

HUD EMPLOYMENT LECTURE SERIES

Lecture #9 Pamphlet

EMPLOYMENT SERVICES FOR HOMELESS EX-OFFENDERS

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INTRODUCTION

A common obstacle encountered when helping people who are homeless pursue and find stable employment is past or current involvement with the criminal justice system. Many people cycle between correctional institutions and homelessness. Homelessness and involvement in the criminal justice system are interrelated in a web that can also include mental illness, substance abuse, disrupted relationships, poverty, unemployment, and low educational achievement.

People who experience homelessness are more likely to become involved with the criminal justice system. A 2008 study of people incarcerated in local jails nationwide revealed that more than 15 percent had been homeless in the year prior to their incarceration.¹ Some of the crimes for which people might be arrested while homeless are property crimes aimed at survival on the streets—such as theft or trespassing. Other crimes, including violent offenses, drug possession, and public intoxication, might be associated with mental illness or substance abuse, which are prevalent among people experiencing homelessness.²

Conversely, ex-offenders are at particular risk of homelessness. An earlier study of homeless and marginally housed adults in San Francisco revealed that 23 percent had served time in State or Federal prisons—this study did not even include people who had served time in local jails.³ A study in New York City found that 17 percent of adults in homeless shelters had been incarcerated in jails in the previous two years, while nearly 8 percent had been in prison during the previous two years.⁴ Ex-offenders are more likely to have limited educational achievement and job experience. As many as one-third of people who are incarcerated were unemployed prior to their arrest, and more than half of people on parole do not have high school diplomas or GEDs.⁵ These factors make finding employment upon release even more difficult. At the same time, many of the “safety net” social supports are not available for people with certain convictions. For example, people convicted of specific drug offenses might be barred from receiving Temporary Assistance to Needy Families (TANF) funds, from living in federally subsidized housing, and from receiving financial aid for higher education.

Involvement with the criminal justice system poses numerous challenges to mainstream employment, in addition to the employment challenges already faced by persons who are homeless. Involvement with a criminal lifestyle may cause a person to devalue work or create problematic attitudes towards mainstream employment, and experiences within a correctional institution can lead to lasting problems. Moreover the behavior and survival mechanisms that someone might learn in prison or jail can be severely problematic once back in the community and pursuing or trying to retain employment. Employers are hesitant to hire ex-offenders, particularly those convicted of felonies and of certain types of offenses including sexual and other assault crimes. People under continuing community supervision might have their activities limited by corrections officers.

However, the need for employment opportunities for ex-offenders is receiving increased attention at the local, State, and Federal levels, and programs nationwide have developed strategies for helping ex-offenders find and keep stable employment. These strategies can be used as part of an integrated system of services and supports to help people who are homeless obtain and maintain employment.

Intended Audience

This pamphlet and companion lecture will benefit those who provide services to the target population described below, including the following:

- Case managers
- Staff of transitional and permanent housing
- Employment specialists at One-Stop Career Centers and other workforce development centers
- Employment specialists at homeless assistance, mental health, and substance abuse treatment agencies
- Employment specialists at programs targeted to ex-offenders
- Probation and parole officers
- Program managers
- Vocational rehabilitation staff

Target Population

This pamphlet and lecture are intended to guide the provision of employment-related services to people who are experiencing homelessness and have had past or current involvement with the criminal justice system. People might become homeless soon after leaving a correctional facility, some people are homeless just prior to incarceration, and many people who are chronically homeless have encounters with the criminal justice system. In any case, experiences in the correctional system and a criminal record present significant barriers to employment.

UNDERSTANDING THE IMPACT OF BEING IN THE CORRECTIONAL SYSTEM

Apart from the very practical effects of having a criminal record, the experience of having been involved with the correctional system can affect a person's employment prospects, in both negative and positive ways.

Types of Correctional Settings

People who have been convicted of a criminal offense may have experienced one or more types of confinement through the correctional system. While the terms "jail" and "prison" are often used interchangeably in casual conversation, they are actually quite different. After release, ex-offenders may also be subject to another aspect of the criminal justice system—community supervision. This type of supervision carries with it conditions such as check-ins, curfews, and restrictions on travel. People who have been sentenced to probation in lieu of incarceration will also be subject to community supervision.

Prison

States and the U.S. Bureau of Prisons operate prisons that house inmates who have been convicted and sentenced to more than a year of incarceration. In general, prisons offer more structured services, such as employment training and GED classes, than do jails because the institutions are able to work with individual prisoners on a longer-term basis, and there is ongoing public and political scrutiny on the rehabilitation process. However, as prison populations have increased, budgets for employment activities have been strained, and

overcrowding has led to inmates being shifted from prison to prison, disrupting opportunities for rehabilitation.⁶

Jail

In contrast to prisons, jails are locally run and house inmates on a short-term basis. Most inmates have been arrested and are awaiting trial or have been sentenced to a year or less of incarceration. Jails are much more chaotic than prisons because inmates are constantly being brought in and released. Daily routines for inmates are less established, inmates have fewer activities, and overcrowding is common.⁷ As a result of the lack of structure, there are fewer opportunities for rehabilitation, both in terms of correcting problem behaviors and providing vocational and educational opportunities.

Many believe that jails can be more dangerous than prisons, particularly because there are fewer mental health and substance abuse services, and many people are not used to being in the correctional system and do not know how to protect themselves.⁸

Community Supervision

Many ex-offenders are subject to continuing supervision by the correctional system after they are released from jail or prison (parole), while some people are subject to supervision requirements in lieu of jail or prison time (probation). Someone who is out in the community on parole or probation might be subject to multiple restrictions on activities and ability to travel outside the jurisdiction, which can limit employment opportunities. For example, a person who must report to a halfway house at night cannot work a night job, while a person who must give a urine sample or meet with a parole officer during the day would have to negotiate time off with an employer. Such requirements are particularly difficult for people who have to rely on public transportation because the added travel time makes balancing work, meetings, and treatment difficult. Similarly, a person might not be able to cross city or State lines to work in a more promising job market in a nearby city or suburb, either at a new job or an employer's other locations. Restrictions on traveling out of the city or State also limit opportunities in some fields, such as truck driving.

At the same time, the correctional system recognizes the importance of work for keeping those under community supervision from re-offending. Post-release requirements, such as living in a supervised

setting, meeting regularly with a parole officer, or participating in drug rehabilitation can all help to ensure that a person is a more reliable employee. For example, a joint initiative of the Kansas workforce development and correctional systems touts mandatory drug testing at no cost to the employer as a specific advantage of hiring ex-offenders.

To help ensure that community supervision requirements play a positive, rather than a negative, role in employment activities, it is important for those providing employment supports to partner with the correctional system. When working with ex-offenders, make sure to find out if they have community supervision requirements, and if so, meet with their probation or parole officer to make sure that employment goals and correctional requirements are not in conflict. Additionally, it is helpful and important to understand the behavioral expectations of the probation or parole, such as regular drug testing or monthly meetings with the parole or probation officer. Promoting the value of a particular work opportunity while being mindful of the reasons for certain restrictions on activities can help to bridge the correctional system and strengthen employment supports.

