

Barriers to Reentry: Housing, Employment, Education – Merf Ehman



Collateral Consequences

- Sanctions and restrictions imposed in addition to the sentence of the court
- Over 43,000 laws nationwide impose “collateral consequences” for conviction, often related to employment licensing.



HEY, RALPH.
I THOUGHT YOU SERVED
YOUR TIME.

FELON

I DID TOO.

WILL
WORK
FOR FOOD

OPEN

DILBERT © 1997 DAVE COVERLY

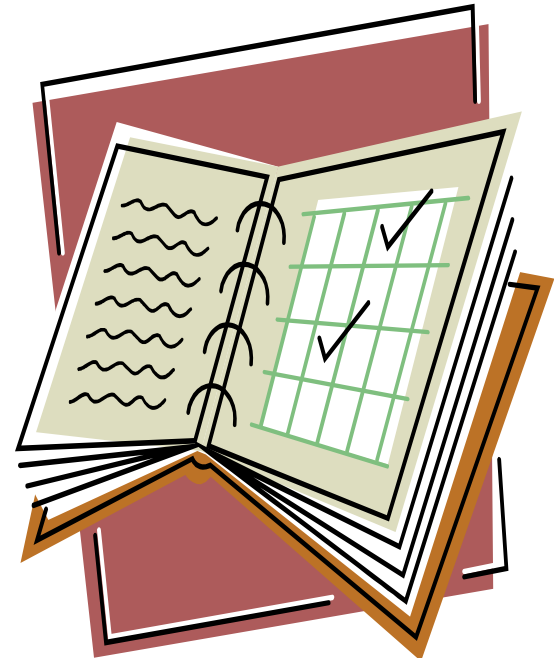
Conviction Consequences

(imposed by statute/regulation)

- Attach at the time of conviction
- Direct (incarceration, probation, fine) v. Collateral
- Often unknown to defendants at plea
- Impacts are severe, far-reaching, and long-lasting

Major Criminal Record Barriers

- Employment
- Housing
- Public Benefits
- Student
- College Admissions/Aid
- Driver's License
- Immigration
- Family Law
- Restitution, Fees and Fines



Why can reliance on criminal records in employment, housing and college admissions decisions be problematic?

- May not capture changes people make in their lives
- May not be an accurate predictor of risk
- Use of criminal records may have a discriminatory effect on some groups

This issue is important to me because I feel it is unfair seeing how in the past I have an outstanding rental history have always paid my bills on time, sometimes in advance. I have never destroyed or broken any rules while renting. I would love to hear from the landlords. Why wouldn't they want me to rent from them?

Here in season I understand that

Housing Policies

- “Blanket bans”
- Crime + time categorical exclusions
- Catch-all provisions (any offense which...,
- Individual Circumstances
- Public and Subsidized Housing
- Family reunification



Housing

63% of prisoners report living in 2,3,4 or 5 places within first year of release

After 1st year 47% described their housing arrangements as temporary

Formerly incarcerated men almost twice as likely to have been homeless

Housing instability significantly associated with recidivism

Criminal Record – Predictive?

Seattle Peer Reviewed Study

Criminal history among chronic homeless not predictive of ability to retain housing

