



Employment of Formerly Incarcerated Residents

Excerpted from:

Measuring What Matters: Neighborhood Research for Economic and Environmental Health and Justice in Richmond, North Richmond, and San Pablo



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EMPLOYMENT OF FORMERLY INCARCERATED RESIDENTS



Photo: istockphoto.com/wdstock

Finding a job is a challenge for the formerly incarcerated.

When Richmond resident Ronald Burnham fills out an employment application and sees the question asking if he was previously convicted of a crime, he senses the odds are against him. “When you see that question, you have to say yes; you can’t lie. But people don’t want to see that,” he says. “I just hope that they will give me a chance.” Since his release from prison four months ago, he has applied unsuccessfully for jobs in janitorial services, hotels, factories, construction, landscaping, and warehouses. Every application he has filled out has asked about prior convictions. Previously convicted of drug possession for sale, he is now living with his child and girlfriend and is looking for work.

Research confirms Mr. Burnham’s suspicion that checking the criminal history box on an application reduces his chances of being hired. A 2003 study found white applicants with a past felony drug conviction were half as likely to be called back for an interview as white applicants with the same work experience and no criminal record. Black applicants with a felony drug conviction were one-third as likely as black applicants with no record.¹ A survey of over 3,000 employers doing entry-level hiring in Atlanta, Detroit, Los Angeles, and Boston found that more than 60% of employers would absolutely or probably not hire someone with a criminal record.²

Finding employment is made more difficult as prisoners are inadequately prepared to successfully rebuild their

lives.³ Harsh conditions within California’s prison system, including overcrowding, a lack of substance abuse programs, and inadequate health services do little to prepare prisoners to re-enter their communities.⁴ After release, resources remain insufficient.

Whereas most workers unable to find employment can turn to public programs that provide a safety net during economic hardship, many of these programs are off limits to people with a past drug conviction or other criminal records. People with certain past convictions are prohibited from Public Housing and Section 8 programs;⁵ those with drug convictions are not allowed access to food stamps, federal education funding, or Temporary Aid to Needy Families.^{6,7} A 2008 assessment of the needs of

parolees and probationers released in San Francisco found that 75% needed substance abuse treatment services, 70% needed education and employment services, 47% needed housing services, and 28% needed mental health services.⁸

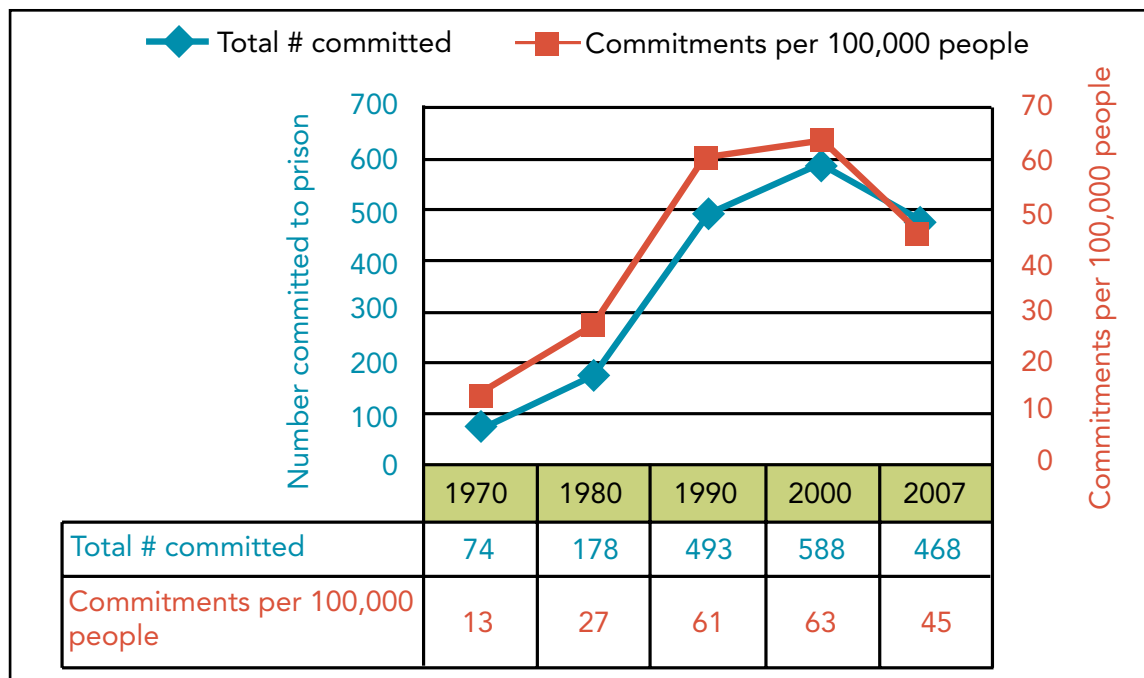
The difficulties facing formerly incarcerated individuals end up affecting the communities to which these individuals return. While Californians have attempted to reduce crime by passing propositions that increase policing, punishable offenses, and sentences, they have also created a greater number of people returning to their communities from jail and prison.⁹ Ninety-five percent of all California prisoners will eventually be released, and 95% of those released are required by the parole system to return to live in the counties where their crime was committed.¹⁰ When they cannot get a job, they are more likely to be arrested again for a crime. Studies have shown a strong relationship between employment and decreases in crime and recidivism.¹¹ Local communities are affected financially as well: California is one of just two states where counties pay for the vast majority of parole programs, rather than receiving state funding.¹² As a result, communities that suffer from high crime rates and thus have higher concentrations of formerly incarcerated residents not only disproportionately bear the burden of addressing the needs of these formerly incarcerated individuals, but if the community is unable to adequately address them, it remains stuck in a cycle of crime.

