



A CALL TO ACTION

Opening Doors to a Second Chance

*Removing barriers and cultivating job opportunities
for returning citizens and job seekers with a criminal background*



GREATER BALTIMORE COMMITTEE

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A REPORT BY THE GREATER BALTIMORE COMMITTEE
COALITION FOR A SECOND CHANCE,
DECEMBER, 2016

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Executive Summary

In the aftermath of Baltimore City's civil unrest in 2015, it was evident that there was an urgent need to address Baltimore City's longstanding challenges of inequity, poverty, unemployment, and a lack of economic opportunities for residents in the city's most impoverished neighborhoods.

A large majority of city residents face significant barriers to employment including a lack of access to jobs with family-supporting wages, unfair stereotypes, lack of transportation, poor educational achievement, decreased job skills, lack of childcare, and discriminatory hiring practices. This is especially true for those citizens who have a criminal background, including arrest or incarceration.

Each year thousands of men and women who have been convicted of crimes are released from incarceration and return to Baltimore City.

Irrespective of the length of incarceration, it's not an easy road for returning citizens to get back on their feet and resume their lives as productive members of society. Most will return to their former neighborhoods, often with little or no employment prospects and limited job skills or training. Some will lack stable housing options while many face a difficult transition period as they attempt to readjust to society.

Those who are detained in jail for an extended period of time while awaiting trial due to an inability to pay bail often face the same job and other challenges as those convicted of crimes.

The barriers for returning citizens are often so insurmountable that many return to criminal activity and end up in prison again.

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Recidivism comes at a cost, not only for the individuals and their families, but also for affected city neighborhoods. Taxpayers bear a significant financial burden associated with repeat incarcerations, aside from the associated social and economic costs.

Virtually every expert and study on reducing recidivism agrees that a linchpin for returning citizens to break this cycle is obtaining stable employment as quickly as possible.

From an employers' standpoint, experts in the field have found that many companies that hire job-ready returning citizens are realizing substantial value in these employees but there remains a lack of opportunities for individuals with a criminal background to find meaningful employment.

It is clear that to increase the quality of life and help Baltimore residents reach their full potential, public, nonprofit, and private sector leaders must work together to construct a collaborative framework for removing or mitigating the many barriers to employment faced by city residents – particularly those with criminal backgrounds – and increase opportunities.

Coalition for a Second Chance

In an attempt to improve outcomes for returning citizens, the Greater Baltimore Committee convened the Coalition for a Second Chance (the "Coalition"), bringing together experts from the nonprofit field, business community, service providers, local and state government officials, and other stakeholders.

The Coalition was organized into three sub-committees: Preparing for Successful Reentry; Public Sector Engagement and Partnerships; and Private Sector Employment. The committees reviewed research, hosted focus groups, went on correctional institution site visits, and built upon the expertise of its members to produce a set of recommendations on how to best improve outcomes for workers with a criminal background.

This report is intended to serve as a blueprint of strategies for business organizations, government entities or elected officials that seek to improve outcomes for returning citizens. It also serves as a promise to the community of the Greater Baltimore Committee's continuing commitment to help improve employment opportunities for returning citizens. It is our hope that many organizations and other entities will strive to implement these strategies.

Preparing for Successful Reentry

Returning citizens face many challenges and barriers to employment that go beyond a lack of education and job skills. Barriers such as transportation, housing, and legal issues, can also prevent returning citizens from obtaining and maintaining stable employment. A lack of case management while incarcerated has led to a disconnect between services offered while incarcerated – or "inside the fence" – and those available upon release. Some individuals returning from incarceration are not even aware of the services available to them.

Considering the interconnected nature of the barriers faced by individuals with a criminal background, improvements to reentry services should focus on increasing the coordination between services provided inside and outside the fence. These connections will help make the transition from incarceration back into the community easier for the individual and their families. It will also ensure that the progress made while incarcerated is not lost upon release.

Recommendations

- ▶ Designate a state-wide Office of Reentry within the Department of Public Safety and Correctional Services.
- ▶ Create a "Reentry Peer Recovery Network".
- ▶ Maximize the impact of the Maryland Correctional Enterprises Continuing Allocation of Re-Entry Services Reentry (MCE CARES) Program.
- ▶ Reduce the impact of punitive child support enforcement policies and practices on non-custodial parents that have been incarcerated.
- ▶ Better align workforce training with employer needs.
- ▶ Strengthen data collection regarding current reentry programming and associated outcomes.
- ▶ Address unfair barriers to jobs.
- ▶ Cultivate entrepreneurial skills among previously incarcerated individuals.

Public Sector Engagement

The public sector, including local and state government entities, is an important partner in ensuring the successful reentry of returning citizens. Government is unique in that it serves a dual role for returning citizens as a service provider and also as an employer. As a service provider, government is already well-engaged and provides an array of services and resources but there is a lack of coordination between agencies and community partners providing services.

As an employer, government is in a keen position to help returning citizens obtain jobs due to its sheer size and the varied opportunities and functions within agencies. Because there is a lack of reliable data regarding current employment of individuals with a criminal background by city and state agencies, it is impossible to tell how engaged the public sector is regarding hiring returning citizens. Anecdotally, it does not appear this area has been a focus or priority in the public sector. Furthermore, there are no strong incentives or requirements for companies that do business with the state to hire returning citizens on contracts or projects that are awarded by government entities.