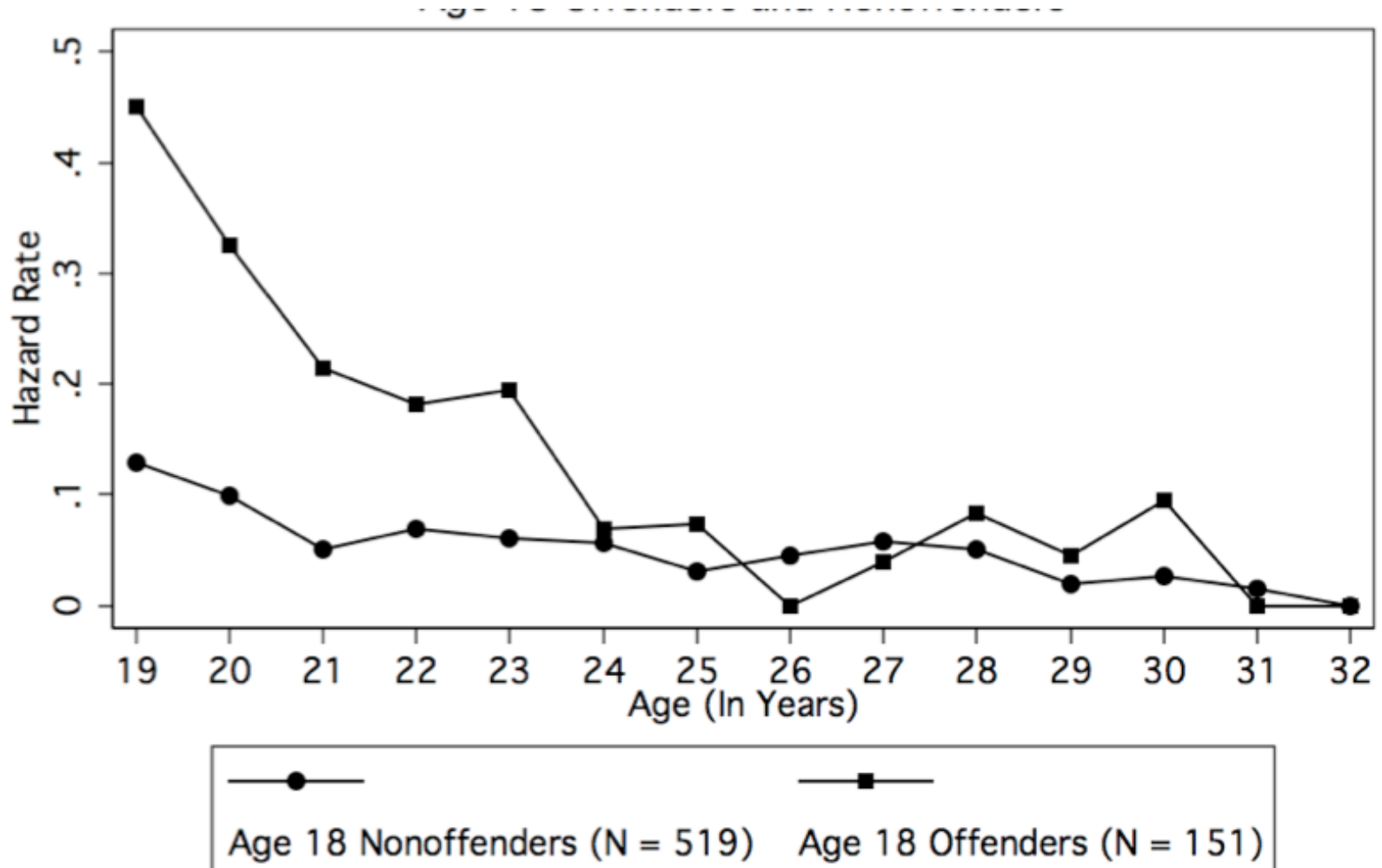
Multisite Supportive Housing Study

No statistically significant differences between the formerly incarcerated and never incarcerated in housing program success