Negative Effects

Many problems that follow an individual into the correctional system or develop while he or she is incarcerated can complicate employment after release. Mental illness and substance abuse are often part of the cycle of crime, unemployment, and homelessness, and too often, inmates do not receive needed treatment. Further problems can arise if treatment is not available and coordinated once someone is released. Additionally, people involved in the correctional system are exposed to trauma, gangs, and career criminals, all of which can negatively affect post-release employment. Fear and resistance to offering quality services to individuals being released into the community can create additional barriers to potential employment.

Unmet treatment needs

Many ex-offenders have substance abuse and mental health concerns that have not been addressed effectively. Some studies suggest that three out of every four ex-offenders contends with addiction, about one of five has a mental illness, and rates of depression and past sexual abuse are much higher among women ex-offenders.⁹ At one program for ex-offenders, an employee interviewed for this publication reported

that 70 to 80 percent of female participants have experienced domestic violence. Unfortunately, mental health and substance abuse services are typically under-funded in correctional systems. According to some estimates, only about 10 percent of prisoners participate in substance abuse treatment while incarcerated.¹⁰

Accessing mental health and substance abuse services after release might also be difficult, as the community systems that offer treatment to people who are homeless are often unable to provide the necessary treatment and case management services to ex-offenders. In some places, there might even be formal agreements that these services will be provided by the correctional system, limiting the ability of others to provide treatment and case management services to individuals being released from jail or prison. Many people cannot receive services from a particular agency because of a history of violent behavior.¹¹ Thus, many ex-offenders are likely to have mental health or substance abuse problems for which they have not received treatment and which can interfere with employment, particularly when accompanied by a lack of treatment slots in the community.

Trauma

Being arrested, facing trial, and serving time in correctional facilities all can be traumatic experiences. In addition to the trauma of having one's freedom taken away and being under the control of staff, inmates often must contend with acts of violence. According to the Bureau of Justice Statistics, about 16 percent of inmates in State prisons reported being injured in a fight in 2004, while about 8 percent of Federal prisoners reported fight injuries.¹² Many ex-offenders have experienced numerous incidents of violence and trauma in their lives, often long before becoming involved in criminal behavior.

Inmates in correctional facilities are also subject to sexual abuse, both by fellow inmates and by staff. According to a 2007 study published by the U.S. Department of Justice, almost 5 percent of State and Federal prison inmates are subjected to sexual assault or abuse, with 2.1 percent reporting victimization by fellow inmates and 2.9 percent reporting victimization by staff.¹³ Further, the report noted that inmates are often hesitant to report sexual assault due to embarrassment, fear of reprisal, or a code of silence.¹⁴

These physical and sexual traumas are risk factors for homelessness, and, in addition to violence within correctional facilities, many people

involved in the criminal justice system have experienced trauma outside of correctional facilities. A 2008 study of past homelessness among inmates in local jails nationwide found that those inmates who had been physically or sexually abused in their lifetime were more likely to have been homeless in the year prior to incarceration.¹⁵

Criminal Activity within Correctional Facilities

Correctional facilities, to the best of their resources, try to rehabilitate inmates, in part by installing a work ethic. Other inmates, however, can detract from these efforts. Many inmates are career criminals, and contacts made in jail and prison often lead to future criminal partnerships or learning the “tricks of the trade.” In many correctional institutions, drugs are sold or traded after being smuggled in by visitors, staff, or new inmates.

People who are incarcerated are also exposed to gangs, many of which operate both inside and outside of correctional facilities. Members of street gangs, such as the Crips and the Bloods, continue their gang associations while incarcerated. Prison gangs are typically organized by race, having originated as a form of protection from attacks by members of other races. Groups such as the Aryan Brotherhood and Mexican Mafia are known to engage in racially motivated violence. Typically, someone who joins a prison gang is a member for life and is expected to continue criminal activity upon release. According to the National Alliance of Gang Investigators Associations, gangs are widespread in State and Federal prisons and local jails, with about 12 percent of Federal prisoners, 13 percent of State prisoners, and 16 percent of jail inmates involved in gangs.¹⁶

Exposure to crime as a way of life while incarcerated can serve as a stumbling block to rehabilitation through work. Many ex-offenders must engage in a lengthy and time-consuming search for employment that will offer low pay and minimal benefits, thus increasing the temptation to return to criminal activity as a means of support.¹⁷ Another important impact of this ongoing exposure to and participation in violence is the challenge that exists in changing these types of behaviors and altering them and learning new ones that are appropriate for the workplace. This is an incredibly difficult task for many ex-offenders and requires extensive support from employment and other staff even after employment is obtained.

For many people, involvement in the correctional system is part of an overall pattern of limited opportunity. Many in the correctional system experience “generational poverty,” meaning that their parents and other generations have also lived in extreme poverty. Some suggest that generational poverty causes people to think primarily about immediate survival needs, rather than thinking about the future, thus limiting their ability to think about the long-term consequences of their actions.¹⁸ Because of the repetitive nature of living in the correctional system, inmates are less encouraged to think about long-term goals, in favor of being encouraged to exhibit non-confrontational behavior and try to serve time as uneventfully as possible. Further, people who have served time in correctional facilities tend to have lower educational achievement and job experience before their involvement with the correctional system.

Re-entry Issues

Increasingly, criminal justice systems are focusing on re-entry issues, or helping people released from prison or jail reintegrate into society. People often leave correctional institutions without a job or housing, and they may have strained their relationships with family or friends. These factors combined with resistance from potential employers and landlords make recently released inmates vulnerable to extended periods of unemployment and homelessness. Cities and regions have developed services to help prevent this cycle, such as helping people obtain needed identification to begin work quickly.

Opportunities for Positive Experiences

Not all experiences in correctional facilities, however, have a negative effect on one’s ability to find and hold a job. Some people do make positive steps forward as a result of incarceration or probation. For example, some might complete drug or alcohol rehabilitation, while others complete a GED program or take other basic education courses. Many correctional systems offer employment-related activities for inmates, both inside and outside of a correctional facility. The U.S. Bureau of Prisons and each State’s prison bureau have departments of correctional education, which coordinate such training, often in alliance with community colleges, local school systems, and workforce development systems. An Urban Institute review of prison programming designed to open opportunities upon release identified four major types of programming:

- **Educational programming.** Among offerings were GED preparation, adult basic education (ABE), and college-level coursework.
- **Vocational training.** Prisoners received industry-specific training in carpentry, automotive, masonry, welding, and other skills.
- **Prison industries.** Correctional facilities operate businesses to raise money for the institution (such as manufacturing brooms) or support its operation (such as laundry or foodservice).
- **Employment services training.** Staff help inmates develop soft skills and learn how to conduct a job search.¹⁹

While some work assignments within prisons offer the chance to learn job skills that appeal to employers, such as electronic assembly, most of the work opportunities are in low-skilled positions such as laundry, foodservice, janitorial, garment assembly, furniture assembly, and metal fabrication (such as pressing license plates).²⁰ While the specific job skills learned in such positions do not always appeal to potential employers after release, inmates with work assignments do develop needed “soft skills,” such as reporting to work on time, responding to supervision, and teamwork, and those who work in prison are less likely to re-offend upon release.²¹

