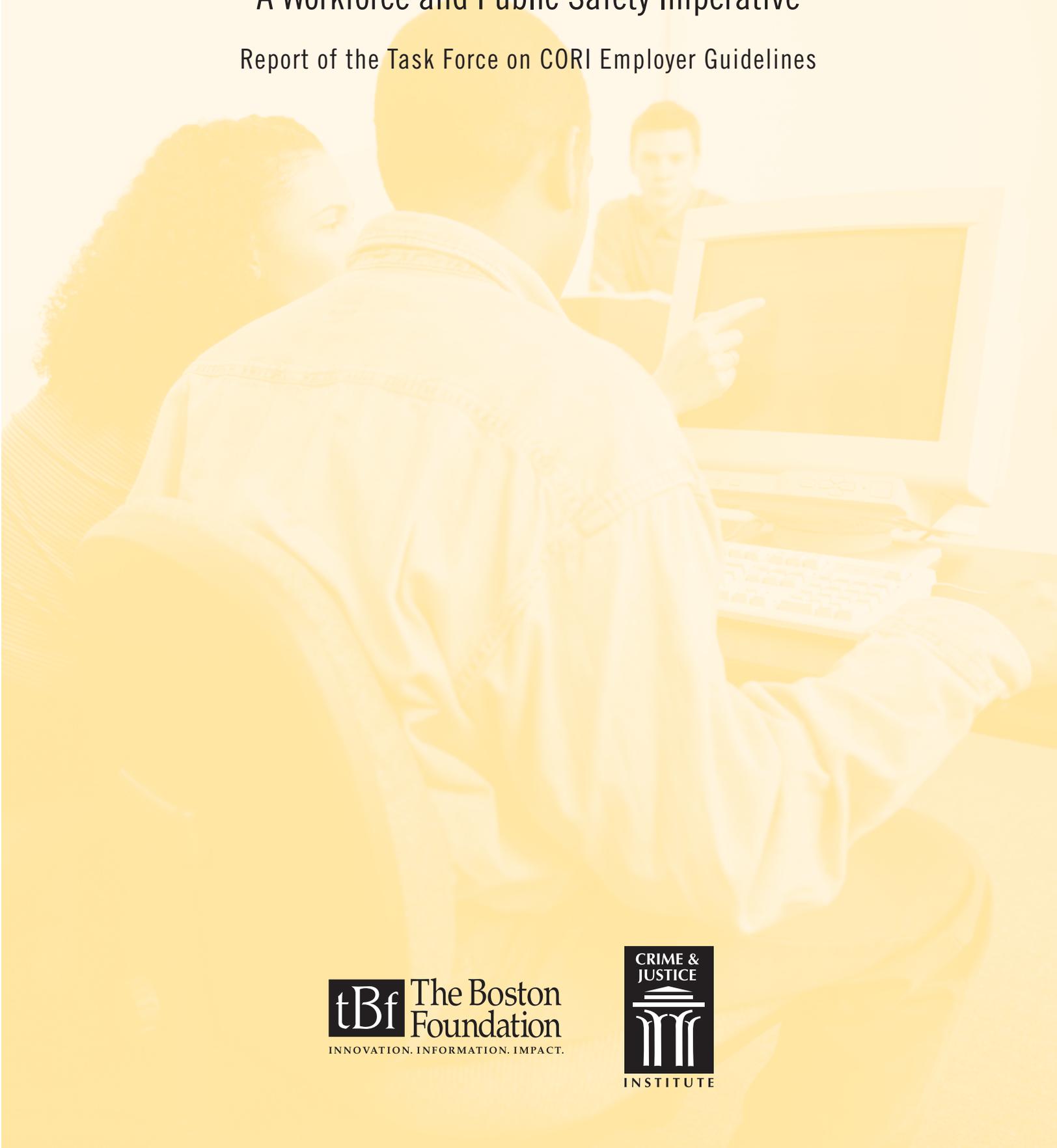


CORI: Opening Doors of Opportunity

A Workforce and Public Safety Imperative

Report of the Task Force on CORI Employer Guidelines



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The Boston Foundation, Greater Boston's community foundation, is one of the oldest and largest community foundations in the nation, with assets of more than \$830 million. In 2006, the Foundation and its donors made more than \$70 million in grants to nonprofit organizations and received gifts of \$71 million. The Foundation is made up of some 850 separate charitable funds established by donors either for the general benefit of the community or for special purposes. The Boston Foundation also serves as a major civic leader, provider of information, convener, and sponsor of special initiatives designed to address the community's and region's most pressing challenges. For more information about the Boston Foundation, visit www.tbf.org or call 617-338-1700.

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The Crime and Justice Institute (CJI) seeks to improve criminal and juvenile justice and social welfare systems so they are more fair, humane, results-driven and cost-effective. Through research and program evaluation, policy analysis, capacity-building technical assistance and educational activities, CJI promotes evidence-based policies and practices for addressing criminal and social justice issues nationwide and in Massachusetts. For more information about CJI, visit www.cjinstitute.org or call 617-482-2520.

About the Task Force on CORI Employer Guidelines

In June 2006, the Boston Foundation and the Crime and Justice Institute convened a task force consisting of 14 leaders from the nonprofit, law enforcement, academic and business communities to kindle discussion and debate about the way CORI is used in employment decisions and the barriers it can create for individuals seeking employment and employers. Co-chaired by Robert Gittens, Vice President of Public Affairs at Northeastern University, and Elizabeth Pattullo, President and CEO of Beacon Health Strategies LLC, the task force's goal was to "identify opportunities that increase access to employment for low-risk, qualified applicants with CORI, while continuing to protect vulnerable populations."

UNDERSTANDING BOSTON is a series of forums, educational events and research sponsored by the Boston Foundation to provide information and insight into issues affecting Boston, its neighborhoods, and the region. By working in collaboration with a wide range of partners, the Boston Foundation provides opportunities for people to come together to explore challenges facing our constantly changing community and to develop an informed civic agenda. Visit www.tbf.org to learn more about Understanding Boston and the Boston Foundation.

CORI: Opening Doors of Opportunity

A Workforce and Public Safety Imperative

Report of the Task Force on CORI Employer Guidelines

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Special thanks to the members of the task force, members of the State Legislature and Boston City Council, members of the Romney Administration and Patrick Administration, Barry LaCroix of the Criminal History Systems Board, Tony Winsor of the Massachusetts Law Reform Institute, Sheriff Andrea Cabral, Martha Lyman of the Hampden County Sheriff's Department, and Margaret Love, Director, ABA Commission on Effective Criminal Sanctions for their contributions to this report.

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Dear Friends,

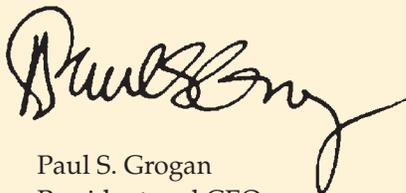
The Boston Foundation prides itself on serving as a civic hub where ideas are shared, levers for change identified, and common agenda formed. While the Foundation historically has played a catalytic role in seeding and supporting strategies to strengthen our regional competitiveness, quality of life, and social equity through a wide range of grantmaking, we also pursue efforts to accelerate civic engagement beyond grantmaking through research and public policy. Notably, we are often able to help “connect the dots” across key indicators to demonstrate that some issues, like CORI, that may appear to primarily concern one set of stakeholders, actually are multi-dimensional in nature and impact the entire region in layered and important ways.

In 2005, the Boston Foundation released a report, “CORI: Balancing Individual Rights and Public Access,” as part of our *Understanding Boston* series. That report, conducted in conjunction with the Crime and Justice Institute, identified the challenges of the state’s Criminal Offender Record Information System and opportunities for reform. It also called for improving the accuracy and format of CORI reports, better educating recipients, encouraging users to develop clearer guidelines, and creating incentives to support the re-entry of ex-offenders. This past year, the Boston Foundation and the Crime and Justice Institute convened a follow-up task force of 14 leaders from across public and private sectors co-chaired by Robert Gittens, Northeastern University Vice President for Public Affairs, and Elizabeth Pattullo, President and CEO of Beacon Health Strategies LLC, to identify opportunities that will increase access to employment for low-risk, qualified applicants with CORI, while continuing to protect vulnerable populations.

This task force has produced the following report, which provides recommendations that will not only help ex-offenders access jobs, but will help our economy as a whole. Recent research and convenings that we have sponsored as part of our *Understanding Boston* series have revealed that a dramatic and historic change from labor surpluses to labor shortages threatens to undermine our state’s prosperity. Due largely to the high cost of housing and living overall, our state is losing population as the rest of the nation grows. Due in part to brain drain, there are approximately 75,000 unfilled jobs in the state, while at the same time there are more than 170,000 people unemployed. Some of our leading sectors, including allied health care, suffer from job vacancies in key fields.

Clearly, a profound jobs-skills mismatch exists in the Commonwealth that requires us to work to ensure qualified workers fill vacant jobs. We need to pursue several strategies on this front, and the recommendations in this report focus on but one aspect of this challenge. But this is a critical aspect, particularly in the Commonwealth’s urban areas which disproportionately drive our state economy. We must work to ensure a climate in which people with CORI who are appropriately qualified are able to work in order for our Commonwealth to continue to prosper. I invite you to read this report and join with us in considering the recommendations offered.

Sincerely,



Paul S. Grogan
President and CEO
The Boston Foundation

Dear Readers,

On behalf of the Task Force on CORI Employer Guidelines we are pleased to present “CORI: Opening Doors of Opportunity: Balancing a Workforce and Public Safety Imperative.” This report documents the findings and recommendations of the task force, which met over a 8-month period to identify opportunities to improve access to employment for low-risk, qualified applicants with CORI, while continuing to protect vulnerable populations.

We were honored to serve as the co-chairs of a dynamic and diverse task force comprised of 14 leaders representing nonprofit, law enforcement, academic and business communities across the Commonwealth. The task force intentionally included a wide array of perspectives on the issues involved in CORI reform. Those who work to support ex-offenders in their re-entry efforts as well as employers who rely on CORI as part of their applicant screening process were active participants in our discussions.

Reaching agreement on the contentious issues involved in changing CORI employer guidelines was not a simple task. Over time, through careful examination of how CORI is used in employment decisions and respectful debate regarding the potential avenues for change, the group agreed on a set of recommendations, which we believe will benefit employers, individuals with CORI and the Commonwealth as a whole.

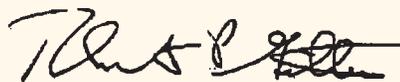
The task force is convinced that changes such as those outlined in this report are necessary to address workforce needs across the Commonwealth, such as those in the health and human services sector where workforce demand is outstripping workforce supply. It is both an economic and a social imperative that we improve access to productive employment opportunities for all qualified individuals, including individuals with CORI.

We encourage leaders throughout the Commonwealth to review and consider the recommendations presented here and join us in working toward an environment where all qualified individuals can become productive participants in a prosperous economy.

