

## "Why Should We Help Those People?"

**Making the Case for Providing Services and Support to Job Seekers with Criminal Records**

Debbie Mukamal

Those of us who do direct service, policy advocacy, or research on behalf of or related to people with criminal records have probably all been in the situation where friends, colleagues, media, or others ask us why we care about promoting the employment of people with criminal records, especially when there may be other more "sympathetic" clients who also require services. These questions are very legitimate given the scarcity of resources in our country. We thought it would be helpful to identify some compelling answers to this question.

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## Creating Win-Win Opportunities for Employers, Job Applicants, and Communities

Glenn Martin

When considering methods to encourage businesses to hire people with criminal records, one has to remember that employers are, for the most part, interested in making a profit. Even if a business does not maintain a socially conscious operating policy, everyone understands the value of economic development incentives. Programs like federal and state tax credits can be a valuable selling point for encouraging businesses to hire from our population of job-seekers, thereby fostering workforce development. Moreover, a number of states and cities offer other financial incentives to employers who open businesses in economically disadvantaged communities, including those that have high levels of crime.

The Work Opportunity Tax Credit (WOTC) (<http://www.hirenetwork.org/wotc.html>) and the Welfare to Work Tax Credits (WtWTC) are federal income tax credits that encourage private sector employers to hire individuals from nine different targeted groups of job seekers. Similarly, at least five states have created state tax credits for employers who hire job applicants with criminal records. ([http://www.hirenetwork.org/state\\_tax\\_credits.htm](http://www.hirenetwork.org/state_tax_credits.htm)) The WOTC can reduce employer's federal tax liability by as much as \$2,400 per "new" hire. According to the United States Department of Labor, in Fiscal Year 2002, total allotments of tax credits across the United States totaled over \$20 million. (See <http://www.usdoj.gov/updates.asp>.)

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1. **There are more than 630,000 people coming home from prison each year (approximately 1,700 people a day).** With a population this big, we cannot afford to ignore the problems they face in transitioning home from prison and jail. Nor can we overlook the size of the population affected by criminal record barriers. In fact, approximately 25% of all Americans have a criminal record on file with a state or federal repository. Laws and policies that permit discrimination solely on the basis of an arrest or conviction record impact a tremendous number of qualified job seekers.
2. **People with jobs commit fewer crimes than people without jobs.** Assisting people in finding and retaining employment is an issue of increasing public safety. The majority of people who are violated while serving parole sentences are unemployed at the time of their violations.
3. **People who have paid their debt to society and accepted responsibility for their actions deserve a second chance.** While they do not have a right to a job; they do have a right to compete for a job. We all make mistakes - some are certainly more severe than others - but they should not haunt us for the rest of our lives when we have accepted responsibility for them.
4. **We hurt our families and our communities when we deny qualified people the right to earn a living.** Like all Americans, people with criminal records need jobs to support their families. When people work, they get off welfare, provide for their families, pay taxes, contribute to our economic base, and improve our communities. It costs us \$30,000 a year to house an inmate in prison; people with criminal records could be earning \$30,000 and contributing to our tax base instead.

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While there is a huge disparity between the overall utilization of the incentives across the states, the use of the tax credits for people with felony convictions is relatively low compared to the other eight-targeted groups. Perhaps, the reason for this trend is that the government offers a considerably higher tax credit for some of the other targeted areas and an employer is more inclined to associate a new hire with the group that yields the highest tax incentive. It may also reflect a lack of familiarity among workforce development practitioners with these incentives.

Several cities around the country have instituted “first source” agreements that can be helpful tools to encourage the hiring of particular populations, including people with criminal records. In the 1990s, Milwaukee created a Residency Preference Program requiring that at least 25% of the workforce of all Department of Public Works and City of Milwaukee contractors include Milwaukee certified resident workers. To be eligible for certification, individuals must be residents of the city of Milwaukee and unemployed for the last 30 days or have worked less than 1,200 hours in the last year. Certification is good for five years. While the program does not specifically target people with criminal records, the residency program has helped to place individuals with criminal records in construction apprenticeships and jobs. (For more information on the Residency Preference Program, visit <http://www.mpw.net/Pages/bidData/RPPprovisions.doc>.)