Some programs offer the opportunity to work on-site with employers. For example, one correctional facility transports inmates to a machine shop, where they learn fabrication skills. In Kansas, the State’s workforce development system and department of corrections have partnered to promote the hiring of ex-offenders by teaching inmates construction, manufacturing, computer technology, and other trades. Using a brochure aimed toward employers, the initiative offers employers the opportunity to develop relationships with the department of corrections in order to provide specific training to meet the employer’s needs.²²

Such programs usually have the advantage of placing inmates in high-demand fields. Employers typically establish such arrangements because they have unmet hiring needs and are looking for a reliable source of labor. Employers also find that the inmates look forward to coming to work each day, as it means leaving the correctional facility,

and that they generally make reliable employees because they’re subject to drug testing and they do not show up for work after late nights out, as many employees do.²³

UNDERSTANDING THE IMPACT OF A CRIMINAL RECORD

Having a criminal record (or “rap sheet”) can have a significant effect on a person’s job prospects, both because of employer perceptions and the impact on a person’s self-esteem. Additionally, some fields have legal restrictions on hiring ex-offenders. According to an Urban Institute review of academic studies, ex-offenders with similar credentials to non-offenders are much less likely to receive offers of employment.²⁴

For African-American ex-offenders, the impact of a criminal record is even more significant, with some studies suggesting that African-American ex-offenders are one-third as likely to receive job offers as equally qualified African-American non-offenders, and only one-seventh as likely to receive an offer as equally qualified white non-offenders.²⁵ Because of this impact, and because African-American males are more likely to have a criminal record than other job applicants, the U.S. Equal Employment Opportunity Commission (EEOC) cautions employers to consider (1) the nature of the offense, (2) the length of time since the last offense, and (3) the relationship of the offense to job duties, rather than simply screening out anyone with a criminal record.²⁶

While studies suggest that as more time elapses since the most recent conviction, ex-offenders are less and less likely to commit additional crimes, employers do have some legitimate reasons for avoiding hiring ex-offenders. Many States have “negligent hiring” laws, meaning that employers can be held responsible for the criminal acts of their employees if they do not use reasonable caution in deciding who to hire.²⁷

When asked, employers generally say they are less willing to hire ex-offenders than other disadvantaged groups, such as people receiving welfare benefits. However, employers’ stated preferences are not always reflected in their hiring practices. As more Americans serve time in prison—as many as one in 15 Americans according to the Bureau of Justice Statistics—more employers are turning to ex-

offenders to fill their hiring needs.²⁸ Although the use of background checks is on the rise, most employers do not investigate applicants' backgrounds.²⁹

Past criminal history is not an all-or-nothing question. Some ex-offenders will have a much easier time finding employment than others. A number of factors will determine employers' attitudes toward ex-offenders, including the legal classification of past offenses, the nature of criminal activity, and the type of work sought.

Legal Classifications

A criminal background check, particularly one from a private company, can contain several types of information that will have different effects on employment opportunities. For example, some reports contain information only about convictions—meaning that the person was either found guilty at trial or pleaded guilty, whether or not the person served any time in a correctional facility. Other reports also include information about arrests that did not lead to charges, for which charges were dismissed, or for which the person was eventually found not guilty. Convictions fall into two categories: felonies and misdemeanors, which are less serious than felonies.

Felonies

In general, a felony is a crime that can be punished by more than one year in prison, regardless of a person's actual sentence. Common examples include murder, rape, armed robbery, burglary, drug trafficking, and arson. In some cases, prosecutors decide whether to charge someone with a felony or a misdemeanor based on the seriousness of the wrongdoing, or that distinction might be made by the law. For example, theft of items worth less than a certain dollar value might be considered a misdemeanor, while theft items above that amount would be considered a felony. Additionally, sometimes repeat offenders (such as a person who habitually drives while intoxicated) can be charged with a felony.

When assisting an ex-offender with employment, it is felonies that are of the greatest concern. Employers are most interested in learning about felony convictions, which are evidence of serious wrongdoing. In almost every State, employers are permitted to ask about felonies, although a few States have laws stating that most employers cannot use a past felony conviction as an absolute bar to employment.

Misdemeanors

Generally speaking, misdemeanors are criminal offenses punishable by a year or less in prison. Because some conduct falls into a "gray area" of the law, prosecutors often charge a person with a felony but will accept a guilty plea to a misdemeanor, and sometimes judges or juries will convict someone of "lesser charges," typically a misdemeanor rather than a felony. Some examples of misdemeanors are petty theft, shoplifting, criminal trespass, prostitution, vandalism, simple battery, public intoxication, and disorderly conduct.

Misdemeanors are less likely to affect a person's job search than are felonies. Many employment specialists who work with ex-offenders find that most employers do not even ask about misdemeanors. Some States even prohibit employers from asking about misdemeanors or place strict limits on doing so. Some examples of legal restrictions include asking about the following categories of misdemeanors:

- Conviction occurred before a set period of time, such as five years
- Incarceration ended before a set period of time
- Probation or parole has been completed
- Category of offense unrelated to job qualifications
- Record of conviction has been sealed or expunged, i.e., the record has been "cleared"
- Conviction was a first offense and in a category of misdemeanors exempted by law, such as disturbing the peace
- Misdemeanor not punishable by jail time

In some States, job applicants can legally answer "no" or "no record" if they are asked about misdemeanor convictions that are outside of legally permissible lines of questioning, while in other States, employers cannot discriminate against those who refuse to answer improper questions. Additionally, some public-sector employers no longer ask about misdemeanor convictions. It is important for you to learn about your State's laws regarding asking about misdemeanors so that you can counsel and prepare participants in how to answer questions. Additionally, many employers might not know about these

restrictions, and educating employers can be a part of job development activities.

Civil Offenses

Not all situations in which a person has had legal problems are considered to be crimes. For example, in a number of States, someone can be arrested for possession of a small amount of marijuana, appear before a judge, and be ordered to pay a fine, and yet not have a “criminal record” because the offense is considered a civil offense, almost like a traffic violation. People who are homeless are particularly likely to have been charged or found liable for offenses such as loitering, trespassing, public intoxication, or urinating in public, which vary by jurisdiction as to whether they are criminal or civil offenses.

In casual conversations, a person who is homeless might report civil offenses as though they were crimes, so it is important to distinguish civil offenses from felonies and misdemeanors, which are criminal offenses. Typically, employment applications and job interview questions only ask about criminal offenses, and so it is important for job applicants to understand what they have to disclose. Obtaining a participant’s criminal record and reviewing it with them should reveal the differences, and discussing the transcript with an attorney can help to resolve questions about how offenses are classified.

Arrests without Conviction

Many people who are homeless have been arrested for minor offenses that grow out of substance abuse and homelessness, such as public intoxication, trespassing, or petty theft. These charges are often not pursued by authorities, who often prefer to try to divert people who are homeless into some form of drug or alcohol treatment or into the shelter system.

In the eyes of the law, people are presumed innocent until proven guilty, but employers often have a different view. Traditionally, employers have asked applicants about all arrests and sometimes conducted background checks to determine whether an applicant had been arrested. However, members of some minority groups are more likely to be arrested, and thus, screening potential employees can have the effect of screening out minority job applicants. Thus, the U.S. Equal Employment Opportunity Commission (EEOC) warns that asking applicants about arrest records might in some cases constitute illegal

discrimination.³⁰ In some States, employers are not permitted to ask about arrests, although an applicant might have to disclose an arrest if the person is out on bail and awaiting disposition of the case at trial. In a few additional States, while private employers are allowed to ask about arrests, public employers (city, county, and State) are not.