The effects of this situation are of particular concern in Contra Costa County, where the rate of prison admissions grew 486% between 1970 and 2000.¹³ Since peaking in 2000, the rate has decreased slightly (see Figure 1).

When the issue of formerly incarcerated residents was brought up at West County Indicators Project community meetings, residents expressed three major concerns. They were concerned that 1) formerly incarcerated people are highly concentrated in certain neighborhoods, creating a disproportionate need to address the problem in these areas;¹⁴ 2) services available for formerly incarcerated residents (such as assistance finding housing, obtaining an ID, and applying for employment) were not adequate; and 3) the City of Richmond, Contra Costa County, and the major employers in the area were asking applicants about their court convictions in their hiring process. To address these concerns, our research analyzed public information on these three questions:

- What is the distribution of parolees among the different cities and neighborhoods in Contra Costa County?
- What evidence is there regarding the adequacy of services for formerly incarcerated residents in Richmond?
- Do the City of Richmond, County of Contra Costa, and the top ten employers in Richmond ask applicants on their job application forms whether they have been convicted of a crime?

Figure 1. PRISON ADMISSIONS, CONTRA COSTA COUNTY



Source: California Prisoners and Parolees, California Department of Corrections (1980; 1990; 2001; 2007)

WHAT DID OUR RESEARCH FIND?

How are the parolees returning to Contra Costa County distributed among the different cities and neighborhoods?

Figure 2 shows the numbers of parolees per census tract for Contra Costa County. This data is a snapshot of the residents under California Department of Corrections and Rehabilitation supervision on June 1, 2005; it is not a cumulative total for the year. This map does not include people on probation or formerly incarcerated people no longer on parole. This map reveals a high concentration of parolees in West County neighborhoods.

What evidence is there regarding the adequacy of services for formerly incarcerated residents in Richmond?