Private Sector Engagement

Private sector businesses hold the most significant thing many returning citizens struggle to find – meaningful employment. Although a number of factors affect recidivism, the single largest determinant of re-arrest and re-conviction is whether a person is able to find a job after they are released from prison. The probability of re-conviction for someone who is employed within two months of release and earning \$10 or more per hour is only eight percent, one-third of the probability of an unemployed ex-offender.

While there are employers in the Baltimore region that are willing to hire returning citizens, many others are not or lack awareness of the positive outcomes and benefits associated with hiring individuals with a criminal background. The reluctance of employers to hire individuals with a criminal background could be overcome through utilization of state and federal incentives, as well as public awareness programs aimed at educating employers about the unfair stigmas tied to returning citizens.

Recommendations

- ▶ Create an umbrella network to pool state, local, and nonprofit resources.
- ▶ Enhance and expand current “one stop” centers.
- ▶ Increase the focus on hiring individuals with a criminal background in state and local government positions.
- ▶ Provide procurement preferences for businesses seeking to do business with the state to encourage them to hire individuals with a criminal background.

Recommendations

- ▶ Encourage companies to sign the Fair Chance Pledge.
- ▶ Provide public awareness campaigns for businesses.
- ▶ Advocate for increased state funding.
- ▶ Improve data collection on private sector hiring of individuals with a criminal background.
- ▶ Improve internal company culture.
- ▶ Support removal of employment barriers.
- ▶ Improve the inventory of programs that provide job training for returning citizens.



CALL TO ACTION:

Removing barriers and cultivating job opportunities for returning citizens and job seekers with a criminal background

Overview of incarceration in Maryland

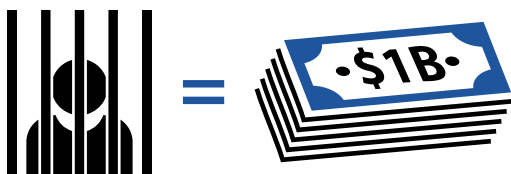
In order to grasp the depth of issues related to re-integrating individuals with a criminal background back into the community and the economy, it's important to understand the challenges created by incarceration.

High levels of incarceration in Maryland generate significant costs to taxpayers and also translate into severe economic and social challenges, particularly in Baltimore City, where almost half of the city's communities experience concentrated impacts, according to recent studies.

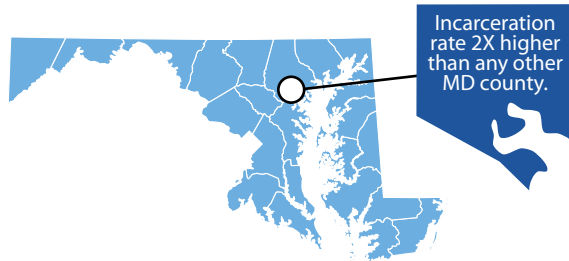
More than 20,000 people are imprisoned in Maryland at a cost of almost \$1 billion per year, according to a February 2015 report by the Justice Policy Institute, a national nonprofit organization that focuses on justice reform, and the nonpartisan Prison Policy Initiative, which researches policies and impacts of mass criminalization.¹

Offenders convicted of nonviolent crimes accounted for 58 percent of Maryland prison admissions in Fiscal Year 2014. Two-thirds of drug offenders and three-fourths of other nonviolent offenders received some incarceration time under current sentencing guidelines.²

Despite research demonstrating the diminishing public safety returns of keeping offenders in prison longer, prison and jail sentences have increased for individuals sentenced under current sentencing guidelines.³



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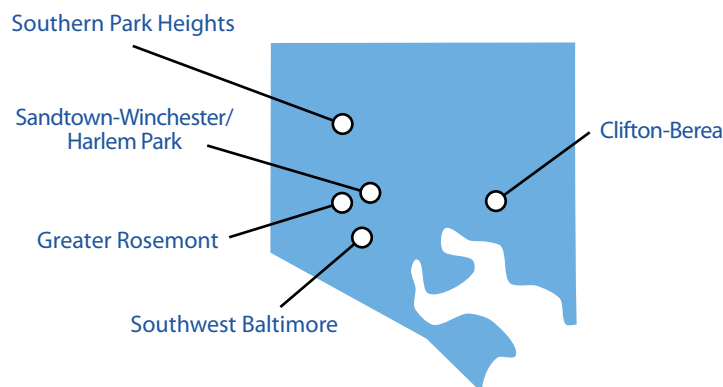
Baltimore City's disproportionate incarceration

Baltimore City faces a level of incarceration that is greatly disproportionate to its share of the state's population. Despite a downward trend in prison admissions from Baltimore City, city residents comprise 36 percent of the admissions to Maryland's prisons, while accounting for only 10 percent of the state's population.⁴ The incarceration rate Baltimore experienced in 2010 of 1,255 per 100,000 city residents was more than twice the incarceration rates of any Maryland county, and of any mid-Atlantic state according to state and national data.⁵

That same year, state prisons housed 7,800 people from Baltimore City, costing Maryland taxpayers \$288 million per year. Seventy-six percent of that cost is for housing inmates from 25 "high incarceration" communities – almost half of the city's 55 communities as determined by Community Statistical Area boundaries.⁶

These communities of "high incarceration" experience higher unemployment, greater reliance on public assistance, higher rates of school absence, higher rates of vacant and abandoned housing, and more addiction and mental health challenges than the rest of the city. Furthermore, these neighborhoods are confronted with challenges of adequate affordable housing, health disparities, and increased public safety concerns. These communities also experience lower life expectancy, lower rates of educational attainment, and lower incomes and economic opportunities than other areas within Baltimore City.