When assisting a person who has been arrested without a conviction, it can be helpful to verify the legality of employer inquiries about such arrests. People should be informed if they have a right not to answer questions about arrests. Even if such inquiries are legal, people should understand that they should not volunteer information about arrests when an employer asks only about convictions.

Nature of the Offense

The circumstances of a person’s offense can be more relevant than how they are classified according to the law. Many employers are not opposed per se to hiring people with felony or misdemeanor convictions, but employers will be interested in learning more about the specifics behind an ex-offender’s criminal convictions (or in some cases, arrests) as well as subsequent rehabilitation activities. There are some employers serving children who are only concerned about criminal histories related to offenses towards children or women, while other industries, such as the hotel industry, are most concerned about any crimes related to theft. When doing job development, it is helpful to ask employers about the types of background checks they conduct, if any, and which type of offenses would disqualify candidates from consideration.

In addition to generally being more open to hiring people with certain types of offenses (such as non-violent drug offenses), employers are also more willing to consider an applicant whose conviction occurred long ago or who is not a repeat offender. Many employers are also positively influenced by consistent and productive efforts on the part of the job-seeker to learn new skills and make personal improvements during incarceration.

Sex Offenders: Special Considerations

People who help ex-offenders find jobs report that employers are particularly wary of hiring convicted sex offenders. Many employers, such as schools, are legally prohibited from hiring sex offenders. Understandably, many other employers are fearful of placing

themselves, their other employees, their customers, and their neighbors at risk. According to the Center for Sex Offender Management (CSOM), the problem of employing sex offenders is compounded by the fact that sex offenders typically lead “double lives,” and might have high educational achievement, stable job history, and families.³¹ As a result, it is difficult to predict whether a convicted sex offender will “re-offend,” or commit additional sex crimes. It is also difficult to anticipate how these ex-offenders will do in terms of exhibiting appropriate behaviors at work.

In addition to the difficulty of placing convicted sex offenders, there might also be post-release supervision requirements that prevent sex offenders from taking advantage of potential employment opportunities. CSOM notes that parole officers are likely to impose some of the following requirements on a sex offender’s employment:³²

- Position does not involve traveling to businesses or residences in the community.
- Work takes place in a single location.
- Position is supervised closely.
- Child sex offender does not work with or around children.
- Position does not allow for unsupervised contact with potential victims, depending on circumstances, such as women or older adults.
- Position does not involve supervisory duties.
- Getting to and from work does not take ex-offender through high-risk situations (e.g., near a playground).
- Employer allows ex-offender time off to participate in supervision and therapy as required.
- Position does not allow for Internet access.
- Position does not allow for access to personal information.

Impact of Other Types of Offenses

Sex offenses are not the only category of offenses that complicate finding and holding a job. Depending on the nature of the position

applied for and the employer’s business, other types of offenses raise red flags with employers.

Crimes involving theft or other “integrity” crimes make finding a job much more difficult. The following types of offenses are likely to cause a potential employer to question a person’s honesty:

- **Fraud.** Obtaining another person’s property through false statements, which can include writing bad checks or failing to deliver paid-for goods or services.
- **Embezzlement.** Theft involving money over which someone has control, typically stealing money from an employer.
- **Forgery.** Falsifying a document or signature to obtain money or property.
- **Counterfeiting.** Printing money.
- **Identity theft.** Using another person’s name and personal information to obtain money or property.
- **Larceny.** Crimes such as pick-pocketing, shoplifting, or theft from autos, which do not involve force.
- **Robbery.** Theft involving violence or threatened violence.
- **Burglary.** Entering another’s property for the purpose of committing a crime.
- **Stolen property.** Selling, buying, or transferring stolen property.
- **Money laundering.** Concealing the source of money, such as using a business’s bank account to deposit cash from drug sales.
- **Computer hacking.** Involving the unauthorized use of computer technology to manipulate critical user data.

One employment expert interviewed noted that he has more difficulty placing people with theft convictions than he does with those convicted of homicide. The perception among employers is that people who have served time for homicide are unlikely to kill again, while people who have been convicted of theft are basically dishonest people.

One way to overcome this perception is to start at the bottom, take whatever job is offered, and rebuild an employer's trust for at least six months, but preferably a year, before applying for other jobs. Similarly, employment specialists can have positive impacts on these perceptions by establishing long-term relationships with employers that are based on referral of good applicants; consistent, timely, and reliable follow-up (especially when there are specific problems); helpful assistance and resources when problems do arise; and provision of ongoing education about how to employ this population effectively.

Individuals who were involved in violent offenses might be particularly in need of assistance outside of programs targeted for ex-offenders. Some employment programs specifically designed for ex-offenders screen out people whose latest conviction is for a violent offense. Assisting someone with a record of violent crimes often requires reassuring potential employers that the person has changed. Possible ways to demonstrate change include providing personal references and demonstrating that the person has undergone counseling, anger management training, or other activities to reduce the likelihood of future violence.

Certain offenses, such as drug-related felonies or driving under the influence, can result in the revocation of driving privileges. The loss of driving privileges limits employment in some fields that otherwise might be open to ex-offenders, such as trucking, delivery services, and certain construction jobs. Loss of driving privileges might also have significant impact on transportation to and from work, as well as fulfilling other personal obligations such as appointments with probation officers or counselor during work hours, or responsibilities related to family. When driving privileges are restored, opportunities might open, depending upon the circumstances. If the person's license had been suspended for failure to pay fines or child support, for example, the restoration of driving privileges typically removes limitations on employment. Those who had drug-related or impaired driving convictions, however, might still face resistance from employers or licensing agencies.

History of Convictions

Employers are often willing to take a chance on an ex-offender, but they are more likely to hire someone who has only one conviction that occurred several years earlier. To employers, the person who has

made a mistake and has shown that he or she has learned from it is a more appealing candidate than someone who was recently released from a correctional institution or has multiple convictions.

Habitual offenders will have a more difficult time finding employment, and many homeless ex-offenders have committed multiple offenses. A study of local jails nationwide revealed that inmates who had been homeless prior to incarceration were much more likely to be repeat offenders; some of the repeat offenses were "survival" property crimes, while others were crimes of violence.³³

While non-violent drug offenders often have the easiest time finding a job, those with multiple convictions often have more difficulty, particularly in industries where drug use has been identified as a problem. Furthermore, working in an industry in which substance use is common—for example, bars and restaurants—might put a person with substance abuse difficulties at risk of relapse. Thus, connecting people with substance abuse treatment and counseling is particularly important to helping them find and hold a job.

