

Attitudes Towards Ban the Box: A Content Analysis of Tweets



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Abstract

Ban the Box is a social justice movement that advocates for employers to evaluate individuals with prior justice system involvement based on their job skills rather than their criminal record. The purpose of the present study was to identify and discuss Ban the Box-related themes in a sample of Twitter posts. Using the social media platform Twitter, researchers collected a 58-day sample of public posts that used the hashtag Ban the Box (#BantheBox). A qualitative thematic analysis was used to assess the content of tweets to identify underlying themes related to the Ban the Box movement. Two researchers independently coded the contents of each original tweet (N=204) and reached consensus on identified themes. Results showed two underlying themes: first, risky business or the perceived risks businesses take in hiring persons with prior justice system involvement, and second, that individuals with prior justice system involvement are a vulnerable population. This study highlights how Twitter is used to communicate about social justice-related issues. Further, this paper serves as a call to action for policymakers, social workers, and researchers to consider this medium when advocating for individuals with prior justice system involvement.

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Introduction

Addressing recidivism, which refers to a relapse back into criminal behavior after an individual has had prior involvement with the justice system, is a cost-driven priority of the criminal justice sector (NIJ, 2008). There is an association between reduced recidivism rates and obtaining sufficient employment upon release into the community (Denver, Siwach, & Bushway, 2017; Nally et al., 2012; Rakes et al., 2018; Ramakers et al., 2017). Thus, many reentry programs focus on preparing an inmate for employment upon release by focusing on increasing job skills and performance (Graffam et al., 2014; Ramakers et al., 2017). Despite these efforts, finding stable employment after release is one of the most significant challenges all persons with prior justice system involvement face.

When a person is found guilty of a crime and subsequently incarcerated, it can have substantial collateral consequences, particularly when it comes to employment (Denver et al., 2017; Nally et al., 2012; Schmitt-Matzen, 2019). With nearly 80% of employers in the United States (U.S.) performing criminal background checks (Gebo & Norton-Hawk, 2009; SHRM, 2012), the stigma associated with prior justice system involvement can lead to limited employment opportunities for this population. For instance, according to the Department of Justice, between 60% and 75% of former inmates continue to be unemployed one-year post-incarceration (Melber, 2015). Preparing inmates for reentry by focusing on job skills may ultimately be a waste of time and taxpayers' money if no one is willing to hire them.

Ban the Box

Ban the Box (BTB) is a social justice movement initiated by former inmates and their families to help decrease prejudice and discrimination in hiring practices towards those who have prior justice system involvement. Specifically, the BTB movement requests employers to remove the box on a job application that asks about prior criminal convictions, postponing this conversation until after job offers are made. BTB began in 2004 and has since achieved widespread public support, with at least 35 states and over 150 cities and counties passing legislation and adopting the BTB initiative (Avery, 2019; Entin, 2015; VonBergen & Bressler, 2016).

BTB and related legislation do not prohibit employers from conducting background checks. Rather, by delaying background checks until after an offer is made, applicants are given a chance to be evaluated on their skillsets and work-related abilities without suffering setbacks due to stereotyping. Public support is vital to the success of any social justice movement, and with new legislation and initiatives by both the public and private sectors related to BTB, it is crucial to

understand individual and organization-level attitudes related to BTB (Avery, 2019; Entin, 2015; Melber, 2015).

Social Media

Broadly, social media is a website or application that allows users to create and share information while promoting social networking (Hutt, 2017; Johnson, 2016; Perrin, 2015). Examples of popular social networking platforms include Twitter, Facebook, LinkedIn, Reddit, and Instagram (Milanovic, 2015). Social media use in the U.S. is steadily increasing (Perrin, 2015), with more than two-thirds of adults reporting the use of at least one social media site regularly to obtain news and information (Shearer & Gottfried, 2017). Social media platforms are now a central way for people to share and learn about breaking news, political debates, and pressing social justice issues. Qualitatively analyzing social media posts to understand current attitudes towards social justice movements is a novel way to identify real-time perceptions of an issue, as social media platforms can provide rich data and insights.