Sincerely,



Elizabeth Pattullo
President and CEO,
Beacon Health Strategies LLC
Task Force Co-Chair



Robert Gittens
Vice President of Public Affairs,
Northeastern University
Task Force Co-Chair

INTRODUCTION:

The Economic Imperative of CORI Reform

In America, as in all other countries, work is the path to a better life, yet for individuals with a criminal history the barriers to productive employment can be virtually impossible to overcome. Men and women with a criminal background, regardless of the nature and severity of their crime, time elapsed since criminal activity, and evidence of successful rehabilitation, are frequently rejected for jobs before they are even considered. In fact, a criminal background is among the steepest hurdles to obtaining a job that one may face. The consequences of a growing population of hard to employ ex-offenders are severe, not only for these individuals, but for society as a whole, as recidivism rates (and therefore prison costs) rise and the ability of our labor force to meet the employment needs of the region diminishes.

In May 2005, the Boston Foundation and the Crime and Justice Institute issued a report examining the Massachusetts's Criminal Offender Record Information (CORI) system. "CORI: Balancing Individual Rights and Public Access!" explored the challenges of an information system vital to the operation of our criminal justice system, yet overwhelmed by the spiraling demands for criminal record information. CORI is a computerized system that tracks information about any individual arraigned on a criminal charge. Records in the system may range from an individual accused of shop lifting to more serious offenders who have served lengthy prison terms. Not all individuals with CORI were in fact convicted of crimes. Those found not guilty, or for whom charges were dismissed, also have CORI reports. As more and more employers gain access to these records, the simple existence of a criminal record—regardless of its content—creates a stigma individuals must overcome as they seek employment.

As the Boston Foundation's 2005 report explains, despite the critically important function CORI plays within the criminal justice system (providing information to judges, law enforcement officials, prosecutors and others), its widespread use by a rapidly expanding number of employers has raised countervailing

challenges. Between 1998 and 2004 the number of requests for CORI tripled without significant investments in the system to support the growth in users. The CORI report, essentially raw data that even law enforcement officials find difficult to interpret, can be indecipherable to private employers who lack training in how to read them. Employers find it difficult to obtain the information relevant to their needs from the report and often end up excluding applicants with CORI from employment. Although many employers consider criminal record information vital to preserving workplace safety and don't want to lose access to CORI, they admit that changes are needed in the format of the reports employers receive.

Most advocates for CORI reform point to the importance of employment as a deterrent to criminal conduct and recidivism, and the research supports this claim. However, more than just a public safety issue, connecting ex-offenders to employment opportunities is increasingly an economic imperative. Both advocates and critics of the current CORI system often fail to recognize the economic challenge that CORI presents in a region with a diminishing labor force.

A 2006 study by MassINC centered attention on the decline of the Massachusetts' working age population as the state's core economic challenge. To attract and retain a vibrant business base the state must maintain a healthy and competitive labor market, yet from 2000 to 2005, the Massachusetts resident labor force did not grow at all. By contrast, during this period the national labor force grew by nearly five percent. In fact, Massachusetts was the only state in New England whose labor force did not grow and Massachusetts ranked 48th among the 50 states on this economic indicator.² The impact of this trend on some of the state's core industries is alarming: the vacancy rates for seven allied health professions range from six to 16 percent.³

In Massachusetts, the Greater Boston area, the state's economic center, is affected most acutely by the lack of labor force growth. Between 2000 and 2005 the local labor force in Norfolk, Middlesex and Suffolk Counties declined by 38,000 workers.⁴ In a region where the

Summary of Recommendations

The stable employment of people with criminal records is not just a social justice and public safety issue but also an economic and workforce development issue. The employment of low-risk, qualified people presents an opportunity to address some of the Commonwealth's pressing economic and labor challenges. A strategy that combines coherent policies governing the distribution of criminal record information, improved efforts to educate the public, and programs and partnerships that develop ex-offenders skills to address the employers' needs should be a priority for the Commonwealth. In June 2006, The Boston Foundation and the Crime and Justice Institute convened a taskforce consisting of 14 leaders from the nonprofit, law enforcement, academic and business communities to kindle discussion and debate about the way CORI is used in employment decisions and the barriers it can create for individuals seeking employment. The taskforce's goal was to "identify opportunities that increase access to employment for low-risk, qualified applicants with CORI while continuing to protect vulnerable populations." Through a series of meetings over an eight month period the task force identified the following recommendations:

1. Broaden the scope of the Criminal History Systems Board, the state agency that maintains and disseminates CORI, to reflect its role in public and private employment

- Widen the Board's membership to include representatives with expertise in workforce development, offender rehabilitation, economic development and other sectors outside the criminal justice system.
- Expand the scope of the Board's mission and adopt language in its policy statement that reflects the importance and value of successful reintegration of ex-offenders.
- Simplify the format of CORI reports sent to non-law enforcement users and train and certify users so that they can accurately interpret and manage the information contained in a CORI report.
- Take steps necessary to ensure the accuracy, consistency and timeliness of information sent to employers.

2. Revise the guidelines regulating employment in the health and human services sector

- Incorporate a policy statement in the Executive Office of Health and Human Services (EOHHS) hiring regulations that acknowledges the dual interest of protecting the workplace and vulnerable populations, while also encouraging the reintegration and successful employment of ex-offenders.
- Base the hiring criteria in the EOHHS regulations on the conduct and circumstances of a criminal incident rather than the offense cited on the CORI report.
- Encourage a full review of an applicant's history so that employers consider whether a prospective employee, despite a criminal record, is an appropriate candidate for employment. Such a change would likely eliminate the Lifetime Presumptive Disqualification category of offenses.

3. Improve employment opportunities for ex-offenders

- Take action to change employers' and the public's perceptions of ex-offenders and other individuals with CORI. Efforts could include a public education campaign, and a certificate program which recognizes a set of rehabilitative milestones achieved by an applicant and balances the information presented to employers.
- Examine policies and tools designed to facilitate the hiring of ex-offenders such as: the Work Opportunity Tax Credit, the U.S. Department of Labor's Federal Bonding Program, and city and state policies that give preference in vendor contracts to organizations with a policy of hiring qualified, low-risk ex-offenders
- Create cross-sector partnerships and expand successful existing models to improve the job skills of ex-offenders and facilitate employment.

Note: See the back inside cover for an analysis of the recommendations, mechanisms for change and budget implications.

workforce is one of the strongest competitive advantages, the consequences are deeply felt. Researchers believe one of the core reasons for the stagnation in labor force growth is the disengagement from the workforce by young male workers with low educational attainment.⁵ Difficulty finding and maintaining productive employment in the knowledge economy is challenging enough for low-skilled workers, but CORI often creates an insurmountable barrier for a significant portion of this demographic.

The CORI system was originally created to systematize the collection and dissemination of criminal record information for law enforcement users and to establish a screening process that would protect the privacy of individuals with criminal records. As the CORI system has expanded, CORI is now used as a tool to communicate criminal record information to users needing to evaluate the risk a person may present for employment or housing purposes. The goal of protecting vulnerable populations, one of the CORI system's critical functions, need not be mutually exclusive to providing opportunities for stable and productive employment for individuals with CORI. Public safety is in fact served by supporting the successful transition of ex-offenders from prison into the workforce and removing undue barriers to employment that might stand in their way. A recent report by the Office of the Attorney General of the United States stated, "An uninformed choice (employment of a person with a criminal record) can result in harm to the employer, other employees, or the public. On the other hand, a non-individualized, categorical screening approach of not hiring any person with a criminal history can have the effect of creating a class of unemployable ex-offenders, along with the recidivism that would inevitably result."⁶

The magnitude of the problem is much greater than most people realize. An estimated 59 million Americans, approximately 29 percent of the United States adult population, has a criminal arrest record on file with a state repository.⁷ In Massachusetts there are an estimated 2.8 million individual criminal records on file. Each year, approximately 60,000 people are convicted of a crime, whether a misdemeanor or a felony, continuously adding to the number of individuals with an official criminal record.⁸ The number of individuals with a criminal background often far exceeds public perception.

Mistaking CORI and SORI

Many people confuse or mistakenly equate CORI with Sexual Offender Registry Information (SORI) which is available through the Sex Offender Registry Board. The Sex Offender Registry Board (SORB) is responsible for keeping a database of convicted sex-offenders and classifying offenders based on the level of threat each poses to the public. SORB is also responsible for making information on certain sex offenders available to the public. Productive discussion on CORI reform is frequently silenced when the focus turns to concerns over sex-offenders gaining access to children, the disabled or the elderly. The Task Force on CORI Employer Guidelines did not make findings or recommendations on the information compiled by and available through SORB. Moreover, the recommendations in this report relate *only* to information available through the Criminal History Systems Board and none are intended to affect the collection or dissemination of SORI.

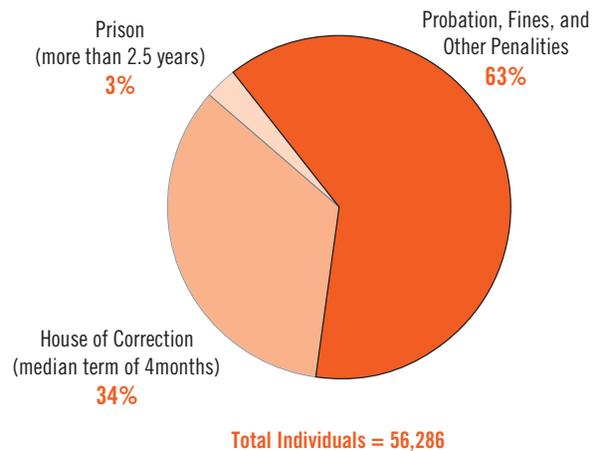
The Boston Foundation's 2005 report raised three dominant themes in the challenges of the CORI system: Access, Education and Accuracy. With the increase in CORI users, we must assess who has **access** to CORI, what information they see and how long certain records should be available. We must also expand efforts to **educate** users on how to read and use CORI. Finally, we must improve the **accuracy** of the reports (reducing or eliminating cases of mistaken identity where individuals without a criminal record have entries in their CORI and cases where inaccurate or incomplete information remains in the CORI) and provide a straightforward process for individuals to challenge inaccuracies in their record.

Since the issuing of the 2005 report, support has continued to mount for meaningful changes in the use and dissemination of criminal record information and in the overall system that supports the transition of ex-offenders into the workforce. A broad array of stakeholders, including employers, ex-offenders, public safety advocates, public policy experts and

Common Misperceptions about CORI

Perhaps the most significant challenge to improving the employment chances of individuals with criminal background information, are misperceptions about who these individuals are. The words “criminal background” often conjure images of violent offenders and invoke reactions of fear and distrust. However, most people’s preconceptions are not based on data. A review of annual conviction data in Massachusetts indicates that most criminal history is based on minor offenses, the majority of which do not result in any incarceration. Of the nearly 60,000 convictions that occurred in 2004, roughly 70 percent were for misdemeanors and 63 percent resulted in probation, a fine or other sanction, rather than incarceration. Of the individuals sentenced to some period of incarceration, 91 percent were sentenced to a house of correction, a facility where the median sentence is just over four months. From this conviction data one can extrapolate that the vast majority of individuals with an entry on their CORI report either never served time or served very short sentences in county jails. Though each case must be assessed individually, as a group those with a criminal history most often present very low risk of committing a serious or violent crime in the future. While the general perception is that ex-offenders are dangerous or violent, only a very small percentage of the offender population ever committed violent crimes.