Finding the first job after a criminal conviction is often the most difficult step, but working successfully in a job for a period of time demonstrates attributes that future employers look for, and the significance of a criminal conviction declines over time.³⁴

Jobs and Industries with Hiring Restrictions

While some State laws restrict employers' ability to screen out ex-offenders, there are some industries and types of jobs that are exempt from such laws. In fact, certain employers have a legal obligation to run background checks on potential employees and are barred from hiring certain categories of ex-offenders, such as anyone with a felony conviction or anyone convicted of a violent or sex crime. The following jobs and industries are often closed to ex-offenders:

- Casinos
- Home health care
- Day care
- Schools
- Law firms

- Banks and financial services
- Certain health care positions
- Security and law enforcement
- Local, State, and Federal government

MITIGATING A CRIMINAL RECORD

Providing employment assistance to an ex-offender requires a candid acknowledgment that finding work will be more difficult than it would be without a criminal record. However, it can be pointed out that many ex-offenders have convinced employers to give them a chance and now lead successful lives. Ex-offenders have a number of options to reduce the impact that their record will have on their job search, including legal proceedings and steps to get employers to look past their record and see their strengths.

Expunging or Sealing Records

When a person's criminal record is standing in the way of employment, one possibility is using the legal system to "clean up" his or her rap sheet. However, this should be seen as a step in a comprehensive approach, rather than a "quick fix."

Sometimes, a person's criminal record contains inaccuracies, such as incorrect dates or classifications of offenses, or even listing the convictions of someone with a similar name. It is often helpful to obtain a copy of a person's "rap sheet" from the State criminal records repository and review it for accuracy with the participant. Legal services offices might be able to help clear up any incorrect information.

If a person has been arrested but found not guilty or had the charges dismissed, the arrest might still show up on a person's criminal record unless the person takes action to "expunge" (clean) the arrest from the record. Usually, this can be done as soon as the case is resolved, although if the prosecutor simply decides not to press charges, it might require a period of waiting without further offenses before the record can be expunged.

Additionally, even if a person has been convicted at trial or pleaded guilty, many States offer ex-offenders the opportunity to expunge

convictions or to "seal" the record of the conviction, meaning that the records can only be accessed with a court order. Usually, certain types of offenses can be sealed or expunged after a certain period of time and if certain conditions have been met, such as no further arrests or convictions or completion of treatment or rehabilitation programs. Legal services offices can assist with the process, and Workforce Investment Act funds can be used to help clear records in conjunction with a job search.³⁵

The process of sealing or expunging convictions, however, is usually difficult and chances of success are limited. Moreover, even successfully expunging or sealing a conviction might not always help change employers' perceptions. For example, even sealed or expunged convictions might show up if an employer runs a credit check or uses a private background check service, and employers can use other criteria, such as gaps in employment history, to screen out ex-offenders.³⁶

Certificate of Rehabilitation

A certificate of rehabilitation is an official document available through some States' court systems that takes into account a person's personal changes since being convicted of a crime. The issuance of a certificate of rehabilitation typically does not clear the conviction from a person's record, and a person still must acknowledge the conviction when applying for employment. However, some employers might take the official document as evidence that the person has changed.

Additionally, the certificate removes barriers to professional licensing. In Illinois, for example, ex-offenders can receive one of two types of certificates of rehabilitation that allow them to be licensed to work as barbers, manicurists, athletic trainers, surveyors, or roofing contractors.³⁷

An employer might not consider a certificate of rehabilitation to be a definitive assessment of a person's character. When Massachusetts was considering adopting certificates of rehabilitation, focus groups held with employers revealed considerable skepticism about the certificates' usefulness.³⁸ Even if a certificate of rehabilitation is available, employment specialists should stress to the ex-offender that he or she will have to provide the employer with evidence of the

changes that one has made in terms that the employer can understand.

Personal Changes

Helping to place ex-offenders involves convincing employers that there is often no connection between a person's criminal history and the type of employee that the person will be. In roundtables conducted by the U.S. Department of Labor, employers that had hired ex-offenders noted that many ex-offenders had been excellent employees, advancing through management, while many employees without criminal histories have turned out to be unreliable and dishonest.³⁹

Finding work becomes easier for the ex-offender if he or she has done the following:

- Stayed out of legal trouble for several years since release
- Completed a transitional employment program
- Worked without incident for six months to a year
- Completed a drug or alcohol rehabilitation program
- Not used drugs for a significant period of time
- Received training in high-demand job skills
- Developed good interpersonal skills
- Established a strong, multi-dimensional support system focused on continuing personal forward progress

Initially, employers will often view personal changes with skepticism, and the ex-offender will have to go the extra mile, showing up to work early, staying late if asked, and volunteering for needed assignments, in order to build up evidence of a renewed commitment.

Employers place great weight on personal references that describe the changes that an individual has made. However, it is important that these references come from someone with direct knowledge of factors that will determine the individual's success in the workforce. A study conducted with employers in one State found that employers were not really interested in references from people within a correctional facility, members of the clergy, or outreach workers. While the employers reported putting some weight in the recommendation of job placement

specialists, they were more interested in the opinions of people who had observed the applicant in some form of transitional employment or on-the-job training.⁴⁰

PROVIDING RELEVANT EMPLOYMENT SUPPORTS

In many ways, working with ex-offenders who are homeless is similar to working with other people who are homeless. Many of the techniques discussed in earlier lectures in this series are appropriate, especially the integrated services approach discussed in the third lecture. Integrating employment into a comprehensive plan is particularly important for people who are homeless because they often need support with issues relating to mental health, substance abuse, trauma, education, and family reunification. For those who are currently involved with the criminal justice system, it is especially important to include the parole or probation officer in the "Integrated Services Team" who helps address employment as part of a spectrum of needs. Additionally, it is useful to think about including supports and services that are targeted at supporting an ex-offender's successful reintegration into society, such as legal assistance, support groups, and counseling.

Additionally, many localities and States have formed offices or departments to help ex-offenders. Often, they are referred to as "re-entry" departments, and they can be located inside or outside of departments of corrections, often as part of a mayor's or governor's administration. These agencies usually have employment and housing as major focuses and can prove to be valuable resources.

Motivational Issues

The job hunt can be even more difficult for the homeless ex-offender than for other people experiencing homelessness. Long job searches are often necessary, and the participant might receive discouraging feedback, based on criminal history, from employers. Some might conceal criminal records from employers, then lose jobs once a background check is completed.

Due to the likelihood of rejection on many fronts, one of the key supports needed by ex-offenders is rebuilding self-esteem and believing in oneself in spite of having a criminal record. Many ex-offenders believe that they do not have the opportunity to succeed in the workforce. Those who work with ex-offenders report that setting

high expectations for participants as far as the number of resumes or applications to submit or the number of interviews to do helps the ex-offender realize both that the task is going to require patience and that the program is standing behind the participant.

Additionally, helping the participant see the inherent value in job search activities can help stimulate motivation. For example, the organizational, computer, assertiveness, and communication skills used in the job search will also be useful to the participant when he or she begins work. The job search also provides an opportunity to learn about oneself and work on changing skills and attitudes.

Immediate access to some form of employment—whether it is a job within the program or day labor crew—offers the ex-offender a source of income. An immediate paycheck can help to rebuild self-esteem because it means that the ex-offender is not reliant on others for financial support, which is why some programs for ex-offenders, such as the Center for Employment Opportunities (CEO) in New York City, pay participants at the end of each shift.⁴¹

CEO operates day labor crews. An advantage of day labor opportunities for ex-offenders is that day labor jobs are typically unskilled jobs that most ex-offenders can perform, and thus there are few barriers to working. While performing the unskilled labor, the ex-offenders have the opportunity to demonstrate to their supervisor some of the characteristics that employers demand, such as the ability to show up to work reliably, follow directions, complete tasks as requested, and get along with co-workers.