During the past decade, social scientists have turned to social media platforms to better understand public knowledge, attitudes, and opinions (Jensen, 2017; Ovadia, 2009; Weller, 2014). For example, Chew and Eysenbach (2010) used tweets to analyze the perceptions of the H1N1 pandemic in 2009, while others have evaluated tweets for words signifying mental health and depression (Cavazos-Rehg et al., 2016). Still, the use of social media to collect data for social science research is in its early stages (Kim et al., 2013; McCormick et al., 2017) and still has its share of limitations and ethical considerations (Williams et al., 2017). Nevertheless, researchers can still use social media data to evaluate public attitudes (Jensen, 2017; Lycariao & Alves dos Santos, 2016).

Twitter

With over 313 million users per month (Berry et al., 2017; Johnson, 2016), Twitter is one of the most popular social media sites in the U.S. (Hutt, 2017). Users can write posts and/or share links and photos, as long as it is within Twitter's 280 character posting limit (Johnson, 2016). Twitter users can post an original tweet or share another user's tweet, also known as retweeting. An important aspect of Twitter, especially for the present research, is the use of a hashtag (#). Twitter users can post content while aligning their posts with specific hashtags that represent ideas, words, or thoughts related to the information in the post. As Berry and colleagues

(2017) explained, "[Hashtags] can facilitate communication about, and efficient search for, a specific topic (paragraph 4)."

As a research environment, Twitter has influenced the way social scientists evaluate attitudes, opinions, and users' overall understanding of specific concepts (Jensen, 2017; Kim et al., 2013; McCormick et al., 2017; Weller, 2014; Williams et al., 2017). Berry and colleagues (2017) collected and analyzed tweet content to understand why users share information about mental health on Twitter, yielding important information about the stigma of mental health, as well as provoking discussions of support and community. How Twitter users engaged with the BTB movement on Twitter is presently unclear, making this forum an untapped resource of public opinion and understanding related to BTB. For example, users may support the movement by providing accurate and supportive information, creating a positive outlet for the movement. Alternatively, users can also criticize or fight the movement by sharing biased information. Finally, social media users could also provide factual information without including personal support or criticisms towards the movement.

Present Study

To date, no previous research has assessed the role Twitter plays in sharing information about the BTB movement. The purpose of this research was to conduct a content analysis of tweets to better understand how users of Twitter share information about the BTB movement, as well as to obtain insight into individual and organizational attitudes towards the BTB movement. Through thematic analysis, we took an overarching approach to analyzing the content of each tweet while answering the following research questions: What information are Twitter users sharing about the BTB movement? Who was sharing information on Twitter (e.g., an individual or an organization)? And what, if any, underlying themes were present in the tweet content about the BTB movement and/or individuals with prior justice system involvement?

Methods

We obtained the sample of tweets via an investigative website called *Follow the Hashtag*, an analytical company that provides data from Twitter. *Follow the Hashtag* provides some information for free, such as data during a small timeframe (less than 59 days) or less than 500 tweets, as well as tweets attached to a particular account (e.g., Donald Trump) or hashtag. The company then compiles the

information requested and provides an Excel and PDF version of the information. *Follow the Hashtag* has also been used in other research studies (Randviir et al., 2015)

We requested a simple hashtag search (#banthebox) to collect data for this study, resulting in a total of 395 tweets (including original tweets and retweets) over a 58-day period (February 13, 2018—April 12, 2018). A total of 290 separate accounts posted using #banthebox during this timeframe. Two researchers independently coded and analyzed the tweet content to answer our proposed research questions. First, we were able to identify, based upon username, user nickname, and profile, whether the tweet came from an organization or a person. Next, we looked at the other hashtag(s) associated with the BTB movement. Finally, we thematically analyzed all original tweets (n=204), including both the content (e.g., links, photos, or other media) and text of the tweet to identify any underlying themes that were present.

