

Crime & Justice Institute

Offender Reentry Roundtables 2006



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A division of Community Resources for Justice

**Sponsored by
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Office of Public Safety**

October 2006



Dear Reader:

Offender reentry has become something of a buzzword in criminal justice and public safety circles. In the past few years, as more and more offenders are released from correctional facilities back to their communities, many jurisdictions have begun to look at their corrections systems and whether they are sufficiently preparing inmates to return to society.

The policies of the 1980s and 1990s that focused on incarceration and long prison sentences led to exorbitant prison costs, skyrocketing numbers of returning offenders and very little infrastructure in place to prepare inmates for their eventual release. Supported by research, a few jurisdictions across the country changed the direction of their correctional policies in an effort to reduce recidivism and improve public safety by implementing effective reentry systems.

Like many states, Massachusetts finds itself with an increasing number of reentering offenders and a high rate of recidivism. While 97 percent of the inmate population eventually returns to the street, almost 50 percent of them are either rearrested or reincarcerated.

In an effort to more fully understand key issues in offender reentry, the Crime & Justice Institute, with sponsorship from the Massachusetts Executive Office of Public Safety, examined three distinct areas of offender reentry. The project sought to more fully understand the complexity of these issues by examining existing practice and policy and looking at promising practices around the country. Key stakeholders in each area were then brought together in a Roundtable format to discuss the issues and the impacts. The topics included:

- Victims and Communities Impacted By Crime: Perspectives on Offender Reentry
- Women and Reentry: Foundations for Success
- Employment of Ex-Offenders: Employer Perspectives

Our examination of these topics reflects the multi-faceted challenges of the successful transition of offenders back into the community. Many inmates have significant substance abuse and/or mental health problems when they come into the correctional system. Many inmates lack stability in employment, housing and family connections when they enter the system. While women make up a small percentage of the incarcerated population, their numbers are growing at a faster rate than men and their reentry issues are very complex. The moniker "ex-offender" makes the successful transition from prison to society extremely challenging. And the communities to which these offenders return have high rates of crime and poverty, and few resources to support the returning offenders.

One of the major themes from this project is the importance of looking at offender reentry in a holistic way. Focusing efforts and resources on one or two policy areas will not fully address the various complexities of offender reentry. Such a strategy is less likely to succeed over time because the research and discussions tell us that successful reentry requires system change; stakeholders must work collaboratively and think differently about the outcomes they want and the route to get there.

As Massachusetts continues to adjust its criminal justice agenda from one focused on punishment to one focused on recidivism reduction, it's important to note that system change strategies are being successfully implemented across the country and that what is most needed is leadership and a willingness to move forward. This project brought together dozens of experienced and dedicated people involved in protecting the public, improving communities and assisting in the offender's successful transition to the community. Their leadership and commitment will be critical as the Commonwealth implements new practices and begins to think differently about improving its criminal justice and public safety systems.

What follows are the summaries of the first two Roundtable projects and the research report for the third project. These papers, as well as additional documents that were produced for this project, are available on our website – cjinstitute@crjustice.org. The Crime & Justice Institute is indebted to the Massachusetts Executive Office of Public Safety for its support of these projects and specifically to Asheley Van Ness, Sarah Lawrence, Patrick Bradley, and Donna Cuomo. We also owe much to the advisors on each project who helped guide us through the myriad issues that came up during the examination of each topic. We could not have had such a successful public discussion without the participation and support of many, including the crime victims, community members, and ex-offenders who offered their perspectives as part of our research. We also extend our appreciation to the Boston Foundation for the use of their facilities.

Best regards,

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Impacted By Crime*

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Crime & Justice Institute's Offender Reentry Roundtables 2006

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Sponsored by the Massachusetts
Executive Office of Public Safety

Victims & Communities Impacted By Crime:
Perspectives on Offender Reentry

March 31, 2006

Final Report

Prepared by
Len Engel and Meghan Howe
Crime and Justice Institute

Sponsored by the Massachusetts Executive Office of Public Safety





Victims & Communities Impacted By Crime: *Perspectives on Offender Reentry*

Crime & Justice Institute Reentry Roundtable Series
March 31, 2006

OVERVIEW

A number of years ago, the victim rights movement identified a significant gap in the criminal justice system with regard to the system's response to the needs of crime victims. Other than attending to the victim's needs while the victim was a witness for the prosecution, involvement of the victim in the criminal justice system was hard to find. As a result of a well-organized effort, victims now play a more significant role in the criminal justice system, well beyond their role as a witness, and services available to victims throughout the criminal justice process have significantly improved. Yet, this web of victim services is not available to the majority of Massachusetts residents impacted by crime – the residents of high-crime communities.

The residents of the communities most affected by crime may or may not be direct victims, at least in the sense of qualifying for victim services, but they are victims of the criminality present in their neighborhoods. They are victimized by random incidents of violent crime, by so-called victimless crimes such as drug dealing, and by non-violent crimes, simply because they happen to live in a community with pervasive crime. Life in these communities is characterized by fear and lack of opportunity, common traits associated with victimization.

These same communities are where a majority of offenders return after incarceration. The residents of these communities must not only deal with the ongoing threat caused by the criminal activity but must also bear the burden of absorbing the returning offenders, who are the previous victimizers.

In order to gain a better understanding of the impact of victimization and offender return in high-crime communities, the Crime & Justice Institute, with sponsorship from the Executive Office of Public Safety, initiated a project that examined these complex issues. The project, the first in the Crime & Justice Institute's Reentry Roundtable series, involved an examination of the existing policies and practices and a review of innovative reentry programs that involve victims and community members. Further, in order to gain the perspectives of those living and working in high-crime communities a series of focus groups were convened. The project culminated in a Roundtable event, held on March

31, 2006, at the Boston Foundation, which brought together a variety of stakeholders for a frank discussion on the issues involved.¹

PHASE ONE: WHAT IS CURRENT?

The justice system actually reflects our values in the community at large and our values through the media, through elected officials... We saw the get-tough-on-crime era, the swing toward long sentences... we saw programs eliminated from correctional facilities and we saw what it brought us. We saw that it's very difficult to return folks home from incarceration... We all have to come to the table to decide that in returning folks to the community, is the community willing to accept them.

*-Associate
Commissioner
Veronica
Madden,
MA Dept. of
Correction*

The involvement of the victim of a crime during the criminal justice process peaks during the prosecution of the accused, when the victim is called on to give testimony, offer insight to the prosecution and judge, and access direct services from the system as needed. After sentencing, the victim receives notifications of the offender's status in prison or jail (assuming he or she was sentenced to a period of incarceration) such as when the offender is transferred to a lower level facility or moved from the prison to a hospital for medical attention. The victim receives notification if the offender is due to come before the Parole Board where the victim may offer testimony to the Board.

The victim is notified prior to the offender's release from prison. If a victim believes the offender poses a threat to them, they may apply for protection either through a court-issued restraining order or through local law enforcement. If the offender is on parole the victim may contact the offender's parole officer for additional information. The parole officers are trained to work with victims and are also able to refer victims to supportive services. If an offender is not paroled but uses the services of a Regional Reentry Center run by the Parole Board then the victim can contact the staff at the center. If an offender is on probation or has no supervision there is little structure in place to systematically respond to a victim.

The relationship of offender reentry, victim services and community impact has not been a focus of significant research or analysis. Yet, there are interesting programs that seek to broaden the scope of victim and community involvement early in the reentry process. In some instances, specifically in the programs that incorporate elements of restorative justice, victims are brought into the process in a manner designed to help the offender develop a better understanding of the impact his or her criminal behavior has had on other people. Some of the programs that were examined include:

Victim/Offender Mediation (Dialogue)

Under the supervision of a trained mediator, victim/offender mediation allows victims to meet their offender in a structured setting to engage in a discussion of the crime. This provides victims the opportunity to tell the offender how the crime has impacted their lives, to interact with the offender about the incident and his or her future, and to become directly involved in developing a restitution and reentry plan for the offender.

¹ See Appendix for List of Roundtable participants

*Rehabilitation
waits too long.
Rehabilitation
has to begin
before these kids
get to prison.
These kids are in
trouble early but
we don't do
anything until
they get to jail.
They start
criminal activity
at a very young
age but we wait
until they get to
prison before
they get any
rehabilitation.*

*-Commissioner
Ronnie Watson,
Cambridge, MA
Police Dept.*

Sentencing Circles

Sentencing circles bring together victims, victims' supporters, offenders, offenders' supporters, judges and court personnel, prosecutors, defense attorneys, police, and interested community members in a multi-step process to determine the appropriate sentence for an offender. After participating in sessions where both the victim and offender tell their stories, the group works to develop a consensus on a sentencing plan that addresses the concerns of all parties. Sentencing circles extend the responsibility of finding constructive resolutions to crime beyond the court system to include victims and community members. They raise awareness among community members of their capacity to find new and possibly more effective ways to resolve conflict.

Victim Impact Panels

Unlike victim/offender mediation, victim impact panels do not involve a meeting between offenders and their specific victims. Instead, these panels consist of victims, in unrelated cases, telling an offender or group of offenders about the impact of crime on their physical, emotional, and financial well-being. There is little dialogue between victims and offenders during these panels; offenders can ask questions, but the purpose of the panel is for offenders to listen to victims tell their stories, not for offenders to share their perspective.

Victim Impact Classes

Similar to victim impact panels, these classes, conducted in the prison or jail, are designed to help teach offenders about the human consequences of crime. Like the panels, class sessions often involve crime victims being invited to tell their stories. Representatives from victim groups also visit to share their experiences of helping victims reconstruct their lives. Unlike victim impact panels, offenders are encouraged to enter into a dialogue with the victim-speakers and the curriculum is designed to allow the offender to question and comment.

Community Courts

Community courts blend the interests of the neighborhood with the goals of the justice system to address quality of life crimes in a way that restores the community, conveys to the offender certain expectations and creates new relationships between the criminal justice system and neighborhood stakeholders. Community courts have the authority of traditional courts but the judges have more variety in the sanctions that can be imposed, such as performing an activity that pays the community back for the crime. The community, including the residents and the victims of crime, are involved in the justice process to the extent they wish.

[The trauma] goes so far beyond the specific victim... the whole community is a victim and then it leads one to the very blurred line between victim and offender because the offenders also grew up in the same community, therefore were victimized and may also have been a direct victims of crime themselves.

*-Liz Curtin,
Community
Resources for
Justice*

Community Accountability Boards

Community accountability boards (CABs), also called community restorative boards, work to develop a reparation plan and consensus on expectations for the offender's post-release behavior. The board is typically composed of a small group of citizens who conduct face-to-face meetings with offenders to develop this plan. The meetings often begin with a discussion of the nature of the crime and its negative consequences. Participants then develop the reparation plan for how to repair the harm to the community or victim, including a strict timeline for stages of completion.

Like the programs mentioned above, CABs provide an opportunity for offenders to take personal responsibility for their crimes and the harm they caused. But unlike victim impact panels and classes, CABs widen the scope beyond the direct crime victims to include communities. CABs allow community members to take ownership of the criminal justice system. They give voice and recognition to the fact that, though not the direct victims of crime, community members are impacted by crime and should be involved in developing solutions to it.

PHASE TWO: FOCUS GROUPS

The second phase of the project examined the perspectives of the people living in these victimized communities or working with the victims of crime. During the fact-finding phase of this project data was examined indicating where crimes are committed, where most victims of crime live and where most of the offenders return. The findings indicated that a handful of urban communities in the state have high concentrations of all three elements. These communities are also economically and socially destabilized, circumstances that are aggravated by the needs of the returning offender.

- 67% of the approximately 2600 offenders released from prison or jail to Suffolk County return to 25% of the county (mostly to sections of Boston)
- Of the 9 neighborhoods with the most returning offenders per capita:
 - All have poverty rates above the state average
 - 7 had poverty rates above 20%
 - 8 had as much as 50% of its households headed by females with children²

² L.E. Brooks, A.L. Solomon, S. Keegan, R. Kohl, and L. Lahue. *Prisoner Reentry in Massachusetts*, Urban Institute Justice Policy Center, Washington D.C. March 2005.

The fear is leading parents to keep their kids inside, which then limits the kids' access to resources and opportunities. They're locked in their home [and] potential gets stifled...

*-Mike Kozu,
Project Right*

To gain a better understanding of life in these communities CJI assembled four focus groups composed of residents and activists of high crime neighborhoods and victim service providers working in these areas.

Victim Services focus group

This focus group, made up of victim service providers including the mother of a murder victim, provided insight into the needs and experiences of victims.

- Victims should have the opportunity to express their concerns and needs
- All victims are not the same and experience different impacts despite similarities in the crimes
- Post-trauma effects do not necessarily occur within the narrow time frames of the criminal justice process
- The return of the offender from prison or jail is likely to trigger a new round of distress
- Attention and resources are, understandably, focused on the offender's return to society, but some attention should be directed to victims during this process

The mother of the murdered child offered a very emotional account of being a survivor and of losing one's child. She spoke of the remarkable path that has taken her to meet the person who murdered her son. She was preparing to participate in the first victim-offender dialogue to occur in Massachusetts in order to help this person understand the impact his actions has had on her and her family. She acknowledged that her path to restorative justice may not be for all victims; her surviving son does not share all of her views on this issue. But, she stated, the system should accommodate those victims who want to be a part of the habilitation of the offender, especially as the offender prepares to re-enter society.

Resident focus groups

Two focus groups were conducted, one composed of young residents of high-crime communities in the Boston area and the other of older residents of these same communities. The younger residents, mostly in their late teens and early 20s, talked about the fear and hopelessness that permeated these neighborhoods. One person's sense of hopelessness was expressed by her belief that all communities were like hers; unsafe and unstable. Yet, within a mile of where she lived were some of the most expensive homes in Boston. Another member indicated that when his brother and foster mother moved a few blocks away he could not join them because he was perceived as an enemy of the new neighborhood's gang. This group stated that they all knew kids their age that had died violent deaths; that they did not expect to continue to live in their neighborhoods; that they feared that their younger siblings would end up either dead or in trouble; and that their mothers were the only people they trusted. They distrusted

the police, generally finding them to be ineffective at maintaining public safety and reactionary to high profile crimes.

A number of the participants claimed to have never seen someone from a victim rights group or specialized services respond to a tragedy although all of them had close friends or family who had died violent deaths in the neighborhood. There was a sense among the participants that the traditional victim services such as trauma teams and counseling sessions are rarely evident when these communities experience tragedy. Interestingly, they explained that the community had developed its own mechanism for dealing with such trauma with most of the services being offered by community groups, volunteers and the faith community.

[Communities are good at] organizing street by street and building by building. [W]e can't just do it with victims alone or offenders alone, we have to do it together and having some sort of understanding on both sides to connect.

-Jeanne DuBois, Dorchester Bay Economic Development Corporation

The older residents of these neighborhoods held out hope that life would improve yet they despaired over the precipitous decline in the quality of life in their communities since they were young. Two issues received much of the attention. First, that young people seemed much less supervised and had far less to do than young people of a generation ago. The other issue was that organized community activism had increased with a very positive impact on the lives of the people living and working in these communities. While the focus group members were distressed at the level of violence and the lack of parental oversight and effective law enforcement, they were greatly encouraged by the work of community groups and volunteers that helped encourage business development, reduce crime in certain hotspots, and generally create a spirit of volunteerism that has improved the atmosphere in the community.

Community Activist Focus Group

This group of resident activists spoke about the system's failure with regard to the health and welfare of these communities. Their primary focus was on the lack of respect law enforcement and the criminal justice system had for their communities. They found law enforcement to be heavy-handed and disconnected from the needs of the community. They believed the corrections system returned offenders to their neighborhoods in worse condition than when they were taken off the street. And they found few resources from the system for the community to respond to the needs of the returning offenders.

Almost all of the focus group participants admitted being victims of crime at one point or another, but their anger and frustration was directed at the system rather than the offender. They knew first hand what it was like to be victimized and scared, yet they have become neighborhood activists in order to improve the lives of the previous victimizers and the residents who want to avoid becoming victims.

PHASE THREE: THE ROUNDTABLE

When a kid steals something from a candy store we need to make sure that they face the person they stole from. From the beginning they need to understand that what they did hurt somebody.