Sometimes keeping people motivated is a challenge even after they are offered jobs, because the jobs offered are typically not well-paying or interesting. However, employment specialists try to stress the potential of any job for the person trying to make a new start on life, and work with participants to view a job as a “stepping stone” toward economic independence. For example, the hospitality industry, though it has many entry-level jobs, is an industry with a career ladder. Many ex-offenders have started out cleaning tables, washing dishes, or setting up banquets halls and eventually moved into management.

Another good way to improve motivation of ex-offender participants is for employment and other programs to hire former program participants. Current participants see someone who has been in their shoes and see that the staff member has turned his or her life around.

Typically, programs do not hire former participants until they have spent some time in the work force. This allows them to better gain perspective on the challenges of returning to the workforce and demonstrate their reliability and commitment. The time employed elsewhere is also important for former participants to establish their own confidence in their ability to perform well in mainstream work environments.

Integrating Full Supports

Earlier lectures in this series have discussed the importance of integrated supports that respond to the complex and complete needs of any homeless job-seeker, and it is important to emphasize this principle for this population. Mental health and substance abuse services, benefits assistance, housing placement and retention services, and personal and peer supports should be integrated with more specialized supports, such as legal resources to address the long-term impacts of criminal records. Mentors who can provide profound encouragement to ex-offenders trying to re-enter the mainstream community should also be involved. Coordinating these comprehensive resources requires significant effort but is crucial to providing effective employment assistance to ex-offender job-seekers who are homeless.

PROMOTING HIRING INCENTIVES TO EMPLOYERS

Many of the employers that are hesitant to hire ex-offenders might not be aware of the advantages of hiring them. While it is important to promote the strengths of individual candidates, it can also be helpful to promote some of the advantages of hiring ex-offenders. Some incentive programs are designed to promote hiring by benefiting the employer directly. Such programs include providing a security bond that protects employers financially and tax incentives that save the employers money. Other incentives include those that help make the ex-offenders better employees, thus benefiting their employers indirectly.

An example of a written product promoting the hiring of ex-offenders is the brochure produced by the Kansas workforce development system, which discusses bonding, tax incentives, training, wage supplements, applicant screening, and post-employment supports.⁴²

Federal Bonding Program

Bonding refers to the process by which employers protect themselves from financial loss through employee theft or dishonesty by purchasing coverage from a “surety” company. However, private companies are unwilling to provide surety bonds to cover ex-offenders. To promote the hiring of ex-offenders, therefore, the Federal Government has established the Federal Bonding Program to fill the gap left by private companies. Under the program, employers can qualify for free coverage of \$5,000 for six months, purchase additional coverage, and purchase continuing coverage at the end of six months if the employee has not had any incidents.

However, not all employers consider the availability of a bond to be a factor in hiring decisions. Some employers point out that the loss of customers and good reputation cannot be made up for by a bond covering direct financial losses. One union leader pointed out that if a delivery person steals a package meant for a customer, the damage to the delivery service’s reputation far outweighs the cost of the package.⁴³ Evidence suggests that an employer’s assessment of a potential employee’s honesty is much more important than the availability of bonding. Although more ex-offenders are hired today (possibly due to high rates of conviction for drug offenses), the bonding program is used only about half as much as it was in the 1970s and 1980s.⁴⁴

Tax Credits

Tax credits can save employers money on their local, State, and Federal taxes and are generally designed to reward businesses for doing something considered risky or unprofitable. Tax credits for hiring ex-offenders and other disadvantaged workers are just one type of tax credit, which might also be available for making buildings accessible to people with disabilities.

At the Federal level, the Work Opportunity Tax Credit is available to employers who hire a person with a felony conviction who has been released from prison less than a year before being hired. The amount of the credit, taken directly off of the business’s Federal tax owed, can be up to \$2,400 and is based on the number of hours worked. An employee must work at least 120 hours in order for the employer to qualify. The amount of the credit is based on a percentage of the

worker’s wages, with a higher percentage and a higher cap for employees who work more than 400 hours.

As with other types of tax credits, a relatively small percentage of employers take advantage of the Work Opportunity Tax Credit. Employers frequently report that they value job training of potential employees more highly than they do financial incentives to hire ex-offenders.⁴⁵ Thus, it might be helpful to stress tax credits as a “cherry on top” of the array of benefits of hiring participants, rather than as a primary benefit.

Responding to employer concerns that tax incentives should be used to ensure qualified workers, the City of Philadelphia launched an initiative in 2008 that provides employers with a credit of up to \$10,000 against municipal taxes (in addition to any Federal benefits) for employers that pay for job training for ex-offenders.

Human Resources (HR) Support

While tax credits and bonding can help employers, the real reason that employers hire ex-offenders is because they are in need of good employees. The best benefits that an employment program can offer an employer is to help the employer find employees who are ready to work and help keep them on the job.

Therefore, employment programs for ex-offenders typically emphasize some of the advantages of providing human-resources (HR) support to employers, thus reducing the employers’ costs. For example, employers really do not know much about the typical applicant who walks through the door, and doing an extensive background check is expensive. Employment programs, by contrast, already know about their participants’ background and are able to discuss any concerns that the employer might have and provide an honest assessment of the applicant’s strengths and weaknesses.

If employers know that applicants have been screened by an outside program, it can help to allay the employers’ fears of being held liable under “negligent hiring” laws.⁴⁶ Employers appreciate the role that employment programs play in screening candidates appropriate for a job. One program manager interviewed helped an employer with urgent hiring needs by presenting ten qualified candidates for interviews, and the employer hired eight on the spot.

After a program participant is employed, the availability of program staff by phone to discuss any issues that might arise reduces the time demands on the employer's supervisors and human resources department. This HR support is particularly valuable to smaller and mid-size employers, which typically do not have a separate HR staff.⁴⁷

However, it is important to clarify that the role the program will have in HR matters is supportive and not intended to interfere with the employer's standard operating procedures. One study based on focus groups with employers revealed considerable concern among employers that employees need to accept responsibility for their own actions, and that employers do not want to have to explain disciplinary or termination decisions to a third-party intermediary.⁴⁸

Job Training

Employers want employees who are ready to step in and do the job quickly, and many programs try to help ex-offenders gain an advantage by providing training in fields with a high demand for employees. Based on local conditions, for example, specific construction, driving, or technical training can be very helpful in convincing employers to look beyond one's past mistakes.

One study based on focus groups with employers in Massachusetts identified basic familiarity with computers and the ability to type and enter data to be particularly important, even for unskilled jobs.⁴⁹ For example, jobs such as housekeeping, truck driving, delivery, and fast foodservice require using a computer.

Additionally, employers want employees with good "people skills." If a person has received training in soft skills, such as time management and workplace communication, it is important to point out such training to potential employers. Training programs can help participants get along well with others, respond positively to supervision, and maintain a positive demeanor.

In addition to assisting ex-offenders with these needed skills, employment specialists can link ex-offenders to some of the resources that might be available specifically for ex-offenders. Many workforce development systems have initiatives for ex-offenders and departments of vocational rehabilitation (VR) can provide support and resources to ex-offenders who have special needs. Targeted funding has been made available to workforce systems and community and

faith-based organizations by the U.S. Departments of Labor and Justice. Information about these initiatives can be found on the agencies' web sites, including a list of organizations that have received funding to provide services to ex-offenders.