Another example is the use of property tax incentives as leverage during negotiations. Back in 1994, when the city of East Palo Alto was considering a huge redevelopment project, including a number of large national and multi-national companies moving into the area to take advantage of property tax incentives, the local residents persuaded the City Council to pass a policy that encouraged developers to hire local residents. In addition to requiring developers to hire these residents, the policy also requires that they provide programs for local residents to give them valuable working skills. Of course, these types of agreements are only beneficial if there is effective monitoring and enforcement. This is why East Palo

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5. **Employers should have the right to choose whom to hire as long as they do not discriminate.** Laws and policies that restrict employers from hiring people with criminal records solely because of past convictions deny employers qualified sources of labor by limiting their ability to make appropriate and responsible hiring decisions. ❖

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Alto has its own First Source Policy Coordinator, who works directly out of the Mayor's Office. For more information on the success of this policy, see ([http://www.paweekly.com/weekly/morgue/2002/2002\\_07\\_17.jobs17.html](http://www.paweekly.com/weekly/morgue/2002/2002_07_17.jobs17.html)).

First source agreements should include the following provisions to ensure that they benefit the community:

- The agreement must have provisions for community outreach;
- There must be acknowledged benefits for all parties involved;
- Potential employers must be educated about the agreement and made to understand that they will be held accountable to their commitments;
- Agencies and community-based organizations must have the ability to provide qualified job applicants;
- The city must have a mechanism for monitoring compliance; and
- The policy must be enforceable.

The success of these programs hinges on the ability to create win-win opportunities for employers, clients, and communities. The stakeholders who were instrumental in creating and implementing these initiatives and those who utilize tax credits confirm they have been valuable tools in their ability to assist job seekers with criminal convictions return to the labor force. For other examples of efforts to increase the labor market participation of people with criminal records on the national, state and local levels, visit the Issues and Policy page of our website <http://www.hirenetwork.org/policy.html>. ❖

## ***Keeping the Focus:***

*This is the second in a series that brings attention to important issues that impact upon job seekers with criminal records.*

### **National Survey of State ID Requirements**

Lack of identification is often a major barrier to successful reintegration into the community for newly released prisoners. With this in mind, the H.I.R.E. Network conducted a nationwide survey of what Departments of Corrections issue, if anything, to newly released prisoners for identification purposes and whether what is issued can be used as proof of identification to obtain a state identification card from the Department of Motor Vehicles. We have posted the results of our survey on our website, along with a report explaining how the survey was completed, identifying states with best practices, and offering recommendations to address this issue. Go to: [http://www.hirenetwork.org/ID\\_Survey\\_Summary.htm](http://www.hirenetwork.org/ID_Survey_Summary.htm)

### ***Upcoming Conferences of Interest***

**Oct. 8-10, 2003**

**21<sup>st</sup> Annual Governor's Conference on Workforce Development: "Increasing Missouri Business, Advancing Workers, Business & Economic Growth"**

Tan-Tar-A Resort

Osage Beach, MO

Contact: Sue Sieg

Tel: 573-751-3106

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Email: [ssieg@wfd.state.mo.us](mailto:ssieg@wfd.state.mo.us)

[www.ded.state.mo.us/wfd](http://www.ded.state.mo.us/wfd) (go to bottom of page)

**Oct. 19-22, 2003**

**10th National TASC Conference on Drugs & Crime Partnerships for Building Safer Communities: Candid Conversations, Effective Responses**

Sheraton Raleigh Capital Center Hotel

Raleigh, NC

Contact: [www.nationaltasc.org](http://www.nationaltasc.org)

**Oct. 20-22, 2003**

**4th Annual Centerforce Summit "Inside-Out: New Directions for Integrating Services for the Incarcerated and Their Families"**

Westin Hotel

Millbrae, CA

Contact: RDL Enterprises

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## **From the Media to Practice**

*This is the fourth of a series in which we highlight an issue raised by a recent press article.*

Roberta Meyers-Peeples

Many employment specialists are looking for that unique list of employers who are willing to hire people with criminal records and equally willing to be public about the fact that they do.