*-Tina Cheri,
Louis D. Brown
Peace Institute*

The intersection of returning offenders, the victims of crime and the communities to which they return is where 22 criminal justice professionals, community activists, service providers and policy makers met to discuss the impacts of offender reentry. The unique nature of this moderated discussion brought forth many issues beyond those that initiated this project. While the impacts of offender reentry on the victims and high-crime communities were at the heart of the discussion, the shortcomings of the system, the lack of resources from the state and the lack of creativity in dealing with the underlying problems in these communities triggered vigorous discussion and broadened the understanding of the audience members. Additionally, the problems of crime intelligence gathering, the rising rate of gun violence in the urban communities, the violence reduction strategies of the 1990s and what is missing from that formula today received attention from discussants.

The agenda for the roundtable included presentations from two criminal and social justice practitioners and an edited video of two of the focus groups, followed by extensive discussion among the roundtable discussants about the various issues presented.

Carol Shapiro, Family Justice Finding the Balance: Families, Social Networks and the Intersecting Circles of Reentry

The focus of “Finding the Balance” is on the importance of social networks to the success of the returning offender and in turn on the overall health and safety of the community. The definition of family includes the community – those people who have an influence on a person’s life. In this regard community (family) is at the heart of the victimization perpetrated by the offender and is the key to the offender’s successful return to society.

In communities we find dynamics similar to those in families. Thus, by looking at the similarities between communities and families we can see opportunities to apply the support inherent in families to communities. Like families, communities (both the people and the infrastructure) are present 24 hours a day, seven days a week. Houses of worship, healthcare clinics, housing and employment services and schools help communities connect to offenders. And ultimately, communities, like families, can be positive influences.

Engaging the community as a victimized member of the offender’s family is a new way of thinking about rehabilitating both the offender and the community. These opportunities must be recognized and acted upon by our leaders, those in the community and outside of it.

Some people want to lock them up [while] some people want to talk to the offender before they get out. This is important for people in public policy to listen to because policy makers are influenced by the conclusions of victims and the conclusions of victims are very, very different and to make public policy based on one set of conclusions is not necessarily making public policy that serves the whole community in the best way.”

*-Rep. Byron
Rushing,
Massachusetts
Legislature*

*Jim Kelleher, Western Massachusetts Correctional Alcohol Center
Sister Mary Quinn, formerly of Hampden County Sheriff's Department
Victim Impact Program and Community Accountability Board*

Hampden County's Victim Impact Panels involve a presentation from victims of crime to an inmate. The program not only requires the offender to revisit the scene of the crime but to also see the ripple effect of the impact of the crime. Virtually all re-entering offenders who go through the Victim Impact Panels have a better understanding of the long-term impact the crime has had on the victim.

The Community Accountability Board involves a group of resident volunteers from the community who meet with an individual inmate in a series of sessions a few months prior to the inmate's release. The board assists the inmate in identifying the victims of the crime and how the inmate can repair the harm, learning how the crime affected the community and how the inmate can make amends, and finally help the inmate understand what he or she needs to do to avoid returning to jail.

Video Presentation

A 20 minute video presentation of two of the focus groups presented the unique viewpoints of victim service providers and the mother of a murdered teenager; and a group of older residents of high-crime communities. Their comments offered perspective on:

- The issues that victims face when the offender is returning to the community
- The unique responses that individual victims have, which makes addressing their trauma a complex and ongoing mission
- The widespread impact of isolated incidents of crime on the communities in which they occur
- The unnoticed diminishing expectations of the residents for a quality of life that many people take for granted
- The capacity of a survivor to see potential in the offender who murdered her son
- The belief that the strengths of the community can overcome the lack of resources and the effects of unrelenting criminal activity

The focus group video provided the discussants and the audience with the stark realities of offender reentry and those most affected by the return of the offender. The victim service providers offered the discussants and the audience insight into the conflicting environment created by the return of the offender. Both victim and service provider understood that the offender was going to return and must be given the tools to maintain a lawful existence. The conflicted feelings were the result of the assumption that the victim was supposed to be okay now because time that had passed since the incident and the victimizer had been punished. The participants

The trauma affects the family life where everybody is cooped up inside and afraid to go outside or afraid to turn their lights on. Family relationships are damaged. It affects our educational system; you have young people afraid to go to school or to go back home without some form of protection. It affects work and job when you've got parents afraid for their kids; always worried about their kids so that affects (their ability to do) their jobs. It affects every aspect of life in these communities.”

*-Rev. Jeffery Brown,
Union Baptist
Church*

agreed that time did not necessarily heal all wounds and the return of the offender could often trigger a new round of trauma.

The mother of the murdered child spoke passionately about the impact of losing a child and showed extraordinary compassion toward the young person who killed him. After much thought she decided to reach out to the young man who killed her son and this led to her meeting him in a Victim-Offender Dialogue. The mother acknowledged that the path she had taken may not be appropriate for all victims and survivors, but forcefully explained that this should serve as an example of just how different victims are from each other.

Roundtable Discussion

The impact of victimization on the community

Fear and trauma are the words describing what life is like for residents of these communities. Fear is an inescapable fact of life and creates responses that further isolate the residents. The fear is traumatizing. It can lead people to hide and withdraw or it can lead people to arm themselves for protection.

The harm being caused to young people who grow up in the high-crime communities is difficult to quantify but readily apparent to those who live and work with these kids and in these environments. The kids, from a young age, are desensitized to aberrant behavior. Discussants were disturbed by the inability of the justice system to address some of the obvious and most basic needs of kids at risk that contribute to the dangerous environment in these neighborhoods. Things like education, after-school programs and summer jobs have all been shown, through research, to positively impact the lives of the kids at risk as well as the community. The lack of services in the correctional facilities also drew the ire of the discussants, due to the inability of returning offenders to get jobs, housing and treatment.

At the same time, argued one discussant, government is a reflection of society. It is the product of a political process and public attitudes often direct policy and practice. The responsibility for addressing these problems must be shared. Resources will always be lacking so better collaborations must be created in order to fill the gaps.

The criminal justice system

The systems of government came under scrutiny for the way they manage the people involved in the system. Leadership and resources are the primary elements of the success of any system, and government is no different. There is ample evidence, according to some discussants, of where the needs are greatest in these communities and research has identified the programs and services most effective in producing the

desired outcomes. Yet, government is unable to respond in a way that induces confidence let alone success. Why is this?

According to the service providers on the roundtable, the budget cuts that occurred in 2003 and 2004 fell hard on the programs that were most important to the issues of revictimization and recidivism reduction. These cuts continue to limit the ability of service providers, whether they are within the correctional system or in the community, to respond to the needs of those most at risk of being impacted by crime and those who are likely to commit crimes.

Various discussants offered support for the notion that governmental leadership and community responsibility are needed to reduce the burdens absorbed by the communities. Funding for reentry programs is rarely a priority but the research shows that reentry programs are effective. Leadership is necessary because long-term improvement is too often held hostage to short-sighted restrictions. At the same time the community must develop the capacity to drive this agenda. They must create the political capital and proven service delivery capacity to convince the governmental structures that these programs are necessary and important, and that the community is a capable partner.

What can be done?

The community, manifested in the people that live and work there, knows how to resolve some of the most difficult problems and it simply needs the resources to implement these strategies, according to a number of discussants. Communities know their strengths and have the capacity to organize at a very personal level.

In order to begin to improve communities we have to prevent crime, not just respond to it. Prevention is a public health issue as well as a criminal justice issue and therefore should be promoted by a broader range of providers. Inherent in the concept of prevention is that it directly involves services to children. Children are the next generation of employers and employees, business leaders, parents, and criminals. What they are exposed to has a significant impact on their development. If, at a young age, certain behaviors are not addressed and positive modeling is not reinforced, then the young person is likely to become a greater threat to the stability of his or her family and the community.

The resources that state and local officials provide should not be limited to financial support. Boston has been recognized internationally for its innovative policing methods and the success of involving the community in its public safety efforts. These efforts were highlighted during the focus group discussions as a missing ingredient in the current efforts to reduce crime and foster positive community relations. In addition to community

Being tough on crime is [currently viewed as] only punishment. Being tough on crime should be prevention programs, more street workers and intervention programs. Unfortunately, a lot of the things that we know work have been cut due to budget cuts. We shouldn't be surprised we have such crime and recidivism problems when we cut what works.

*-Mike Kozu,
Project Right*

policing, other measures that have been successful in linking the system with the community include neighborhood probation offices, reentry centers and activities that bring public safety officials and staff into these communities.

Advice from the Roundtable:

- Victims need to be part of the restoration and habilitation of the offender. Victims willing to participate must be included in the process and the state needs to facilitate this.
- The communities most impacted by crime have been dealing with crime for years. These communities need local and state support as they confront the impacts of crime, victimization and reentry. For example:
 - Community leaders collaborating with law enforcement
 - Police maintaining a personal relationship with the community in which they work
 - Effective community programs receiving adequate resources
- The correctional system has recently made progress in shifting the focus from punishment-only to recidivism reduction strategies. This shift must be embraced throughout the criminal justice system and in all of the county facilities so that offenders returning to their communities are better able to find housing, jobs and continue to receive the treatment that began in prison.
- The process of preparing offenders to return to the community must begin the day the offender enters prison or jail and services must continue through the offender's return to the community with the community's direct involvement.

Food for thought:

The Roundtable discussants and the focus group participants provided a view of the impacts of reentry and crime on the communities that are most impacted by crime. The solutions they recommended for reducing crime and for assisting offenders transitioning to the street drew from their experience in these communities. Not surprisingly, the research on what works in offender reentry and crime reduction supports many of these solutions.

Over the past few years, researchers have concluded that sound reentry and transition preparation reduces recidivism³. Additionally, the involvement of the community in the habilitation of the offender increases the offender's opportunities for success, reduces the anxiety of the community with the return of the offender and creates a structured environment in which positive behavior is modeled.

³ M.W. Lipsey. *Effective Correctional Treatment Enhances Public Safety*. International Correctional Association, Monograph Series Project, Publication #3. (2003)

It [the justice system] is a bit schizophrenic. Does it want to punish or to address recidivism? With fifth or sixth grade education levels of offenders [leaving prison], I think the answer is clear....

*-Teny Gross,
Institute for the
Study and Practice
of Nonviolence*

We have to be both optimistic and pessimistic. We don't have a (single) answer, although we have several little answers. But we have people willing to plug in the little answers ... We're not just talking about re-entry, we're talking about pre-entry ... we have to do many things at once.

*-Rep. Byron
Rushing,
Massachusetts
Legislature*

What do we know?

[Recidivism can be predicted.](#) This means that we can identify those offenders who are most likely to recidivate when they are released. Through an assessment of the offender early in his or her incarceration we can identify the factors we know lead to continued criminal behavior.

[Recidivism can be reduced.](#) This means that once we know who is likely to recidivate (higher risk offenders) we can take steps to address the risk factors that create this likelihood. These risk factors are identified during the assessment of the inmate and interventions/programs can be implemented both during incarceration and after release to reduce the likelihood of recidivism.

[High-return communities can be targeted.](#) The neighborhoods where offenders return should be able to provide support for returning offenders. Resources must be targeted so that services necessary to support offenders, such as behavior counseling, skills training and mentoring are available in these communities.

[Family support is vital.](#) The offender's family is a necessary part of the offender's success after release and should be part of the transition planning. Programs that enhance the health of the family and its ability to assist the offender should be implemented in correctional facilities and in the community.

[Bring the system to the community.](#) Community policing has been shown to not just reduce crime and improve crime solving, but it has improved the relationship between residents of high-crime communities and law enforcement. This model should also be applied to probation and parole departments as they monitor offenders in the community. These officials could locate offices within these neighborhoods in order to increase the visibility of the officers in the community. Meetings between the offender's family and the officers and contact between the victim, community members and the officers provide important connections for successful reentry.

[Pro-social activities must be present and available.](#) The creation of partnerships among law enforcement, including probation and parole officers, and the community must be used to create a pro-social environment, one where positive influences are the norm. Pro-social activities through jobs, church and community organizations are a vital component of the offender's eventual success on the street and are also important in modeling behavior in a preventive manner for the next generation.

CONCLUSION

In a handful of communities in the Commonwealth, crime is a fact of everyday life. These communities are home to the majority of crime victims in the state and they receive the majority of offenders returning from prison, jail or court. These communities and the people who live and work in them are rarely viewed as victims in the traditional sense. They are also not part of the reentry process.

[W]e don't realize how many resources we have in these communities. The people living there are resources and just need to be tapped. They have information and experience from living in these hot areas for years. (The) problem is that the system doesn't include them. We have to ask them.

*-Mike Kozu,
Project Right*

While returning ex-offenders further strain already disadvantaged neighborhoods, they are also the sons and daughters of these communities. They are at once the victimizers and those most in need of immediate assistance because of the potential for recidivism. The communities who receive them must deal with the multitude of issues in this complex environment. Should they welcome them back as their own? Should they respond to their return with services, knowing that recidivism will further destabilize the community? Or should they retreat to their homes out of fear and frustration at the prospect of being re-victimized?

As the numbers of offenders returning to these communities continue to rise and as recidivism rates remain unchecked, it is necessary that criminal justice professionals, community organizers, service providers, and the residents of these communities begin to examine new ways to address these threats. One thing remains clear in this effort: the communities most impacted by crime must be part of the solution.

APPENDIX

Moderator

- Bill Coughlin, Chief Operating Officer, Community Resources for Justice

Presenters

- James Kelleher, Assistant Superintendent, Western MA Correctional Alcohol Center
- Carol Shapiro, President, Family Justice

Discussants

- True See Allah, Operation Reentry Coordinator, Action for Boston Community Development, Inc.
- Michael Ashe, Sheriff, Hampden County
- Reverend Jeffrey Brown, Union Baptist Church, Cambridge
- Andrea Cabral, Sheriff, Suffolk County
- Tina Chery, Executive Director, Louis D. Brown Peace Institute
- Diane Coffey, SAFEPLAN Program Manager, MA Office of Victim Assistance
- Liz Curtin, Director of Adult Correctional Services, Community Resources for Justice
- Jeanne DuBois, Executive Director, Dorchester Bay Economic Development Corp.
- Teny Gross, Executive Director, Institute for Study and Practice of Nonviolence
- Kevin Hayden, Assistant District Attorney, Suffolk
- Michele Higginbottom, Assistant Director, Hastings House, Crittenton
- James Jordan, College of Criminal Justice, Northeastern University
- Paul Joyce, Superintendent, Boston Police Department
- Michael Kozu, Project Director, Project Right
- Doug Lomax, Substance Abuse Coordinator, Boston Municipal Court
- Veronica Madden, Deputy Commissioner, Department of Correction
- Kathleen Shultz, First Assistant Deputy Superintendent, Worcester County Sheriff
- Donovan Walker, Founder, Showdown Youth Development Organization
- Donald Giancioppo, Executive Director, MA Parole Board
- Ronnie Watson, Commissioner, Cambridge Police Department

Women and Reentry:
Foundations for Success

May 25, 2006

Final Report

Prepared by
Meghan Howe, Kristin Collins, and Len Engel
Crime and Justice Institute

Sponsored by the Massachusetts Executive Office of Public Safety





Women and Reentry: *Foundations for Success*

Crime & Justice Institute Reentry Roundtable Series
May 25, 2006

OVERVIEW

On May 25, 2006, the Crime and Justice Institute hosted a roundtable entitled “Women and Reentry: Foundations for Success,” sponsored by the Massachusetts Executive Office of Public Safety. Facilitated by David Fairman of the Consensus Building Institute, the event drew practitioners, researchers, and policymakers from the government and nonprofit sectors. Attendees heard presentations from leaders in the field as well as discussion among Massachusetts’ stakeholders as to the most effective ways to meet the needs of returning female offenders.* This paper offers highlights of the ideas presented at this forum, and the suggestions made for moving forward.

In Massachusetts as well as nationwide, incarcerated women represent a small but important minority in prisons, jails, and community corrections. In 2003, nearly 9,000 women cycled through the Massachusetts’ County Houses of Correction and the state prisons; the vast majority of those women returned to the community within one year. When women cycle in and out of prison, families and communities suffer; children are removed from their homes, and communities lose their caretakers. Massachusetts has begun a substantial dialogue on the needs of female offenders, but much of the focus thus far has been on serving women while they’re in institutions, rather than when they’re returning to the community. To expand upon this discussion, the roundtable focused on ensuring the successful transition of women back to the community.