Study of 3,000 men in urban neighborhoods

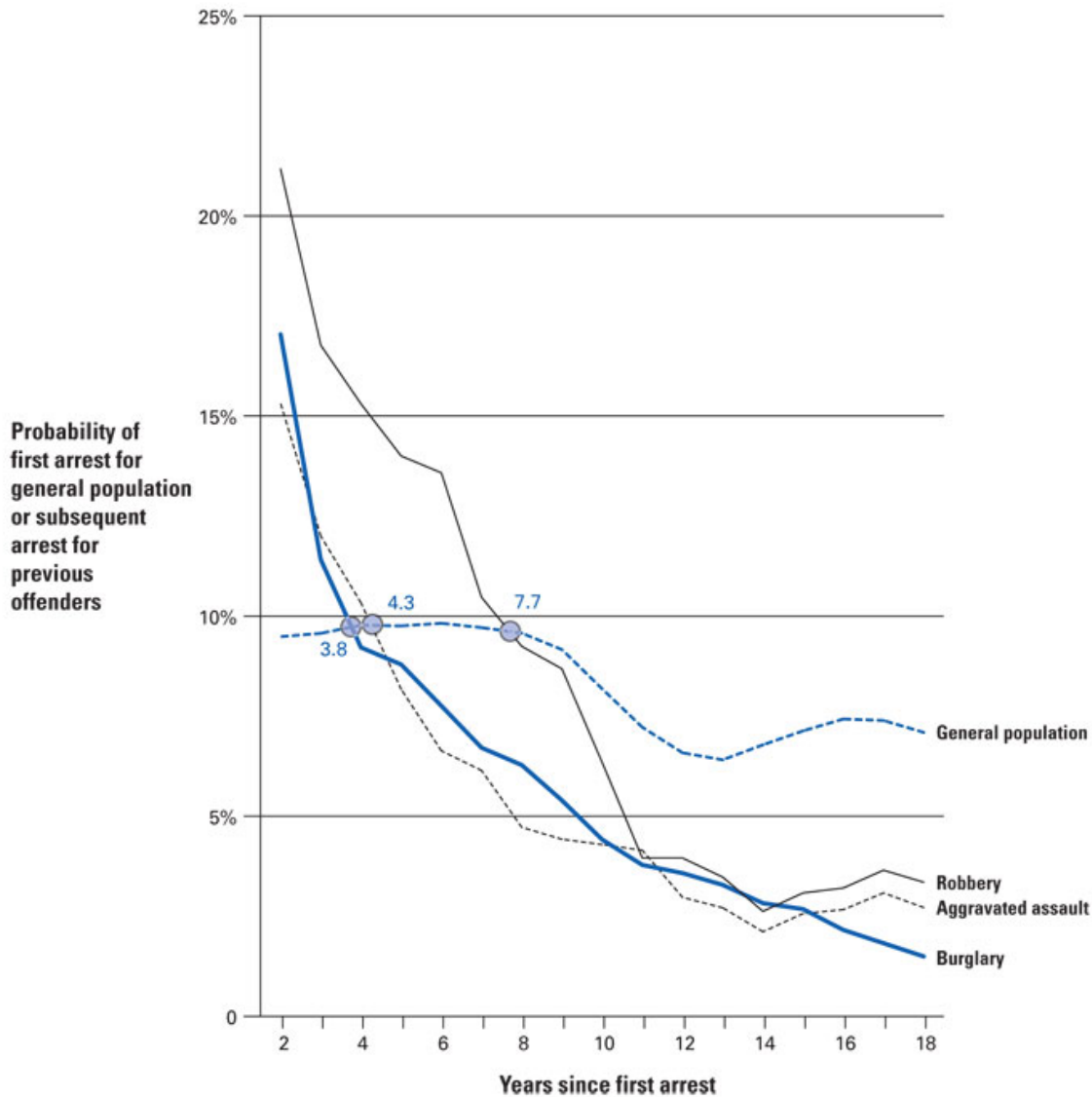
Formerly incarcerated *not* significantly more likely to have been evicted or to have skipped rent or mortgage payments

Background checks don't account for how people change



Kurlychek, et al. "Scarlet Letters & Recidivism: Does An Old Criminal Record Predict Future Criminal Behavior?," 2006

The probability of new arrests for offenders declines over the years and eventually becomes as low as the general population.