Individuals Sentenced in Massachusetts in 2004



workforce development agencies, have recognized the often unnecessary barriers to employment that individuals with CORI face and the economic imperative of removing these barriers to make full use of the Commonwealth’s human capital. To channel this interest in the issue into a set of concrete recommendations for change, the Boston Foundation and the Crime and Justice Institute convened a task force consisting of 14 leaders from the nonprofit, law enforcement, academic and business communities with a goal of “identifying opportunities that increase access to employment for low-risk, qualified applicants with CORI while continuing to protect vulnerable populations.” Over an eight month period the task force met regularly to discuss the issues and develop the recommendations presented in this report. The task force believes the recommendations presented here pave the way for a greater number of qualified⁹ individuals with CORI to become productively engaged in the growth sectors of the Massachusetts economy.

The Work of the Task Force

The task force, co-chaired by Robert Gittens, Vice President of Public Affairs at Northeastern University, and Elizabeth Pattullo, President and CEO of Beacon Health Strategies, began with an initial focus on the health and human services field, an industry with expanding employment opportunities for low-skilled workers that is often inaccessible to individuals with CORI because of strict hiring guidelines. Both within Massachusetts and nationally the human services sector is one of fastest growing parts of our economy. A report by the Massachusetts Council of Human Service Providers in April 2006 estimates that from 1998 to 2003, the Commonwealth's human services workforce grew by 18 percent while the overall workforce grew by only 1.7 percent over the same period.¹⁰ The shifting demographic in the state and throughout the nation toward a larger and larger "dependent population" indicates the labor shortage in the human services field will be pronounced for some time. The report estimates that at the present pace, dependent populations will grow 24.3 percent over the next 25 years, while the working-age population will shrink by 3.3 percent. The U.S. Bureau of Labor Statistics predicts 37.5 percent growth in the human services industry over the next decade.¹¹ With this on-going growth, the sector presents important employment opportunities for a wide range of workers.

Moreover, the health and human service sector is especially important to the Massachusetts economy. Health and human service workers comprise 3.3 percent of the Commonwealth's workforce.¹² With the sector's workforce needs projected to continue growing, Massachusetts must begin to address the skilled worker gap if it is to continue to be a leader in this industry.

The task force focused initially on the guidelines that regulate hiring within the health and human services sector in Massachusetts because previous work on CORI had identified these guidelines as one of the key barriers to employment. However, as the task force reviewed these hiring guidelines, it recognized a range of other changes needed to improve employment opportunities for disengaged workers whose criminal backgrounds, regardless how relevant or how old, and

lack of marketable skills, create a steep barrier to productive employment. This report presents the core findings of the task force and their recommendations for change. The task force represented a wide range of perspectives on these issues with participants ranging from officials in health and human services organizations to ex-offenders. Achieving consensus was not easy. The diverse group grappled with the complex task of balancing the needs of employers for key information and needs of individuals with criminal histories to get beyond that history and obtain productive and stable employment. Over time, the task force came to consensus on recommendations in three areas:

- Broaden the scope of the Criminal History Systems Board to reflect its role in public and private employment.
- Revise the hiring guidelines regulating employment in the health and human services sector.

Task Force Members

Robert Gittens, Vice President of Public Affairs, Northeastern University – *Co-chair*

Elizabeth Pattullo, President and CEO, Beacon Health Strategies LLC – *Co-chair*

Andrea Cabral, Sheriff, Suffolk County

Tom Coury, Executive Director, Gardiner Howland Shaw Foundation

Marc Draisen, Executive Director, Metropolitan Area Planning Council

Haywood Fennell, Founder and President, Stanley Jones Clean Slate Project

Lewis Finfer, Massachusetts Community Action Network

Tom Jones, Vice President and Counsel, The Employers' Resource Group, Associated Industries of Massachusetts

Lori Kipnis, Human Resources Director, Boys and Girls Clubs of Boston

Larry Mayes, Chief of Human Services, Mayor's Office, City of Boston

Jack McDevitt, Director, Center for Criminal Justice Policy Research, Northeastern University

Bonnie Michelman, Director, Police, Security and Outside Services, Massachusetts General Hospital

Ben Thompson, Executive Director, STRIVE

Michael Weekes, President/CEO, Massachusetts Council of Human Service Providers

Shared Principles Guiding the Work of the Task Force

During its first few meetings, the task force reviewed the EOHHS guidelines, their impact on the human services field and the wider barriers to employment that exist for individuals with CORI. After several meetings, the task force members agreed on the following principals that would guide their consideration of key recommendations.

- The successful transition of offenders from incarceration to the community is an important element of recidivism reduction and public safety and this transition depends on his or her ability to obtain stable employment.
- Being an ex-offender carries a stigma that limits a person's ability to be absorbed back into the community and obtain employment. The collateral consequences of a conviction include:
 - Structural limitations on where an ex-offender can work;
 - Perceptions about the ex-offender's impact as an employee;
 - Risks to the employer hiring an ex-offender; and
 - The availability of criminal record information long after the crime and conviction occurred.
- A person's criminal record report must accurately reflect that person's past criminal activity; the problem of inaccuracy in the system must be addressed.
- The health and human services industry is a major employer in Massachusetts with many career opportunities for qualified applicants. The industry is facing a shortage of qualified employees over the next two decades and Massachusetts will need to develop all appropriate and qualified workers if it seeks to remain competitive in this field.
- The health and human services field is often justified in its reluctance at hiring applicants who have a criminal record; the safety of vulnerable populations must be preserved.
- However, the EOHHS regulations have broad impact on the job prospects of applicants who have criminal records and do significantly limit an employer's discretion in hiring someone with a criminal record.
- While there is language in the regulations advising employers that are considering hiring an ex-offender to examine certain elements of an applicant's background, the EOHHS regulations do not encourage employers to look beyond an applicant's criminal record or to consider other factors that might mitigate the record.
- A person's CORI usually provides a very narrow window into the past activities of a job applicant with a criminal record.
- Where possible, efforts should be made to remove barriers to employment in health and human services and other fields for qualified applicants who do not pose a threat to employees, clients, consumers, customers or the general public.
- CORI is vital to the functioning of the criminal justice system. Its use by law enforcement officials, judges, corrections officers, and prosecutors should not be diminished.

- Improve employment opportunities for people with CORI.

The findings and recommendations presented in this report emerged from a series of meetings over eight months in which participants reviewed and discussed information relevant to the use of CORI in employment decisions. The task force also engaged local and

national experts, the Criminal History Systems Board, and the Suffolk County Sheriff's Department and Hampden County Sheriff's Department. The task force also reviewed examples of initiatives from other states focused on criminal record information and offender reintegration.

Recommendations of the Task Force

1. Broaden the Scope of the Criminal History Systems Board to Reflect Its Role in Public and Private Employment

The Criminal History Systems Board (CHSB) was established in 1972 to maintain the Commonwealth's criminal justice information system and manage the dissemination of criminal record information. At the time, CORI records were primarily disseminated to criminal justice officials and agencies, and CHSB was structured with the needs of the criminal justice system in mind. However, since its creation 35 years ago, the use of CORI has changed dramatically. Between 1998 and 2005 the number of CORI requests more than tripled, and between 1993 and 2005 the number of organizations certified to receive CORI rose from 2000 to over 10,000. Much of this growth rose from legislation mandating CORI checks for many human service employers. The group of organizations and individuals

accessing CORI has shifted from predominately criminal justice officials to a vast number of employers with no law enforcement background. Because the system and number of users has expanded dramatically, CORI now plays a very different role in our society than it did 35 years ago. Yet, the composition of the Criminal History Systems Board has not changed to reflect these circumstances, nor has there been any fundamental change in the board's stated mission or in the format of the reports the agency generates. As CHSB has grown to play a greater role in the employment process of both public and private agencies, the task force believes it is time to revisit this agency's mission, structure and capacity. The task force has identified the following recommendations for change.

Widen the Board's membership to include representatives with expertise in workforce development, offender rehabilitation, economic development and other sectors outside the criminal justice system.

The CHSB is a state agency within the Executive Office of Public Safety governed by a board whose composition and mission reflect its original charge as an information system serving criminal justice agencies. The Board is composed of the heads of key state departments and agencies in the criminal justice system.¹³ Though dissemination of CORI to employers has swelled over the last decade and thousands of users outside law enforcement have gained access to CORI, there has been virtually no change in the composition of the board to reflect the expanded scope and role of the CORI system. Until the board includes the perspective of employers who review CORI reports to make employment decisions, agencies that prepare workers for employment and work to place them in jobs, and groups helping ex-offenders transition to society, the agency will find it difficult to adapt to the expanding role it plays in employment decisions. The task force believes the CHSB must adjust its board membership to include representation from private employers and workforce and economic development agencies. Because the composition of the board is established by state statute, legislative action will be necessary to modify its membership.

Recommendations

- Widen the Board's membership to include representatives with expertise in workforce development, offender rehabilitation, economic development and other sectors outside the criminal justice system.
- Expand the scope of the Board's mission and adopt language in its policy statement that reflects the importance and value of successful reintegration of ex-offenders.
- Simplify the format of CORI reports sent to non-law enforcement users, and train and certify users so that they can accurately interpret and manage the information contained in a CORI report.
- Ensure the accuracy of CORI reports.

Expand the scope of the Board’s mission and adopt language in its policy statement that reflects the importance and value of successful reintegration of ex-offenders.

The CHSB currently recommends the certification of a private user of CORI “when it has been determined that the public interest in disseminating such information to these parties clearly outweighs the interest in security and privacy.” Similar language throughout the statutes governing the use of CORI recognizes this tension between preserving public safety and allowing for individual privacy. The task force believes this language should also reflect a third goal of encouraging the successful re-integration of ex-offenders into society through productive employment. Employment has been shown to have a positive impact on the ability of ex-offenders to remain crime-free and is therefore an important factor in reducing recidivism.¹⁴ Given the importance of employment to maintaining public safety and the barriers CORI creates to obtaining employment, the CHSB’s mission should communi-

“Having had access to CORI for almost a decade there is no way you can take it away from us. It’s too important. But you can encourage more responsible use and more thoughtful interpretation. People need training to use this information effectively.”

Large health care provider
in Boston

cate the state’s interest in safeguarding the responsible use of CORI and promoting the hiring of qualified, low-risk ex-offenders. For example, language could be added to the certification guidelines for private CORI users to state: “when it has been determined that the public interest in disseminating criminal record information clearly outweighs the interest in security and privacy and such information will be used in a manner that supports the successful reintegration of qualified, low-risk ex-offenders...”

Simplify the format of CORI reports sent to non-law enforcement users, and train and certify users so that they can accurately interpret and manage the information contained in a report.