Results

The researchers collected a 58-day (February 13, 2018—April 12, 2018) sample of tweets for a total of 399 tweets that used #banthebox; however, upon further review, researchers noted four tweets used #banthebox in a different context (ban the batter's box in baseball) than the focus of this study, decreasing the total sample size to 395 tweets. Of the 395 tweets, 204 were original tweets and 191 retweets from 290 separate Twitter accounts. There was an average of 6.81 tweets per day and 1.36 tweets per contributor (see Table 1).

Table 1. Description of Sample

Total tweets	395
Original tweets	204
Re-tweets (RT)	191
Contributors	290
Tweets per contributor	1.36
Measured time in days	58
Tweets per day	6.8

Description of Sample

Of the 395 total tweets, 42% came from a Twitter account linked to an organization and the remaining 58% came from an individual account (see Table 2). Nearly all tweets were in English (N=386), and 55% of the tweets (N=217) had a media link (N=16), website (N=175), or both (N=26) embedded within the tweet. Of the 204 original tweets, more than 65% (N=107) came from an organization, whereas 58% (N=134) of the retweets came from individuals (see Table 2).

Table 2. Type of Tweet by Account

	Original	Retweet	Total
Person	97	134	231
Organization	107	57	164
Total	204	191	395

Hashtag Association

As part of the analysis, the researchers wanted to understand what other hashtags were associated with the BTB movement. As mentioned earlier, a hashtag (#) is a word or subject that is meant to be specifically associated with a topic. Table 4 represents the top five most common hashtags associated with BTB on Twitter. The most common hashtag was #FairChance, representing the Fair Chance Act passed in areas such as Washington, New York, and California during the data collection period. This hashtag was present in 15% (N=31) of the original tweets. The second most commonly associated hashtag was #waleg, representing the Washington State Legislature, which passed BTB laws during the data collection period and was used more than 10% of the time (N=21) in the 204 original tweets.

Table 3. Most Commonly Associated Hashtags

Hashtag	Times used*
#FairChance	31
#waleg	21
#SecondChance	18
#employexoffenders	15
#VotingRights	12

*number of times used in original tweet

Tweet Content and Themes

The ultimate purpose of this research was to use a thematic analysis to identify what, if any, patterns were present within the tweets. The researchers identified two main themes reflecting systemic attitudes and beliefs about the BTB movement, and more specifically attitudes towards employing individuals with prior justice system involvement (see Table 4). The researchers deemed the first theme "Risky Business", which acknowledges the perceived risks employers take when hiring individuals with prior justice system involvement. The second theme recognizes the vulnerability of persons with prior justice system involvement, specifically the discrimination they experience on the job market, in finding housing, and obtaining an education.

Risky Business

The first underlying theme researchers identified is that governments should not be regulating the employment processes of individual organizations. Specifically, private businesses and, in particular, human resources (HR) staff, should be able to determine hiring criteria, such as criminal history, based upon company policies and procedures. The sense is that organizations are taking a risk when they hire someone with prior justice system involvement, and this risk should be the choice of the organization itself, and not legislation (e.g., BTB). When BTB laws are enacted, organizations may be concerned about their legal responsibilities during hiring (see Table 4). One tweet stated, "If you are unsure about the legalities of #banthebox...ensure, you are compliant with HR regulations."

Organizations posted many (N=164; 42%) of the tweets, including those directed towards other organizations. These tweets often used scare tactics to make sure organizations were in compliance with recent BTB legislation, such as, "New #banthebox laws can directly affect your hiring processes...if your state is next, make sure you are prepared to comply!" Nearly half of the tweets that mentioned HR used tactics that encouraged organizations to come into compliance with BTB legislation. These HR-related tweets would include links or other media that helped organizations find loopholes in legislation, rather than supporting employment for individuals with prior justice system involvement. For example, one tweet from an organization stated, "Is your employment app a landmine of risks related to #BantheBox, #genderidentity, #payequity and other issues? [deidentified]...offers practical (and detailed) advice on updating your application." The link associated with this statement showed employers how to ask questions that could help them

learn if a person had prior justice system involvement without officially asking on the employment application if a person had a criminal record.