The five communities in Baltimore that experience the highest rates of incarceration



There are five communities in Baltimore that experience the highest rates of incarceration: Sandtown-Winchester/Harlem Park, Southern Park Heights, Greater Rosemont, Southwest Baltimore and Clifton-Berea. Taxpayers spend, on average, \$10 million or more annually to house inmates from each of these communities. Life expectancy in these five communities is 13 years shorter than the five city communities with the fewest number of residents in prison.⁷

‘Devastating’ effect on children

When large numbers of adults, especially men, cycle through stays in prison and jail at very high rates communities experience negative consequences, including damage to social networks, social relationships, and long-term opportunities. These results impair children, home life, mental and physical health, labor markets, and economic and political infrastructures.⁸

It is estimated that approximately 82,000 children in Maryland have had a parent in jail at one point in their lives.⁹ Many parents incarcerated in state prisons across the country are serving lengthy sentences – with an average sentence of 80 months – and the majority have been incarcerated before.¹⁰

A parent’s incarceration can be devastating for a child, undermining the child’s emotional, psychological, developmental, and financial well-being. The child may experience feelings of shame, anger, guilt, and depression. As a result, the child may act out inappropriately or perform poorly in school.

Children of incarcerated parents are at a high risk of engaging in criminal behavior themselves, beginning at the time of their parents’ pre-trial detention.¹¹

The cost of pre-trial detention

In Baltimore City and in Maryland, pre-trial detention has emerged as another issue that creates severe challenges and barriers to employment. In some cases, accused individuals who are never convicted of a crime face many of the same negative impacts as someone who was convicted and incarcerated because of bail practices that leave many detained while awaiting trial due to their inability to pay bail.

Inmates awaiting trial comprise nearly one-quarter of Maryland’s total incarcerated population. In local jails, the pre-trial population makes up nearly two-thirds of those incarcerated.¹²

While eight studies in the past 25 years have called for reform to Maryland’s pre-trial bail system, little progress has been made in this area. In Baltimore, adverse impacts are particularly severe: Baltimore City has the highest percentage of people living in poverty in the region¹³, but bail levels set in Baltimore City courts are among the highest in the state. As a result, the percentage of defendants kept in jail before trial – nearly 86 percent – is the state’s highest.¹⁴

Why does pretrial detention matter? A study by the University of Maryland found that of those who could not make bail, 25 percent feared they would lose their job and 40 percent thought they would lose their home. Of those who can pay bail, 70 percent believed they would have to delay payment of rent and utilities as a result.¹⁵ These are heavy penalties for citizens who are presumed innocent and have not had their day in court.

Maryland taxpayers are also directly negatively impacted by excessive bail and pretrial detention. In an op-ed published in *The Baltimore Sun*, Abell Foundation President Robert Embry pointed out that Baltimore’s pretrial detention costs range “between \$100 and \$159 a day for those detained. In contrast, pretrial supervision costs \$2.50 a day. So bail can be ended, and the money saved can be used to fund pretrial with savings left over to fund drug treatment and job training for those supervised defendants.”¹⁶

In August 2016, the Abell Foundation released a report on Maryland’s bail system that recommended a number of reforms, including replacing the current cash bail system with one that relies heavily on risk-based decision-making, restricting preventative detention to the highest risk defendants, and appointing a Bail Reform Policy Team to oversee the implementation of bail reform measures.¹⁷

The Greater Baltimore Committee anticipates advocating for reforms to the state's bail system during the 2017 legislative session of the Maryland General Assembly.

Structural Racism and the Impact on Employment

Race, employment and criminal records

Targeted law enforcement in lower-income communities of color have resulted in an overrepresentation of African Americans in the criminal justice system. For example, blacks and whites in Maryland use marijuana at comparable rates. But between 2001 and 2010, the number of black offenders arrested for marijuana use increased by 5,614, while the number of white offenders arrested for marijuana use increased by only 371.¹⁸

These arrest disparities are reflected in the current demographic makeup of the state's prison population: almost 71 percent of inmates in Maryland institutions are black, more than half are 35 or younger, and 96 percent are male.¹⁹ Moreover, 81 percent of inmates serving mandatory minimum sentences for nonviolent drug offenses are black.²⁰ Accordingly, a disproportionate number of black men and women will face significant, often lifelong barriers to securing employment, housing, and other critical resources as a result of their interaction with the criminal justice system.