Because CORI was created to serve criminal justice agencies, the format of the report generated by the system presupposes a significant amount of law enforcement and criminal justice knowledge. The format of the report has not changed significantly despite the major increase in the use of CORI by people outside the criminal justice system that has occurred over the past decade. The reports include a wide range of codes used by the criminal justice system to reference specific criminal charges and the current status of those charges. Members of the law enforcement community report that it typically takes new professionals many months to become proficient at interpreting CORI reports. The actual disposition of the criminal charge (whether the individual was found guilty, the case was dismissed or continued without a finding, or there was a finding of not guilty) is indicated through a code on the CORI that is not easy to decipher unless one is very accustomed to reading the reports. While a detailed glossary for these codes is available on the CHSB web-site, there is no guarantee that employers will access the web-site as it requires additional effort some employers may not have the time or inclination to make. When confused by the range of terms and abbreviations in the CORI report, an employer may fall back on stereotypes about offenders, an instinctive reaction of fear or a generalized concern over liability, and immediately reject the applicant from consideration. Offering such sensitive information in a format that is difficult to read and interpret may discourage employers from considering ex-offenders and result in the rejection of qualified, low-risk candidates.

The task force recommends that CHSB move toward a bifurcated reporting system where law enforcement and non-law enforcement users would receive different types of reports. Law enforcement would continue to get the same CORI reports they currently receive, but reports sent to employers would be simplified in a format that is easier to read and interpret. Further discussion would still be needed regarding the appropriate form and content of the redesigned CORI reports for non-law enforcement users, but the shift to this bifurcated reporting system would better support the

“CORI is raw data.

No other state agency distributes raw data to such a large group of users.”

Task force member

very different needs of the two sets of CORI users. The task force recommends that a wide range of industry leaders be involved in the discussion regarding

changes to the content and format of reports so that employers’ specific needs and concerns can be addressed. While such changes may require significant investment, the CHSB technology must be upgraded to meet the demands placed on it. Until such changes can be made, CHSB has a duty to train CORI users and monitor the use of the information it disseminates. While some steps have been taken in the past year to broaden the training to CORI users and monitor compliance with regulations, the agency does not have the capacity required given the growing number of CORI users. A greater investment in training and certification is needed to minimize the likelihood that CORI is misinterpreted or misunderstood by inexperienced users.

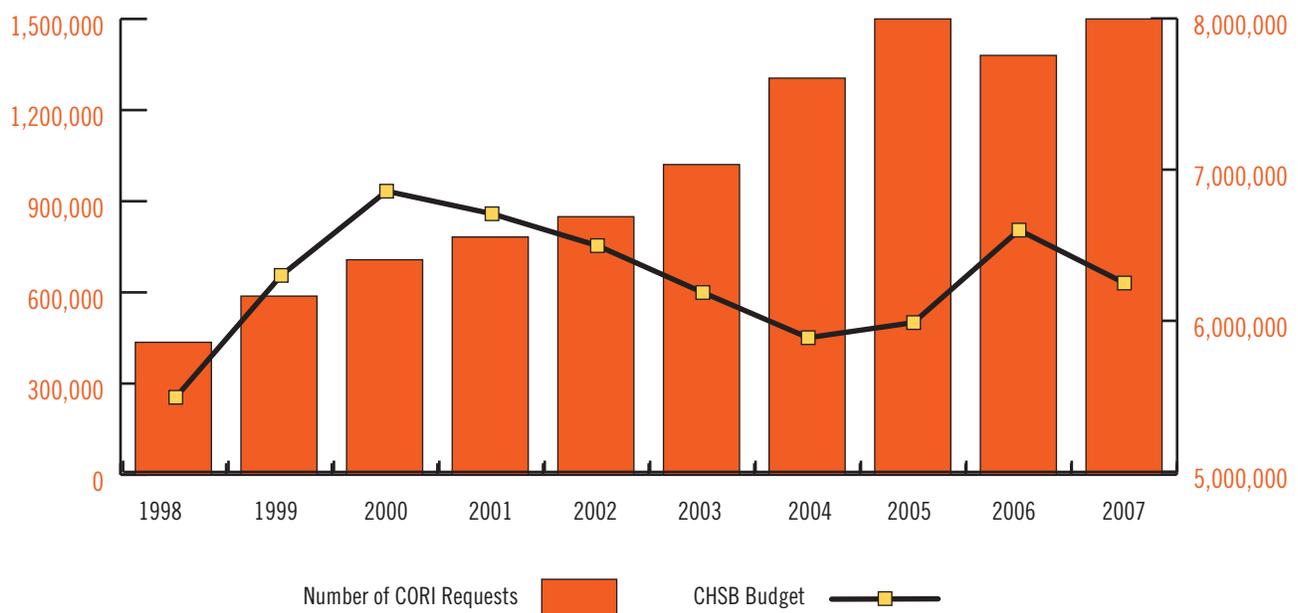
Despite a tripling in the number of CORI requests between 1998 and 2005, and new legislation mandating criminal background checks by a wide variety of employers, the CHSB budget has not risen to reflect the additional work it is asked to perform. To support

improvements in technology and expanded focus on training and compliance, the Legislature and the Governor will need to consider a long overdue investment in the capacity of CHSB.

Ensure the accuracy of CORI reports.

Another concern about CORI is the presence of inaccurate information in some CORI reports. Inaccuracies arise through several different circumstances. Cases of mistaken identity are probably the most notorious of the CORI accuracy issues. In such cases, an individual may have provided a false name and date of birth upon arraignment, and the criminal record is falsely assigned to another person who then appears to have a criminal record. A mistaken identity can also occur when data is being entered into the system and the criminal charge being entered is mistakenly assigned to another person already in the system. In order to reduce instances of mistaken identity, several other states have implemented a fingerprint-based verification system that uses the offender’s fingerprints to verify the individual’s identity, and call up and enter data in that individual’s CORI. Massachusetts should consider implementing a fingerprint-based verification system partnering all agencies involved in collecting and distributing criminal record information as part of the CORI system.

CORI Requests and CHSB Budget Growth



2. Revise the Hiring Guidelines Regulating Employment in the Health and Human Services Sector

In 1996, The Executive Office of Health and Human Services (EOHHS), the state agency that oversees departments¹⁵ providing services to vulnerable residents throughout the Commonwealth, established a set of regulations that govern the hiring of any person with the “potential for unsupervised contact” with clients. The hiring regulations apply to all departments and the vendors with whom they contract. Given the size of the EOHHS budget and the range of organizations with which the office contracts to provide services, the regulations have widespread impact. EOHHS has a budget in excess of \$2.6 billion and contracts with approximately 1,100 different providers to deliver services throughout the state to thousands of residents.¹⁶ Additionally, beyond the agencies and vendors required to follow the EOHHS regulations, many organizations choose to adopt these regulations rather than articulating their own hiring policies, indicating that the regulations have far reaching influence throughout the health and human services sector.¹⁷

Notably, the EOHHS regulations were implemented in an era when tough-on-crime measures dominated the

criminal justice and political landscape. Measures such as three-strikes, mandatory minimum sentencing, super-max prison construction and the demise of work release, parole and rehabilitative programs were prevalent across the country. Years later, research shows that these efforts were short-sighted and in many cases ill-conceived. Incarceration rates have increased three fold, producing exorbitant prison budgets.¹⁸ Recidivism rates have not declined despite the high incarceration rates and in some states have increased significantly.¹⁹ Just as criminal justice officials are now considering the impact of these policies and are working toward greater opportunities for rehabilitation within the criminal justice system, the state must also consider hiring guidelines like the EOHHS regulations that may have been overly strict in their approach to preventing employment of ex-offenders.

While the regulations address an important goal, in practice they place substantial barriers to employment for qualified individuals who do not pose any significant risk in the workplace. The universe of individuals with a criminal history is inherently diverse, encompassing a wide variety of personal histories and individual circumstances. Yet through broad categorical disqualifications, the guidelines frequently discourage thoughtful consideration of individual cases and a more nuanced approach to interpreting CORI. The regulations also set a high hurdle for employers interested in hiring an ex-offender, in some cases requiring documentation and affidavits from criminal justice officials and mental health professionals obtained at the employer’s expense. Keeping front and center its goal of maintaining public safety but improving the employment prospects of qualified low-risk ex-offenders, the task force identified the following possibilities for modifying the EOHHS regulations.

Revise the regulations to include a policy statement that acknowledges the dual interest of protecting the workplace and vulnerable populations, while also encouraging the reintegration and successful employment of ex-offenders.

The EOHHS regulations set forth a unilateral mission of protecting the workplace and vulnerable populations. While this mission articulates an important state responsibility, it neglects another – that of protecting

Recommendations

- Revise the EOHHS regulations to include a policy statement that acknowledges the dual interest of protecting the workplace and vulnerable populations, while also encouraging the reintegration and successful employment of ex-offenders.
- Base the hiring criteria in the EOHHS regulations on the conduct and circumstances of a criminal incident rather than the offense sited on the CORI report.
- Encourage a full review of an applicant’s history so that employers consider whether a prospective employee, despite a criminal record, is an appropriate candidate for employment.

Florida's State Strategy to Improve Offender Re-Entry

Other states have recognized the economic imperative of supporting offender re-entry and have invested heavily in statewide strategies to remove unnecessary barriers to offender employment. For example, in the state of Florida, Governor Jeb Bush formed a high level task force charged with reviewing barriers to re-entry and making recommendations for how the state can eliminate these barriers. The task force identified a number of measures including a thorough review and revision of state laws and policies that restrict employment by ex-offenders. As a result, Governor Bush issued an executive order mandating that state agencies review restrictions and disqualifications in their own hiring practices, believing the state should set a positive example for private employers throughout the state. Governor Bush's actions in this arena were stirred by the fiscal reality of a growing prison population and high recidivism rates. With 86,000 inmates in Florida's prison system at an average annual cost of \$25,000 per inmate the budgetary implications of reducing recidivism were clear. More than 30,000 ex-offenders return to the community from Florida prisons annually. The data indicates that 40 percent will commit a new crime, 25 percent will be re-imprisoned on a new crime and 2,000 more will be returned to prison for probation violations. Florida recognized that addressing barriers to offender re-entry was a wise near-term investment that would yield high returns in the long term if recidivism rates could be brought down. For more information on Florida's program see "Final Report to the Governor", Governor's Ex-offender Task Force, November 2006, available at <http://www.exoffender.myflorida.com>.

the rights of all individuals to fair consideration for employment and supporting the efforts of ex-offenders to achieve successful employment. The task force believes these two goals are not mutually exclusive and that the guidelines should be worded to recognize the importance of both objectives. The current regulations fail to encourage a thoughtful assessment of criminal background information that balances the safety of the client population with the qualifications of many low-risk ex-offenders. The current language suggests a bias towards discouraging an employer from hiring an ex-offender. The regulations are repeatedly referred to as a minimum standard, allowing employers to apply a more rigid standard when they are so inclined. The regulations also include language allowing their application to employees "whose services do not entail the potential for unsupervised client contact."²⁰

The regulations also provide no restrictions on the use of criminal history information and no protection for individuals on the interpretation of this information. For example, Massachusetts law does not prohibit the use of non-conviction information in employment or housing decisions. Individuals accused but never convicted are generally subject to the same guidelines as those convicted. By contrast, New York declares that it

is an "unlawful discriminatory practice ... to make any inquiry about ... or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual."²¹ New York law also prohibits an employer from refusing to hire a person because of a criminal conviction unless there is a direct relationship between the offense and the employment, or "unless employment would involve an unreasonable risk to property or safety."²² Neither Massachusetts law nor the EOHHS regulations offer such provisions or protections to job applicants.