Table 4. Themes

Theme	Examples*
Risky Business	<p>"Is your employment app a landmine of risks related to #BantheBox, #genderidentity, #payequity and other issues? [deidentified]...offers practical (and detailed) advice on updating your application."</p> <p>"just having a potential employee fill out a job application carries risks these days..."</p> <p>"California employers! Are you up to speed on #BantheBox ? Get details to protect your business by watching my @YouTube video."</p> <p>"Washington Passes 'Ban the Box' Law - Job application forms removing convicted of a crime box. How this impacts #NJ and #NY #businesses."</p> <p>"Register now for CalChamber's #Hiring Steps You Don't Want to Regret #webinar"</p>
Vulnerable Population	<p>"Three quarters of employers admit to discriminating against applicants with a criminal conviction,"</p> <p>"Have a real face to face with those who applied. Not just take their money and run, saying the report came back as undesirable. Bunch of fear mongers!"</p> <p>"Target to pay \$3.74 million to settle claims that it discriminated against black, Latino job applicants based on criminal background checks."</p> <p>"Restore [voting rights], expand job opportunities...reduce recidivism! We can create safer and more prosperous communities by ending this unjust system of needless retribution!"</p> <p>"Said before I'll say it again. #banthebox or these poor felons will go back to being bad. Change the system! Make the world better!"</p> <p>"When a person with a record is not permitted to reach their full potential, lasting consequences follow for individuals, families, and entire communities. All of us. We can and must do better."</p>

*These are only a portion of the tweets evaluated during the thematic analysis

HR-related related tweets accounted for roughly 14% of the original tweets, some of which implied that organizations should be concerned about these changes: "just having a potential employee fill out a job application carries risks these days..." The tweet language and embedded links did not directly support or criticize the movement; but provided information about how organizations could make sure they were meeting the new requirements of BTB laws (see Table 4).

All 28 of the HR posts provided media links, which included a news article, specific legislation, or a video, most of which described the recent BTB changes and how it would impact organizations' hiring strategies. The underlying theme of these tweets was that organizations need to work even harder to protect themselves against possible lawsuits and discrimination in hiring practices (see Table 4). This was evident in one tweet that stated: "Target to pay \$3.74 million to settle claims that it discriminated against black, Latino job applicants based on criminal background checks." Similarly, other tweets that referenced this lawsuit provided links to make sure organizations were compliant with BTB laws to avoid lawsuits like Target. It is not surprising that organizations want to protect themselves from risks associated with hiring persons with prior justice system involvement; however, not all tweets were against BTB. Some tweets supported exploring the benefits of expanding employee application pools. For instance, one tweet supported employing individuals with prior justice system involvement by developing a webinar to educate employers about the benefits: "Join us on the 21st February...where we'll be exploring the benefits of hiring ex-offenders into your organization." Still, most tweets regarding business practices were centered around protecting the business, rather than on the rights of those with prior justice system involvement.

Vulnerable Population

Even with new laws enacted to assist individuals with prior justice system involvement in obtaining employment, systemic bias in the employment sector persists against persons with prior justice system involvement (see Table 4). As one Twitter user mentioned, "Three quarters of employers admit to discriminating against applicants with a criminal conviction," which supports the idea that individuals with prior justice system involvement experience discrimination in employment. Another tweet, specifically referencing a court ruling against BTB legislation in Texas, states, "...Texas Federal Court Ruling Undermines Employment Discrimination Protections for People with [criminal] records," with a news article attached discussing the ruling and results. Another user posted how companies exploit persons with prior justice system involvement looking for work: "Have a real

face to face with those who applied. Not just take their money and run, saying the report came back as undesirable. Bunch of fear mongers!"