With the rapidly expanding use of background checks, job seekers determined to be productive citizens are routinely excluded from consideration for employment even for minor offenses that occurred decades ago. The impact of having a criminal record is exacerbated among African Americans, who may already experience racial discrimination in the labor market.

There is a mountain of research that examines the correlation of criminal records, racism, and employment opportunities. One such study was conducted by prominent researcher Dr. Devah Pager, Professor of Sociology of Harvard University. Dr. Pager found that black applicants *with* a criminal record are one-third as likely as black applicants *without* a criminal record to be called back for a job. She also found that "the effect of race was very large, equal to or greater than the effect of a criminal record. Only 14 percent of black men *without* criminal records were called back, a proportion equal to or less than the number of whites *with* a criminal background."²¹



Barriers to employment faced by returning citizens

Overall, one in five job seekers in the Baltimore region reported that their criminal record is a barrier to employment.²²

Employers often resist hiring applicants with criminal records, even if they have never been convicted of a crime. With the rapidly expanding use of background checks, a prior blemish of any kind becomes a major barrier to accessing meaningful employment. Today, more than one in four U.S. adults – roughly 70 million people – have an arrest or conviction that shows up in a routine criminal background check.²³ In Maryland, the vast majority of interactions with law enforcement results in a criminal record that is easily accessible to anyone – particularly employers and landlords – via the Maryland Judiciary Case Search, a free, online database of criminal background information.

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Educational attainment is also a major barrier for workers with a criminal record seeking jobs, according to a 2007 Eisenhower Foundation report citing data from the Urban Institute. Of pre-release inmates in state prisons in the nation, 70 percent are high school dropouts, 50 percent are functionally illiterate and 19 percent have less than eight years of education, according to the report.²⁴

Meanwhile, 41 percent of inmates in local jails and state and federal prisons had not completed high school or its equivalent, according to a 2014 report of the Center for Social Policy, a Washington, D.C.-based organization that focuses on building the capacity of communities.²⁵

Other employment barriers cited by research include:



Inability to pass a background check due to heightened security measures



Lack of proper identification or paperwork to obtain valid personal identification



Sporadic employment history due to incarceration



Stereotypes and employer reluctance



Discriminatory hiring practices – formal or informal – such as a blanket no-hire policy for people with criminal backgrounds



Housing discrimination against returning citizens



The high cost of housing



Transportation, a barrier that is particularly acute in the Baltimore region where residents living in low-income neighborhoods cannot access public transportation to growing job centers in areas north and south of Baltimore City. The high cost of transportation as a percentage of income is also cited as a barrier to employment.

Recent Changes to Reentry Policies

Maryland Justice Reinvestment Act of 2016

With bipartisan support, the Maryland General Assembly enacted the Maryland Justice Reinvestment Act (JRA) in 2016, seeking to reduce the state's prison populations and to use savings for drug treatment, job training, and other programs proven most effective at preventing further crime. Governor Larry Hogan signed the bill at the end of the 2016 legislative session. State fiscal experts estimate cumulative incarceration savings of \$80.5 million over 10 years.²⁶

After October 1, 2017, Maryland counties and Baltimore City can apply for grants for reentry, community mental health, and other recidivism reduction programs. Counties also may be reimbursed per-inmate for reentry services provided.

In the long term, considering the fact that it costs \$6,000-8,000 per person to provide effective reentry services for returning citizens,²⁷ the state should aim to provide substantial funding for evidence-based reentry services.

Additional policy changes

Acknowledging that securing employment is crucial to the successful reentry of those returning to society from incarceration, the Maryland General Assembly has adopted a number of laws that seek to eliminate employment barriers for Marylanders with a criminal background. The laws include:

- **Maryland Second Chance Act of 2015.** This law provides for the shielding of 12 nonviolent misdemeanor convictions three years after completing any mandatory supervision, such as parole or probation. Eligible offenses include disorderly conduct, drug possession, and prostitution, among others. Law enforcement and certain employers retain access to shielded information.
- **Repeal of the Subsequent Conviction Rule.** Prior to October 1, 2015, Maryland law prohibited the expungement on non-conviction charges if the individual was subsequently convicted of a separate, unrelated charge. This prohibition was commonly known as the 'subsequent conviction

rule.' As a result, thousands of Marylanders struggled to secure employment with records that included non-convictions charges for offenses where they were not found guilty or, worse, acts that are no longer classified as crimes in Maryland. Now, non-conviction records are eligible for expungement, regardless of subsequent activities.

- **Expungement of Crimes No Longer a Crime.**

Many Marylanders struggle to secure stable employment and housing as a result of a criminal record, even if the record is for an offense that is no longer classified as a crime in Maryland. As of October 1, 2015, acts that are no longer considered a crime in Maryland are immediately eligible for expungement.

- **Reducing the Impact of “Mug Shots”.** Many Marylanders find that after their case and court record is successfully expunged, images of their arrest continue to appear online for free. To remove these images, a large fee is required. Now, Marylanders can request that websites remove digital images or photographs taken during an arrest or detention if the case and court record that contained the photograph or image has since been expunged. No fee would be required to remove the image or photograph.