Female offenders face myriad issues upon reentry, and one day of dialogue was not sufficient to address them all. It was also difficult to select one or two issues on which to focus, since most of these issues are interwoven: women cannot reunite with their children without housing, they cannot secure housing without employment, and they cannot maintain employment without addressing substance abuse issues. Therefore, instead of focusing directly on the challenges facing women, the roundtable focused on the core elements of providing effective services to women: providing integrated, coordinated case management; trauma-informed care; and services based on a relational model. Over the course

* Please see appendix for a list of presenters and discussants.

of the day, presenters discussed these concepts from the perspective of research and practice, and roundtable participants discussed how to apply them in the Commonwealth.

PRESENTATIONS: FOUNDATIONS OF EFFECTIVE SERVICE

The tone for the roundtable was set through presentations by national and local experts and practitioners.

Women may figure out they have job skills and a place to live and children in their custody, but they don't feel comfortable walking into the public library because they don't feel like it's a place where they belong. So, take advantage of the opportunity to work with [offenders] in the real world, so that long term they have a better chance of being successful....

*-Georgia Lerner,
Women's Prison
Association*

Georgia Lerner, Women's Prison Association Thinking About Reentry Needs: A Model for Successful Community Reintegration.

The Women's Prison Association has assembled a matrix entitled "Thinking about Reentry Needs and Discharge Planning."[†] The matrix is based on the agency's work with returning female offenders, and it attempts to provide a model for working with women in a coordinated, holistic way. Women returning from jail or prison have many competing needs that require prioritization, but cannot necessarily be managed linearly. The matrix considers five different life areas: subsistence/livelihood; residence; family; health and sobriety; and criminal justice compliance. In each of these areas, the matrix prioritizes service needs based on three reentry phases: survival (e.g. needing something to eat and a place to stay); stabilization (e.g. transitional housing, drug treatment); and self-sufficiency (i.e. stable employment, family reunification). Professionals working with women need to meet them where they are, and allow each woman to determine her own priorities.

Several systemic barriers exist to women prioritizing and attaining their goals. Many service models are designed to address one need at a time, but time is not always available to address each need in turn. For example, the Adoption and Safe Families Act limits the amount of time children can spend in out-of-home placement before parental rights are terminated. As a result, mothers often prioritize family reunification over treatment. Even when time is not a factor, women don't always have access to what they need, such as a safe living environment, or they are caught in a catch-22: they can't obtain custody of children without housing, and they can't qualify for large enough subsidized housing if they are not a custodial parent.

Given these barriers, Ms. Lerner suggested guiding principles for working with reentering women:

- Ask a woman her goals, and expect that she can achieve them.
- Have women design their own service plan, with staff support.

[†] More information about the Matrix is available on the Women's Prison Association website, www.wpaonline.org.

It's not a relationship that these women have with a position, it's a relationship that they have with a person.

*-Katya Fels,
On the Rise*

I need to be consistent. I have expectations of the clients, and I'm the model. She's watching me.... You cannot teach it if you are not doing it.

*-Sue Bergeron,
After Incarceration
Support Systems*

- Assume that women have a history of trauma
 - Respect important relationships in a woman's life
 - Develop a plan for family contact
 - Develop a strengths inventory
 - Encourage accountability for the past
 - Understand how to navigate different systems
 - Provide opportunities for real-life experiences
- These guidelines can assist providers in empowering women and motivating them to achieve their goals.

Laurie Markoff, Institute for Health and Recovery

Trauma-Informed Care and Relational Models: Are They Relevant?

The Institute for Health and Recovery participated in the Women, Co-Occurring Disorders, and Violence Study, which added to an existing body of research on effective coordination of care for women with alcohol or substance abuse issues, mental health issues, and histories of abuse. Research from the study is being applied to implement and evaluate effective interventions for women.

The vast majority of incarcerated women have trauma histories, and many have mental health and substance abuse issues, along with their criminal histories, that are related to that trauma. Trauma has physical, cognitive, and emotional effects, and it affects women's perceptions of themselves, their beliefs, and their relationships. It also affects a woman's ability to practice basic life skills. Until the effects of trauma are effectively managed and treated, women have difficulty participating in their own treatment, complying with the conditions of the criminal justice system, and taking care of themselves.

It should be assumed that women involved in the criminal justice system have trauma histories, even if they don't disclose. Trauma-informed care and relational approaches are essential to working with these women. Trauma-informed care helps to keep people from being re-traumatized in facilities and programs. Using a relational model is important because women base their identity on relationships and are motivated to change by their desire to improve relationships. Providers need to model healthy relationships, and create an empowering environment.

Ms. Markoff cited six principles of trauma informed care:

- Establish a safe environment where triggers are minimized
- Use an empowerment model that promotes strength and choice
- Build safe coping skills
- Support the development of healthy relationships
- Provide services that are trauma-specific
- Be holistic

Applying integrated, trauma informed approaches in settings where staff form mutual, empathic, and authentic relationships with clients will be most effective in achieving success with women impacted by trauma.

*Judith Fox, Rhode Island Department of Corrections
Mentoring Female Offenders*

The Women's Mentoring Program began in 1991 as a grant funded program, and was adopted by the Rhode Island Department of Corrections the following year. The program demonstrates the relational model by matching interested female offenders with trained mentors who are recruited from the community. The pair begins to meet prior to the female offender's release, and continues to meet for at least one year. During that time, mentors and female offenders take part in monthly meetings run by the program, and mentors take part in monthly support groups.

The program is designed to teach women healthy relationship skills, lifeskills, and trust. Program participants are able to practice healthy behaviors in a non-judgmental environment, and mentors serve as advocates and resources for women offenders, as well as presenting a positive image of the program to the community. The program has tangible benefits as well: an evaluation conducted by program staff indicated that women who participate in the program have a one year recidivism rate of 25%, compared to 40% for non-participants.

As the program manager, Ms. Fox has observed that for the program to be successful, both mentors and female offenders need support. Mentors require good training, especially regarding boundaries. Mentoring is most effective when combined with other interventions, such as structured housing environments and wrap-around services. Ms. Fox also feels that having the program funded and run by the Department of Corrections has helped in gaining access to women and their records, as well as engaging the support of DOC staff.

*Jennifer Sordi, Sue Bergeron, and Penny Belisle, Hampden County
Sheriff's Department
After Incarceration Support Systems*

After Incarceration Support Systems (AISS) began in 1996 as a reentry program for offenders leaving the Hampden County House of Corrections. The hallmarks of the program are its holistic, relational approach to working with male and female offenders, and the largely voluntary participation of offenders. In 2005, 738 individuals participated in the program, and the 3-year recidivism rate for program participants has shown a steady decline since 2002, when the first cohort of 3-year data was reported.

*I remember to
this day sitting
on the floor with
the phone in my
hand realizing
that I'd burned
all the bridges.
Even the people I
dealt with in the
street no longer
wanted to accept
my calls. My
family wanted
nothing to do
with me, I've lost
children, I've
had adoptions,
custody battles;
no one wanted
nothing to do
with me. And I
got tired... That
white flag went
up, and I said I
can't do this
anymore.*

*-Penny Belisle,
After Incarceration
Support Systems*

The thing that kind of knocks me for a loop is realizing how much work there is to do, how much relationship we all have to build to get the knowledge...and to work collaboratively together in all these areas to make sure that women have the services they need.

*-Ellen Mason,
The Workplace*

The relational model is of the utmost importance to the program's success. The staff in the women's program has been the same since the program's inception, and staff members conduct "inreach" to incarcerated offenders to begin to form relationships. Staff members "meet clients where they are," and stay with them through the ups and downs of reentry, building a nurturing relationship with very clear boundaries. Women also have the opportunity to be matched with a mentor in the community to develop an additional healthy relationship. These mentoring relationships benefit both parties, providing support for the women and helping the Sheriff's Department develop a positive relationship with the community.

AISS also makes an effort to employ ex-offenders. The program offers stipends to "senior mentors," successful program participants and former offenders who serve as peer mentors. One of the two Women's Aftercare Support Coordinators, Penny Belisle, is a graduate of the program and serves as a role model of what can be accomplished by a woman committed to change.

DISCUSSION: HIGHLIGHTS AND THEMES

Female offenders have diverse needs

Women are dealing with many issues simultaneously. A balance must be struck between acknowledging the interrelatedness of issues and establishing priorities. Depending on the lens through which a woman is viewing the world, any of these could be considered paramount: physical and mental health, substance abuse, housing, employment, education, and family reunification. Service providers each have their own opinions regarding a woman's priorities; even though expert opinions may be well-intentioned, women must have the opportunity to choose their own priorities.

Building motivation is a key to success

For women to be engaged in their reentry process, they need to play a role in setting their goals and define their motivation to meet those goals. When women establish their own priorities, they are working toward goals that have meaning for them, and therefore are more motivated to pursue them. As Jack Fitzgerald from the Hampden County Sheriff's Department stated, "We don't motivate people. We try to find the internal motivators that are there, and get the obstacles out of the way so that those motivations can take over."

Research has shown that genuine support from one person can be a motivating factor in women's recovery and rehabilitation, and a service provider can be that person. One note of caution, though, is directed at criminal justice professionals. Anyone with a supervision or enforcement role must define the boundaries of a supportive relationship very clearly. For example, a parole officer must be clear that s/he will support a women

throughout her recovery, but will have to report a violation if the woman relapses.

Massachusetts recognizes the need for trauma-informed, relational approaches

Models exist in Massachusetts for using trauma-informed, relational approaches in facilities and in the community, including Hampden County and new interventions being developed in the Department of Correction. Many discussants recognized aspects of trauma-informed, relational approaches in the work they are currently doing. Challenges to these approaches include ensuring that staff members are being consistently trained and kept up-to-date on the latest research and different agencies are collaborating to provide a smooth transition from facility to community.

Providers lack resources for a coordinated approach

Roundtable discussants wholeheartedly supported the concept of a holistic approach to working with female offenders. Those who work with offenders in one area, such as housing or employment, recognize the need to help women establish priorities, and the need for collaboration to help women address those needs. Those who provide comprehensive services for women attempt to address multiple needs in a coordinated way. However, this type of coordination requires a great deal of effort, and funding streams do not always support a holistic approach to care. Agencies must leverage several funding streams or provide services without earmarked funding in order to meet women's multiple needs. Also, service providers are challenged to develop client-centered approaches to assessments and service plan development that allow women to set their own priorities while still meeting funding requirements. Funding sources that are more flexible or designed to offer a holistic approach would support this work.

Reentry must be a continuum from facility and community

The Department of Correction and some of the county systems in Massachusetts have implemented programs designed to stabilize women, establish treatment and reentry plans, and begin treatment. It is essential for community corrections and social service agencies to continue this work for two reasons: without continuity treatment is unlikely to be effective, and women are often incarcerated for such a short period of time that treatment has only just begun when women are released.

Challenges must be addressed at the agency, county, and state level

In addition to a lack of resources for coordination, resources are often unavailable in women's priority areas, such as housing. This is due not only to a lack of funding, but also policies, laws, and regulations that limit services available to women offenders. As Christina Ruccio from the

What is really necessary is an institutional relationship that tackles the problems systemically, rather than on a case-by case basis, or even an agency-by-agency basis... You can do this at the state level, you can do this at the city level, you can do this at the county level. What is required is that you bring people to the table...you take leadership.

*-Erika Kates,
University of
Massachusetts
Boston*

As important as this discussion is, it needs to happen in lots of other settings so that we don't continue to have the criminal justice system be where the mental health treatment is, where the addiction treatment is. We shouldn't have women feel like if I just got arrested, I would have better access to services. It's a waste of resources and then it hurts them down the line.

*-Katya Fels,
On the Rise*

Suffolk County Sheriff's Department put it, "We don't have the resources to put [a woman] in the phase [of reentry] that she's ready for, and that, quite frankly, she deserves." Motivated women are stymied by lack of services, and are forced to take a step backward. For example, a woman with the skills to maintain independent housing may be placed in a crisis shelter because that is all that is available. These issues cannot be addressed on a case-by-case basis; leaders and policymakers must address these issues on a community level.

GOING FORWARD

Ongoing training is needed

Everyone working with women should be aware of their potential trauma histories, and be trained to apply the principles of trauma-informed care. Though most service providers will not be doing clinical trauma recovery work, they need to take steps to ensure that they are not re-traumatizing clients. As Susan Moitozo from Spectrum Health Systems stated, "You don't have to be a trauma specialist to be trauma-aware."

Clinical and non-clinical staff members need to be trained in a systematic way and stay up-to-date on the latest research. Staff may be familiar with the terms "trauma informed" and "relational model" while being unfamiliar with their meanings or how to apply them. Clear and consistent training, policies, and supervision practices must be in place to support staff in this complex work.

Seek opportunities to intervene early

Female offenders are often involved in other systems, such as child welfare or family courts, prior to being convicted of a crime. Therefore, many opportunities exist to intervene early, to the benefit of women as well as their children, who are negatively affected when their mothers go to jail or prison. Georgia Lerner highlighted a Women's Prison Association program that provides services to women who, because of substance abuse, are at risk of losing their children and being incarcerated. The program works intensively with families and costs less per family than foster care or incarceration.

Leadership and collaboration are essential

Reentry issues cannot be solved by one provider working with one offender. Collaboration is essential to offer women all of the services that they need, and to address institutional and political barriers to successful reentry. In addition, there must be leaders who are willing to take responsibility for nurturing these collaborations, and for helping to establish a clear message about the goals of reentry and the direction that criminal justice agencies and their partners should be taking.

Several suggestions were made on this topic. Sheriff Frank Cousins of Essex County stated that he believes it is his role to set the tone for his department on reentry issues, and to ensure his staff receives a consistent message. He also feels that he is responsible for bringing reentry stakeholders to the table and building collaborations. Erika Kates of the University of Massachusetts, Boston cited positive experiences in bringing state-level stakeholders together to discuss issues of family contact and reunification among offenders; she felt that high-level discussion and action is the most effective way to address institutional barriers.

Create new housing options

Transitional and low-income housing offered by non-profit agencies does not have the same eligibility limitations as government-subsidized housing. The Women's Prison Association's Sarah Huntington Powell House offers a model that could be adopted in Massachusetts. Women are able to reunite with their children while living at the program, increasing their likelihood of being eligible for subsidized housing. By removing the pressure of securing transitional housing, women are able to focus on other priorities such as family reunification and drug treatment.

Build positive public image

Offenders are more likely to complete successful reentry if the community is supportive of their return. Agencies that work with offenders should take responsibility for building that support. Jennifer Sordi and Judith Fox note that starting a mentoring program is an opportunity to improve public image; the community becomes more involved in community corrections, and mentors share their positive experiences and recruit others. Gerard Desilets of the South Middlesex Opportunity Council stressed the importance of talking with community members and policy makers about the fact that offenders are coming home anyway, and we need to decide how we want them to come home.

CONCLUSION

Roundtable facilitator David Fairman identified five threads of the discussion that reflected what agencies as well as individual offenders are striving for in this process:

- Insight: an understanding of where you are and the impact of your choices;
- Trust: building healthy relationships and collaborations for support and growth;
- Motivation: identifying goals and taking risks to achieve them;
- Effectiveness: believing that you can achieve some of what you set out to do;

- Responsibility: holding yourself accountable and being held accountable by others for the choices that you make.

Massachusetts is acknowledging and striving to meet the needs of women offenders. However, several hurdles remain unaddressed; those highlighted here include funding and coordination of community-based resources; collaboration among institutions and individuals at all levels; and the creation of a continuum of services from facility to community that meets each woman's unique needs. This roundtable provided the opportunity for much needed collaborative discussion, and the ideas presented can provide a springboard for collaborative action.

For more information regarding Women and Reentry: Foundations for Success and the Reentry Roundtable Series, please visit the Crime and Justice Institute's website, www.cjinsitute.org, or contact Len Engel, 617-482-2520 x129, or Meghan Howe, 617-482-2520 x128.