Research shows that employers are more reluctant to hire ex-offenders than any other disadvantaged group.²³ Given this instinctive reluctance of employers to consider ex-offenders it is incumbent on agencies such as EOHHS to at least recognize the importance of careful and thoughtful review of individual circumstances in their hiring regulations. Establishing a policy statement that acknowledges the dual interest of protecting the workplace and vulnerable populations, while still assisting in the reintegration and stable employment of qualified ex-offenders, would lessen this bias and would encourage employers to at

Current Language

“In order to ensure that employees or other persons regularly providing client or support services with potential for unsupervised contact in any program or facility of the Department or in vendor agency programs funded by the Department are appropriate for serving in their positions, a Criminal Offender Record Information (CORI) check shall be performed on candidates for positions in such programs or facilities, as provided in these regulations. It is the policy of the EOHHS and the Department that convictions of certain crimes presumptively pose an unacceptable risk to the vulnerable populations served by the Department and its vendor agencies. These regulations set forth minimum standards. Stricter standards may be set by vendor agencies.



Proposed Language

“It is the policy of EOHHS that certain conduct in a prospective employee’s past poses an unacceptable risk to the vulnerable populations served by its departments and its vendor agencies and that a criminal conviction may be evidence of such a risk. Additionally, a criminal conviction should not be the sole factor in determining a person’s suitability for a particular workplace. Therefore these regulations acknowledge the Commonwealth’s dual responsibilities of ensuring a regulatory structure that allows employers to take appropriate steps after considering all information available to hire qualified low-risk employees and volunteers as well as allowing the safe transition of low-risk ex-offenders into an appropriate and stable workplace.”

least consider applicants with a criminal background. The policy statement of the EOHHS regulations could be changed as suggested in the box above to accomplish this objective.

Base the hiring criteria in the EOHHS regulations on the conduct and circumstances of a criminal incident rather than the offense cited on the CORI report.

The purpose for using CORI in employment decisions is to determine the degree of risk the person poses to the particular workplace, but thoughtful consideration of this risk does not always take place. Employers often consider the mere existence of the report, regardless of its content, as sufficient cause for disqualifying prospective job applicants. However, the offense listed in a CORI report does not always correspond to the actual criminal conduct, and it rarely provides sufficient information to evaluate the risk a person poses to the workplace.

For example, an Assault and Battery conviction can describe two very different types of conduct. In the following two circumstances, the offense of Assault and

Battery are similar but the conduct underlying the crime is very different. One applicant is seeking an accountant position at a hospital but has an 11-year-old conviction on his record for Assault and Battery, stemming from a college incident in a local bar during which he was accused of throwing a beer bottle at an antagonist. Since that episode he has not been in any legal trouble and has successfully completed college and become a CPA. On the other hand, an applicant for a maintenance job in a nursing home has an 8-year old conviction for assaulting an older person. Since the conviction the applicant has a spotty work history but no other convictions. While these two applicants have similar convictions on their CORI, the conduct for which they were convicted and the circumstances surrounding it are significantly different, especially when evaluated against the type of job being sought.

The EOHHS regulations do not suggest that a distinction be made between these two cases. Similarly, someone unfamiliar with the criminal justice system may not realize that certain categories of offense often refer to a wide range of actual crimes. For example,

Linda²⁴, the woman described in the anecdote to the right, has a very different criminal history than a convicted drug dealer involved in years of trafficking in cocaine. The latter may have also been charged with “Conspiracy to Traffic in Cocaine” because of an issue arising with evidence submitted during trial. Amending the language in the regulations to suggest that employers focus on the actual criminal conduct to determine whether it has a direct bearing on the person’s fitness and suitability for a particular job, would encourage employers to more accurately assess the true risks involved in hiring a given applicant.

Encourage a full review of an applicant’s history so that employers consider whether any prospective employee, despite a criminal record, is an appropriate candidate for employment.

Currently, the EOHHS regulations identify two types of disqualifications from employment in the health and human services field. Offenses with a lifetime presumptive disqualification (for which job applicants are automatically eliminated from contention) include more serious offenses, regardless of when these crimes were committed and what has transpired in the applicant’s life since that time. While the regulations have a mechanism for an individual to contest this categorization, the process is extraordinarily onerous. The individual or the employer must obtain a written explanation from a criminal justice professional that had direct supervisory authority over the applicant while the person was in the criminal justice system stating why the individual does not present an unacceptable risk to persons served by the employer. If such a letter cannot be obtained, then the employer, at his or her expense, can hire a qualified mental health professional to conduct an assessment of the applicant, and then submit a letter explaining why they believe the applicant would not pose a threat in the workplace.

The second category, referred to as discretionary disqualification, refers to applicants who have been convicted of a crime on a list of less serious offenses (see sidebar on page 18) than those found in the presumptive lifetime disqualification. This category of offenses also results in an automatic disqualification, but the process of seeking a waiver of the disqualification is less onerous. To hire an individual in this

Digging Below the Surface: Linda and the “Conspiracy to Trafficking in Cocaine” Charge

Our immediate impression of a criminal charge may not match the actual historical events behind that charge. For example, a 28-year-old female named Linda applying to work in a nursing home has a charge of Conspiracy to Trafficking in Cocaine that dates back to an incident when she was 19. At 19, Linda was driving a car with Oscar, a man she had been dating for just a few weeks. Oscar asked her to stop the car and wait while he entered a building. Without Linda’s knowledge Oscar entered the building to complete a drug sale involving cocaine to an undercover agent. Oscar was charged with a crime but so was Linda as the driver of the vehicle. While Linda did not serve time for the offense, the charge of “Conspiracy to Trafficking in Cocaine” is still on her record. She never saw Oscar again and never had any other interaction with the police. Her conviction however, an offense listed in the lifetime presumptive disqualification category in the regulations, precludes any opportunity for Linda to work in a nursing home, her chosen field of work.

category, the employer is instructed to consider such factors as: time since conviction, age of candidate at time of offense, seriousness and circumstances of incident, relationship of offense to nature of work, number of offenses, and evidence of rehabilitation or lack thereof to determine whether the applicant poses an unacceptable risk. To hire the individual, the employer must submit a written explanation to a department official stating their rationale. The Commissioner has the right to reject such appeals if he or she believes the candidate in question is not qualified or does in fact pose a potential risk.

The presumptive lifetime disqualification category is problematic because it discourages a full review of an applicant’s history and ignores a range of critical factors relevant to the individual’s candidacy for a job

such as the time elapsed since the offense, evidence of rehabilitation, and circumstances of the individual crime. As shown in the sidebar on page xx, the types of crimes that fall into the presumptive lifetime disqualification category are highly varied and a wide range of applicants are disqualified by this list of crimes. While in some cases, it is clear why certain individuals should be precluded from consideration, in other cases the determination may not be as straightforward. For example, an individual charged with Assault and Battery with a Dangerous Weapon on a Victim 60 Years or Older, would not be a good match for a job in a nursing home, even if the job is washing floors with little or no unsupervised contact with clients. The regulations indicate that such an individual would be automatically disqualified. However, the regulations also automatically disqualify Cathy, a 30-year old nursing home employee who was terminated from her job when her CORI revealed that she was convicted of kidnapping six years ago. Cathy was charged with custodial kidnapping after she took her children, who were in DSS custody, to New York and did not return until she was arrested and extradited to Massachusetts. While she received only probation and has since gotten her life together, the nursing home administration indicated that the EOHHS regulations barred her from employment because of the kidnapping conviction.

Historically, the lifetime disqualification category has been a source of controversy. The original guidelines, known as “Procedure 001,” were challenged in court because they had not been formally adopted as a state regulation and because the lifetime disqualification was overbroad and arbitrary.²⁵ In response, EOHHS formally adopted the regulations and also responded to the judge’s finding that the lifetime disqualification provision was unconstitutional. The EOHHS regulations were adapted to enable a person with a lifetime presumptive disqualification to challenge the conclusion that they were a threat as described earlier. However the procedure identified makes it very difficult to challenge the conclusion, as few ex-offenders are able to obtain such documentation at their own expense and few employers are willing to exert the effort and expense required to do so.

Most often, even individuals whose criminal record places them in the discretionary disqualification cate-

gory fail to make it through such a review and approval process. The mere stigma of a criminal record, regardless of the actual offense and surrounding circumstances is a significant deterrent to employers and a fundamental obstacle in the process. Concerns over liability and the comparative ease of hiring an individual without a criminal record often

Categories of Offense

(Examples of each category provided below, not the complete list)