Unfortunately, no such list exists. However, there are many employers who will hire qualified individuals with criminal records, though they may not be willing to publicly announce it. A truly diversified employer will consider the qualifications and abilities of its job applicants and not enforce blanket policies of denying people with criminal records job opportunities simply because they have a criminal history. The task is to identify the types of companies, industries, and professions that afford individuals with criminal records meaningful employment opportunities.

Workforce development organizations that have been successful in providing job placements for individuals with criminal histories report that they have developed their own roster of employers who will hire people who are referred by these third-party intermediaries. The partnership between these intermediary organizations and employers were developed through the understanding of the employers' needs and objectives and the organizations ability to meet those needs.

Research studies and analyses conducted about employer willingness to hire individuals with criminal records report that employers may be averse to hiring people with criminal records for a number of reasons including: legal restrictions in certain industries, tight labor market conditions, concern of trustworthiness, and fear of being held liable under the theory of negligent hiring (See *Employment Barriers Facing Ex-Offenders*, by Harry J. Holzer, Steven Raphael, Michael A. Stoll, April 2003,

<http://www.sscnet.ucla.edu/issr/csup/pubs/papers/pdf/csup6.pdf>.) As reported in a recent *Wall Street*

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 Or visit: [www.centerforce.org](http://www.centerforce.org)

**Oct. 22-25, 2003**

**"The Soul Knows No Bars: A National Conference on the Role of the Church, Family Members, and the Community in the Ex-Offender Reentry Process"**

Convened by The Covenant Collaborative Consulting & Training, LLC and The Body of Christ Ministries International of Atlanta, GA

Renaissance Hotel  
 Washington, DC  
 Contact: <http://www.ccct.us>  
 Tel: 800-484-568, code #0091

**Oct. 24-26, 2003**

**A National Prison Aftercare Conference: "Faithful to the Vision"**

Convened by Transition of Prisoners, Inc.

The Westin Hotel Detroit-Southfield  
 Southfield, MI  
 Contact: <http://www.topinc.net>

**Nov. 13-14, 2003**

**Working Ventures and California Workforce Association  
 "Getting Back to Work: Employment Strategies for People with Criminal Records"**

San Francisco, CA  
 Contact: [www.ppv.org](http://www.ppv.org)

**Dec. 6-7, 2003**

**Center for Policy Alternatives 2003 Summit on the States:  
 Progressive Solutions Built on American Values**

Capital Hilton Hotel  
 Washington, DC  
 Contact: [www.stateaction.org/summit/\\*](http://www.stateaction.org/summit/*)  
 Scholarships are available on a limited basis; contact Jen Ray at (202) 956-5142 for more information.

**Dec. 11-12, 2003**

**The Workforce Alliance's 2003 National Conference:  
 "Bringing It Back Home: Advocating for Workforce Training After the Reauthorizations"**

Capital Hilton  
 Washington, DC  
 Contact: <http://www.workforcealliance.org>

**March 21-24, 2004**

**National Correctional Industries Association Enterprise  
 2004 National Training Conference and Exposition:  
 "Transformation: The Challenge of Change"**

Adams Mark Hotel  
 St. Louis, MO  
 Contact NCIA  
 Tel: 410-230-3972  
 Fax: 410-230-3981

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*Journal* article, a study conducted by Devah Pager, a Sociology professor at Northwestern University, suggests that race, together with the stigma associated with having a criminal record, profoundly decreases employment opportunities for young people of color who have criminal records. See *The Mark of a Criminal Record* (2002), <http://www.sase.org/conf2002/papers/g013.pager.pdf>; David Wessel, *The Wall Street Journal*, "Capital: Racial Discrimination Is Still At Work," September 4, 2003.) Pager's study tracked the frequency with which employers called back job applicants with similar resumes but for their race and existence of a criminal record. She found that employers were most willing to call back white applicants without a criminal record (34% of the time) and least likely to call back black applicants with a criminal record (5% of the time). Perhaps most surprising was that white applicants with criminal records were called back more frequently (17% of the time) than black applicants without a criminal record (14% of the time).