APPENDIX

Facilitators

- David Fairman, Managing Director, Consensus Building Institute
- Ona Ferguson, Associate, Consensus Building Institute

Presenters

- Penny Belisle, Women's Aftercare Support Coordinator, After Incarceration Support Systems, Hampden County Sheriff's Department
- Sue Bergeron, Women's Aftercare Support Coordinator, After Incarceration Support Systems, Hampden County Sheriff's Department
- Judith Fox, Manager, Rhode Island Department of Corrections
- Georgia Lerner, Associate Executive Director, Women's Prison Association
- Laurie Markoff, Director of Trauma Integration Services, Institute for Health and Recovery
- Jennifer Sordi, Assistant Deputy Superintendent, After Incarceration Support Systems, Hampden County Sheriff's Department

Discussants

- Frank Cousins, Sheriff, Essex County
- Gerard Desilets, Director of Policy, Planning, and Community Relations, South Middlesex Opportunity Council
- Michelle Donaher, Director of Female Offender Services, Massachusetts Department of Correction
- Katya Fels, Executive Director, On the Rise, Inc.
- John Fitzgerald, Assistant Superintendent of Community Corrections, Hampden County Sheriff's Department
- Erika Kates, Research Director, Center for Women in Politics & Public Policy, University of Massachusetts Boston
- Ellen Mason, Senior Program Manager, The Work Place
- Susan Moitozo, Associate Vice President of Clinical Services, Spectrum Health Systems
- Hon. Michael Pomarole, Associate Justice, Cambridge District Court
- Diane Richardson, Graduate, Community Reentry for Women, Suffolk County Sheriff's Dept.
- Laura Richardson, LCSW, Social Worker, South End Community Health Center
- Christina Ruccio, Program Director, Community Reentry for Women, Suffolk County Sheriff's Dept.
- Jane Tewksbury, Esq., Commissioner, Department of Youth Services
- Maureen Walsh, Chair, Massachusetts Parole Board

Employment of Ex-Offenders:
Employer Perspectives

October 31, 2006

Final Report

Prepared by
Jennifer Fahey, Cheryl Roberts, and Len Engel
Crime and Justice Institute

Sponsored by the Massachusetts Executive Office of Public Safety



Acknowledgments

We are grateful to the Executive Office of Public Safety for funding this project as part of the Reentry Roundtable series. We would also like to thank our project advisory group, which included:

Reverend Jeffrey Brown, Union Baptist Church, Rodney Daily, Suffolk County Sheriff's Department, Lew Finfer, Massachusetts Communities Action Network, Tom Grassia, Grassia, Murphey & Lupan, Scott Harshbarger, Proskauer Rose LL, Tom Jones, Associated Industries of Massachusetts, Lyn Levy, SPAN, Lynne Lyman, Office of Human Services, City of Boston, Ellen Mason, The Work Place, John Regan, Associated Industries of Massachusetts, Nancy Snyder, Boston Private Industry Council, and David Sullivan, Massachusetts Parole Board and Department of Workforce Development.

We thank the policymakers, employers, and other stakeholders who participated in our Employment Roundtable, where we presented the findings of this study. Based on the identified priorities and concerns of employers, Roundtable participants provided suggested strategies—outlined at the end of this report—to help facilitate employment of ex-offenders. Roundtable participants included:

Senator Jarrett Barrios, Mariana Bugallo-Muros, Partners Human Resources, Patrick Flavin, TJX Human Resources, Tom Jones, Associated Industries of Massachusetts, Lyn Levy, SPAN, Lynne Lyman, Office of Human Services, City of Boston, Ellen Mason, The Work Place, Jack Quinn, Office of Community Corrections, Ed Christian, Snap Chef, Nancy Snyder, Boston Private Industry Council, David Sullivan, Massachusetts Parole Board and Department of Workforce Development, Asheley Van Ness, Executive Office of Public Safety, and Richard Ward, The Boston Foundation, among others. Thanks to Ona Ferguson of Consensus Building Institute for facilitating the discussion.

Thanks to Harry Holzer at Georgetown University for his advice. We also thank Liz Curtin, Brenda O'Donnell, and Michael Tausek at Community Resources for Justice for their assistance, and Julie Finn for production of this report.

Finally, we wish to thank the employers and union representatives who made time to participate in this research and share their thoughts with us.

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Executive Summary

Employment fills a vital need for most individuals; it provides income, social connection, and feelings of societal contribution and self worth. For ex-offenders returning to the community after a period of incarceration, employment can make the difference between succeeding and returning to prison. Research shows that employment is associated with reduced recidivism.

Yet ex-offenders face significant barriers to employment after release from prison. Barriers include employer attitudes toward individuals with criminal records, legal barriers, educational and financial obstacles, substance abuse and health issues, and lack of stable housing. While employment is critical to ex-offenders' successful reintegration, prospective employers have their own set of interests when considering whether to hire an ex-offender.

To gain a better understanding of employers' views about hiring ex-offenders, the Crime and Justice Institute (CJI) conducted a review of the national research literature and held four focus groups with 28 employers in the greater Boston area. Drawing from various industries, the focus groups were divided between employers that had hired ex-offenders and those that had not. At the end of the project, CJI re-convened the project advisory group, along with other practitioners and policymakers, to review the focus group findings and provide recommendations and next steps for inclusion in this report.

National Research

As research by Harry Holzer has shown, employers are more reluctant to hire ex-offenders than any other disadvantaged group. Employers are concerned that ex-offenders lack skills and work history and may not be trustworthy. They fear liability for negligent hiring. Employers' willingness to hire ex-offenders is also influenced by the type of industry and position, the type and severity of crime committed by the job applicant, and work experience since release from prison. In many states, the easy availability of criminal history data may also present a barrier to employment.

Massachusetts Focus Group Findings

Employers' primary interest is their business, its customers, and employees. Most employers reported that a hiring decision depends on the individual circumstances of each case, including the type of job and the specific factors in the applicant's history. For instance, an employer in financial services would not hire someone with a history of embezzlement, and employers in health services were not likely to hire someone with a drug conviction—especially if they might have access to medications. Employers indicated that a candidate with a criminal history is generally going to be less attractive than one without, so ex-offenders have more obstacles to overcome. In particular, many employers did not want to be the first to employ a recently released

offender; rather they were more comfortable considering someone who had already established a positive track record after release. Completion of transitional employment was described by some as “evidence of rehabilitation.”

The three support services and incentives that employers rated as having the most positive impact on hiring were: completion of a transitional employment program after release, general work readiness training, and specific job skills training. Although employers consider technical skills to be important in the selection process, they reported non-technical (“soft”) skills as being most important. These soft skills include good communication and interpersonal skills, ability and willingness to learn, attention to detail, reliability, and showing up for work on time.

Most employers are unaware of the tax incentives, bonding programs, and intermediary organizations currently in place to facilitate employment of returning offenders. Employers generally seem interested in the support systems that seek to bridge the gap between ex-offenders and prospective employers, but need to know more about the programs and how they fit with their needs.

Although many employers would like to give a qualified ex-offender a second chance, they are averse to taking risks that they feel could threaten their workplace or reputation. Over half of participating employers rated greater protection from legal liability as having a very positive impact on their likelihood of hiring an ex-offender; however, many are also skeptical that this could be effectively implemented. Moreover, some employers feel that protection of reputation and client base is of even greater concern than legal liability.

In spite of the numerous barriers to employment of ex-offenders, there is reason for some degree of optimism. Employers who had hired ex-offenders reported mostly positive experiences. For example, one employer who had employed inmates from a pre-release center indicated that they were some of his best workers, in part because they were closely monitored, eager for the chance to work, and motivated to succeed. Moreover, employers reported that various support services and incentives would have a favorable effect on hiring.

Recommendations for Improvement

Our interviews with employers and union representatives suggest that the following strategies could help alleviate some employer concerns and foster better connections between employers seeking to hire and ex-offenders seeking to work:

- Provide structured transitional employment opportunities so that ex-offenders can build positive work experience and references upon release from prison;
- Increase and strengthen training in both soft and hard skills, and create more partnerships with employers to match technical training with their industry needs; and
- Create a marketing campaign to educate employers about how and where to hire qualified ex-offenders, available government incentives, and successes experienced by employers that have hired ex-offenders.

When project advisors and other stakeholders were presented with the findings of this study and asked which issues were most important and feasible to address, they recommended that Massachusetts make skill enhancement a top priority. In particular, the group felt that offenders should begin to develop soft skills while incarcerated and continue their training after release when those skills are most needed. Other high priorities that advisors felt were feasible to address include education and marketing outreach to employers and provision of basic tools for ex-offenders, such as identification and social security cards.

Employment of Ex-Offenders Employer Perspectives

INTRODUCTION

It is well known that employment is an important need of most individuals; it provides income, social connection, and feelings of societal contribution and self worth. What may be less well known are the barriers to employment faced by those with a criminal record, the challenges faced by employers in hiring ex-offenders, and what can be done to facilitate employment opportunities as record numbers of people transition from incarceration to the community.

The Crime and Justice Institute, sponsored by the Massachusetts Executive Office of Public Safety, conducted a series of focus groups with employers in an attempt to further understand the issues surrounding employment of ex-offenders. This paper, the third in our Reentry Roundtable Series, briefly examines national research on the subject, summarizes the findings of four employer focus groups and two union representative interviews, and makes recommendations for improving employment opportunities for ex-offenders in Massachusetts.

OVERVIEW OF NATIONAL RESEARCH

Research shows a correlation between employment and recidivism. Low levels of educational, vocational, and financial achievement, and especially unstable employment, are among the major predictors of continued criminal conduct.¹ The employment barriers facing offenders upon release are multi-faceted, including employer attitudes toward individuals with criminal records, legal barriers, educational and financial obstacles, substance abuse and health issues, and lack of stable housing. Notwithstanding these barriers, there are also opportunities for ex-offenders in the job market.

¹ D.A. Andrews, "The psychology of criminal conduct and effective treatment." In L. McGuire, ed., *What works: Reducing reoffending. Guidelines from research and practice*. West Sussex, England: John Wiley and Sons, Ltd., 1995, 35-62.

National Research on Employer Attitudes and Practices

A great number of employers are reluctant to hire individuals with a criminal past, citing lack of skills and work history, untrustworthiness, and fear of liability for negligent hiring, among other things.² Studies of employer attitudes and behavior have found the following themes with regard to hiring ex-offenders:

- Employers' use of criminal history background checks has increased over the past decade but is still not pervasive.³
- Employers are less willing to hire ex-offenders than any other disadvantaged group.⁴
- Employers' willingness to hire ex-offenders varies according to the industry and position, the type and severity of offense committed by the applicant, and work experience since release.^{5 6}
- Employers are not always consistent in what they say versus what they do when it comes to hiring ex-offenders.⁷
- Black applicants are more stigmatized by a criminal record than white applicants.⁸

In a 1996 study by Harry Holzer, almost two-thirds of employers surveyed in several major metropolitan areas, including Boston, revealed that they would not knowingly hire an ex-offender.⁹ A 2002 survey of 122 California employers shows how the type and severity of crime also influences employers' willingness to hire.¹⁰ When employers were asked whether they would consider hiring someone who had been convicted of a misdemeanor offense, 84 percent responded in the affirmative. However, these numbers dropped dramatically for felony convictions to 23 percent for a drug-related felony, 7 percent for a property-related felony, and less than 1 percent for a violent felony.¹¹ Nationally, almost 75 percent of convicted felons sentenced to more than a year of incarceration in state prisons were convicted of non-violent offenses.¹²

84 percent of employers responded that they would consider hiring someone previously convicted of a misdemeanor offense. However, these numbers dropped to 23 percent for a drug-related felony, 7 percent for a property-related felony, and less than 1 percent for a violent felony.

² H.J. Holzer, S. Raphael, M.A. Stoll, *Employer Demand for Ex-Offenders: Recent Evidence from Los Angeles*, March 2003.

³ H.J. Holzer, S. Raphael, M.A. Stoll, *Employment Barriers Facing Ex-Offenders*, Urban Institute Reentry Roundtable, Employment Dimensions of Reentry: Understanding the Nexus between Prisoner Reentry and Work, New York University Law School, May 19-20, 2003.

⁴ Ibid.

⁵ Ibid.

⁶ Employers Group Research Services, *Employment of Ex-Offenders: A Survey of Employers' Policies and Practices*, SFWORKS, April 12, 2002.

⁷ D. Pager, "Walking the Talk? What Employers Say Versus What They Do," *American Sociological Review*, Vol. 70 (June 2005), 355-380.

⁸ Ibid.

⁹ H.J. Holzer, *What Employers Want: Job Prospects for Less-Educated Workers*. New York: Russell Sage Foundation, 1996. The survey was administered to over 3,000 employers in Atlanta, Boston, Detroit and Los Angeles.

¹⁰ Employers Group Research Services, *Employment of Ex-Offenders: A Survey of Employers' Policies and Practices*, SFWORKS, April 12, 2002.

¹¹ Ibid.

¹² M.R. Durose, C.J. Mumola, *Profile of Nonviolent Offenders Exiting State Prisons*. Washington, D.C.: U.S. Department of Justice, Publication No. NCJ 207081, October 2004.

Research shows that the association between criminal history and future arrest diminishes substantially with the time since last arrest.

A 2002 study by Devah Pager found that employers' attitude toward hiring may be inconsistent with their actual hiring behavior.¹³ The Pager study looked at inconsistencies in hiring practices, including racial disparities. In the first stage of the study,¹⁴ pairs of young men were sent to apply, in person, for a total of 350 entry-level jobs (one member of the pair with a fictional criminal record and one without). Employer preference was measured by the number of return calls received by each applicant. Return calls were received by 34 percent of white applicants without a criminal record, 17 percent of white applicants with a criminal record, 14 percent of black applicants without a criminal record, and 5 percent of black applicants with a criminal record. When these same employers were surveyed by telephone several months later, in contrast to their actual behavior, 60 percent responded that they were somewhat or very likely to hire a drug offender regardless of the applicant's race.

Survey research by Holzer in California (2003) found that industries most willing to hire ex-offenders are those that require little customer contact, including manufacturing, construction, and transportation, while service industries represented those most unwilling to hire ex-offenders.¹⁵ Organizations most willing to hire ex-offenders are those that hired more than 20 workers in the last year and those that have a significant proportion of unskilled positions. Even when formal skills are not required, virtually all employers expect employees to have basic job readiness skills, including the ability to show up every day on time, work hard, and be trustworthy.¹⁶

Access to Criminal Records

Criminal record information has the potential to present unintended barriers for offenders seeking employment. Across the country, states have provided employers with varying degrees of access to the criminal record information on prospective and current employees. Advocates for limiting the availability of criminal records argue that providing such information to employers unfairly discriminates against ex-offenders and makes it more difficult for them to obtain employment. Many employers argue that they should know who their employees are and whether they pose an unnecessary risk to the workplace. In more than half the states, access to criminal record information via the internet is very broad. Twenty-eight states allow internet access to criminal records or post records on the internet.¹⁷ Other states have more limited access to criminal record information, including Massachusetts, requiring employers to present a legitimate basis prior to accessing the criminal record of a prospective employee.

Research shows that the association between criminal history and future arrest diminishes substantially with the time since last arrest. For example, the probability of arrest at ages 25-26 for someone last arrested at age 24 was .30; however that number is

¹³ D. Pager, "Walking the Talk? What Employers Say Versus What They Do," *American Sociological Review*, Vol. 70 (June 2005), 355-380.

¹⁴ This study was conducted in Milwaukee, Wisconsin in 2001-2002.

¹⁵ See H.J. Holzer et al., *Employer Demand for Ex-Offenders: Recent Evidence from Los Angeles*.

¹⁶ *Ibid.*

¹⁷ Legal Action Center, *After Prison: Roadblocks to Reentry. A Report on State Legal Barriers Facing People with Criminal Records*. New York: Legal Action Center, 2004.

cut in half, to .14, for someone last arrested at age 21, and is .04 for someone last arrested as a juvenile.¹⁸ Based on this pattern of diminishing risk, Pager advocates for expunging or sealing criminal records, after a certain period of time, to limit the dissemination of criminal history information.¹⁹ However, a response essay counters that if employers are not provided complete criminal records, they may use less accurate and discriminatory methods intended to identify ex-offenders such as race, receipt of public assistance, low educational attainment, or gaps in work history.²⁰ In addition, sealing of records may not fully prevent access because some employers acquire criminal history information through private services, such as credit bureaus, which may not be subject to sealing regulations.

Legal Barriers

In certain states, ex-offenders are permanently banned from public employment, and most states have restrictions on the work of returning inmates in certain fields, such as jobs requiring contact with children, certain health services occupations, and employment with firms providing security services.²¹ Many ex-offenders in Massachusetts routinely face employment discrimination based solely on having a criminal record, regardless of whether the former offense would affect their job performance or the safety of others. Massachusetts does not have standards prohibiting employment discrimination against ex-offenders as a group. Several states, including New York, have laws that explicitly protect ex-offenders from discrimination based solely on having a criminal record when the offense does not relate to the job or pose a public safety threat.²² Wisconsin, in particular, has significant safeguards to enable ex-offenders to obtain gainful employment. That state's law, Wis. Stat. Sec. 111.335, bars discrimination against ex-offenders in the private and public sectors, but specifically requires that ex-offenders be excluded from jobs when their convicted crimes are "substantially related" to the circumstances of the position they seek.²³

In Massachusetts, regulation 101 CMR 15.0, which applies to health and human service agencies, has the potential to exclude large numbers of offenders from employment in human service work, even when the conviction may not relate to the position or pose a threat to public safety. The regulation mandates that all public or private agencies that

¹⁸ M.C. Kurlychek, R. Brame, S.D. Bushway, "Scarlet Letters and Recidivism: Does An Old Criminal Record Predict Future Offending?" In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.

