Research and legal references

Read the underlying sources, and confirm the current state of the law.

Peer-reviewed research

Chase, E., Bushway, S. D., Saunders-Medina, B., & Burgette, L. F. (2026). Safe to Hire: Predicting Recidivism Risk for Job Candidates with Criminal Records. Statistics and Public Policy.
The peer-reviewed methodology behind the score: a survival model built on criminal-justice records from seven states (CJARS, 1992–2021).
doi.org/10.1080/2330443X.2026.2703028

Kurlychek, M. C., Brame, R., & Bushway, S. D. (2006). Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending? Criminology & Public Policy, 5(3), 483–504.
Shows how the predictive value of an old record declines as time without a new offense grows.
doi.org/10.1111/j.1745-9133.2006.00397.x

Kurlychek, M. C., Brame, R., & Bushway, S. D. (2007). Enduring Risk? Old Criminal Records and Predictions of Future Criminal Involvement. Crime & Delinquency, 53(1), 64–83.
Extends the 2006 findings on how long a past record remains informative.
www.ojp.gov/ncjrs/virtual-library/abstracts/enduring-risk-old-criminal-records-and-predictions-future-criminal

Blumstein, A., & Nakamura, K. (2009). Redemption in the Presence of Widespread Criminal Background Checks. Criminology, 47(2), 327–359.
Estimates the point at which a person with an old record presents risk comparable to the general population.
nij.ojp.gov/library/publications/redemption-presence-widespread-criminal-background-checks

RAND Corporation. Resetting the Record: The Facts on Hiring People with Criminal Histories.
A body of RAND research, grounded in Dr. Bushway's work, on common assumptions about reoffending risk in hiring.
www.rand.org/education-and-labor/projects/resetting-the-record/key-research.html

Employment-law framework

Green v. Missouri Pacific Railroad Co., 549 F.2d 1158 (8th Cir. 1977).
The source of the three factors commonly used to frame criminal-record screening: the nature and gravity of the offense, the time elapsed, and the nature of the job.
www.courtlistener.com/c/F.2d/549/1158

U.S. Equal Employment Opportunity Commission (2012). Enforcement Guidance No. 915.002, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII.
Discusses targeted screens built on the Green factors, and individualized assessment. It does not endorse or certify the Bushway Opportunity Score.

Status: in October 2026 the EEOC sent a draft final rule rescinding this guidance to the Office of Information and Regulatory Affairs for review. Confirm its current status before relying on it.

www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions

Methodology documentation

Counsel evaluating adoption can request the technical methodology, model coverage and exclusions, validation information, operational controls, and permitted-use documentation directly from Bushway Works.

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Educational information only. These materials are not legal advice, not a legal compliance certification, and not a representation that any use of the Bushway Opportunity Score meets a particular legal requirement. Counsel and employers should evaluate applicable law and intended use independently.