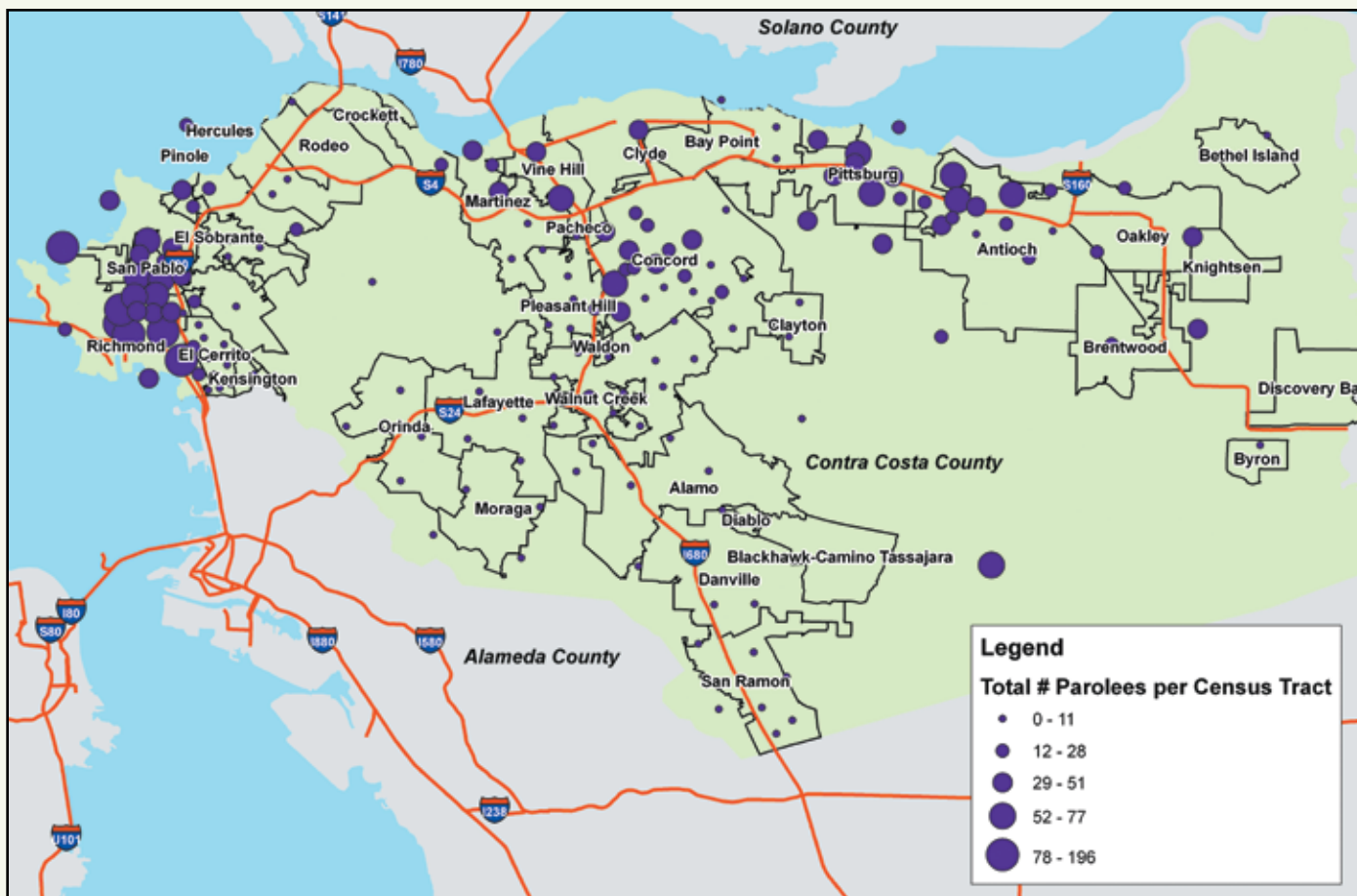
The Indicators Project was only able to conduct preliminary research into the services available to formerly incarcerated residents in West County. Many service providers do not collect information about the legal

Employment applications from Contra Costa County and all of Richmond's top employers, including the City of Richmond, ask applicants whether they have been convicted of a felony.

history of their clients, preventing a calculation of how many formerly incarcerated people are currently being served. A full review of services available to and needed by formerly incarcerated residents would need buy-in from service providers and could follow the lead of the report *Assessing Need for Reentry Services Among Probationers and Parolees in San Francisco*.¹⁵

Anecdotal evidence obtained from visits to the monthly meeting that brings together local service providers and recently released parolees suggested the situation is

Figure 2. DISTRIBUTION OF PAROLEES IN CONTRA COSTA COUNTY, JUNE, 2005



Data source: CDCR, 2005; Data aggregated by Urban Strategies Council, 2008; Map created by Pacific Institute.

grave.¹⁶ The Parole and Community Team (PACT) is the Department of Corrections' primary means through which parolees are connected to local services. When the Indicators Project visited the PACT meeting for parolees, fewer than half of the planned service providers were present.¹⁷ The Office of Neighborhood Safety (ONS) also reported that when it began attending PACT meetings, the "Community Resource Handbook" for parolees had outdated, incorrect information. The ONS requested revisions of the handbook, which has since been corrected and updated.

Do the City of Richmond, County of Contra Costa, and the top ten employers in Richmond ask applicants on their job application forms whether they have been convicted of a crime?

Our research shows that Contra Costa County and all of Richmond's top employers, including the City of Richmond, ask applicants whether they have been convicted of a felony.¹⁸ The top ten employers in Richmond in fiscal year 2006/07 accounted for 15,273, or 29% of the 52,390 jobs in Richmond. Table 1 summarizes our findings.