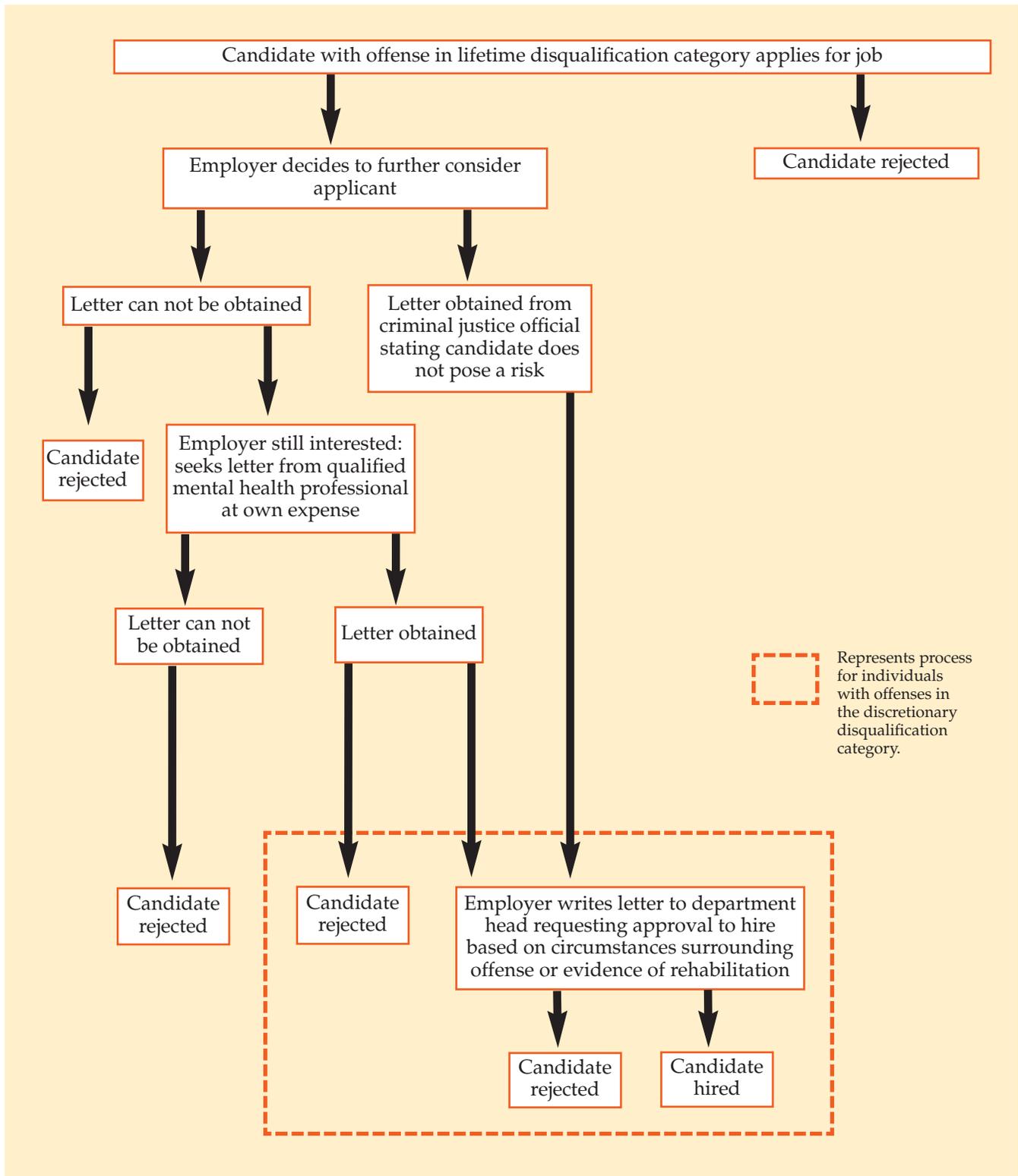
Presumptive Lifetime Disqualification

- Armed Robbery
- Arson
- Assault and Battery (various types)
- Attempt to Murder
- Drug Trafficking
- Extortion
- Intimidation of a witness
- Kidnapping
- Malicious Explosion
- Manslaughter
- Mayhem
- Murder
- Perjury
- Rape
- Conspiracy to commit any of the above crimes
- Accessory to any of the above crimes

Discretionary Disqualification

- Annoying phone calls
- Bomb scare
- Burglary
- Burning motor vehicle or personal property
- Carrying a dangerous weapon,
- Contributing to the delinquency of child
- Delivering articles to inmate
- Distributing obscene pictures
- Drug sales
- Indecent exposure
- Larceny
- Possession with intent
- Procuring liquor for a minor
- Receive or buy stolen motor vehicle
- Unarmed Robbery
- Vandalize school, church, educational building
- Conspiracy to commit any of the above crimes
- Accessory before any crime in this category

Hiring Process for candidates with offenses in the Lifetime Presumptive Disqualification Category



cause employers to consider other applicants. Therefore, the process outlined for offenses in the discretionary category may be a significant enough hurdle to employment that the lifetime presumptive disqualification category could be eliminated altogether. Furthermore, given the wide range of circumstances involved in most criminal histories, asking employers to consider such factors as the relevance of criminal history to the job in question or specific evidence of rehabilitation seems an important and appropriate step. The seriousness of drug offenses listed in this category can be mitigated by the passage of time, the successful rehabilitation of the offender and the lack of subsequent criminal activity, but the lifetime presumptive disqualification category does not account for any of these factors. Similarly, while a drug offender might not be an appropriate candidate to work in the pharmacy at a hospital or dispense drugs to patients, they should not necessarily be precluded from working as a social worker, a counselor, or in an administrative or business support role at a hospital or human services agency.

As long as a clear process is established and required for assessing the risk of an individual to the workplace or to the client population, a lifetime presumptive disqualification category would be unnecessary. By eliminating the presumptive lifetime disqualification category and moving all offenses in this category to the discretionary disqualification category, EOHHS would encourage employers to review all relevant information affecting the applicant's candidacy. Such a change would recognize the wide variety of individuals with CORI and the importance of probing beyond the scarce and relatively intimidating information provided in a CORI report.

The task force believes the EOHHS regulations serve a vital purpose. EOHHS must establish regulations for its departments and vendors that support the goals of protecting vulnerable populations and preserving the safety of the workplace. The task force believes the suggestions identified here will allow EOHHS to still achieve this objective but also produce a set of regulations that better support employment of a broad range of qualified applicants for human services jobs.

The Hurdles to Hiring Qualified Low-Risk Ex-Offenders: The Example of Jerome

The following anecdote demonstrates the obstacles to employment created by the EOHHS regulations and the way they can deter employers from hiring ex-offenders. A human service provider in western Massachusetts wanted to hire Jerome, an ex-offender, in its technology department. Jerome was the most qualified applicant in their pool and didn't appear to pose a threat to the workplace, but he did have a Table A offense on his CORI thereby falling into the lifetime presumptive disqualification category. Since he would not have unsupervised access to the client population, the organization believed they would not have to apply the lifetime presumptive disqualification criteria normally applied for Table A offenses. However, the human service organization eventually realized he would be using a bathroom also used by clients, raising the possibility of unsupervised client contact.

The organization still wanted to hire Jerome. After examining the requirements they looked for and found a qualified mental health professional to conduct a psychological assessment. The mental health professional drafted a letter stating that she did not believe Jerome posed an unacceptable risk and in accordance with the guidelines this letter was submitted to the Commissioner's office.

Unfortunately, because this mental health professional's office was located just south of the Massachusetts border in Connecticut, EOHHS declared the letter unacceptable. Eventually, the organization found a Massachusetts-based qualified mental health provider who performed another assessment and submitted a similar letter stating that they did not find Jerome to pose an unacceptable risk to the clients. The department eventually allowed the organization to hire Jerome, but the process took six months and cost the organization \$2,000. Though there have been no incidents, the organization has indicated that it would not pursue such a process again because it cannot afford the time and resources involved.

3. Improve Employment Opportunities for Ex-Offenders

Beyond the regulations guiding the employment of health and human service workers and the changes necessary within the systems that govern the use of criminal background information, the task force believes that the Governor, the Legislature and various state agencies should consider a comprehensive strategy to address the range of problems that limit employment of ex-offenders. While the original charge of the task force was to examine CORI and the EOHHS hiring regulations, the task force identified two significant barriers to employment for ex-offenders that, unless addressed, would prevent changes in CORI and the hiring regulations from having a meaningful impact. One barrier is the public's, and more specifically, employers' perceptions of ex-offenders. Another barrier is a low-level of work readiness that afflicts a large number of ex-offenders as they leave prison. Many ex-offenders have low education levels, limited work histories and few marketable skills. Many also struggle with medical and mental health issues, including substance abuse, housing problems, and a myriad of other issues that make stable employment difficult to find and maintain.

Combined, an ex-offender population poorly equipped to obtain employment and an outsized perception of risk among employers and the general public result in a sizable unemployment problem for a growing segment of the population. The consequence for society is often a revolving door at correctional facilities with high recidivism rates and increasing corrections budgets. Currently approximately 22,000 people are incarcerated in Massachusetts prisons and jails and 97 percent will eventually be released back into the community.²⁶ Of those returning offenders, the data suggests that as many as 50 percent will either commit a new crime or will return to prison within 3 years.²⁷ At an annual cost of \$43,000 a year to house an inmate²⁸ and with a corrections budget of nearly \$1 billion annually²⁹, the impact of recidivism is significant both socially and financially.

Recommendations

- Take action to change employers' and the public's perceptions of ex-offenders and other individuals with CORI.
- Examine policies and tools designed to facilitate the hiring of ex-offenders.
- Create cross sector partnerships and expand successful existing models to improve the job skills of ex-offenders and facilitate employment.

The issues related to the return of incarcerated offenders to the community, commonly called reentry, require a more substantial review and analysis than the task force was able to undertake. However, the task force believes that the following recommendations aimed at improving employment opportunities for ex-offenders are as pressing as any changes in CORI and the EOHHS hiring regulations.

Take action to change employers' and the public's perceptions of ex-offenders and other individuals with CORI.

For most people, particularly those with limited experience with ex-offenders, the words "criminal background" sparks both alarm and deeply held stereotypes. The stigma of a criminal background is often the most significant obstacle anyone with a criminal history faces. The current system that lumps together such a wide range of individuals (including those accused but never found guilty, those convicted and successfully rehabilitated, and repeat offenders), perpetuates such stigmas and limits the chances of individuals with CORI to compete for jobs and lead productive lives. As mentioned earlier, research shows that employers are less willing to hire ex-offenders than any other disadvantaged group.³⁰ In a 1996 national study of employer attitudes that included Boston employers, two-thirds said they would not knowingly hire an ex-offender.³¹ A 2002 survey of employers found that 84 percent of the respondents indicated that they would consider hiring a person convicted of a misdemeanor, but only 23 percent indicated they would hire someone convicted of a felony drug charge, and only 7 percent would consider hiring someone convicted of a felony property crime.³² Yet

this perception conflicts with what the research shows about the risk of future criminal conduct and arrest.

The research indicates that the likelihood of arrest diminishes substantially the longer the period since the last arrest. The study found that the probability of arrest at ages 25-26 for someone last arrested at age 24 was 30 percent. Yet, when the age of arrest is earlier, at age 21, the probability of arrest at age 25-26 drops to 14 percent and if the last arrest for the person was as a juvenile, the probability drops to 4 percent.³⁴

Greater education is needed at all levels of society to educate the public at large, and employers in particular, about the diversity of individuals represented in the CORI system and among ex-offenders overall. While the public may perceive a person with a CORI to have a long history of serious offenses and periods of incarceration, the data shows that 70 percent of the convictions in Massachusetts are for misdemeanor offenses and 63 percent result in probation or a fine and not imprisonment. Yet all of these people have a CORI. A promotional and educational effort to dispel the notion that all ex-offenders pose unreasonable risks would help combat the misperceptions and stereotypes that are the first and often the only set of factors at play when an ex-offender applies for a job. Among the possible ideas for addressing issues of perception is one that Florida is pursuing as part of its re-entry reform mission. The Governor's Task Force has called for assembling a group of 10-20 business leaders who currently hire ex-offenders and are willing to do peer-to-peer presentations to recruit other businesses to adopt similar hiring practices.

Currently, the opportunity for an ex-offender to provide reliable evidence of rehabilitation to a prospective employer is very limited. Many individuals are unable to seal their criminal record regardless of how long ago a crime was committed or a charge was brought. These individuals, if they have achieved a set of rehabilitative milestones, should be able to provide prospective employers with information that helps counter the employer's natural disinclination to hire an ex-offender.³⁵ Possible examples include a certificate issued to ex-offenders that maintain a clean criminal record over a specific period of time, or certificates indicating participation in employment readiness or workforce preparation programs run by the criminal justice system.

