailor evaluative criteria that is effective for the assessment and evaluation of the evaluand. Evaluative criteria should be utilized in this way to help improve future policies.

Policy evaluations are crucial to the improvement and equitable implementation of the BTB policies. Using evaluative criteria allows for evidence-based decision making in which the results from the evaluation serve as empirical evidence to inform data-driven insights on the implementation of the BTB policy. It is a systematic and rigorous approach to assess the policy's outcomes, allowing policymakers and stakeholders to make informed decisions based on objective evidence from HR professionals rather than assumptions or anecdotes.

In addition, this generic qualitative study not only fills a methodological gap but increases stakeholder engagement. This study focused on understanding HR professionals' perspectives on this topic, but there is the potential to engage other stakeholders, including individuals with criminal records, advocacy groups, hiring managers, and employers. Specifically, considering the lived experiences of justice-involved persons is extremely valuable. The lack of understanding the merit, worth, and value of the BTB policy becomes quite concerning in situations in which justice-involved persons have difficulty knowing exactly how the policy is going to be applied to each situation, which highlights the need for the developed

criteria. The evaluative criteria check-list is purported to mitigate those issues so there is greater understanding of these policies, how they will affect a justice-involved person based on when the background check occurs, what type of employment it applies to, and if it's impacted by the position that is being applied for. This evaluative criteria will be a start to help with consistency across the board, so by involving these stakeholders in the evaluation process, their perspectives, experiences, and feedback can be incorporated into the assessment of the BTB policy's merit, worth, or value. This engagement fosters collaboration, strengthens policy implementation, and ensures the policy aligns with the needs and interests of those affected by it.

Finally, using the developed evaluative criteria increases accountability and transparency for implemented policies through the restorative justice lens. By using evaluative criteria, policymakers can monitor and analyze the policy's merit and success in achieving its intended objectives for its implementation, while also promoting transparency by sharing information about the policy's effectiveness, challenges, and outcomes with stakeholders and the public and allowing justice-involved persons the chance for employment. Restorative justice is one of the main reasons why the developed evaluative criteria are so important, because otherwise we're not necessarily restoring or giving them an opportunity to earn gainful employment. We would be labeling them as criminals and further punishing them for the decisions that they have made, rather than giving them an opportunity to move forward to advance in life. The whole purpose of these evaluative criteria is to make sure that we are providing equitable opportunities for employment for all people, including those who are justice-involved persons. So, sharing these evaluation findings not only increases those opportunities, but would also increase trust between the public and policymakers, and help justice-involved persons feel as though the hiring process is equitable.

Conclusions

BTB policies are implemented in various contexts and at various times throughout the state of North Carolina. This variability creates ambiguity and confusion with HR professionals' conceptualization and understanding of the BTB policies. With this lack of understanding, it is difficult to determine the merit, worth, or value of the BTB policies, although participants indicated that they may unknowingly or knowingly utilize BTB practices in their hiring process. Using the conceptual model of Teasdale's (2021) model, evaluative criteria can be developed to assess the implementation of the BTB policy and ultimately improve future evaluations and assessments of the BTB policies across jurisdictions and levels.

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APPENDIX A: RECRUITMENT SCRIPT

Hello,

My name is Tyler Clark. I am a 3rd-year doctoral student working on my dissertation here at UNCG. This dissertation seeks to explore the use of the BTB policy across cities, counties, and states and the consistency or lack thereof between these entities. This study will review and explore existing BTB policies and viewpoints of human resource professionals to develop evaluative criteria to determine the merit and worth of BTB policies being implemented on various levels. I am interested in knowing more about your experience as a human resource professional to gain a deeper understanding of your hiring process with regards to the effects of criminal history for job applicants and use of the Ban-the-Box policy.

You are being invited to participate in an interview that will last approximately 45-60 minutes. Your experiences and perspectives are valuable to informing hiring process and can contribute to research that builds knowledge regarding equitable hiring practices for ex-offenders through the implementation of the Ban-the-Box policy. Your responses are voluntary and will be kept confidential. Only I will have access to your responses. In addition, your name will not be associated with any of your responses in the transcription nor in later research.

If you are willing to participate, please use this whenisgood link to select a time that best suits you to schedule an interview. Once confirmed, I will send you the meeting information. Please feel free to reach out to Tyler Clark (tsclark3@uncg.edu) with any questions or concerns about the interviews or the research in general.

Thank you in advance for participating and I look forward to hearing from you soon.

Best Regards,

Tyler Clark, M.S.