Table 1: CITY OF RICHMOND EMPLOYERS ROUTINELY SCREENING FOR PAST FELONIES

Employer	Number of employees	Screens for past felony conviction?
City of Richmond	10,152	Yes
Chevron U.S.A., Inc.	2,461	Yes
Permanente Medical Group	786	Yes
WalMart Store #3455	350	Yes
Costco Wholesale #482	278	Yes
California Autism Foundation	250	Yes
Macy's Hilltop	242	Yes
Home Depot #643	209	Yes
Veriflo Division	185	Yes
Sealy Mattress	184	Yes
TPMG Regional Laboratory	176	Yes
Total	15,273	

Sources: Comprehensive Annual Financial Report 2006/07, City of Richmond; Personal communications with employers, June 2008

WHAT DOES THIS MEAN FOR WEST COUNTY?

This research indicates formerly incarcerated people returning to West County communities are encountering not only a lack of coordinated, effective services, but employers who are collecting information on applicants' conviction history. Screening applicants for past felony convictions, even when prior conviction does not interfere with job requirements, often leads directly to applicant rejection. This rejection comes even as some employers have experienced unique benefits to employing formerly incarcerated workers. An employer interviewed in a study of four major cities told an applicant that he "like[d] hiring people who ha[d] just come out of prison because they tend to be more motivated, and are more likely to be hard workers."¹⁹

The California Fair Employment and Housing Act protects employees against discrimination based on race, color, national origin, and ancestry, but no law prevents asking about an applicant's court convictions. Divulging this information offers the employer an opportunity to discriminate against formerly incarcerated persons. In addition to facing discrimination through employment screening, in California, formerly incarcerated individuals with certain convictions can also be legally prevented from obtaining a job in law, real estate, private security, nursing, physical therapy, and education.²⁰

WHAT CAN WE DO?

Further Research

The Indicators Project has conducted initial research that serves as a foundation for more in-depth community-based research. We offer the following questions or areas of work to consider:

- What are West County employers' experiences and attitudes regarding hiring formerly incarcerated applicants and applicants with past misdemeanors or arrests?
- Which of the companies that are City of Richmond vendors include questions regarding the legal history on their employment applications? How many jobs do these vendor companies account for? This information could help assess the potential impact of the city passing an ordinance requiring vendors to remove such questions from their application (see second item in Policy Solutions section below).
- What are the neighborhood- and block-level incarceration rates in West County? How much public revenue is being spent to imprison residents of high-incarceration areas?²¹ This information could help quantify public investment in incarceration and raise the question of whether the money could be better invested in other services.
- What obstacles to employment have formerly incarcerated people in West County experienced and what support do they want? This might entail conducting primary research using tools such as surveys and focus groups to gain a more detailed picture of the community and its needs.²²

The issue of employment for formerly incarcerated people resonated with community groups in West County, and there is ample research that could be done to provide a platform from which to develop a coordinated advocacy effort. By working with community groups to determine the most pressing questions to be answered and the most effective mechanisms to do so, a participatory research process could serve as a way to engage groups on the issue while providing much-needed data to support a community-based campaign.

Policy Solutions

Eliminate the question regarding past conviction history from city and county job applications.

In an attempt to reduce crime and recidivism, cities and counties across the nation, including Boston, Chicago, Minneapolis, San Francisco, Baltimore, and the Counties of Alameda and Multnomah—have all removed the criminal history question on their employment applications.²³ Governments

adopting this change typically inquire into an applicant's court convictions later in the hiring process and conduct an analysis of whether the conviction has any relation to the job responsibilities. Similarly, Richmond and Contra Costa can require their personnel departments to shift questions regarding past convictions to a later phase in the hiring process, or eliminate them altogether from jobs with duties that are unaffected by past convictions.

Require city and county vendors to eliminate the question regarding past convictions from their job applications.

Cities like Boston now require the companies that sell products and services to the city to eliminate legal history questions from their employment applications. These efforts highlight a practical step that public institutions and private companies can take to level the employment playing field for all job seekers.

Increase funding to provide missing services for formerly incarcerated residents.

A full study of the services currently provided to formerly incarcerated residents, levels of participation, and the gap between supply and demand would guide the city toward effectively addressing community needs. Funding the needed services identified in the study would set the city on track toward allowing this part of the community to secure healthy lifestyles and fully contribute to the community.