Second Chance Coalition – Committee Work and Recommendations

Preparing for Successful Reentry

Returning citizens face many challenges and barriers to employment. Many go beyond a lack of education and skills. Other barriers, such as transportation, housing, and childcare, can prevent returning citizens from obtaining and maintaining employment. Many returning citizens also face a myriad of legal challenges to successful reentry, including the need for criminal record expungement, child support requirements, and mitigations of other collateral legal consequences.

Considering the interconnected nature of the barriers faced by individuals with a criminal background, successful reentry requires a high degree of coordination between governmental entities and service providers who work with returning citizens.

Currently, there is a lack of effective case management taking place inside the fence leading to weak connections between services (including mental health, job placement, health, workforce training, education, and housing) offered to inmates during incarceration and organizations providing these services outside. This lack of coordination also leads to training programs inside the fence that are not always aligned with opportunities and demands outside the fence, and a mismatch between the demographics of the incarcerated community and the services available. Some inmates are not aware of the services available to them, while others have literacy and/or mental deficiencies that can create difficulty in understanding written materials about services offered.

Despite the challenges that exist with coordination of services, there are a number of programs run by nonprofit organizations and government agencies that have shown great strides in improving the reentry process for previously incarcerated individuals. For example, The Living Classrooms Foundation's Project SERVE provides wrap-around services that begin while a person is still incarcerated. Upon release, individuals become full-time SERVE members where they receive on-the-job training through community revitalization projects and learn marketable work skills, professionalism, problem-solving, and social skills. Once they have completed the program, participants transition into employment and receive aftercare from a Living Classrooms case manager for three years.

Within the Department of Public Safety and Correctional Services (DPSCS), the Maryland Correctional Enterprises Continuing Allocation of Re-Entry Services (MCE CARES) program provides workforce training services and works with inmates to learn about financial literacy, life skills management, and to develop soft skills. However, the positive impact of the MCE CARES program is somewhat stymied by policies that in some situations force inmates to return to general population for up to a year following completion of the program rather than allowing inmates to be released immediately following completion. This return to general population puts much of the progress made during the program at risk as individuals are often forced to revert back to old habits just to survive the prison experience.

Another issue facing the reentry services community is the lack of strong data collection systems. Without reliable data, it is impossible to evaluate the effectiveness of existing programs and services offered by both government and local services providers.

This creates a significant challenge in maximizing the effectiveness of existing programs.

Finally, there are inadequate opportunities or programs for returning citizens to develop entrepreneurial and leadership skills that would enable them to create their own new businesses. Many returning citizens have skills that could be easily transferable to legal, productive work if given guidance, instruction, and opportunity. There is a need for programs to assist returning citizens in identifying useful skills and understand how they can be used in entrepreneurial pursuits.

Work of the Committee

The “Preparing for Successful Reentry” committee includes individuals from government and nonprofit organizations who, have dozens of years of combined experience in the field of reentry. The committee met more than a dozen times and conducted an extensive review of available services and resources. Members of the committee also met with Maryland Correctional Enterprises (MCE) managers and toured the sign plant where inmates who are part of the MCE program learn the skills needed to work in a sign shop upon release.

Recommendations

- ▶ **Coordinate services.** Designate a statewide Office of Reentry within the Department of Public Safety and Correctional Services (DPSCS) to better coordinate services for each returning citizen before they are released from incarceration (including prisons and local detention centers for prisoners serving six months or more) through their reentry into society. While there is currently a Reentry Coordinator in the DPSCS, there are not adequate resources to provide the type of support and case management needed for successful reentry.
- ▶ **Form peer network.** Create a “Reentry Peer Recovery Network”, a network of returning citizens who work as peer recovery staff to connect recently released individuals to a wide range of recovery support services including, but not limited to, housing, medical, mental health, child care, vocational training, employment, substance abuse, legal and financial services.
- ▶ **Inmate release from prison business units.** To maximize the impact of the MCE CARES program, the DPSCS should be granted the authority to execute agreements with inmates allowing for delayed release upon successful completion of the program rather than being returned to minimum security or pre-release institutions. This change would allow MCE CARES to better facilitate transition plans and continue to assist inmates with securing meaningful employment upon release.
- ▶ **Address support enforcement.** Reduce the impact of punitive child support enforcement policies and practices on non-custodial parents that have experienced incarceration.
- ▶ **Align workforce training with employer needs.** Skills learned behind the fence should be easily transferable to employment outside the fence. The Maryland Department of Labor, Licensing and Regulation (DLLR) and the DPSCS should coordinate programmatic efforts to ensure that workforce training programs behind the fence are adequately aligned with the needs and expectations of employers. The Coalition recommends the GBC establish a task force to work with DLLR and DPSCS to ensure better coordination.
- ▶ **Strengthen data collection.** As recommended by the 2011 Maryland Task Force on Prisoner Reentry Report, correctional agencies and community-based partners must fully embrace reentry as a core mission. They must insist on a regular regime of data collection and analysis. They must adjust training programs, auditing processes, and corrections policies to make reentry data collection common practice.
- ▶ **Address unfair barriers to jobs.** Remove unfair barriers to employment opportunities that require professional certification by state boards and support the work of the governor’s multi-agency Workgroup on Collateral Consequences of Conviction to identify and address such unnecessary legal and regulatory barriers.
- ▶ **Cultivate entrepreneurial skills.** Build on best practices to develop an entrepreneurship and leadership development program for returning citizens. As a first step, designate a small task force to conduct a feasibility study for an entrepreneurship and leadership development program. This assessment should include visiting and assessing programs and conducting stakeholder interviews and focus groups within Baltimore City.