While this data is insightful and troubling to acknowledge, it is also important to recognize that there are many employers willing to give people a "second chance" as noted in two recent press stories, "Coaching Unemployable to Be Reliable" (Anthony DePalma, *New York Times*, May 4, 2003) and "Giving Convicts a Second Chance" (*National Public Radio Morning Edition*, August 27, 2003). The most common industries open to people with criminal histories are services, manufacturing, construction, commercial food, distribution, and in some places, transportation. The size of companies also has an impact on the successful employment of people with criminal records. Some entry-level positions with limited education requirements and where an employer may have a minor degree of concern about criminal histories and more consideration about ability and other factors are restaurant workers, laborers or warehouse workers, production workers or operators, customer service, sales, and clerical positions.

The key information any job seeker must know

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April 14-16, 2004

**Center for Mental Health Services & Criminal Justice Research  
First Biennial Conference: "Reentry to Recovery: People with  
Mental Illness Coming Home from Prison or Jail"**

The Sheraton Society Hill Hotel

Philadelphia, PA

Contact: Kristen Gilmore

Tel: 732-932-1225

Email: [cmhs&cjr@ihhpcpar.rutgers.edu](mailto:cmhs&cjr@ihhpcpar.rutgers.edu)

about the demographics of an employer are its size, structure, the industry it operates in, career growth opportunities, and diversity. One of the goals of workforce development practitioners should be to expand the amount and types of employers willing to hire qualified job-seekers with criminal records by using their proven track record of supplying the employer with hard working, responsible, qualified employees. ❖



**Hot Off the Press:  
Recent Reports**

**Survey of State Criminal History Information Systems, 2001** describes the status of State criminal history records systems at the end of 2001. To view this Bureau of Justice Statistics report, go to: <http://www.ojp.usdoj.gov/bjs/abstract/sschis01.htm>

**Fixing a Flat at 65 mph: Restructuring Services to Improve Program Performance in Workforce Development** by Mae Watson Grote. This P/PV report examines the restructuring of three leading workforce development organizations that were seeking to improve performance. To download the report, go to: <http://www.ppv.org/pdf/files/changingflat.pdf>

**Every Door Closed: Barriers Facing Parents with Criminal Records: An Action Agenda.** The Center on Law and Social Policy recently issued eight two-page fact sheets that detail the scope of the challenges parents with criminal records face and offer solutions for federal, state, and local policymakers. To view the fact sheets, go to: [http://www.clasp.org/DMS/Documents/1064841311.02/EDC\\_fact\\_sheets.pdf](http://www.clasp.org/DMS/Documents/1064841311.02/EDC_fact_sheets.pdf)

**State Statutes for Nonpayment of Child Support**  
The Center on Fathers, Families and Public Policy has compiled a chart of each state's criminal nonsupport statutes. Every state has some form of nonpayment statutes, with maximum penalties ranging from 90 days to 10 years. The chart provides information on statutes, elements of the initial crime, crime classifications, maximum penalties and elements necessary to enhance severity for each state. It is available at [www.cfpp.org](http://www.cfpp.org)



**FUNDING OPPORTUNITIES!**



1. Working Ventures has recently announced it will continue its Small Grants Initiative with a Request for Applications (RFA) to the Employer Engagement Learning Lab. Working Ventures will provide grants of \$10,000 to up to four organizations. Applicants must be workforce development service provider organizations that work primarily with low-income clients and should have been operating employment programs for at least three years. Applications are due November 3, 2003. For more information, go to [www.ppv.org](http://www.ppv.org) and click on "Working Ventures" and then "Grants."
2. The U.S. government has recently launched a website with information about federal grants available in a range of topic areas, including Employment, Labor and Training, and Law, Justice and Legal Services. See [www.grants.gov](http://www.grants.gov).