Other Types of Assistance

Because ex-offenders are at a competitive disadvantage with other applicants, providing other means of support can help them find work. For example, in many construction jobs, employers want to hire workers who have their own tools, and in other fields, expensive shoes and other protective equipment might be required. Providing participants with these items can help them get hired and have some money from their first paychecks. The workforce and vocational rehabilitation systems might have funds available to provide in-kind assistance, so it is worth inquiring about supports that might be available to individuals.

In addition to accessing resources that can provide tools or work-specific uniforms, other assistance might be available in the form of ongoing transportation resources, housing and rent subsidies, and support groups and agencies that have targeted resources available for ex-offenders.

IDENTIFYING EMPLOYMENT OPPORTUNITIES

Finding employment opportunities for ex-offenders can be challenging, not only because many employers are unwilling to hire ex-offenders, but also because employers might not give an accurate answer about their willingness to hire participants who are in an employment program for ex-offenders. One research study conducted in Los Angeles found that employers that stated they were unwilling to hire ex-offenders were in fact less likely to hire them than other employers. However, while only 10 percent of employers expressed a willingness to hire a participant who is in a placement program for ex-offenders, 20 percent had hired an ex-offender in the past year.⁵⁰ Additionally, employers that conducted background checks were about as likely to hire ex-offenders as employers not conducting background checks.⁵¹

The study also revealed that the question of whether employers conducted background checks was not always a good indicator of whether the employer would hire ex-offenders. Some employers conducted the background checks because of a legal obligation to do

so, and some employers were less concerned about the criminal history of workers in unskilled positions.⁵² Thus, persistence in getting to know employers is important.

Industry Sectors

One way to maximize the effectiveness of placement efforts is to identify potential employers in industry sectors in which employers typically hire ex-offenders. In general, these are industries with a high demand for unskilled, rigorous work. The following industries are generally the most promising:

- Manufacturing
- Construction
- Telemarketing
- Office support
- Hazardous material (HAZMAT) handling and asbestos abatement
- Petroleum (drilling, refining, hauling)
- Automotive (gas stations, oil changes)
- Foodservice
- Transportation
- Day labor

Employer Characteristics

Additionally, conversations with employers can help to reveal some characteristics of the organization that would indicate its willingness to hire ex-offenders. The following are characteristics of individual employers, regardless of industry, that are more likely to hire ex-offenders:

- Does not have an HR department
- Relies on employment agencies
- Has diverse workforce, racially and otherwise
- Is minority-owned

- Receives large numbers of applications from African-American and Latino candidates
- Hires large numbers of workers
- Employs mostly unskilled workers
- Takes advantage of tax credits such as those for hiring Temporary Assistance to Needy Families (TANF) or Food Stamp recipients
- Relies on temporary agencies due to frequent hiring needs⁵³
- Has social mission or personal connection with correctional issues

Job Descriptions

Finally, even within industries and specific employers, there are jobs that can be more appropriate or less appropriate for ex-offenders. Most ex-offenders, particularly those with recent offenses, are more likely to be hired into jobs that have less contact with the public—particularly those with unsupervised contact in the community—and less responsibility for handling cash or other valuables. As noted earlier, placement of sex offenders and those with convictions involving theft or other forms of dishonesty might require special consideration.⁵⁴

ASSISTING WITH JOB PLACEMENT

During the application process, honesty is of utmost importance. As one employment expert puts it, employers can discover an applicant's dishonesty later, and the applicant "will be fired for being deceitful, not because [he or she has] a criminal record."⁵⁵ However, to the extent that the applicant can control the amount and manner by which the information is divulged, he or she can help to improve the chances of getting the job. Careful consideration and planning is needed when preparing job applications and resumes and conducting job interviews.

These basic principles can help support ex-offenders through the job search and interview process:

- Preparation of how to discuss criminal history is critical.
- Participants should be able to describe positive steps they have taken.

- Being able to keep the focus on one’s strengths can help to diminish the negative impact of criminal history.

Job Applications

In the past, many employment programs counseled ex-offenders to answer questions about past convictions with a response such as “will discuss at interview.” However, today many employment providers discourage such responses, as employers generally do not want to have to take the time to interview someone in order to find out information that was requested on the application.

Further, failure to respond honestly and completely to inquiries on a job application can have legal consequences. Many applications require applicants to sign an acknowledgment that they have provided complete and accurate information, and that any omissions or falsifications can be grounds for dismissal.

One employment specialist interviewed counsels participants to always provide complete and accurate information if such a certification is included, and hope for the best. Employment specialists can assist participants greatly in this challenging situation by developing a script or standard answer that the participant can use when completing the application. On the other hand, he suggests, applicants can leave questions blank if there is not a certification, though he stresses that they must answer questions completely and honestly if they are asked at the interview stage.⁵⁶ However, he finds that some employers do not ask about convictions for hard-to-fill, low-paying jobs.

While participants should be counseled never to provide false information, they should also be discouraged from volunteering information that is not asked for.⁵⁷ For example, if an application asks about felonies, an applicant should not volunteer information about misdemeanors. Also, if a minor drug offense or traffic offense is considered a civil offense rather than a criminal offense, it should not be included in response to a question about criminal convictions. As noted earlier, some States allow ex-offenders to answer “no” or “no record” in response to inquiries about misdemeanor convictions that are excluded from employment decisions.

An effective method for helping ex-offenders complete job applications is to help them draft a letter explaining their criminal record, which can be attached to any job application. The letter should include:

- The date and offense
- What has been learned
- How the ex-offender has taken responsibility
- Steps taken toward self-improvement
- Personal skills the ex-offender has to offer
- Mention of the Federal Bonding Program and tax credits, if applicable⁵⁸

A complete response to job applications asking for a chronological summary of work experience should include work performed while in a correctional facility. Some employment specialists suggest that if work is performed (as is typical) at a minimum wage that is much lower than the minimum wage outside of correctional institutions, that the applicant list “minimum wage” as the rate of pay rather than specifying the amount of the institutional minimum wage.⁵⁹ An applicant can minimize calling attention to his or her incarceration if the correctional facility’s name can be abbreviated, such as “C.F.” instead of “correctional facility.”⁶⁰ If work opportunities are organized by an independent organization, that organization’s name can be used. In Nevada, for example, prison industries use the name “Silver State Industries,” rather than the name of the penal institution. Additionally, ex-offenders can use responses such as “relocated” to describe reasons for leaving past jobs, rather than listing arrest and incarceration as the reason.⁶¹

Resumes

Homeless ex-offenders might be applying for jobs in which resumes are either required or acceptable in lieu of an application form. Unlike a job application with a direct question about past offenses, the resume should not make reference to past offenses.

However, the resume often provides hints to potential employers as to the ex-offender’s history. Large gaps in chronological resumes typically raise red flags with employers, so many employment specialists suggest that ex-offenders use a “functional resume,” which is organized by a person’s skills, talents, and capabilities rather than chronologically. Skills and experience gained while incarcerated or in a work-release program are important to include on a functional resume.