¹⁹ D. Pager, "Evidence-Based Policy for Successful Prisoner Reentry" (Reaction Essay), In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.

²⁰ S. Raphael, "Should Criminal History Records be Universally Available?" (Reaction Essay), In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.

²¹ See H.J. Holzer et al., *Employment Barriers Facing Ex-Offenders*.

²² N. Fishman, *Briefing Paper: Legal Barriers to Prisoner Reentry in New Jersey*. New Jersey Institute for Social Justice. Retrieved April 5, 2004, from http://www.njisj.org/reports/barriers_report.pdf.

²³ G. Martin and C. Roberts, *From Incarceration to Community: A Roadmap to Improving Prisoner Reentry and System Accountability in Massachusetts*. Boston, Massachusetts: Crime and Justice Institute, June 3, 2004.

receive any funding from the Executive Office of Health and Human Services perform a full criminal background check on all job candidates that will have unsupervised, direct client contact. It further requires that individuals convicted of certain offenses be barred from employment for life unless they can overcome significant hurdles imposed by the regulation.

Drug-related offenders in Massachusetts face additional legal barriers to employment and reintegration, including suspension of drivers' licenses for at least one year for many types of offenses – even when the offense does not relate to the operation of a motor vehicle (Mass. Regs. Code tit. 540, Sec. 20.03). This poses transportation barriers and precludes employment in occupations that require driving.

In addition, with some exceptions, individuals who are incarcerated for drug felonies are not eligible for Temporary Assistance for Needy Families (TANF) for 12 months following release, preventing transitional cash assistance for those who cannot initially obtain employment and would otherwise qualify for TANF.²⁴

Further, in many states including Massachusetts, an employer may be held legally liable for the criminal actions of its employees. Under the theory of negligent hiring, if an employer knows, or should have known, that an employee has a criminal past, that employer may be liable for criminal acts committed by the employee.²⁵

Educational and Financial Obstacles

According to a client survey conducted by the Safer Foundation in Chicago, ex-offenders reported their greatest barriers to employment to be limited work experience and vocational skills and low literacy levels.²⁶ In Massachusetts, approximately 46 percent of state inmates did not have a high school diploma or a GED when admitted to prison.²⁷ Upon admission to the Massachusetts prison system, twelve percent of inmates reported that they had not made it past the eighth grade.²⁸ Approximately 40 percent of released offenders nationwide have no high school diploma or GED upon return to the community, and only one in three inmates receive vocational training while incarcerated.²⁹ Nationally, 31 percent of inmates were unemployed in the month

²⁴ Massachusetts Regulations. 106 CMR Sec. 701.110 (Rev. 2006).

²⁵ S. Bushway, *Labor Market Effects of Permitting Employer Access to Criminal History Records*, Working Paper, University of Maryland, 1996.

²⁶ Safer Foundation, *Safer Conducts Study of Client Needs*. Catalyst. Safer Foundation, Chicago, Illinois, Fall 1999.

²⁷ Massachusetts Department of Correction, Research and Planning Division, *January 1, 2005 Inmate Statistics*. Concord, Massachusetts, November, 2005.

²⁸ Ibid.

²⁹ C. Wolf Harlow, *Education and Correctional Populations*, Bureau of Justice Statistics Special Report, U.S. Department of Justice, NCJ 195670, January 2003.

prior to their arrest,³⁰ compared to the overall unemployment rate of approximately 5 percent.³¹

Furthermore, there are significant obstacles preventing ex-offenders from attaining post-secondary degrees. In 1994, the federal government passed a law prohibiting anyone incarcerated in a federal or state penal institution from being awarded a Pell Grant,³² despite evidence that post-secondary education helps to reduce recidivism.³³ Further, rules governing federal financial aid place restrictions on access for ex-offenders. A first-time drug offender is barred from financial aid eligibility for one year, and a third-time drug offender is barred for life.³⁴

Substance Abuse and Health

Individuals with substance abuse, physical, and/or mental health issues face greater challenges in securing and retaining employment.³⁵ Approximately 80 percent of the incarcerated population has substance abuse issues, yet only a small percentage receive treatment either while in prison or upon release.³⁶ More than half of state and federal prisoners reported using drugs or alcohol during the commission of the offense that led to their incarceration.³⁷ Without significant attention to address this issue, offenders are likely to continue substance abuse and the criminal activity that brought them in contact with the criminal justice system.

Correctional inmates also have a disproportionate burden of mental illness and chronic and infectious diseases.³⁸ Rates of mental illness among the incarcerated population are between two and four times as high as the rate of mental illness in the general U.S. population.³⁹ In 1997, approximately 23 percent of people living with HIV or AIDS nationwide, 35 percent of those infected with hepatitis C, and 40 percent of those who had tuberculosis passed through a correctional facility.⁴⁰ Inmates generally receive

Approximately 80 percent of the incarcerated population has substance abuse issues, yet only a small percentage receive treatment either while in prison or upon release.

³⁰ General Accounting Office, *State and Federal Prisoners: Profiles of Inmate Characteristics in 1991 and 1997*. Washington, D.C., May 2000.

³¹ U.S. Department of Labor, Bureau of Labor Statistics. *Employment Status of the Civilian Noninstitutional Population, 1940 to Date*. Accessed October 2006 at <http://www.bls.gov/cps/cpsaat1.pdf>.

³² 20 USC Sec. 1070a. January 3, 2005.

³³ D. Disabato, *The Penal System: Stalemate* University of Illinois at Chicago, 1996.

³⁴ S. Heinrich, *Reducing Recidivism Through Work: Barriers and Opportunities for Employment of Ex-Offenders*. Great Cities Institute, University of Illinois at Chicago, September, 2000.

³⁵ See H.J. Holzer et al., *Employment Barriers Facing Ex-Offenders*.

³⁶ C.J. Mumola, *Substance Abuse and Treatment, State and Federal Prisoners, 1997*, Bureau of Justice Statistics, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 172871, January 1999.

³⁷ Ibid.

³⁸ National Commission on Correctional Health Care, *The Health Status of Soon-to-be-Released Inmates. A Report to Congress*, March 2002.

³⁹ P.M. Ditton, *Mental health and Treatment of Inmates and Probationers*. Bureau of Justice Statistics, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 174463, July 1999.

⁴⁰ T. M. Hammett, M. P. Harmon, and W. Rhodes. "The Burden of Infectious Disease Among Inmates of and Releasees From US Correctional Facilities, 1997." *American Journal of Public Health*, Nov 2002; 92: 1789 - 1794.

necessary medical treatment while incarcerated; however, once released adherence to treatment regimens does not regularly continue.⁴¹

Lack of Stable Housing

Securing adequate housing is a basic necessity of life and can be a significant challenge to returning offenders. Private landlords typically require prospective tenants to provide employment verification and housing references, prohibiting most offenders from entrance into the private market. Public housing authorities may be entitled to deny housing to certain individuals with a criminal record, and may be required to deny housing to those convicted of a drug offense.⁴² Consequently, many returning offenders may find themselves living on the streets. The Massachusetts Housing and Shelter Alliance reported that between 1997 and 2001, 1,000 offenders reported to an emergency shelter each year directly upon being released from a prison or jail.⁴³ In a 2000 census of the emergency shelter population, more than 5,300 individuals entering a Massachusetts emergency shelter had been in prison or jail.⁴⁴

All of the above referenced barriers reflect the difficulties ex-offenders face when attempting to reintegrate into the job market. Not only must they overcome the stigma of incarceration and find an employer willing to take a chance on them, they must address countless other issues in order to sustain continued employment. However, while the barriers are many, opportunities do exist.

Opportunities in the Job Market

Factors that increase employers' willingness to hire ex-offenders include a tight job market,⁴⁵ non-violent offender applicants, and government incentives.⁴⁶ As baby boomers continue to retire, the labor market over the next few decades is likely to be very tight, resulting in employers looking to tap new sources of labor.^{47 48}

Survey research suggests that employers may be more willing to hire ex-offenders if they have acquired some work experience and have maintained a sufficient period of being drug-free.⁴⁹ The services of intermediary agencies can serve as a significant

Each year, between 1997 and 2001, 1,000 offenders in Massachusetts reported to an emergency shelter directly upon being released from prison or jail.

⁴¹ T.M. Hammett, *Health-Related Issues in Prisoner Reentry to the Community*. Paper prepared for the Urban Institute Reentry Roundtable, Washington, D.C., October 12 and 13, 2000.

⁴² Legal Action Center, *Housing Laws Affecting Individuals with Criminal Convictions*, New York: Legal Action Center, 2000.

⁴³ Massachusetts Housing and Shelter Alliance. Research on Emergency Homeless Subpopulations. *Six-year Comparison on Emerging Populations in Massachusetts Emergency Shelters 1997-2002*. Boston, MA.

⁴⁴ Ibid.

⁴⁵ As of July 2006 the unemployment rate in Massachusetts, and in the Boston metro area, was less than five percent.

⁴⁶ See S. Heinrich, *Reducing Recidivism Through Work: Barriers and Opportunities for Employment of Ex-Offenders*.

⁴⁷ C. D'Amico and J. Richard, *Workforce 2020*. New York: The Hudson Institute, 1997.

⁴⁸ D. Ellwood, "The Sputtering Labor Force in the 21st Century: Can Social Policy Help?" In A. Krueger and R. Solow, ed., *The Roaring Nineties*. New York: Russell Sage Foundation, 2001.

⁴⁹ See H.J. Holzer et al., *Employment Barriers Facing Ex-Offenders*.

incentive for employers to hire individuals with a criminal record.⁵⁰ Intermediaries can be most effective if they are attuned to the specific needs of the employers, if they train offenders for specific industries, and if they screen prospective employees and send qualified, work-ready applicants to the field.^{51 52}

Government incentives also increase employers' willingness to hire ex-offenders. Such incentives include federal bonding to protect employers against theft, forgery, larceny or embezzlement; tax credit for hiring ex-offenders; and wage subsidies such as payment to employers for on-the-job training of ex-offenders.⁵³ Although research has shown these incentives to be attractive, many employers don't take advantage due to lack of program awareness, concern with burdensome paperwork, and a general desire to avoid the headaches and expenses associated with hiring risky employees.⁵⁴

Certain employment programs have shown promise in both corrections facilities and in communities. One innovative state program is the Montgomery County Pre-release Center in Maryland. The Center, which has been recognized by the U.S. Department of Justice as an exemplary program, is housed in a 500-bed jail facility and focuses on preparing offenders for post-release, specifically addressing issues of unemployment and substance abuse. The program recruits inmates with six months left on their sentence, requires them to obtain full time employment or training, and requires rigorous participation in group counseling, life skills, and addiction recovery seminars. Program data from 2000 reveals that 96 percent of inmates were employed when released from the facility and 95 percent had cash savings.⁵⁵ (A summary of employment programs run by correctional facilities is attached as Appendix A.)

The majority of ex-offender employment programs are run by local non profit-organizations. Programs in New York, Chicago, and Texas have shown strong improvements in the employment outcomes of ex-offenders and significant reductions in criminal recidivism.⁵⁶ The Texas-based Project RIO found participants were nearly twice as likely to have found employment compared to a group of non-RIO parolees

Participants (in Project RIO) were nearly twice as likely to have found employment compared to a group of non-RIO parolees.

⁵⁰ H.J. Holzer, S. Raphael, M.A. Stoll, *Can Employers Play a More Positive Role in Prisoner Reentry?* Urban Institute Reentry Roundtable, Prisoner Reentry and the Institutions of Civil Society: Bridges and Barriers to Successful Reintegration. Discussion Paper. March 20-21, 2002.

⁵¹ Ibid.

⁵² M. Elliott, A. Roder, E. King, and J. Stillman, *Gearing Up: An Interim Report on the Sectoral Employment Initiative*. New York: Public/Private Ventures, 2001.

⁵³ See S. Heinrich, *Reducing Recidivism Through Work: Barriers and Opportunities for Employment of Ex-Offenders*.

⁵⁴ Westat, *Employer Use and Assessment of the WOTC and Welfare-to-Work Tax Credits Programs*. Final Report to the U.S. Department of Labor. Rockville, MD: Westat, 2001.

⁵⁵ M.L. Buck, *Employment Programs for Ex-Offenders*, Public/Private Ventures, Field Report Series, Fall 2000.

⁵⁶ See D. Pager, "Walking the Talk? What Employers Say Versus What They Do."

(60% v. 36%), and rates of rearrest (48% v. 57%) and reimprisonment (23% v. 38%) were also reduced.⁵⁷

Project RIO provides a link between education, training and employment both during incarceration and after release. The RIO staff work to educate potential employers about special incentives for hiring ex-offenders. Among the benefits offered is certification for the work opportunity tax credit and the availability of bonding services. The intent is to make employment of ex-offenders and adjudicated youth as attractive as possible.⁵⁸ (A summary of community-based employment programs is attached in Appendix B.)

Legislative initiatives throughout the country have also been introduced in an attempt to better facilitate successful transition for ex-offenders from incarceration to community. These initiatives differ from state to state but generally include a focus on pre-release preparation for employment upon discharge. (A summary of four such initiatives is attached in Appendix C.)

RESEARCH METHODOLOGY

Overview

To learn about employers' perspectives and experiences in hiring formerly incarcerated individuals, in August 2006 the Crime and Justice Institute conducted four two-hour focus group interviews with 28 employers in Greater Boston. The study focused on metropolitan Boston because this area receives the largest number of returning offenders in Massachusetts. This allowed interviewing a range of employers in one major metropolitan area and the engagement of stakeholder advisors to help guide the project. Advisors included staff from correctional agencies, employment intermediaries, employer representatives, policymakers, and community leaders. They provided advice on priority research questions, types of employers to recruit for the focus groups, and recommendations based on the research findings.

Recruiting and Group Composition

The focus groups were composed of human resource directors, hiring managers, senior management, and company owners. Employers were recruited based on a number of characteristics. First, they had to have entry level or intermediate level positions for persons without a college degree. For two of the focus groups, employers were recruited that reported hiring someone with a criminal record in the past three years, and for the other two groups, employers were recruited that indicated that they had not hired someone with a record in the past three years. Participants represented a mix of employment sectors, city and suburban employers, and organization sizes, ranging from less than 20 employees to over 500.

⁵⁷ Ibid.

⁵⁸ For more information on Texas' Project RIO see <http://www.twc.state.tx.us/svcs/rio.html>.

Table 1 presents the employment sectors included in the groups.⁵⁹ Additionally, officials from two unions were interviewed by telephone to learn more about the perspectives and roles of unions in employment of formerly incarcerated individuals.

Table 1. Employment Sectors of Focus Group Participants

Types of employers	Number participating
Restaurant/food service	4
Hospital (including university affiliated)	3
Hotel/hospitality	2
Retail	2
Construction	2
Temp office work	2
Real estate development or management	2
Manufacturing	2
Temp day (physical) labor	1
Transportation	1
Telephone company	1
Financial services	1
Insurance	1
Printing	1
Biotech	1
College	1
Social service	1
TOTAL	28

Research Questions

The focus groups covered the following topics:

- Skill requirements for entry level jobs;
- Hiring considerations regarding ex-offenders;
- Benefits and challenges of employing ex-offenders for those who have hired;
- Strategies and incentives to facilitate hiring ex-offenders; and
- An exploration of possible legal and policy changes to facilitate hiring.

Each group was asked a core set of questions, with additional targeted questions based on whether employers had hired someone with a criminal record or not. The groups of employers that had not hired were asked more questions about their hiring process and how they consider a criminal record, whereas the groups that have hired ex-offenders were asked about their experiences with those employees. (The focus group questions are provided in Appendix D.)

⁵⁹ Employers that have not recently hired individuals with criminal records were recruited by the focus group facility, Focus on Boston, from databases of employers. For the employers that have hired former offenders, CJI recruited through professional networks, including employment intermediary agencies and industry organizations. Focus group participants were paid \$150-\$200 for their participation.