Best Practices of Successful Reentry

Continuity of Care. Research points to the important link between programs offered during incarceration and follow-up programs recommended for inmates after release. According to the National Institute on Drug Abuse (NIDA), initial studies of The Delaware Key/Crest Program state that the link between therapeutic programs during incarceration and follow-up programs in the community may be the most important piece of that program.

Key Components of Correctional Policy Programs.

A 2007 report by the Massachusetts Executive Office of Public Safety, *Implementing a Reentry Program According to Best Practices*, lists the following key components for Correctional Reentry Programs:

- Mental health treatment
- Substance abuse counseling
- Basic adult education programs
- Job training
- Batterer intervention
- Family counseling
- Mentoring

Advances in Other States

Illinois: The State of Illinois contracts with the Safer Foundation to both train returning citizens and to forge relevant partnerships with businesses. The program starts with a comprehensive assessment process to identify barriers to employment, including transportation, housing, financial or emotional barriers. Supportive services are then deployed for those who need assistance. A second assessment is done before clients begin the employment and retention segment. The employment training and placement includes soft skills. The Safer Foundation also has the resources and capacity to offer financial assistance to support returning citizens and their families through each stage.

Kentucky: In 2011, legislation was passed that carved out a six-month period of mandatory reentry supervision from the end of the sentence for offenders who were parole eligible but who had not been released to parole supervision before six months of their release date.

Oregon: In 2013, legislation allowed certain inmates to be released up to 90 days before their release date to engage in a post-prison supervision reentry case plan.

Pennsylvania: In 2013, state legislation provided specialty Transitional Coordinators for mid- to high-risk parolees in their first 180 days of supervision. Transitional Coordinators become involved with the offenders prior to their release to address possible housing, employment, and treatment issues. Parolees are reassigned to general supervision once successfully stabilized.

Utah: In 2015, Utah passed legislation that included almost \$1 million in reinvestment dollars to create reentry specialists, ensuring consistency in supervision and case plan objectives from prison to the community. Additional support was provided to assist offenders with needs-based programming upon reentry.

Entrepreneurship and Developing the Leadership Pipeline

There has been some success with entrepreneurship and leadership-focused programs, such as the Prison Entrepreneurship Program (PEP) in Texas. PEP graduates have launched more than 200 businesses, six of which generate more than \$1 million in gross revenue. Graduates are more likely to obtain and retain employment and less likely to recidivate in comparison to those who were selected but did not participate in the program. Successful programs are holistic and focus on character, behavioral, and technical training within prisons, along with follow-up support. The programs require collaboration between multiple stakeholders, such as the business community, the state correctional authority, academic institution(s), and employers.

Public Sector Engagement

The public sector, including local and state government entities, is an important partner in ensuring the successful reentry of returning citizens. Government is unique in that it serves a dual role for the returning citizen community as both a service provider and as an employer. As a service provider, government is already well-engaged but there is a lack of coordination between agencies and community partners that provide services.

Community service providers and government agencies can serve only a limited number of people. However, if resources were better coordinated, there could be increased capacity. Also, co-locating

government and community partners would provide returning citizens with better access to services by eliminating the need to travel to multiple places.

Additionally, there is limited coordination between services offered to returning citizens inside the fence and programs available on the outside. There needs to be stronger coordination between correctional programs and post-incarceration programs. Programs that are begun in a correctional facility will be more effective if they are continued after release.

As an employer, government is in a keen position to help returning citizens obtain jobs due to its sheer size and the varied opportunities and functions at agencies. Since there is a lack of reliable data regarding current employment of individuals with a criminal background by city and state agencies, it is impossible to tell how engaged the public sector is regarding hiring returning citizens. Anecdotally, it does not appear this area has been a focus or priority in the public sector. Furthermore, there are no strong incentives or requirements for companies that do business with the state to hire returning citizens on contracts or projects that are awarded by government entities.

Work of the Committee

The committee focused on public sector engagement largely drew upon the expertise of its membership, which included presidents and CEO's of local nonprofit organizations, as well as representatives from state and local government. The members reviewed literature and discussed numerous issues related to public sector engagement and support of the reentry process.

Private Sector Engagement

Private sector businesses hold the most significant thing many returning citizens struggle to find – meaningful employment. Although a number of factors affect recidivism, the single largest determinant of re-arrest and re-conviction is whether or not a person is able to find a job upon release from prison. The probability of re-conviction for someone who is employed within two months of release and earning \$10 or more per hour is only 8 percent, one-third of the probability of an unemployed ex-offender.²⁸

Many employers in the Baltimore region are receptive to hiring returning citizens, but insist there is no central clearing house for resources that they can access, including service providers that assist and train returning citizens. Private sector businesses also express concerns that are raised from internal risk management or public relations professionals. They are also apprehensive over how existing company employees would react if they were to hire returning citizens.