One user shared the following news link—"Security Firm Fired Before Super Bowl Previously Hired Employees with Criminal Records." This tweet went on to make the following statement, "but...but...what happened to #banthebox..." reminding us that large corporations are still governed by societal norms and customs, even when legislation exists to prohibit discrimination towards a specific population. If a security firm loses a contract for the Super Bowl because they chose to hire individuals with prior justice system involvement, other security firms and businesses alike would likely hesitate to hire this population of employees in the future. The underlying theme here is that persons with prior justice system involvement are a vulnerable population in need of advocacy (see Table 4), exemplified by the following tweet: "Restore [voting rights], expand job opportunities...reduce recidivism! We can create safer and more prosperous communities by ending this unjust system of needless retribution!"

One of the most commonly associated hashtags with BTB was related to Fair Chance and Second Chance, which incorporates areas where discrimination historically and presently occurs, such as housing, education, medical needs, and employment. One tweet stated, "[p]ublic colleges would 'ban the box' asking about criminal history for initial applications..." providing evidence that discrimination could still be occurring even at the collegiate level. Another tweet explained "April Is Second Chance Month...make it easier for people with arrest and conviction records to work, strengthen the economy, improve public safety, help employers find good workers, and advance justice," supporting the notion that individuals with prior justice system involvement currently face systemic discrimination in accessing employment, education, and housing. Further, tweets also touched on adversity this population faces, advocating for new legislation: "A criminal record can impact an individual long after they complete their sentence. Last year, several state initiatives were adopted to improve reentry by affirming a fair chance at education, employment, and housing", while showing the areas in which persons with prior justice system involvement struggle (see Table 4).

Discussion

Individuals with prior justice system involvement face nearly insurmountable odds of success once returning to society from a period of incarceration, with recidivism the likely outcome (Alexander, 2012). Continually, the individual is blamed for failing, but rarely are the impacts of systemic oppression and discrimination that

created this cycle of mass incarceration scrutinized (Alexander, 2012; Epperson & Pettus-Davis, 2016). Using a thematic analysis, the researchers found that persons with prior justice system involvement face systemic discrimination and oppression, in part due to organizations' fears, further highlighting their need for continued advocacy and support.

The present study analyzed nearly 400 tweets collected over a 2-month time frame (February to April 2018) related to the BTB social justice movement. With 290 accounts contributing, and 204 original tweets related to the BTB movement, the findings present a divided picture: on one hand, businesses perceive themselves to be at risk of harm by hiring individuals with prior justice system involvement. Alternatively, some Twitter users exemplified the ways in which this population continues to face an uphill battle to successful reentry, particularly in the employment sector. Many organizations presently conduct criminal background checks on prospective employees before a job offer (Gebo & Norton-Hawk, 2009; SHRM, 2012; VonBergen & Bressler, 2016). Attitudes of both individuals and organizations have the potential to positively impact company policies and procedures, as well as cultural and social norms at a macro level, but more work is needed for this to occur with the BTB movement.

Although BTB and similar initiatives (e.g., Second Chance and Fair Chance) promote making decisions for employment, housing, or education on a person's skills and characteristics, categorization and stereotyping of people continues. The majority of these categories are already protected under federal law; however, those with prior justice system involvement continue to face discrimination. Stereotypes of persons with prior justice system involvement have allowed for the continued repression of this group. This systemic discrimination of vulnerable groups based upon specific characteristics (e.g., criminal history) puts these individuals in a position where they are set up to fail, ultimately recidivating and continuing the cycle of mass incarceration.

Research identifies employment, housing, and education as the top three areas needing improvement to reduce recidivism rates of individuals with prior justice system involvement (Denver et al., 2017; Nally et al., 2012; Ramakers et al., 2017). Nevertheless, society systemically continues to uphold, whether explicitly or not, the false belief that appraising a person's prior justice system involvement is an essential aspect of whether they are worthy of employment, a place to live, or even furthering their education (Denver et al., 2017; Raphael, 2010; Vann, 2017; Wright, 2013). This discrimination was illuminated through our content analysis of tweets, where tweets reminded us that BTB legislation is necessary to assist in eliminating discrimination of those with prior justice system involvement. Many reentry

programs focus on obtaining housing, education, and employment (Graffam et al., 2014); however, the emphasis on enhancing an individual's skills may neglect the real issue: an ingrained, systemic belief that does not allow people to look past previous justice system involvement and at a person's individual attributes.