FOCUS GROUP FINDINGS

The following presents a summary of the findings from the focus groups by topic.

Skill Requirements

Although employers viewed technical skills as being important in the selection process, they reported non-technical (“soft”) skills as being most important. Many employers reported technical skills would be a bonus but indicated a willingness to train individuals who possess good communication and interpersonal skills, have the ability and willingness to learn, pay attention to detail, and consistently show up for work on time. Interpersonal skills and the ability to get along with others was the overwhelming preference for non-technical skills.

Computer knowledge was a top priority for technical skills. While administrative and data entry jobs obviously require computer proficiency, many positions that traditionally did not require technological skills now do. Such positions include hotel housekeeping, transportation and delivery; even fast food counter help requires some level of computer know-how. Applications are often required to be completed online as are other routine job functions such as completing time cards. In addition to computer skills, employers cited data entry, typing skills, and mechanical ability as important, as well as physical strength for manual labor positions.

Hiring Considerations

Prior to the focus groups, the 28 employers completed a brief survey about their application process:

- 19 employers reported receiving applications from ex-offenders;
- 20 asked about prior convictions on their application forms;
- 15 have company policies for hiring individuals with a criminal record; and
- 10 of the employers conduct criminal background checks.

During the discussion, most employers reported that a hiring decision depends on the individual circumstances of the applicant. For example, employers representing financial services reported that they would never consider a candidate with a record for embezzlement, while health services (in pharmacy and anesthesia) reported never considering a candidate with a drug conviction. Some rule out all candidates with a history of violent crime while others have hired such individuals. Additionally, many companies have legal requirements to meet. For example, the financial services industry is required to comply with Security and Exchange Commission regulations requiring criminal background checks, credit checks, and fingerprinting for all new employees. The health care and human service industry in Massachusetts is required to comply with the state’s Executive Office of Health and Human Services regulations that can disqualify broad classes of offenders from employment.

For those employers that do not regularly hire ex-offenders, a hypothetical was posed asking if they would consider hiring an individual with a prior conviction for drug

If they put it on their resume . . . chances are they’re not going to be [considered] with the 200 [other] candidates . . . But let’s say this comes up at the second or third interview and they’re definitely the best candidate . . . that would be considered.

- Focus Group Participant

possession and distribution. Some indicated they would consider the applicant if he or she posed no risk to the company or to other persons, for others it depended on length of time that had elapsed since the commission of the crime. The opportunity to the randomly drug test was attractive for others. However, one woman summarized by saying, “I think they would be considered . . . but realistically [one with a record] is not as attractive a candidate.” Another stated, “If they put it on their resume . . . chances are they’re not going to be [considered] with the 200 [other] candidates . . . But let’s say this comes up at the second or third interview and they’re definitely the best candidate . . . that would be considered.”

For companies that do hire ex-offenders, employers described benefits such as employee enthusiasm, desire to succeed, and appreciation and loyalty for being given a chance. Some employers described pre-release job seekers as the “best candidates” since they’re drug tested, in at night, and not coming in hung over in the morning. As another participant stated, “[T]hey’re dying to show up at work . . . they’re eager, on-time, and motivated.” Employers described some challenges, including restrictions on employee hours due to probation or transitional living rules, spotty attendance, and drug use and theft in some cases. However, there was no indication that these employers discontinued hiring ex-offenders as a result. As one employer stated, he has hired “maybe two bad ones out of maybe ten good ones.”

*They’re dying
to show up at
work . . .
they’re eager,
on-time, and
motivated.*

*- Focus Group
Participant*

Strategies and Incentives

Participants were given a questionnaire with a list of services or incentives and asked to rate the extent to which any of the items would increase their likelihood of hiring a formerly incarcerated individual. They were asked to rate each item from a low of one (having no impact at all) to a high of five (a very positive impact on hiring); discussion followed. Table 2 presents the employer ratings.

Table 2. Employer Ratings of Support Services and Incentives

Support Service or Incentive	Impact on Hiring									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Candidate completed transitional employment program after release from prison and has built a positive employment record	0	0.0%	1	5.0%	1	5.0%	11	55.0%	7	35.0%
Specific job skill training provided appropriate to your industry	4	14.8%	1	3.7%	3	11.1%	7	25.9%	12	44.4%
General work readiness training provided prior to employment	3	10.7%	2	7.1%	5	17.9%	11	39.3%	7	25.0%
Intermediary agency helps with job screening process	4	14.3%	3	10.7%	6	21.4%	10	35.7%	5	17.9%
Greater protection from legal liability	2	7.7%	4	15.4%	7	26.9%	3	11.5%	11	42.3%
Bonding incentives (insurance against employee dishonesty/theft)	6	21.4%	4	14.3%	1	3.6%	9	32.1%	8	28.6%
Wage subsidies for ex-offender employees	8	28.6%	3	10.7%	3	10.7%	10	35.7%	4	14.3%
Tax incentives (or bigger tax incentives)	11	39.3%	3	10.7%	4	14.3%	8	28.6%	2	7.1%
Assistance accessing existing government financial incentives	6	21.4%	4	14.3%	6	21.4%	5	17.9%	7	25.0%
Third party to go to if you have problems with the employee	1	3.6%	3	10.7%	10	35.7%	10	35.7%	4	14.3%
Job retention support from employment case manager, faith-based volunteer, or parole officer	2	7.1%	5	17.9%	7	25.0%	9	32.1%	5	17.9%
Help with employee transportation	15	53.6%	3	10.7%	6	21.4%	2	7.1%	2	7.1%

* This question was added as a result of the first focus group and therefore only reflects answers from 20 of the 28 total participants.

The top three support services or incentives that employers rated as having a positive or very positive impact on hiring (rating of 4 or 5) were: completion of a transitional employment program after release, specific job skill training and general work readiness training.

Transitional employment program. Completion of a transitional employment program, defined as a structured post-release program, garnered the most positive ratings by employers surveyed, with 90 percent ranking it having a positive or very positive impact on hiring decisions. Transitional employment was described by some as “evidence of rehabilitation.” As one participant put it, “I don’t want to be the first one to give them a chance.” Another responded, “[r]ight, I don’t want to be the first person at the gate . . . And maybe that’s just a comfort factor of telling myself . . . they’ve had good, steady employment so we’re safer than we may have been.”

Work readiness and job skills training. Seventy percent of employers rated specific job skill training for their industry as having a positive or very positive impact on hiring decisions. One employer commented that ex-offenders could improve their skills to make them more competitive in the job market. He stated, “[T]hey’re not as good as they should be, because they got a big burden. They’re cons, ex-cons, and . . . they should be a little bit better on things that they can do.” Another employer remarked, “[S]omeone that does have [training] like IDX coding will definitely have an advantage over someone that doesn’t have it,” if they are looking for work in health care. Another employer who worked in the hospitality industry enthusiastically reported that her company works with drug and alcohol rehab programs that specifically train clients for hotel work: how to make a bed, clean a room, work the front desk, etc. She recommended providing similar training to ex-offenders.

Employers felt that soft skills are critical to successful employment and believed that general work readiness training could have a positive impact on preparing ex-offenders for such things as “showing up on time, being there everyday, being presentable, following instructions, and learning how to ask questions when you’re told to do something and you really don’t understand it.” Other work readiness concerns identified by employers included ex-offenders not having appropriate identification upon release from prison and limited literacy skills prohibiting some from even filling out job applications.

Government incentives. The government incentives received mixed ratings on the survey, with employer ratings dispersed toward both ends of the spectrum. Half of participants viewed tax incentives as having little or no impact on their hiring decisions, while 61 percent viewed bonding incentives as having a positive or very positive impact on hiring decisions. Although the bonding incentive scored fairly high on the survey, some reported it being inapplicable or unnecessary. As one employer said, “[m]any of us in HR feel we’re in the relationship business with our hiring managers and supervisors. You know, if we can’t serve them and serve them well, our credibility is lost. And if we go give them a bad hire, even if it’s protected by bond . . . it still

They’re not as good as they should be, because they got a big burden. They’re cons, ex-cons, and . . . they should be a little bit better on things that they can do.

- Focus Group

doesn't . . . work out." Half of employers surveyed viewed wage subsidies as having a positive or very positive impact.

In every focus group, employers reported knowing little or nothing about many of these incentives. During the discussion, many of the employers said that such incentives are a bonus but not a deciding factor in hiring ex-offenders. Although assistance accessing government incentives received dispersed ratings, 42 percent of participants rated it as a positive or very positive incentive; during the discussion, many employers said that it would be helpful to have more information. One employer recommended preparing and distributing a one-page fact sheet outlining the various incentives, including contact information for further reference.

I think that we just live in a society that if we're going to put someone in our company with a bunch of keys and, unfortunately, something happens, I don't believe that greater protection from legal liability would help the owners of that company. I don't think you could ever shift the liability off of the person [or] company that hired that person.
- Focus Group Participant

Greater protection from legal liability. Overall, 52 percent of participant employers ranked greater protection from legal liability as positive or very positive, with employers that do not hire ex-offenders ranking this of much greater importance.⁶⁰ For the employers that hire, 33 percent found greater protection from legal liability to be a positive or very positive impact on hiring decisions; 38 percent of this same group responded that it has little or no impact at all on hiring decisions. For the employers that do not hire ex-offenders, 67 percent reported a positive or very positive reaction to greater legal protection, while zero percent of this group found it to have no impact and 13 percent reported it as having little impact.

Although the group participants were comprised primarily of business owners, managers, and human resource directors, they were generally unfamiliar with Massachusetts law pertaining to liability regarding such issues as discrimination and negligent hiring as it relates to ex-offenders. For example, one woman who worked in the hotel industry asked if she could be liable for not conducting background checks. Many in the larger firms reported seeking guidance from in-house legal counsel or labor law attorneys when employment issues arose; others in the smaller companies often relied on their own best judgment.

Many employers felt that protection of reputation and client base was more important than protection from legal liability. Although some felt that greater legal protection would "absolutely" be helpful, many participants were skeptical that it could not be effectively implemented. As one participant stated, "I guess it would be helpful, but you know what? I think that we just live in a society that if we're going to put someone in our company with a bunch of keys and, unfortunately, something happens, I don't believe that greater protection from legal liability would help the owners of that company. I don't think you could ever shift the liability off of the person [or] company that hired that person." Another participant stated, "I'm not even sure you should." Others had mixed emotions regarding this topic. One participant stated, "I was really mixed on that one because, you know, if someone's done harm to a patient, it's a little late to be thinking about any of this stuff. It's more a moral, ethical issue than it is a legal issue . . . we don't want to expose patients to harm."

⁶⁰ See Appendix E for tables on employers that hire and employers that do not hire ex-offenders.

You can't have someone being babysat. If they don't want to come to work and they don't want to do the job, they're not going to do it regardless if they have someone else on the other end.

- Focus Group Participant

I think that's more support on the employee end of it than the employer end of it. They'd be better employees if they had stuff, like a network, somebody to help them.

- Focus Group Participant

Job screening and retention support services. The employment screening and support services scored relatively high on the survey. These included help from an intermediary agency with screening candidates, job retention support for employees (e.g., from employment case manager, faith-based volunteer, or parole officer), and having a third party to go to if there are problems with the employee. However, the discussion brought out some reservations about the possible role of a third party in providing job retention support. Although some viewed these third party contacts and job retention support people as providing a support system for ex-offenders and potential resource to employers, others felt that these collateral sources could be a burden to the employers if they had to work through a third party in dealing with employees. One participant stated, “[y]ou can’t have someone being babysat. If they don’t want to come to work and they don’t want to do the job, they’re not going to do it regardless if they have someone else on the other end.” Another stated, “If the person doesn’t work out . . . I don’t want to have to sit across the table with someone else and explain why someone doesn’t deserve to keep their job.” Yet another participant stated, “I think that’s more support on the employee end of it than the employer end of it. They’d be better employees if they had stuff, like a network, somebody to help them.” Generally, employers had positive reactions to programs or services that could provide aid to an ex-offender but they didn’t necessarily want to know about it or have to negotiate with a third party at the work place.

Employee transportation assistance. Employee transportation fell low on the list of hiring incentives, with over 50 percent of employers surveyed reporting it having no impact at all.

Job References

Participants were given a second questionnaire and asked to rate how different sources of references for ex-offenders may influence their hiring decisions. Again, they were asked to rate each item from a low of one (having no influence at all) to a high of five (a very positive influence on hiring). Table 3 presents the employer ratings.

Table 3. Employer Ratings of Influence of Different Sources of References

Source of Reference	Influence									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Workforce Development Agency (provides some job readiness coaching & support in addition to job placement)	4	14.3%	4	14.3%	5	17.9%	5	17.9%	10	35.7%
Parole or Probation Agency	5	17.9%	7	25.0%	3	10.7%	8	28.6%	5	17.9%
Job Placement Agency*	6.5	24.1%	5.5	20.4%	4	14.8%	8	29.6%	3	11.1%
Faith-Based (Religious) Organization	10.5	37.5%	6.5	23.2%	5.5	19.6%	3.5	12.5%	2	7.1%
Prison or Jail	16	57.1%	6	21.4%	4	14.3%	2	7.1%	0	0.0%

*1 Missing

[Such laws] are kind of eroding the at-will status . . . someone else is telling us how to run our business. I have a strong reaction to one more law that's going to tell us what's okay and not okay. I would not want to see a state law that does this.

- Focus Group Participant

Employers rated references from workforce development agencies and probation or parole agencies as having the greatest positive influence on hiring, while references from faith-based organizations and prisons or jails had the least positive influence. Participants had many different perspectives regarding the sources and impact of references. What was predominantly echoed throughout the groups was that references carried little weight unless they came from someone who had personal and direct knowledge of the ex-offender. Some felt that faith-based organizations may issue references just to be helpful and may not really know the ex-offender. Many felt that prisons or jails were not in a position to know each and every inmate well enough to provide an accurate reference, but felt that parole and/or probation officers were in such a position.

Possible Legal and Policy Changes

Participants were asked additional questions relating to changes in law and policy, including: prohibiting discrimination against individuals with a criminal record if the offense does not pertain to the job; prohibiting employers from receiving criminal history records until after an offer of hire has been made; and whether issuance of certificates of rehabilitation from prison officials would increase employers' comfort levels in hiring ex-offenders.

Not many participants had favorable views of the possible legal changes referenced above. Proposed laws prohibiting discrimination and withholding access to criminal records until an offer is made were not well received by most. As one participant stated, "[Such laws] are kind of eroding the at-will status . . . someone else is telling us how to run our business. I have a strong reaction to one more law that's going to tell us what's okay and not okay. I would not want to see a state law that does this." In

I'd be adverse to it . . . because while the offense may not be related to the job or the position they're going to be in, if it's a lengthy record and shows a criminal history, it might sway me that I don't want to hire this person, in comparison to somebody who hasn't.

- Focus Group Participant

If they're released from prison they're supposed to be rehabilitated, that's why they're released, right?

- Focus Group Participant

reference to these same proposed laws another participant stated, "I'd be adverse to it . . . because while the offense may not be related to the job or the position they're going to be in, if it's a lengthy record and shows a criminal history, it might sway me that I don't want to hire this person, in comparison to somebody who hasn't." Another participant reported, "I'd probably find reasons other than the crime to not hire." One participant responded that he worried about retaliation, such as property damage, if a prospective applicant was denied employment based on review of his criminal record. Others reported wanting to be able to help ex-offenders who have served their time, but reported their main priority is to their company.

In reference to a certificate of rehabilitation, one participant thought it might be helpful, another thought it was better than nothing, another referred to it as a small plus, but more than one participant responded that it "wouldn't hurt but it wouldn't help." As one participant noted, "[I]f they're released from prison they're supposed to be rehabilitated, that's why they're released, right?"

Employers' Number One Recommendation

In conclusion, focus group participants were asked what single most important factor would make it easier for them to hire ex-offenders. Many responded that training and completion of a transitional employment program would serve as hiring incentives due to prospective applicants having acquired skills and an employment track record. Others indicated that ex-offenders need assistance in obtaining state issued identification in order to complete a 1099 employment form. Others reported the difficulty in contacting applicants when they are living in shelters or transitional living residences and recommended providing them with pre-paid cell phones (or some means of reaching them) until employment is secured. Two participants reported that they would very much like to hire individuals in pre-release programs but are unaware of how to contact such places, recommending a "marketing" campaign for employers that may be willing to hire such employees.