Though there are some state and federal incentives geared towards incentivizing or encouraging the private sector to hire returning citizens, they often are not significant enough or are underutilized due a lack of knowledge of what is available.

Although there are many benefits to hiring returning citizens, businesses lack awareness of data on the outcomes and benefits to the employer.

Public Sector Recommendations

- ▶ **Better coordination of services.** Create an umbrella network to pool resources between state and local government and community service providers in order to expand capacity and better coordinate services.
- ▶ **Expand current resources.** Enhance and expand current “one stop” centers that serve returning citizens to offer more than employment services, and include mental and physical health, housing, legal advice, and other needed services.

- ▶ **Increase the focus on hiring individuals with a criminal background.** Create a program focused on training and placing citizens with a criminal background in jobs in state and local government entities through the use of job placement specialists and workforce specialists.
- ▶ **Provide Incentives.** Provide procurement preferences for businesses seeking to do business with the state – require contractors who are awarded state contracts to employ a certain percentage of returning citizens. Consider creating a preference for businesses owned by returning citizens.

Work of the Committee

In addition to reviewing and discussing existing research related to private-sector support of reentry programs, the Private Sector Employment Committee held a series of employer focus groups to better understand employers' attitudes toward hiring returning citizens and to get a better sense of what barriers employers' might perceive.

A total of 22 senior human resource and management professionals from 16 companies participated over two days. The sessions were moderated by an experienced facilitator who posed questions that subcommittee members had recommended. Subcommittee members were present in the room to listen to the discussion. At the conclusion of each session, the participants talked informally about this issue.

The employer sessions revealed:

- Overall companies were open to hiring and made a conscious effort to hire fairly.
- They were aware of "Ban the Box" legislation.
- Employers are generally aware of organizations that train returning citizens but are not aware of the differences between the programs.
- Educating management and co-workers to create a culture of acceptance and understanding would be a significant help to companies that are willing to hire returning citizens.
- More data on the outcomes of hiring would be of great benefit to companies considering hiring returning citizens.
- Participants realized that increasing the number of returning citizens that companies hire would help the economic condition of Baltimore.

Private Sector Recommendations

- ▶ **Ask companies to sign the "Fair Chance Pledge".** By agreeing to sign the Fair Chance Pledge, a company agrees to a number of policies that encourage fair and inclusive hiring practices. This pledge includes: giving all job applicants a fair chance by ensuring that information regarding an applicant's criminal record is considered in proper context; the company is not engaging in practices that unnecessarily place jobs out of reach for individuals with criminal records; the company is complying with Ban the Box requirements; training human resources staff, and others policies to ensure that a fair opportunity exists for applicants with a criminal background. Large local employers like Johns Hopkins University, The Johns Hopkins Hospital, and Under Armour have signed the pledge.
- ▶ **Provide public awareness campaigns for businesses.** Encourage business organizations to provide educational campaigns for their human resource managers and other hiring professionals on the logistics of hiring returning citizens similar to the seminars that the Baltimore-based Job Opportunities Task Force has conducted and which could serve as a model. These seminars would address the available financial incentives, help managers understand legal requirements, provide information about partners in the community who train individuals with a criminal background, and include interaction with panels of employers who hire returning citizens.
- ▶ **Advocate for increased state funding.** Advocate for robust state funding for programs that facilitate the successful transition of returning citizens.
- ▶ **Better data collection.** Identify a state agency that could appropriately collect data on private employers that routinely hire returning citizens in order to get a sense of how successful these hires are once employed, what jobs they are performing, how long they remain employed, and whether or not they are promoted or acquire additional skills or training.
- ▶ **Improve internal company culture.** Work with companies to adopt and promote internal practices, policies and trainings that make company cultures more open to hiring returning citizens. This should include trainings on implicit bias, anti-discrimination policies that protect employees with criminal records, and hiring practices that provide, rather than prevent, career paths for returning citizens.
- ▶ **Support removal of barriers.** Support stronger policies at the state and local level that remove barriers to employment for returning citizens including expanded expungement and shielding laws, anti-discrimination policies that protect returning citizens, and a narrowing of laws and regulations that unfairly penalize employers for offering opportunities to returning citizens.
- ▶ **Create better inventory of programs.** Create an accurate and updated inventory of reentry programs in Baltimore City that could partner with the business community. Part of this inventory should include a measurement of the effectiveness of these programs and indicate which programs produce the best results. This inventory should be consistently updated to provide employees with necessary and accurate information.

Best Practices of Private Sector Engagement in Reentry

Lifting Unnecessary Restrictions

According to the Center for the Study of Social Policy, states can reduce statutory prohibitions that may unnecessarily prevent returning citizens from obtaining professional licenses in certain industries. By lifting unnecessary restrictions and/or providing certificates of rehabilitation, policymakers can improve the placement options for returning citizens and remove central barriers to reentering the workforce. The State of Maryland is currently studying this issue through the Workgroup on Collateral Consequences of Convictions.