**Meet the H.I.R.E. Network Staff:  
ALEXA EGGLESTON**

As the Policy Associate for the National H.I.R.E. Network, I am responsible for staffing federal policy issues that relate to the employment of people with criminal records. I am based in the Washington, DC office of the Legal Action Center. I advocate on behalf of the H.I.R.E. Network and its constituency for our key advocacy priorities which include (1) the expansion of programs that provide opportunities for job training, education and employment for individuals with criminal records; (2) eliminating laws that discriminate against people with criminal records; and (3) advocating for sound public policies and programs that

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### **H.I.R.E. on the Hill**

Federal Advocacy Update  
Alexa Eggleston and Roberta Meyers-Peebles

On September 27, 2003, Congressman Danny K. Davis (D-IL) held an issue forum during the 33rd Annual Legislative Conference of the Congressional Black Caucus entitled "Impact and Response: Ex-Offenders, Families, Victims, and Communities." The forum consisted of discussion about current Congressional lobbying efforts and promotion of H.R. 2166, the Public Safety Self-Sufficiency Act (see <http://www.hirenetwork.org/nationalpolicy.html>), legislation co-sponsored by Congressman Davis (D-IL) and Congressman Souder (R-IN). Among the many participants from across the country were an esteemed panel of speakers that included: Honorable John Conyers (D-MI) and Honorable Sheila Jackson-Lee (D-TX), Jeremy Travis, Ph.D. (The Urban Institute); James R. Lanier, Ph.D. (National Urban League), Dan Lombardo (Volunteers of America), Addie Richburg (NABCJ), Rev. Warren H. Dolphus (NABCJ), Mary Gaines (Federal F.O.R.U.M), Bishop George W. Walker (AME Zion Church), Rev. Daniel Brown (Nat'l Baptist Convention USA, Inc.), Pat Nolan (Justice Fellowship), Eddie Ellis (Social Justice Ministry), Kevin McDonald (TROSA), and Jesse Battle (TROSA). The National H.I.R.E. Network was an integral part of the early organizing efforts of this empowering event.

The importance of grassroots organizing was emphasized through best practice models and shared information from people who have criminal records who are hard at work in advocating for policy changes throughout the United States. One such group is All of Us or None, a national organizing effort to strengthen the voices of formerly incarcerated people and their families. All of Us or None held an issue forum immediately following Congressman Davis' session, which was informative and uplifting to all who attended. H.I.R.E.'s own staff member, Susan Hallett, was one of the presenters. ❖

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aid people in carrying on with their lives in the community upon release from incarceration and later in life.

Part of my national advocacy work also includes collaborating with other national criminal justice, workforce development, child welfare, women's rights, homelessness and poverty advocacy groups on overlapping issues that affect individuals with criminal records and their families, such as workforce development, welfare, and housing legislation. While most of these organizations do not advocate for people with criminal records or focus on the barriers that criminal records create when an individual is trying to find housing or a job, their constituents often include individuals with criminal records and they are supportive of the work that we do and realize its value to the individuals they serve and the community and as a whole.

My interest in reentry issues and advocacy on behalf of individuals within the criminal justice system both during their incarceration and afterward began when I worked during law school in Washington, DC's juvenile detention center for the Public Defender Service representing youth in disciplinary hearings. In the course of representing these youth, we often talked about their cycling through the system, because most of the youth had been incarcerated multiple times. They often expressed their frustration and anger with the scarcity of resources and services available to them in the community and lack of people willing to help them get their lives back on track when they were released. They pointed out how difficult it was to return to school or to find a job and without those supports, how limited their options were to support themselves and their families.

Although my work focuses on national advocacy, I am extremely interested in what is happening on the state and local levels to help individuals with criminal records obtain education, job training and employment. Part of my job includes meeting with Congressional staff to educate them on the issues that affect our constituents and members and they always want to hear what is happening in their state to address the issues being addressed in the meeting and whether there is support for the work we do. Therefore, I encourage you to respond to informational requests from the Network and additionally, I invite you to reach out and share with me what you think the H.I.R.E. Network could be doing on a federal level to advocate better for your clients and your programs. Please feel free to contact me at [aeggleston@lac-dc.org](mailto:aeggleston@lac-dc.org). ❖