New York offers two such certificates. One is a certificate of "relief from disabilities" (CRD) and the other is a certificate of good conduct (CGC). The CRD is only available to people convicted of misdemeanors and first-time felony offenders. It is awarded by the court after sentencing if the sanction did not include a period of incarceration or by the Board of Parole if the sentence included incarceration. A CGC is available only from the Board of Parole and only after a waiting period of one to five years of good conduct depending on the seriousness of the crime.

These certificates provide ex-offenders with limited relief from some of the employment barriers they face. Their legal effect is that they relieve an eligible person of any "forfeiture or disability" that results from their conviction and remove any barrier to "employment that is automatically imposed by law by reason of conviction of the crime or offense." They also create a "presumption of rehabilitation that must be given effect by employers and licensing boards, and that is judicially enforceable."³⁶

An added value of such a certificate is that it could play a role in addressing employers' concerns regarding liability. In a series of focus groups involving employers in the greater Boston area, 52 percent of the employers indicated that greater protection from legal liability would have a positive impact on the likelihood they would hire an ex-offender.³⁷ A certificate, recognized by the state, could serve as evidence of the employer's due diligence if he/she is sued for negligence because an employee, hired in part because of the certificate, commits a crime while employed. The American Bar Association recently recommended that jurisdictions make evidence of an individual's conviction inadmissible in any case where an employer is being tried for negligence or wrongful conduct based on hiring a convicted felon, as long as the employer relied on a judicial or administrative order that granted relief from statutory or regulatory barriers to employment.³⁸

Examine policies and tools designed to facilitate the hiring of ex-offenders.

To address the barriers to employment many ex-offenders face—whether due to the stigma of their ex-offender status, misunderstandings regarding criminal background information, or employers' concerns

over liability—a number of states have made available both financial and non-financial benefits to employers willing to hire employees with a criminal background. The Work Opportunity Tax Credit provides a one-time tax credit up to \$2,400 to employers who hire ex-offenders. The total amount of the credit depends on the hours worked by the employee. The U.S. Department of Labor also sponsors the federal bonding program, which works like an insurance policy to protect the employer in case of any loss of money or property due to employee dishonesty. Such programs encourage employers to hire ex-offenders by providing financial incentives and helping to alleviate possible risks involved in the hiring decision. However many employers are unaware these programs exist. Deepening awareness and encouraging the use of both of these programs could enhance opportunities for employment for many ex-offenders.

Some states and cities also give preference in vendor contracts to organizations that have a policy of hiring qualified, low-risk ex-offenders. In Boston, the City Council passed a non-discrimination ordinance, effective July 1, 2006, prohibiting municipal agencies and their vendors and contractors from conducting a criminal background check as part of their hiring process until the job applicant is found to be “otherwise qualified” for the position.³⁹ The ordinance also requires that the final employment decision consider the age and seriousness of the crime and the “occurrences in the life of the applicant since the crime(s).” Finally, the ordinance creates appeal rights for those denied employment based on a criminal record and the right to present information related to “accuracy and relevancy” of the criminal record. This measure ensures that everyone is given an opportunity to be considered in the early stages of the employment process without regard to their criminal record, and encourages employers to consider rehabilitation and other factors that may neutralize or overcome the negative effect of the criminal record. These types of measures encourage employers to consider their hiring guidelines relative to ex-offenders and adopt hiring practices that make employment of qualified, low-risk ex-offenders more feasible.

Create cross sector partnerships and expand successful existing models to improve the job skills of ex-offenders and facilitate employment.

Many states have recognized the economic imperative of preparing ex-offenders for productive employment and helping them find and retain jobs. These states understand that each year the increasing number of individuals emerging from correctional facilities forms a larger and larger portion of the working age population. If these states also face a shrinking labor force, as Massachusetts does, developing partnerships that improve the job skills and facilitate the employment of ex-offenders becomes an even stronger necessity. Massachusetts should work toward the creation of a more comprehensive set of programs that address the needs of ex-offenders making the transition from incarceration back into the community. To build on its current efforts and work toward a more comprehensive system of supports, Massachusetts could draw from many compelling models for public-private partnerships which support offender re-entry. For example, Project RIO (RIO stands for reintegration of offenders) is a job program run by the Texas Workforce Commission and implemented throughout the Texas Department of Corrections with the goal of reducing recidivism through the employment of ex-offenders⁴⁰. The program provides education, training and employment during incarceration that is then linked to a plan for education training and employment after release. The program described in further detail on the next page has had significant results. In the annual state budget, the legislature directed \$6.5 million for Project RIO pre-release programs, which serve 62,000 inmates annually, and \$8.8 million for post-release services serving more than 20,500 ex-offenders. In FY 05, more than 32,000 ex-offenders were released after receiving Project RIO services. More than 15,000 of them worked with a local workforce board to secure post-incarceration employment and more than 12,000 (85 percent) of these obtained jobs. Participants in Project RIO are nearly twice as likely to have found employment post release compared to a group of non-RIO ex-offenders. Rates of rearrest and reimprisonment are also significantly lower for the Project RIO participants.⁴¹

Project RIO

Project RIO begins by working with incarcerated offenders to identify an appropriate career path and develop an individualized plan. The plan then guides placement decisions throughout incarceration and after discharge. The Windham School district was created to provide academic, life skills and career technology training to Project RIO participants. The school district now operates in 88 state correctional facilities and serves more than 75,000 inmates. The Institute for Higher Education recognized Texas for having the most inmates enrolled in post-secondary education. In preparing for release, a comprehensive evaluation reassesses the needs of the offender. The evaluation assists in the selection and placement of the offender in an appropriate post-release environment. Staff encourages Project RIO participants to take advantage of available educational and vocational services and assist offenders in obtaining documents necessary for employment. After release, the staff provides individualized workforce development services including job preparation and search assistance. There are structured job search workshops for basic skill development such as completing a work application, resume writing and job interviewing practice. A key to the program's career path planning for the inmate is an assessment of the needs of the employer, information based on labor market trends and occupations available in the area where the offender plans to return. In FY 05, more than 35,000 employers participated in Project RIO. Staff also reaches out to prospective employers, matching them with candidates that meet specific search criteria. The staff even takes the additional step of certifying prospective employees for the Work Opportunity Tax Credit which provides tax incentives for employers and makes available bonding services to employers willing to take a chance on hiring an ex-offender.

Another program with proven results is the Sheridan Model created by the Safer Foundation of Chicago. This drug treatment and reentry model was developed in response to high recidivism rates in Illinois. Illinois Governor Rod Blagojevich reopened a prison exclusively to implement the program, which helps offenders establish a solid foundation for obtaining post release employment while they are incarcerated. The Safer Foundation began by identifying industry growth sectors that pay a living wage and hire individuals with criminal records. Safer then developed education and training programs that matched the needs of these industries and addressed the limitations of the offender population. Individual career plans with pre- and post- release goals are developed based on an assessment of each offender's specific needs and skills and assessment data guides the educational and vocational decision-making.

During incarceration, offenders engage in job preparedness workshops designed to develop soft skills, group interaction, self awareness, and hard skills. They also participate in practice employment, computer classes, and finally transitional jobs. Once released the offender participates in reentry counseling, employment placement and job retention and mentoring programs. Since 2004, more than 1,100 offenders have been released through Sheridan and participated in the external job preparedness program. Of those participants, 45 percent are currently employed compared to 30 percent of the ex-offenders discharged from other state facilities. Recidivism and arrest rates of Sheridan clients are 50 percent lower than for offenders released from other Illinois prisons.⁴²

Nationally, the Transition from Prison to Community Initiative (TPCI)⁴³, developed by the National Institute of Corrections, is being implemented in states around the country to improve the transition process of ex-offenders moving into the community and to enhance public safety by reducing recidivism. The Initiative is based on the premise that the government and the community must collaborate to reduce recidivism and improve the outcomes for returning offenders. Indiana, one of the states that has implemented TPCI, recently opened the nation's first reentry facility, designed to prepare inmates to return to the community. Governor Mitch Daniels, previously a member of

President George W. Bush's administration, stated, in opening the facility, "It's long overdue that we recognize those sent to prison eventually return to their communities and it's in the best interests of public safety and communities that we prepare for their return." A key feature of this program is the unique partnerships created to improve the offender's skills and capacity to handle crime-free life back in the community. The partners include a local bank that assists inmates in owning and managing their own bank accounts, the Bureau of Motor Vehicles that supports returning inmates in obtaining valid identification cards and driver's licenses, the Department of Workforce Development that connects returning offenders to employment opportunities, and a local community college which partners to offer a specialized curriculum and employment skills training program.

Another effective program, based here in Massachusetts, is the Common Ground Institute (CGI) run by the Suffolk County Sheriff's Department (SCSD). The 10-week instructional program is designed to improve employment skills and help ex-offenders make a successful transition to society post incarceration. During the first five weeks of the program, participants spend their mornings in STRIVE, a job readiness program whose goal is to prepare individuals to become mentally and emotionally work-ready. Students also spend their afternoons in a classroom situation where they learn carpentry, custodial maintenance, painting and landscaping.

During the last five weeks of the program, students participate in the Community Works Program, where they apply what they have learned in the community as a means of community restitution. Students also must pass a course in Occupational Safety and, upon graduation, receive an OSHA card that enables them to apply for work at any federally funded worksite. The program has a Job Placement Specialist, who has established a Job Industry Council, with connections to employers willing to hire graduates. The employers are a diverse group of local public sector agencies and large private companies that operate nationwide.

In 2006, CGI was certified by the Massachusetts Department of Workforce Development as an apprenticeship sponsor meaning that CGI graduates receive the same credits as those who successfully complete an

accredited apprenticeship program outside the facility. It is the first program in a Massachusetts correctional institution to receive this certification. SCSD is working with the Carpenters and Allied Business Trade Unions to refer graduates for membership. Since its inception in May 2005, 162 inmates have participated in CGI. One hundred twenty-one have graduated, 19 have sought parole before completion of the program⁴⁴ and 22 have failed to graduate.⁴⁵ Of the 121 graduates, the Sheriff's Department has placed 54 graduates in jobs.⁴⁶

In Hampden County, the sheriff's department has been recognized nationally for its programs that focus on creating a seamless transition for offenders as they move back into the community. Through a combination of offender risk and needs assessments, and quality educational, vocational and treatment programming that all inmates are required to participate in, Hampden County has developed a plan that prepares inmates for a law-abiding life upon release. The program features a strong post-incarceration support system it developed by reaching out to the community, particularly to businesses, to help the inmate develop positive community ties prior to release. The Hampden County House of Correction is beginning to see the fruits of its labor in a 4 percent reduction in recidivism.⁴⁷

While examples of effective employment programs do exist in Massachusetts corrections institutions, there is not yet a systematic approach to this work. The task force believes that replicating and expanding program models that have proven effective in supporting the transition of ex-offenders into productive employment and reducing recidivism rates is a wise investment of state resources.