Photo: Drx/Dreamstime.com

Employment opportunities can transform lives.

COMMUNITY RESOURCES FOR INFORMATION AND CHANGE

All of Us or None

c/o Legal Services for Prisoners with Children
1540 Market St. Ste. 490
San Francisco, CA 94102
415.255.7036 ext. 337
www.allofusornone.org

A national organizing initiative of prisoners, former prisoners, and felons to combat the many forms of discrimination faced as the result of felony convictions.

California Department of Corrections and Rehabilitation

www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Offender_Information_Reports.html

Extensive statistics and summaries on California's prison population, including county-level information on a variety of issues.

Justice Policy Institute

1003 K Street, NW Suite 500
Washington, D.C. 20001
202.558.7974
www.justicepolicy.org

A nonprofit organization dedicated to providing research and background information on issues related to prisons, jails, and incarceration.

National Employment Law Project

405 14th Street, Suite 1400
Oakland, CA 94612
510.663.5707
www.nelp.org

A nonprofit organization with an office in Oakland, CA that specializes in the employment rights of people with criminal histories.

Richmond Office of Neighborhood Safety (ONS)

207 37th Street
Richmond, CA 94805
510.412.8540

www.ci.richmond.ca.us/index.asp?NID=271

Helps "foster greater community and neighborhood safety for our children, youth, and their families." The office works with service providers and organizations to grow their ability to provide necessary and effective service opportunities for youth, young adults, and families who are high-risk for being involved in gun violence.

Richmond Parole and Community Team (PACT) Meetings

PACT meetings are every first and third Thursday, 10:00-11:30 a.m. at the Veterans Hall on 23rd Street. Members of the public are allowed to sit in during the meetings when Richmonders who were recently released meet to make contact with service providers and community members.

The Sentencing Project

514 Tenth Street, NW, Suite 1000
Washington, D.C. 20004
202.628.0871

www.sentencingproject.org

A national organization that advocates for changes in sentencing policy and provides research and background information on incarceration issues.

U.S. Department of Justice, Office of Justice Programs – Reentry

www.reentry.gov/publications/es.html

Website contains many resources and information on reentry issues and employment specifically.

RESEARCH METHODS

Mapping the Distribution of Parolees

The numbers of parolees per county are reported each year by the California Department of Corrections and Rehabilitation (CDCR) in their annual report, "California Prisoners and Parolees."²⁴ Obtaining information on the census tracts where the parolees within a county live is more difficult because a specific request must be filed with the CDCR. We obtained this data from the Urban Strategies Council, a nonprofit research organization in Oakland, California, that had already requested the data from CDCR.²⁵ It should also be noted that this data does not include any information on county jails, whose populations throughout California have expanded greatly over the past ten years as they are increasingly being used to house the expanding prison population.²⁶ Looking at this data was beyond the scope of the project.

The data table of the number of parolees per census tract was copied to an Excel spreadsheet. The spreadsheet was saved as a .dbf file so that it could be opened as a table in ArcGIS. With ArcGIS, the .dbf file was opened and joined to a boundary file of the census tracts in Contra Costa County. The map presented in this chapter was created using the proportional symbol function.

Employment Application Screening for Court Convictions

We looked at the top ten employers in Richmond, assuming that as the largest employers they would be places where many people apply for jobs. To find the list of the

top ten employers, we looked at the City of Richmond's City Annual Financial Report (CAFR). The CAFR is an annual report prepared by the city's Finance Department that contains information on city revenue, spending, top property tax payers, top employers, and other local business and government information. The CAFR is released in July of each year and can be obtained for free at the Finance Department office (1401 S. Marina Way South) or online at <http://www.ci.richmond.ca.us/index.asp?NID=1000>.

Using the list of top employers, we looked online at each company's website for the standard job application. If the application was not provided online, we called each company to inquire if they ask new applicants whether they have a past felony conviction.

Data Limitations

Our analysis did not look at how many of the employees working for the current top ten employers are actually from Richmond. Many of the companies may not be hiring Richmond residents at all. There is no data available on the most common forms of employment for formerly incarcerated people in Richmond, so we are unable to say whether formerly incarcerated individuals commonly apply to these ten employers. Additionally, our data on who screens for criminal records is based on 2008 data collection, while the figure for overall jobs in Richmond is a number from 2005.