UNION REPRESENTATIVE INTERVIEWS

During the same time frame as the focus groups, two union representatives were interviewed, one representing healthcare workers and one representing the transportation industry.

Healthcare Union:

The representative from the healthcare union reported that they represent a variety of positions in the health care field from registered nurses to housekeeping crews. She reported that the union does not hire employees directly, nor do they make recommendations to employers. Their employees work in hospital and nursing home settings, as well as in private homes providing individual care.

All workers, with the exception of housekeeping and home health aides, require some level of certification. Even less-skilled hospital employees, such as lab and x-ray technicians, require certificates or degrees. While housekeeping positions do not

require certification, they are considered very good entry level positions with career ladder potential. Thus, these jobs are highly competitive and rarely filled by someone with a criminal record.

The representative reported that ex-offenders have difficulty obtaining employment within health care facilities due to regulations and fear of liability; however, she reported that many clients in the disabled community want the right to make their own hiring decisions on home health aides and oppose regulations that would disqualify ex-offenders from obtaining employment in this field.

The representative reported that employment in home health aide positions may be available to ex-offenders if they can develop a positive working relationship with the client. Her specific recommendations included the following:

- Specific training programs to improve ex-offenders’ skills and qualifications for the industry, especially training in the home healthcare field;
- Soft skill training, including appropriate dress and attitude for the workplace; and
- Educational training for a GED, English as a second language when applicable, and computer skills—all of which are vital. (She reported that even housekeepers use computers every day in their work.)

The resumes of most ex-offenders are lacking even the most basic skills.

- Focus Group Participant

Transportation Union:

The transportation industry representative reported that while they do not directly hire ex-offenders, they do operate a “storefront” in which they screen and interview job applicants and make appropriate hiring recommendations to employers. Because many of the non-skilled jobs involve warehouse work, requiring no contact with the public, ex-offenders can be placed in these positions, provided they are reliable and able-bodied. Skill requirements are few, such as the ability to load and unload delivery trucks; however, if driving is required, the applicant usually needs a commercial license.

The representative reported that the union operates in a structured manner, with rigorous rules and regulations. Employees are supervised not only under the employer’s chain of command, they are also supervised on site by the union’s shop steward. In the union representative’s opinion, such a structured environment is closely aligned with the structure of a prison setting and works well for many ex-offenders.

The representative reported that ex-offenders provide a much needed labor pool and are usually good workers since “they have so much to lose.” He stressed that physical labor is hard on the body and wears employees out quickly. Further, he reported that there is no room for upward mobility without specific skills, so many employees become quickly frustrated.

The representative reported that bonding, tax, and wage incentives have not been useful in convincing employers to hire ex-offenders. He used an analogy of a package delivery worker, stating, “If an ex-offender steals a package while working, while the

If an ex-offender steals a package while working, while the cost of the contents of the package might be low, the cost of the bad faith and the loss of a client can be significantly more.

- Focus Group Participant

Many were sympathetic to the difficulties faced by job-seeking ex-offenders yet, at the same time, employers were vocal about the paramount need to protect company safety and reputation.

cost of the contents of the package might be low, the cost of the bad faith and the loss of a client can be significantly more.” His concerns in this regard were very similar to the focus group participants. He also reported concern about ex-offenders lack of employment preparation, job readiness, and stable housing. His specific recommendations included the following:

- Corrections should bring industry representatives and unions into the prisons to help with training and licensing.
- Released offenders should obtain a GED and be proficient in English.
- Computer training is essential for almost all jobs, including computerized testing, which is required for all skilled positions.
- Every ex-offender should leave prison with a resume, a copy of his or her criminal history record, a current driver’s license, and a social security card.
- Ex-offenders should be provided with the tools or equipment necessary for employment. He specifically referred to the requirement of workers needing steel-toe boots that cost \$120.00.

SUMMARY AND CONCLUSIONS

Improving employment opportunities for ex-offenders is not an easy task. Research has shown that this population is the least desirable of all disadvantaged workers, primarily due to employer concerns regarding lack of skills and experience, untrustworthiness, and fear of negligent hiring. The focus group participants shared these same concerns but were also cognizant of the fact that employment opportunities must be made available to ex-offenders who have paid their debt to society. Many were sympathetic to the difficulties faced by job-seeking ex-offenders yet, at the same time, employers were vocal about the paramount need to protect company safety and reputation.

Employers expressed unanimous desire for employees with strong soft skills such as communication and interpersonal skills, and many identified hard skills as increasing marketability. Showing up on time, in appropriate attire, with good work ethic were threshold requirements, while specific training or skills in data entry, IDX coding, cooking, or carpentry allowed a candidate to be competitive in the marketplace.

With few, if any, exceptions, all participants made hiring decisions of ex-offender candidates on a case-by-case basis. Most felt more comfortable if a significant length of time had passed between the commission of the crime and time of hiring, and if the applicant had at least some work experience since release. Employers viewed applicants with such history as having some evidence of rehabilitation.

Employer concerns focused on potential harm ex-offenders could cause to the workplace, including theft of company property, physical harm to other employees, and damage to client relationships—all of which could result in legal liability to the employer and injury to company reputation. They described a tension between wanting to believe in rehabilitation and second chances, and not wanting to jeopardize workplace safety or business image.

Information received from focus group participants and union representatives suggests that the following strategies could help to alleviate some employer concerns and foster better connection between employers seeking to hire and ex-offenders seeking to work:

- Facilitate transitional employment, including increasing pre-release and work-release programs and public-private partnerships. Ex-offenders need to build experience and strong references both during and after release.
- Increase and strengthen training in both soft and hard skills and create more partnerships with employers to match technical training with their industry needs. Good soft and technical skills can help ex-offenders stand out.
- Create a marketing campaign to educate employers about how and where to hire qualified ex-offenders, and highlight successes experienced by employers that have hired.
- Create an education and outreach campaign to better inform employers about government incentives.
- Examine whether anything can be done to mitigate employers' concerns about legal liability, i.e., examine current laws that affect liability for hiring ex-offenders, and educate employers about current laws.
- Promote opportunities for relationship building between employers, ex-offenders, and intermediary employment agencies.

Although the research revealed many strong themes—including the importance of soft and hard skills and transitional employment experience—it also found significant variation in how employers make hiring decisions. Based on the diversity of employer perspectives and needs, a one-dimensional approach to facilitating employment of ex-offenders would be inadequate. By reaching out to employers and creating a myriad of strategies to address their differing priorities and concerns, Massachusetts could go far towards increasing employment rates and decreasing recidivism rates.

Recommendations of Advisors and Stakeholders

On October 19, 2006, the Crime and Justice Institute convened a meeting with the project advisory group and additional stakeholders to share and discuss research findings and identify priorities and strategies to increase employment of ex-offenders in Massachusetts. The meeting included representation from corrections, local and state government, the legislature, employer organizations and employers, workforce development and social service organizations, and community leaders.

The group explored the following themes that were identified from the focus groups:

- Soft and hard skills;
- Transitional employment experience;
- Education and marketing to employers (e.g., tax incentives, bonding, employer successes hiring ex-offenders);
- Use of intermediary organizations;
- Protection from liability (e.g., legal, reputation, work environment/safety); and
- Basic tools for transitioning inmates, such as identification, social security cards, etc.

The group was asked to consider which of the above issues are most important to address, as well as which are most feasible to advance. For both importance and feasibility, skills enhancement garnered by far the most support, followed by education and marketing to employers, and basic tools for ex-offenders.

1. Enhance Skills of Ex-Offenders

Similar to the focus group participants, the advisory group felt that while hard skills are important, soft skills are an absolute requirement and therefore of paramount importance. Some noted that many ex-offenders do not possess basic job skills such as showing up for work on time, dressing appropriately, and following directions. Others expressed concern about ex-offender employees being unable to accept constructive criticism, lack of interpersonal and conflict resolution skills, and overall difficulty with effective communication. The group felt that offenders should begin to develop soft skills while incarcerated but, in order for these skills to relate to the workplace, skills training should continue after release. Ideally ex-offenders would receive on-the-job training in a controlled environment, such as apprenticeship programs in the prisons followed by organized transitional employment that is part of a pre-release program or provided in the community.

Other group participants also acknowledged the importance of hard skill training. One suggestion in this area involved institutions offering industry training and certifications to inmates prior to release. One participant noted that a local youth development organization in Chelsea—Roca—has built a small business for the purpose of teaching hands-on employment skills including both hard and soft skills, to at-risk youth. The participant felt that something similar should be created, or made available, to inmates

immediately after release, along with the necessary training and support services. He stressed the importance of a holistic approach to training since the needs of ex-offenders are multi-faceted and interdependent.

Suggested Strategies:

- Strengthen collaboration between employers, intermediaries, and correctional administrators in order to better prepare offenders for reentry;
 - Provide (or increase) apprenticeship programs in correctional facilities;
 - Provide industry training and certifications to inmates prior to release;
 - Provide greater linkages between inmates and employers;
- Provide structured employment and training opportunities immediate after release, such as through an intermediary organization. Consider developing a model program and identify pathways used successfully by returning offenders;
- Identify necessary soft skills and provide training programs both pre- and post-release. In addition to working with institutions to fill gaps, focus on the transitional period after release when former inmates may be better able to develop the soft skills that are essential in community life.

2. Increase Education and Marketing Outreach to Employers

Although former prisoners need to have the necessary soft and hard skills to make them marketable to employers, to increase hiring, employers also need to be willing to consider hiring individuals with criminal records who have the right skills (provided their criminal histories do not pose an undue safety risk for the particular job).

Three of the roundtable participants who work to improve the employment prospects of returning offenders described some of the services available to both help ex-offenders transitioning to the community and to assist employers who are interested in hiring ex-offenders. While these services have been helpful to both constituencies, there was general agreement that not enough employers are aware of potential benefits of hiring ex-offenders and available support services and incentives. The group agreed that there is a great need to broaden educational efforts to attract new industries and employers. Employers need to be educated about such things as government hiring incentives including tax credits, wage subsidies, and bonding provisions; criminal offender record information (CORI) checks, including how to read and interpret them; the services offered by intermediary organizations; and the process for linking qualified ex-offender applicants with employers who have staffing needs.

The group discussed both the need to reach a broad base of employers, through such means as publishing information in the newspapers, for example, as well as the need for one-to-one outreach to employers. Recommendations included appealing to small business owners by providing individual assistance in such areas as securing bonding, applying for tax credit or wage subsidies, or understanding CORI issues. Some members of the advisory group already share such information through employer breakfasts, chamber of commerce meetings, and other outreach. Increasing exposure and reaching larger audiences requires devising additional strategies.

There was also discussion about information sharing and building on successes. One participant talked about documenting the experience of employers who have successfully employed ex-offenders and sharing such “letters of support” with other employers who may consider doing the same. The group identified education, communication, and relationship building as important considerations in better facilitating, or marketing, employment of ex-offenders.

Suggested Strategies:

- Develop a marketing campaign to reach a broad base of employers;
- Identify and recruit employers, associations, and other types of influential spokespeople who can champion this issue;
- Create communications materials to inform employers about hiring ex-offenders, including accessing government incentives, available support services, success stories, and contact information for employers interested in hiring ex-offenders or individuals in pre-release programs.
 - Create a “how to” brochure and/or website that would provide information and answer employer questions regarding hiring ex-offenders.
 - Create generic presentations on the topics identified above that can be broadly used to make presentations to a variety of stakeholders, including employers, associations, and civic and community groups.

3. Provide Ex-Offenders with Basic Tools

Roundtable participants briefly discussed the barriers and delays posed by lack of practical necessities. One participant who works with ex-offenders reported that it often takes up to a month before an individual is able to secure the necessary documentation to obtain employment. Lack of stable housing and limited access to phone service also presents difficulty in securing work.

Suggested Strategies:

- Create a reentry package for all inmates prior to release, including:
 - a current identification card and/or social security card,
 - insurance coverage through MassHealth (where this is not currently done),
 - a resume including completed educational and skill training programs, and
 - licenses or certifications received;
- Link offenders with intermediary agencies that can assist with reentry needs, including provision of voicemail so that employers have current contact information.

Appendix A: State Ex-Offender Programs

Source: Buck M.L. (2000, Fall). *Getting Back to Work: Employment Programs for Ex-Offenders*. Public/Private Ventures, 9-10.

http://www.ppv.org/ppv/publications/assets/94_publication.pdf

Georgia—Operation TOPSTEP

In Georgia, a collaboration between the Departments of Parole and Labor has created Operation TOPSTEP. Initiated in 1998, the program progresses in three steps with clear pre- and post-release components.

In Step 1, inmates collect necessary documentation, such as birth certificates and Social Security cards, in preparation for release. A revamped prison-industries program offers inmates opportunities for work experience in fields that are in demand. In the Mobile Construction Unit, for example, inmates learn a trade and gain experience in one of the most in-demand occupations in the state.

Step 2 also occurs in prison. Department of Labor staff conducts job preparedness workshops that assess inmates' job readiness, review programs completed while in prison, and design resumes. This packet of information is then forwarded to an inmate's parole officer upon release.

Once released, ex-offenders enter Step 3. At their first meeting with their parole officer, they are assigned to one or more of four tracks: employment, education, substance abuse or cognitive skills training. All ex-offenders are initially placed in the employment track, with simultaneous enrollment in other tracks as necessary. Ex-offenders are then referred to local Department of Labor offices for employment services.

Previously, parole had operated as a "bean counting" function; parole officers were expected to make a certain number of contacts with ex-offenders each month. Now, parole is shifting its performance measures for officers to coincide with the goals of the four-track system. Since the program has been operational for just over a year, it is too early to judge its success, although Director Joe McAdoo stated that the changes in mindset of parole officers as well as the collaboration between the parole and labor departments were "monumental" successes.

Montgomery County Pre-release Center, Maryland

For the past 25 years, Montgomery County, Maryland, has been operating a 500-bed jail that focuses on post-release. Officials have recognized the two greatest factors in recidivism—unemployment and substance abuse—and have designed a program to address both in a holistic manner.

What began as a work-release center for the county jail has developed into a holistic treatment center for employment services, substance abuse counseling and life skills training. The program recruits inmates with at least six months left on their sentence in county jail and transfers them to the facility. The program requires inmates to obtain fulltime employment or training, while also participating in a rigorous schedule of group counseling, life skills and addiction recovery seminars. Emphasis is placed on inmates evaluating their lifestyles, determining the necessary changes and practicing workable

strategies in a supportive environment. Cited by the U.S. Department of Justice as an exemplary model, one of the keys to Montgomery's success is addressing issues that can affect recidivism of ex-offenders, like substance abuse and domestic violence, while maintaining a focus on employment and re-entry into the community.

The work-release coordinators play an integral role in the program, through aggressive job development and placement in the community to job readiness and retention courses for inmates. Their efforts have placed ex-offenders in positions with starting wages averaging almost \$9 an hour, and the majority in semi-skilled and skilled positions, including construction and website design. The program has a policy of not placing more than two ex-offenders at the same job site. Program data reveal that 96 percent of inmates were employed when released from the facility and 95 percent had cash savings (Seleznow, 2000).

Ohio—Offender Job Linkage

Ohio began Offender Job Linkage in 1997 as a response to Truth in Sentencing initiatives and to an escalating prison population, ranked fifth in the nation. In an effort to lower recidivism rates and thus prison populations and their expenses, the state began coordinating prison job fairs to educate employers and address their concerns about hiring ex-offenders. Director James Mayer contends that many employers have legitimate concerns about theft and the safety of other employees if they hire an ex-offender. However, bringing employers into prisons helped put these concerns into a realistic perspective.

Offender Job Linkage also recognizes the pre-existing agencies and community-based organizations (CBOs) involved with workforce development issues and tries to make connections between these groups and ex-offenders, instead of reinventing the wheel. Of the 32 prisons in Ohio, 27 have a three-week pre-release seminar with a contracted community agency, such as Goodwill Industries, a local community college or the local Private Industry Council (PIC). However, the development of these partnerships has not always been easy. Some community-based organizations believed that ex-offenders are harder to work with than other groups and did not want to get involved. And ex-offenders had little knowledge about the resources available to them for finding employment or further training once released.

Ohio has also been able to address the geographical mismatch between where inmates are incarcerated and where they expect to be released. Almost 80 percent of inmates in Ohio plan to return to the Cleveland area but are in prisons around the state. To address this issue, Job Linkage uses video conferencing for inmates to interview for positions while they are still incarcerated.