Job Interviews

As with job applications and resumes, it is important to be honest about criminal records during job interviews. The job interview is often the best opportunity for the ex-offender to sell himself or herself, and employment specialists find it useful to help an ex-offender develop an “elevator speech,” or verbal resume—a brief and persuasive explanation of why an employer should be interested in the person’s skills.

Experts disagree on whether it is better to bring up a criminal record or to wait until questions are asked. Those who favor bringing up the record unasked say that it allows the applicant to discuss the topic on his or her own terms, without being on the defensive. Others disagree, noting that the question might never come up, and that an applicant can practice a response that shows that he or she has learned from the experience and has accepted responsibility for making positive changes.

One expert suggests prefacing one’s explanation with a statement like, “I’m glad you asked because I want you to feel comfortable about hiring me.”⁶² The response should address the following topics:

- How one’s attitude (respect for authority, value of work, etc.) has changed as a result of being in a correctional institution
- How one has taken advantage of opportunities for training and education
- How new personal insights, motivation, and goals have been created by the experience
- Changes in lifestyle (friends, activities, substance use, etc.) to stay out of trouble
- Activities such as anger management training designed to prevent future offenses
- Acceptance of responsibility for the offense (rather than attempting to “re-try” the case)
- Desire to make positive changes

In essence, the key is to address the conviction directly, but to “sandwich” the discussion of the conviction between discussions of

one’s positive qualities.⁶³ In order to ensure that the ex-offender does not dwell on the topic or provide too much information, it is very helpful to practice responses through mock interviews.

Many of the basic verbal and non-verbal techniques typically stressed for interviews (such as body language, posture, eye contact, grooming, smiling, and using proper grammar) are particularly important for ex-offenders, who are attempting to get the employer to look past their criminal record and like them as people.

PROVIDING POST-EMPLOYMENT SUPPORT

In any employment initiative for people who are homeless, providing ongoing support after placement is crucial for success. For this reason, the seventh lecture in this series covers the topic of employment retention in detail. With ex-offenders, planning for retention and providing post-employment support are particularly important. Stable employment is one of the most important factors in preventing recidivism, particularly for those who committed crimes for financial gain. Some studies suggest that such ex-offenders who are placed in higher-paying jobs are at a reduced risk of re-offending because “entry into high quality jobs may increase social controls, decrease the motivation to commit crime, and alter the relative attractiveness between legal and illegal activities.”⁶⁴

The homeless ex-offender must make a dual adjustment to working, which creates demands far different from those experienced solely while homeless or incarcerated. Therefore, follow-along is crucial, particularly during the first 30 days, in which the ex-offender is most likely to lose the job.⁶⁵ Providing timely and responsive interventions to the participant is crucial, as is discussed in the seventh lecture in this series. Maintaining a strong relationship with the employer is also valuable and productive.

Typical Activities

Those who work with ex-offenders report that much of the work they do after placement involves calling people to ensure that they are showing up for work and not letting them use excuses. Rather than letting them explain why they cannot work, offer them the supports that they need in order to work. Typically, staff offers assistance with transportation, arranging childcare, additional tools, assisting with medical care, or

whatever else is needed to remove an obstacle to going to work each day.

Another important aspect of post-employment support is assistance with budgeting. Many ex-offenders owe fines to the government or restitution to their victims, and budgeting for these expenses is critical to ensure that the participant does not incur further legal problems or jeopardize housing due to mismanagement of paychecks. For those ex-offenders who qualify for benefits such as housing subsidies or disability benefits, it is particularly important to help them understand how work will affect the level of benefits.

For ex-offenders who have children living with them, budgeting is a particularly crucial issue. Parents who are not used to having money often splurge on their children, particularly at holiday time, and do not have adequate funds to meet expenses. Extending an offer of assistance with budgeting can be a way to maintain contact with participants after they enter the workforce.

Danger signs

In addition to the typical problems that people who have been homeless might experience at work, it is important when working with ex-offenders to be vigilant to signs that the person might be returning to criminal activity. Some of the most common signals that an ex-offender is in danger of losing a job or re-offending are as follows:

- Self-reports of job dissatisfaction
- Concerns reported by family members
- Using drugs or alcohol
- Losing contact with the ex-offender
- Disruptions in family life
- Missing appointments
- Staying out late at night⁶⁶

Mentoring

One particularly effective method of ensuring that ex-offenders receive needed support while on the job is to assign mentors to work with them. Typically, mentors are volunteers, often recruited through faith-

based and community organizations. The U.S. Department of Labor has produced an in-depth manual for developing mentoring programs for ex-offenders. *Mentoring Ex-Offenders: A Guide for Prisoner Re-Entry Programs* notes the following benefits of mentoring:

- Greater retention in employment programs
- Higher job placement rates
- Improved job retention
- Reduced rates of recidivism (re-offending)⁶⁷

The publication also provides detail on the steps needed to establish a mentoring program, including the following:

- Guidelines for what is expected of volunteers and how they support employment
- Recruitment of volunteer mentors who have overcome obstacles in their lives and match the diversity of those being mentored
- Screening of volunteers to ensure the safety of participants
- Selection of a mentoring model, such as group vs. one-to-one
- Job description of the mentoring coordinator⁶⁸

CONCLUSION

Homelessness often leads to involvement in the criminal justice system, while involvement in the criminal justice system often leads to homelessness. Part of this vicious cycle is unemployment, which often has underlying causes of lack of experience and education, mental illness, substance abuse, and lack of motivation to earn a living through legitimate means.

When working with homeless ex-offenders, it is important to recognize that many of the same challenges faced by others experiencing homelessness will be present. Some of these challenges, including attitudes and behaviors, might be intensified by experiences in the correctional system. Additionally, having a criminal record makes finding a job all the more difficult.

Nevertheless, many resources exist to help ex-offenders, and many people have turned their lives around through finding stable employment, appropriate housing, and needed supports. Some key points to remember are the following:

- Obtain a copy of a person's criminal record, or "rap sheet," and recognize that felonies pose the biggest obstacle to employment, as do sex offenses and crimes involving dishonesty.
- If a person is subject to community supervision, coordinate any services with the person's parole or probation officer, keep the officer informed of employment plans, and if possible include the officer in the integrated services team.
- Make sure that participants know how to respond to questions by identifying which offenses are felonies, misdemeanors, and civil offenses.
- Learn any laws that protect job applicants from having to provide information about convictions or arrests.
- Recognize that the criminal record is not the only challenge, as traumatic experiences in correctional facilities and attachment to a criminal lifestyle complicate sustained employment.
- Identify industries, individual employers, and types of jobs that are promising for ex-offenders.
- Help the ex-offender identify positive changes in his or her life and promote these to employers.
- Make sure the ex-offender understands that honesty is critical but only information that is specifically requested should be revealed.
- Understand that employers are more willing to take a second chance on someone who has accepted responsibility for his or her actions and taken tangible steps to demonstrate change.
- Help promote the hiring of ex-offenders through available incentives, such as tax credits and bonding, but recognize that job training and supports to the employer and employee are likely to be valued more highly by employers.

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National HIRE Network

www.hirenetwork.org

National Institute of Corrections

www.nicic.org

U.S. Department of Justice, Re-entry web site

www.rentry.gov

U.S. Department of Labor

www.dol.gov

White House Faith-Based and Community Initiatives

www.fbc.gov

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