Implications

Using a thematic analysis to evaluate the content of tweets supports the idea that individual attitudes can impact societal norms, much like systemically ingrained beliefs impact individual actions. An important component of a successful social justice movement, like BTB, is the support and understanding of others. This is a necessary mechanism to achieve change, and it must be in place before the movement can gain legislative support. We understand that individual actions and attitudes can have an impact on constructing or challenging systemic norms, either by creating a continuance of oppression or by initiating advocacy (Alexander, 2012).

The content analysis reinforces what we know about the individuals with prior justice system involvement: that action and advocacy are needed (Epperson & Pettus-Davis, 2016). A mainstay of a vulnerable population is the diminished capacity to support and advocate for themselves, as well as facing discrimination and oppression (Epperson & Pettus-Davis, 2016; Workers, 2008). Social workers have an ethical obligation to advocate for social justice for vulnerable populations, such as persons with prior justice system involvement (Workers, 2008). Additionally, policymakers can use this medium as a way to inform stakeholders who work with individuals with prior justice system involvement about legislation that may impact their clients.

Strengths, Limitations, and Directions for Future Research

The use of social media to share opinions and attitudes has increased over the past three decades (Perrin, 2015), generating an opportunity for social science researchers to use a theoretical approach to interpreting social media (Berry et al., 2017; McCormick et al., 2017) and to obtain a more critical understanding of micro, mezzo, and macro beliefs that could serve as mechanisms for change. Research is marginal in understanding the influence social media has on adapting systemic beliefs, yet as evident in this study, individual and group attitudes play a role in societal beliefs. Thus, this research has provided a foundation and possible outline for future research on social and behavioral change related to BTB. Using social media as a resource for data collection can be extremely helpful to social scientists

who are limited in time, resources, or access to in-person participants (Jensen, 2017; Kim et al., 2013; McCormick et al., 2017; Williams et al., 2017).

One limitation of this research is that tweet content analyzed was independent of the individual or group posting the information on Twitter, creating a possible misunderstanding or partial interpretation of the content. Further, because of the qualitative study design, the sample collected is not generalizable to a larger population, nor a representative sample of the U.S. population. Meaning that the information collected and analyzed is only representative of the Twitter sample used. Future research should continue to use social media as a rich, evolving dataset to gain insight into attitudes toward BTB and other social justice movements (Berry et al., 2017; Ovadia, 2009; Randviir et al., 2015; Williams et al., 2017). Of particular utility would be social media accounts of persons with prior justice system involvement to see how they document and portray their own reentry experiences, providing a photovoice methodology of sorts.

Conclusion

Nearly one-third of the U.S. population has previous justice system involvement (Wright, 2013). The use of a criminal background check to prevent access to employment, housing, or educational opportunities widens inequalities between persons with and without justice system involvement. Thus, individuals with prior justice system involvement continue to face discrimination and oppression in areas they need the most assistance, ultimately leading to recidivism and a continuation of the mass incarceration cycle (Alexander, 2012; Denver et al., 2017; Vann, 2017).

Given the centrality of stable employment, housing, and education in reducing recidivism, many reentry programs focus on improving the individual's work-related skills and abilities to improve the chances of obtaining meaningful employment upon release (Jonson & Cullen, 2015; Nally et al., 2012; Vann, 2017). Nevertheless, our results suggest that systemically, there is a negative bias towards employing individuals with prior justice system involvement, ultimately limiting the successful reintegration of this population back into society (Gebo & Norton-Hawk, 2009; Graffam et al., 2014; Wright, 2013). Focusing on specific interventions, such as reentry programs and skills training programs, is not a long-term solution to the inherent bias of the larger systems at play throughout the U.S. The results of our study support a call to action for policymakers, researchers, social workers, and others in positions of advocacy to promote large-scale, long-term transformations to reduce systemic bias, oppression, and discrimination towards persons with prior justice system involvement (Epperson & Pettus-Davis, 2016; Workers, 2008).

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