Appendix B: Community-Based Ex-Offender Programs

Source: Source: Buck M.L. (2000, Fall). *Getting Back to Work: Employment Programs for Ex-Offenders*. Public/Private Ventures, 12-13.

http://www.ppv.org/ppv/publications/assets/94_publication.pdf

Better People— A Portland, Oregon, program focuses on changing the way ex-offenders think, through moral reconnection therapy (MRT), cognitive behavioral model, in conjunction with job placement and retention services, to achieve the goal of reduced recidivism. The program only places participants in “living wage” jobs, paying at least \$8 an hour with benefits. Started in 1998 and funded entirely with private funds, Better People enrolled 153 participants during its first year of operations and reports a 59 percent retention rate through 180 days.

Center for Employment Opportunities (CEO)— A New York City program serves nearly 1,800 work releasees, parolees and probationers each year. Its two-pronged approach provides immediate employment opportunities through the Neighborhood Work Project as well as job preparation skills and job development assistance through the Vocational Development Program. With over 20 years of experience, CEO reports a 65 percent placement rate and works with over 300 companies.

Based in Chicago, the **Safer Foundation** is the largest community-based ex-offender program in the country, serving 2,800 ex-offenders with job assessment, support services and job placement assistance. Safer focuses attention on those ex-offenders who are not job ready by providing an innovative educational program to prepare clients for the GED. Safer also runs several in-prison components, including educational courses in the Cook County jail and management of the largest work-release center in Illinois. Safer has achieved a 41 percent placement rate, which it defines as employment for 30 days.

South Forty Corporation— Over the past 30 years, South Forty has worked with a variety of ex-offender populations in New York City, including work releasees, probationers, parolees and parents of juvenile offenders. Through an aggressive, systematic program of job preparation and job development, South Forty works with over 2,000 ex-offenders per year, with placement rates ranging from 70 to 85 percent, depending on the program. Through its Private Sector Advisory Committee, South Forty has developed strong relationships with employers, who provide not only job openings but also other resources for the organization. South Forty also offers prerelease services for inmates in some New York City jails.

Virginia CARES (Community Action Re-Entry System) — This statewide collaboration of community action agencies combines life skills seminars in 27 correctional facilities with post-release services in 39 cities and counties throughout the state. Job-readiness seminars, placement assistance and retention are the cornerstones of the program, with additional emergency services (housing, clothing and food). The Roanoke office, operated by Total Action Against Poverty (TAP), was visited for this report. It serves 200 inmates in local correctional facilities and an additional 200 ex-offenders with post-release services. TAP also operates an innovative fatherhood program for ex-offenders.

Appendix C: Summaries of State Bills Signed into Law this Year Relating to Returning Offenders and Employment

Illinois – passed legislation (Senate Bill 1279) designed to encourage employers to hire returning offenders:

- Requires that each notice of a contract contain a statement to encourage prospective vendors to hire residents discharged from any Illinois adult correctional center
- Requires Department of Central Management Services to submit an annual report concerning the hiring of residents discharged from any Illinois adult correctional center
- Creates income tax credits for wages paid to eligible offenders
- Provides that the Department of Correction has the power to provide a pre-release job preparation program for inmates at Illinois adult correctional centers
- Expands the definition of “eligible offender” for receiving a certificate of relief (relief from disabilities for the issuance of a license or certificate) to include persons convicted of a felony not more than two times.

Tennessee – passed legislation (Senate Bill 2557) that provides incentives for inmates to participate in education and employment training programs while incarcerated.

- Awards credits that reduce the period of imprisonment for receiving a GED or a two or four year college degree program
- Awards credits for satisfactory program performance
- Gives priority in enrolling in educational and vocational programs to inmates who “will be eligible for parole or release upon completion of their sentence and who can reasonably be expected to re-enter the workforce. “

Virginia – passed legislation (House Bill 691) that requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge:

- Verification of the prisoner's work history while in custody; and
- Verification of all educational and treatment programs completed by the prisoner while in custody.

Florida – created the Governor’s Ex-Offender Task Force (Executive Order No. 05-28) to make recommendations for improving the process of reentry in Florida. The goals and preliminary recommendations of the Task Force include identifying ways to:

- Ensure that no one leaves prison without the immediate ability to secure employment, and if necessary, housing and reentry services
 - Recommendations – develop and implement a plan wherein, at intake, the DOC:
 - ❖ Determines what identification papers the inmate has in his possession or will be available and unexpired after release
 - ❖ Facilitates the inmate in applying for documents necessary for success upon release, including either a valid driver’s license or state photo ID card, a SS card, military discharge papers and in the case of people born outside the US, naturalization, residency and work papers authorizing work within the US and a birth certificate

- Screen returning inmates for benefits eligibility. Make eligibility determinations prior to release so that benefits are in-hand upon release
 - Recommendation – at the time of admission and contemporaneous with the determination of what kind of identification papers the person has, the inmate would be assessed to determine their prior receipt of benefits, their prior living situation, prior income and assets, child support obligations and opportunities to file for modifications, eligibility for benefits upon release.
- Remove unnecessary employment disqualifications and penalties imposed because of a criminal conviction
 - Recommendations –
 - ❖ Signal to the private sector that ex-offenders should be disqualified from employment only when the offense is related to the safety, trust and responsibility required of the job,
 - ❖ Provide an opportunity for a second chance through case-by-case reviews for ex-offenders to prove they should not be disqualified
 - ❖ Issue an Executive Order for a justification review of state agencies' laws, policies, and practices that disqualify individuals from employment in state jobs, licensed jobs, regulated and funded entities.
- Create and implement a coaching/mentoring program that incorporates DOC resources in collaboration with faith and community-based organizations. Create a marketing campaign to recruit organizations to participate. Pilot the model in two facilities and establish an advisory committee to partner with the DOC to develop outcomes and interim benchmarks to guide the pilot programs.
- Expand job opportunities for ex-offenders –
 - Recommendations –
 - ❖ Determine the key employment sectors and employers in each major county
 - ❖ Identify and profile 10 – 20 business leaders who currently hire ex-offenders and are willing to do peer-to-peer presentations to recruit other businesses.

Appendix D: Employer Focus Group Guide

A. Skill requirements for entry level jobs

1. Job readiness skills
 - What are most important skills for the entry level jobs and jobs that are one or two steps above entry level? Let's talk about both hard skills and soft skills. [Hard skills are the technical requirements of the job. Soft skills relate to the non-technical requirements of the job, such as a person's work habits/work ethic, personality traits, and basic abilities...]

B. Hiring considerations for ex-offenders

2. Formal policies (*Discuss pre-group survey relating to screening and hiring policies*)
3. Decision-making factors [*for employers that have not hired ex-offenders*]
 - Case scenario: Suppose an applicant for an entry-level position indicates on his application, or you see through records check, that he has served time in jail for a conviction for drug possession and distribution.
 - How would you take this into account in your assessment of the candidate?
 - Are there particular issues or concerns you might need to consider about hiring former prisoner, such as this one? If so, what might some of those issues be?
4. Is there any information about the applicant who served time for a drug crime that would increase your comfort level? If so, what?

C. Benefits/challenges hiring ex-offenders [*for employers that have hired ex-offenders*]

5. [For employers that knowingly hired former prisoners], why did you hire them?
6. What has been your experience?
 - a. First let's explore any possible benefits you may have realized in hiring these employees. Then we'll explore any challenges/problems. (e.g., good worker, loyalty, motivation, good corporate citizen, tax credit)
 - b. Let's move on to explore whether you have encountered any particular challenges or problems.
 - c. Were their basic skills good enough?
 - Are the former prisoners adequately prepared for your industry?
 - d. Are they coming to work with basic job readiness skills?
 - Any problems with absenteeism, getting there on time, appropriate appearance, attitudes, honesty, sobriety?
 - e. Have you had employees with criminal records leave their position? Did they quit or were they discharged?
 - f. Are there gaps that you think need to be addressed to better prepare former prisoners for employment? Where are there gaps that need to be addressed?
 - g. Would you consider ex-offenders for career ladders/increased responsibility in your organization? (Limits?)

D. Strategies and incentives to reduce barriers

7. What would make you more comfortable about hiring people who have been incarcerated? Are there ways to increase the ease or appeal of hiring ex-offenders?

8. *Hand out Survey #1* – rating strategies and incentives. Would any of the following services or incentives increase the likelihood of your hiring someone who was formerly incarcerated?

For each item on the list below, please rate the extent to which that service or incentive would increase the likelihood of your hiring someone with a criminal record. Circle your answer based on a 1 to 5 scale. (1 means it would not affect hiring decision at all, 5 means it would have a very positive impact on hiring decision)

- a. Intermediary agency helps with job screening process
 - b. General work readiness training provided prior to employment
 - c. Specific job skill training provided appropriate to your industry
 - d. Candidate completed transitional employment program after release from prison and has built a positive employment record
 - e. Tax incentives (or bigger tax incentives)
 - f. Government wage subsidies for ex-offender employees
 - g. Bonding incentives
 - Are you aware of tax credits (WOTC), bonding, or other financial incentives from the government?
 - h. Assistance accessing existing government financial incentives
 - i. Greater protection from legal liability
 - j. Job retention support from employment case manager, faith-based volunteer, or parole officer
 - k. Third party to go to if you have problems with the employee
 - l. Help with employee transportation
9. Let's take a few minutes to talk about the services or incentives you would find most compelling out of the list you just rated.
- What services or incentives would be most helpful in increasing the likelihood of your hiring someone who was formerly incarcerated? And why?
10. How does a recommendation of intermediary agency affect your decision to hire? (An intermediary agency might be...)
- Does a letter of recommendation help? What else can an intermediary do to help you?
11. *Hand out Survey #2* – Rating of sources of references. Following is a list of organizations that could serve as a reference for a former prisoner. For each organization below, please rate its influence as a reference in your hiring process. Circle your rating based on a 1 to 5 scale, where 1 means that a reference from that organization would not have a positive impact and 5 means that it would have a very positive influence on your hiring process:
- a. Job placement agency
 - b. Workforce development agency that provides some job readiness coaching and support in addition to job placement
 - c. Religious organization
 - d. Parole/probation agency
 - e. Prison/jail

E. Possible legal changes

Another possible way to make it easier to hire ex-offenders could be legal changes.

12. Are there any legal restrictions that you know of that affect your hiring of ex-offenders?
13. Do you feel you have sufficient legal protection from liability for hiring ex-offenders?
 - How would you feel about legal changes that would provide greater protection of employers from liability for hiring of ex-offenders? Would you favor that or not, and why?
 - Are you familiar with current Mass law relating to liability?
 - *[Possible probes]* Would you go to someone (e.g., attorney or HR director) to find out about potential legal concerns relating to hiring an ex-offender? Or would you rely on your own understanding of potential risk relating to hiring an ex-offender? Is this perceived risk a significant barrier to hiring an ex-offender?
14. Some states have laws that prohibit discrimination against individuals with criminal records if the criminal history does not relate to the position. How would you feel about this?
15. How would you feel about a law that only permits employers to receive criminal history reports after they have made an offer to hire (e.g., Vermont)?
16. Would state-issued Certificates of Rehabilitation for offenders who have met certain rehabilitative criteria increase your comfort level?

F. Close

17. The purpose of these interviews is to learn more about employers' perspectives on hiring ex-offenders and how former prisoners can be more employable to you. We talked about many issues. To conclude our discussion, I'd like each of you to take just a minute to comment:
 - From your perspective, what is the single most important factor that would make it easier to hire someone who was previously incarcerated? (Can be something we discussed or something we missed.)

Appendix E. Breakout of Employer Ratings of Incentives and Strategies

Employers that Hired Ex-Offenders (n=12)

Support Service or Incentive	Impact on Hiring									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Specific job skill training provided appropriate to your industry	1	8.3%	0	0.0%	0	0.0%	5	41.7%	6	50.0%
Candidate completed transitional employment program after release from prison and has built a positive employment record	0	0.0%	1	8.3%	0	0.0%	6	50.0%	5	41.7%
General work readiness training provided prior to employment	1	8.3%	0	0.0%	3	25.0%	6	50.0%	2	16.7%
Third party to go to if you have problems with the employee	1	8.3%	1	8.3%	3	25.0%	6	50.0%	1	8.3%
Intermediary agency helps with job screening process	0	0.0%	2	16.7%	3	25.0%	4	33.3%	3	25.0%
Bonding incentives (insurance against employee dishonesty/theft)	4	33.3%	1	8.3%	0	0.0%	4	33.3%	3	25.0%
Tax incentives (or bigger tax incentives)	4	33.3%	1	8.3%	1	8.3%	5	41.7%	1	8.3%
Wage subsidies for ex-offender employees	3	25.0%	1	8.3%	2	16.7%	5	41.7%	1	8.3%
Job retention support from employment case manager, faith-based volunteer, or parole officer	1	8.3%	4	33.3%	1	8.3%	5	41.7%	1	8.3%
Assistance accessing existing government financial incentives	2	16.7%	1	8.3%	3	25.0%	3	25.0%	3	25.0%
Greater protection from legal liability	2	16.7%	2.5	20.8%	3.5	29.2%	2	16.7%	2	16.7%
Help with employee transportation	6	50.0%	1	8.3%	3	25.0%	2	16.7%	0	0.0%

Employers that Hired Ex-Offenders (n=12)

Source of Reference	Influence									
	No Positive Influence								Very Positive Influence	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Job Placement Agency	3.5	29.2%	1.5	12.5%	0	0.0%	5	41.7%	2	16.7%
Workforce Development Agency (provides some job readiness coaching & support in addition to job placement)	2	18.2%	1	9.1%	2	18.2%	4	36.4%	2	18.2%
Parole or Probation Agency	4	33.3%	3	25.0%	2	16.7%	2	16.7%	1	8.3%
Faith-Based (Religious) Organization	4.5	37.5%	3.5	29.2%	2.5	20.8%	0.5	4.2%	1	8.3%
Prison or Jail	7	58.3%	3	25.0%	2	16.7%	0	0.0%	0	0.0%

Employers that Did Not Hire Ex-Offenders (n=16)

Support Service or Incentive	Impact on Hiring									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Candidate completed transitional employment program after release from prison and has built a positive employment record	0	0.0%	0	0.0%	1	12.5%	5	62.5%	2	25.0%
Greater protection from legal liability*	0	0.0%	2	13.3%	3	20.0%	1	6.7%	9	60.0%
General work readiness training provided prior to employment	2	12.5%	2	12.5%	2	12.5%	5	31.3%	5	31.3%
Bonding incentives (insurance against employee dishonesty/theft)	2	12.5%	3	18.8%	1	6.3%	4	25.0%	6	37.5%
Specific job skill training provided appropriate to your industry*	3	20.0%	1	6.7%	3	20.0%	2	13.3%	6	40.0%
Intermediary agency helps with job screening process	4	25.0%	1	6.3%	3	18.8%	6	37.5%	2	12.5%
Wage subsidies for ex-offender employees	5	31.3%	2	12.5%	1	6.3%	5	31.3%	3	18.8%
Job retention support from employment case manager, faith-based volunteer, or parole officer	1	6.3%	1	6.3%	6	37.5%	4	25.0%	4	25.0%
Third party to go to if you have problems with the employee	0	0.0%	2	12.5%	7	43.8%	4	25.0%	3	18.8%
Assistance accessing existing government financial incentives	4	25.0%	3	18.8%	3	18.8%	2	12.5%	4	25.0%
Tax incentives (or bigger tax incentives)	7	43.8%	2	12.5%	3	18.8%	3	18.8%	1	6.3%
Help with employee transportation	9	56.3%	2	12.5%	3	18.8%	0	0.0%	2	12.5%

Employers that Did Not Hire Ex-Offenders (n=16)

Source of Reference	Influence									
	No Positive Influence								Very Positive Influence	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Parole or Probation Agency	1	6.3%	4	25.0%	1	6.3%	6	37.5%	4	25.0%
Workforce Development Agency (provides some job readiness coaching & support in addition to job placement)	2	12.5%	3	18.8%	3	18.8%	1	6.3%	7	43.8%
Job Placement Agency*	3	20.0%	4	26.7%	4	26.7%	3	20.0%	1	6.7%
Faith-Based (Religious) Organization	6	37.5%	3	18.8%	3	18.8%	3	18.8%	1	6.3%
Prison or Jail	9	56.3%	3	18.8%	2	12.5%	2	12.5%	0	0.0%