Financial Incentives

Federal Work Opportunity Tax Credit. Administered through the U.S. Department of Labor, this program provides a tax credit of up to \$2,400 per returning citizen hired for their first year of work.

Other states and cities. Some states and cities have their own tax incentives, including California, Illinois, Iowa, Louisiana, Texas, Philadelphia, San Francisco, and Portland, Oregon. Iowa currently has the largest tax credit, with employers being able to deduct 65 percent of the wages paid to returning citizens during their first year of employment, up to a total of \$20,000 per employee.

Federal bonding program. Administered through the U.S. Department of Labor, the Federal Bonding Program is completely free and provides employers with insurance ranging from \$5,000 to \$25,000 for



each qualifying hire for up to a year. The insurance covers any acts of dishonesty, including theft, for any employee who may be perceived “at-risk,” including ex-offenders. While the overwhelming majority of people with criminal records are seeking to have productive lives in compliance with the law, this program can help to allay some hesitation on the part of employers who remain reluctant to hire ex-offenders.

Certificates of Rehabilitation

Certificates of rehabilitation are another mechanism through which employers can be encouraged to hire people with criminal records. The certificate is an official document issued by a state government entity that verifies to employers that the applicant successfully completed his or her sentence and has achieved a certain level of employment competency, i.e. has completed their GED, has completed a job readiness training program, has completed certain employment training and other requirements.

Typically created at the state level through legislation certificates of rehabilitation offer reentry support by automatically lifting bans on jobs, licenses or other necessities such as housing that result from a conviction history. These certificates can be used to provide means for qualified people with criminal records to demonstrate rehabilitation or a commitment to rehabilitation, thereby increasing their employability and reintegration into society.

With the recent passage of the Justice Reinvestment Act in the 2016 General Assembly session, the State of Maryland has established its own state certificate of rehabilitation. While this new certificate will allow a number of returning citizens to restore their rights to obtain certain professional certifications, it does not go as far as many other states’ policies.

For example, Maryland’s law is limited to only a certain subset of nonviolent first-time offenders. As these certificates begin to be issued, it is important that employers understand their limited scope and eligibility criteria. Job applicants having such a certificate should be seen as an advantage. However, there is concern that it will be seen as a warning sign if a job applicant fails to present a certificate of rehabilitation to a potential employer.

Anti-discrimination hiring laws

Five states – Hawaii, Kansas, New York, Pennsylvania, and Wisconsin – legally prohibit private employers from having outright bans on hiring people with conviction records.



Conclusion – Next Steps

Internally, the Greater Baltimore Committee’s follow-up work to execute the recommendations in this report will include:

- Recruiting a small group of stakeholders to focus on implementation of the Coalition’s recommendations.
- Working with Baltimore City and/or other jurisdictions to launch a Peer Recovery Network.
- Developing a public awareness and educational program for employers to demonstrate the benefits of hiring returning citizens. Among other things, it will include data from employers who have had positive experiences, information about racial discrimination in hiring, and materials aimed specifically for employers to use to educate their workforce about why it makes good business sense to hire returning citizens.
- Advocating for changes within state government, including the creation of an Office of Reentry, changes to the MCE CARES Program, better data collection and analysis, and more funding for reentry services.

While there are many challenges that face individuals attempting to successfully reenter society after a period of incarceration, there are also many opportunities for the business community, public sector, nonprofit organizations, and others to work together to improve the prospects for returning citizens.

It is the hope of the coalition that interested parties and stakeholders will use the recommendations included in this report as a catalyst for continued improvement and positive change, particularly in communities most affected by the devastating impacts of incarceration.

Non-governmental hiring incentives

Most non-governmental initiatives that help facilitate the hiring of returning citizens occur on a small scale, often being led by private nonprofits looking to engage and encourage local business communities.

In Baltimore, Civic Works and Living Classrooms are two nonprofits that specialize in workforce development services for returning citizens. These organizations partner with local employers to educate them about the benefits of hiring returning citizens, create pipelines to specific job placements, and support participants as they transition back to regular employment. Successful programs often provide licensure or certification for specific jobs.

On a wider scale, national efforts such as the Legal Action Center and the National H.I.R.E. Network have taken the lead on consolidating information and toolkits for returning citizens and employers, as well as advocating for policy changes.

The Legal Action Center has a wide array of publications and toolkits to help educate the public about employment law as it pertains to returning citizens. One guide that assists employers in learning how to responsibly and legally incorporate criminal background checks into their hiring processes in a way that does not sweepingly discriminate against applicants is Best Practice Standards: The Proper Use of Criminal Records in Hiring.

The National H.I.R.E. Network has its own similar list of resources and publications available to the public.

WHILE THERE ARE MANY CHALLENGES THAT FACE INDIVIDUALS ATTEMPTING TO SUCCESSFULLY REENTER SOCIETY AFTER A PERIOD OF INCARCERATION, THERE ARE ALSO MANY OPPORTUNITIES FOR THE BUSINESS COMMUNITY, PUBLIC SECTOR, NONPROFIT ORGANIZATIONS, AND OTHERS TO WORK TOGETHER TO IMPROVE THE PROSPECTS FOR RETURNING CITIZENS.

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