Conclusion

The opportunity to use our skills and abilities to earn a living wage is the foundation for a peaceful and prosperous society. Those concerned with our economic prosperity recognize the importance of preparing all our citizens for productive employment and tapping the full potential of our human capital. Yet, too often a sizable group of individuals remains disconnected from job opportunities they may be well qualified to fill. As a society we must work to address the systematic barriers to employment created by the widespread and untrained use of criminal records in employment decisions. While this information plays a vital role in preserving workplace safety and safeguarding our most vulnerable populations, we have a duty to encourage more thoughtful review of its contents. The high cost of recidivism and the state's diminishing workforce make addressing this issue a high economic priority.

With changes in legislation requiring more and more background checks, the Criminal History Systems Board now plays a fundamental role in employment decisions both in the public and private sector. The agency and the board that governs it must adapt to reflect this new role which it did not have 35 years ago when it was first created. In establishing hiring regulations for important and growing industries such as the health and human services sector in Massachusetts, state agencies must consider the obstacles to employment that such regulations create for a wide array of qualified low-risk ex-offenders, and work to establish regulations that achieve a dual purpose of protecting vulnerable populations and supporting employment.

We must also review and, where appropriate, expand programs and partnerships that have been truly effective in improving employment opportunities for ex-offenders. The task force believes these recommendations can help us achieve a more effective balance in our efforts to both preserve public safety and to encourage productive employment for the large and diverse segment of our population with criminal background information. If as a society we believe rehabilitation is possible, and we believe in the possibilities of a second chance, we must ensure that those who want to become productive members of the community have that opportunity.

Endnotes

- ¹ The report is available on-line at <http://www.tbf.org/uploadedFiles/CORI%20Report.pdf> and at <http://www.crjustice.org/cji/cjipublications.html>
- ² *Mass Economy: the Labor Supply and Our Economic Future*, MassINC, Center for Labor Market Studies December 2006.
- ³ *Responding to Labor Shortages in Allied Health*, The Boston Foundation, unpublished research brief. 2006.
- ⁴ *Mass Economy: the Labor Supply and Our Economic Future*, MassINC, Center for Labor Market Studies. December 2006.
- ⁵ The second cause cited is the out-migration of highly-skilled young workers (the “brain drain”).
- ⁶ The Attorney General’s Report on Criminal History Background Checks, Section V: Explanations – Suitability Criteria Recommendations, pg. 113, Office of the United States Attorney General, Washington, D.C. (June 2006)
- ⁷ Cited by J. Petersilia. (Fall 2003), *Meeting the Challenges of Prisoner Reentry*, Journal of Community Corrections, Vol. XIII No. 1.
- ⁸ *Survey of Sentencing Practices FY 2004*, 2004 MA Sentencing Commission,, Boston, MA. April 2005.
- ⁹ Throughout this report the term “qualified” refers to individuals with the skills and experience required for a given job.
- ¹⁰ *Help Wanted: The Future of the Human Services Workforce in Massachusetts*, Massachusetts Council of Human Service Providers, Inc. April 2006.
- ¹¹ Ibid
- ¹² Ibid.
- ¹³ Pursuant to M.G.L. c. 6 §168 the Board is composed of the Secretary of Public Safety, Attorney General, chairperson of MA Sentencing Commission, chief counsel for the Committee for Public Counsel Services, chair of the Parole Board, commissioners of Department of Correction, Probation, Department of Youth Services, colonel of State Police, or their designees to serve ex-officio, and nine persons appointed by the governor for three year terms whom shall be representatives from the MA District Attorneys Association, MA Sheriffs Association, MA Chiefs of Police Association, private users of criminal offender record information, a victim of crime, and four people who have experience in personal privacy issues.
- ¹⁴ D.Mukamal, *Confronting the Employment Barriers of Criminal Records: Effective Legal and Practical Strategies*. In Journal of Poverty Law and Policy, January – February (2000)
- ¹⁵ Departments include the Department of Public Health, the Department of Early Education and Care, the Department of Mental Health, the Department of Youth Services, the Department of Social Services, the Department of Mental Retardation, and the Department of Transitional Assistance, among others.
- ¹⁶ Ibid.
- ¹⁷ Many human service and health care providers, such as nursing homes, that are not considered vendors of the state, choose to use the regulations in their hiring decisions.
- ¹⁸ *Public Safety, Public Spending*, Public Safety Performance Project, Pew Charitable Trusts, Washington D.C. (2007)
- ¹⁹ California’s recidivism rate is around 70%. See J. Petersilia *Challenges of Prisoner Reentry and Parole in California*, California Policy Research Center, June 2000.
- ²⁰ 105 CMR 950.003 Criminal Offender Record Checks: Scope
- ²¹ N.Y. Exec. Law Sec. 296
- ²² N.Y. Correct. Law Sec. 752
- ²³ H.J. Holzer, S. Raphael, M.A. Stoll, *What Employers Want: Job Prospects for Less Educated Workers*, Russell Sage Foundation, New York. 1996.
- ²⁴ Linda’s case is a composite of several different individuals and is meant to be illustrative. The name is fictional to preserve privacy of these individuals.

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- ²⁵ E. Winsor, *The CORI Reader, 3rd Edition*, Mass Law Reform Institute, Boston, MA. March 15, 2005. In the case of Cronin, et al. v. O'Leary, Suffolk Superior Court, Civil Action No.00-1713F.
- ²⁶ State Prison Overcrowding Statistics, 1st Quarter 2006 (January-March) and Massachusetts County Correctional System Overcrowding Statistics, 1st Quarter (January-March), unpublished material from 2006 Community Safety Through Successful Offender Reentry training, Worcester, MA. 2006.
- ²⁷ Recidivism of 1999 Released Department of Correction Inmates, Massachusetts Department of Correction, June 2005
- ²⁸ Massachusetts Governor's Commission on Criminal Justice Innovation, Final Report. 2004
- ²⁹ Fiscal Year 2006 Budget, Chapter 45 of the Acts of 2005, Massachusetts.
- ³⁰ H.J. Holzer, S. Raphael, M.A. Stoll, *Employment Barriers Facing Ex-Offenders*, Urban Institute Reentry Roundtable, Employment Dimensions of Re-entry: Understanding the Nexus Between Prisoner Reentry and Work, New York University Law School, May 19-20, 2003.
- ³¹ H.J. Holzer, *What Employers Want: Job Prospects for Less-Educated Workers*. New York: Russell Sage Foundation, 1996.
- ³² Employers Group Research Services, *Employment of Ex-Offenders: A Survey of Employers' Policies and Practices*, SFWORKS, April 12, 2002.
- ³³ M.C. Kurlychek, R. Brame, S.D. Bushway, *Scarlet Letters and Recidivism: Does An Old Criminal Record Predict Future Offending?* In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.
- ³⁴ Governor's Ex-Offender Task Force, Preliminary Report, Tallahassee, FL. December 31, 2005..
- ³⁵ Recently Virginia passed a law requiring that each prisoner released from the Department of Corrections to be provided with verification of the person's work history while incarcerated and verification of the person's educational and treatment programs completed while in custody.
- ³⁶ *Reentry and Reintegration: The Road to Public Safety, Special Committee on Collateral Consequences of Criminal Proceedings*, New York State Bar Association, November 2006
- ³⁷ J. Fahey, C. Roberts, L. Engel, *Employment of Ex-Offenders: Employer Perspectives*, Crime and Justice Institute, Reentry Roundtables, October, 2006.
- ³⁸ Report to the House of Delegates on Employment and Licensure of Persons with a Criminal Record, Commission on Effective Criminal Sanctions, Criminal Justice Section, American Bar Association, approved February 12, 2007. The report can be accessed on the Commission's website, www.abanet.org/cecs
- ³⁹ The City of Boston Municipal Code C.4 § 4-7.1 – 4-7.9
- ⁴⁰ Texas Department of Criminal Justice, Texas Workforce Commission, Texas Youth Commission, Project RIO Strategic Plan Fiscal Year 2006 – 2007, prepared for the Legislative Budget Board and Governor's Office of Budget and Planning, Austin, Texas. March 2006.
- ⁴¹ Ibid.
- ⁴² Safer Foundation, <http://safer.xbx.com/viewpage.asp?id=387>, Chicago, IL
- ⁴³ Information on TPCI is available at www.nicic.org/TPCImodel and information on Indiana reentry program is available at <http://www.in.gov/indcorrection/reentry/center/overview.html>.
- ⁴⁴ Suffolk County Sheriff's Department does not consider inmates who are granted parole before completion of CGI to be graduates or program failures. It is worth noting, however, that their participation in the program was viewed very favorably by the Parole Board.
- ⁴⁵ Program failure usually results from an inability to complete coursework, pass exams or disciplinary problems.
- ⁴⁶ More information about Suffolk County Sheriff Department's Common Ground Institute is available at <http://www.scs-dma.org/reentryServices/CGI.html>
- ⁴⁷ Hampden County One-Year Release, Recidivism and

Task Force Recommendations: Mechanisms for Change and Budgetary Implications

Category	Recommendation	Mechanism For Change	Budgetary Implications
1) Broaden the scope of the Criminal History Systems Board to reflect its role in public and private employment and reconsider the way information is disseminated to non-law enforcement officials	a) Widen the Board's membership to include representatives with expertise in workforce development, offender rehabilitation, economic development and other sectors	a) Legislature must approve new statute regarding composition of the CHSB	a) Budget neutral
	b) Expand the scope of the Board's mission to reflect the importance and value of successful reintegration of ex-offenders.	b) Legislature must approve new statutory language and the administration must approve regulatory language regarding CHSB mission	b) Budget neutral
	c) Simplify the format of CORI reports sent to non-law enforcement users and train and certify users so that they can accurately interpret and manage the information contained in a CORI report.	c) Multi-sector task force convened to review format of report for employers/ CHSB implements new reporting system and expands training	c) Cost of systems changes (technology of reporting system) and expanded training
	d) Ensure the accuracy, consistency and timeliness of information sent to employers.	d) Implement a system-wide fingerprint based verification system that includes the timely transmission of all relevant information between agencies involved in collecting, maintaining and distributing criminal record information	d) Cost of fingerprint-based identification system and production of an inter-agency protocol for communicating all relevant information
2) Revise the guidelines regulating employment in the health and human services sector	a) Include a policy statement in the regulations acknowledging the dual interest of protecting the workplace and vulnerable populations while also encouraging the reintegration and successful employment of ex-offenders.	a) EOHHS makes change in guidelines	a) Budget neutral
	b) Base the hiring criteria in the EOHHS regulations on actual criminal conduct and circumstances	b) EOHHS makes changes in guidelines	b) Budget neutral
	c) Encourage a full review of an applicant's history	c) EOHHS makes changes in guidelines	c) Budget neutral
3) Improve employment opportunities for ex-offenders	a) Take action to change employers' and the public's perceptions of ex-offenders and other individuals with CORI.	Governor convenes high level task force to address recommendations and make specific policy and programmatic suggestions	Cost of program expansion may be budget neutral in the long run if result is reduction in recidivism
	b) Examine policies and tools designed to facilitate the hiring of ex-offenders.		
	c) Create cross sector partnerships to improve the job skills of ex-offenders and facilitate employment.		