Years to
general risk:

Burglary: 3.8

Assault:
4.4

Robbery:
7.7

Blumsten and Nakamura,
"Redemption in the Presence
of Widespread Criminal
Background Checks

Barriers to education – financial aid

- Little access while incarcerated
 - Incarcerated individuals may not receive federal student loans.
 - Individuals incarcerated in federal or state penal institutions may not receive Federal Pell Grants. (local and juveniles ok)
- Financial Aid
 - Possession or sale of illegal drugs as an adult while receiving federal student aid 20 U.S.C. § 1091(r)(1).
 - Sexual offense and subject to an involuntary civil commitment after incarceration ineligible for Pell Grant.
 - Hope Tax Credit
 - Federal or State felony offense consisting of the possession or distribution of a controlled substance before the end of the taxable year with or within which such period ends. See 26 USC § 25A (b)(2)(D).

Housing and Successful Reentry

- Ex-offenders with housing
 - Lower recidivism rates
 - Higher employment rates
 - Increased treatment utilization



College Admissions

- Common Application
- Have you ever been adjudicated guilty or convicted of a misdemeanor, felony, or other crime?
 - Yes No
- [Note that you are not required to answer “yes” to this question, or provide an explanation, if the criminal adjudication or conviction has been expunged, sealed, annulled, pardoned, destroyed, erased, impounded, or otherwise ordered by a court to be kept confidential.]