Ph.D. Student

APPENDIX B: INTERVIEW WITH HUMAN RESOURCE PERSONNEL

Thank you for taking the time to talk with me today. My name is Tyler Clark. I am a 3rd-year doctoral student working on my dissertation here at UNCG. I am interested in knowing more about your experience with your hiring process and how you can contribute to research that builds knowledge regarding equitable hiring practices for ex-offenders through the implementation of the Ban-the-Box policy. The purpose of this conversation is to gain a deeper understanding of your hiring process with regards to the effects of criminal history for job applicants and use of the Ban-the-Box policy. During this interview, I will ask you a number of different questions about your experience, and I encourage you to share as much as you would like to for each question.

With your permission, this interview will be audio-recorded and transcribed. The recording will be permanently deleted once the transcription is complete and your data will only be available to me. Your name will not be associated with any of your responses in any transcriptions, and I will make every attempt to keep your identity confidential.

Before I start, do you have any questions? [START RECORDING]

1. Tell me a little bit about yourself and about your position at your company?

    a. Tell me about your role in the hiring process

2. Tell me how the hiring process works? From start to finish for a new applicant

    a. At what point does the application reach your desk?

    b. How do you narrow down your applicants for interview?

        i. Probe for checklist, guidelines, etc.

    c. Is there a background check or screening process to apply for a position on your team?

    d. Do you have access to the criminal history?

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3. Do you use criminal history in the decision-making process, if so, how?

   a. At what point are notified of an applicant's criminal history?

   b. Do you think a criminal history might impact opportunities for job applicants, if so, how?

   c. Do you think hiring someone with a criminal history might be a liability for the company?

   d. Do you think having a criminal background might impact the ability of the applicant to complete a job?

   e. How do you think a misdemeanor versus a felony might impact opportunities for job applicants?

4. What is your knowledge of the Ban-the-Box policy?

   a. In what ways do you use the Ban-the-Box policy in your hiring process?

   b. Do you think your jurisdictions BTB policy creates equitability in the hiring process for ex-offenders?

   c. Do you think there are unintended consequences of implementing the BTB policy? If so, what are they?

5. Do you have any other comments or thoughts on hiring processes as it relates to criminal history or the BTB policy?

6. Thank you for taking the time to interview with me.

APPENDIX C: DOCUMENT REVIEW PROTOCOL

The purpose of this protocol is to gather detailed data and descriptive content of local Ban-the-

Box policies.

General Information: A description of general information about the program meeting/activity.	
City or County:	
Document Type:	
Document Title:	
Document Authors (if any):	
Date Published or Approved (if applicable):	
Document Length:	
Brief details about the PURPOSE of the document (2-3 sentences max)**:**	

Main points of the document:	
- What is the employer sector? - Who does it apply to? - When does the background check take place? - Does it incorporate EEOC criteria? - Are they given a written notice of the decision and why? - Are applicants given a copy of their conviction history report? - Do they have the right to appeal the decision?	
Notes: Any other descriptive notes key to describing the document.	

APPENDIX D: DATA COLLECTION REFLECTION QUESTIONS

Question	Reflection
Question	**Reflection**
Interview Number	
Date/time of interview	
How was the flow of the interview with this interviewee? What stood out about the questioning process?	
What insights did I gain from this participant about BTB policies or my research questions? What was expected and what was unexpected?	
Were there any difficulties or challenges I observed for the participant? What were they and how did I recognize these challenges?	

Question	Reflection
Provide thoughts, feelings, or reactions that came up during the interview for the participant. Was the participant uncomfortable at any point, and if so, in what ways did I notice this? What was my response?	
Describe the feelings that came up for me as the interviewer. Why did these feelings come up?	
Were there any components of this interview that led me to think I may need to adjust something in my questioning or flow for future interviews? Why?	
What are the key points/reflections that the interviewee shared that resonate or stand out and why?	

APPENDIX E: DATA ANALYSIS REFLECTION QUESTIONS

Question	Reflection
Question	**Reflection**
Interview Number	
Date/time of interview	
What did I notice when reviewing the data?	
Was there anything that emerged from the data that I expected to see or anything I was not expecting to see? If so, what was it?	
Was there any data that confirmed my assumptions about BTB evaluations? If so, what was it?	

Question	Reflection
Was there any data that disconfirmed my assumptions about BTB evaluations? If so, what was it?	
Were there any additional questions that this data generated?	
What does the data indicate for criminal justice? What are possible implications for the field?	
What does the data mean for evaluation? What are possible implications for the field?	