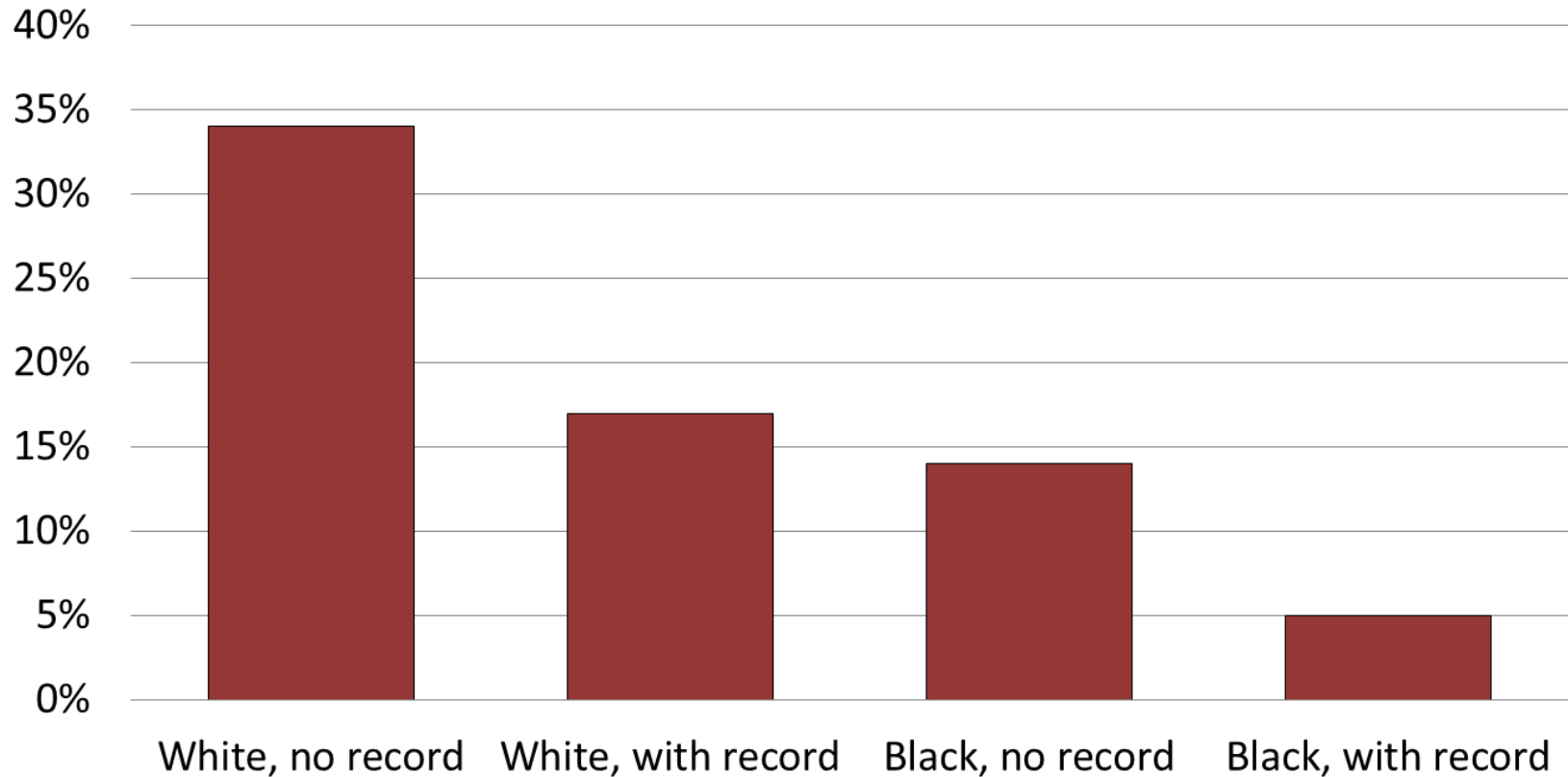
Importance of Prison Education Programs

- Surveys find no more than half of inmates receive any instruction. BUT
- **Prison education programs (GED, vocational)**
 - Participants have a 43 percent lower odds of returning to prison than those who do not.
 - Employment after release was 13 percent higher.
 - 28% more likely to be employed after release.
- **Post Secondary Education**
 - Completing an associate's degree had a particularly significant impact, reducing the likelihood of re-incarceration by 62%

Washington Convictions Law

- Public agency can deny employment or a license based on a prior felony conviction that is **directly related** to the employment and that is **less than 10 years old**.
 - There are numerous exceptions, such as jobs providing unsupervised access to children and vulnerable adults.
- The provision does not apply to discrimination by **private employers**. *Selix v. Boeing Co.*, 82 Wn. App. 736 (Wash. App. Div. 1 1996), *review denied*, (1997).

Informal collateral consequences: Evidence from a Recent Study



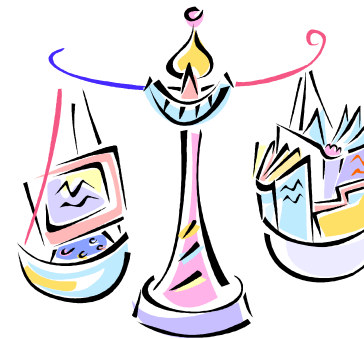
■ Percent of Applicants Called Back

Businesses should consider:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct or completion of the sentence; and
- The nature of the job.

Employment and Successful Reentry

- Increase in levels of employment
 - Predictor of reductions in drug dealing, violent crime, and property crime
- Employment refocuses individuals' time
 - Less likely to engage in riskier behaviors and to associate with people who do
- Reduces strain on social service resources, contributions to tax base, and safer, more stable communities

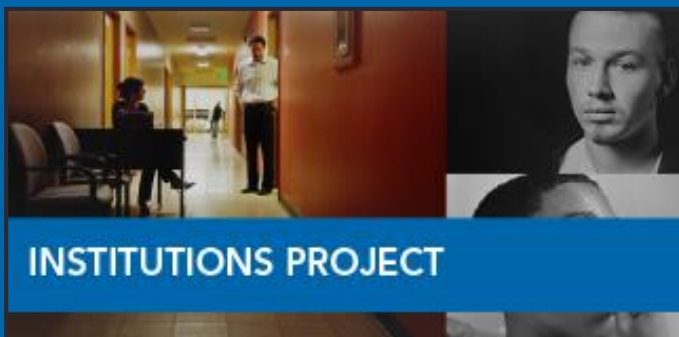




CHILDREN & YOUTH PROJECT



WORKING FAMILIES PROJECT



INSTITUTIONS PROJECT



BASIC HUMAN NEEDS PROJECT



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