



## The Barriers of Having a Criminal Background

"It's a very corrosive system that's way bigger than just locking people up and returning them home with criminal records." -**Alice Goffman**, urban ethnographer and University of Wisconsin-Madison assistant professor

### Mental Illness Rates:<sup>1,2</sup>

In 5 state jails: In society:  
Men: **14.5%** Men: **3.2%**  
Women: **31%** Women: **4.9%**

In state prisons, prevalence of mental illness is 2-4 time higher than in the community.<sup>2</sup>  
**What happens to them when they reenter society?**

**72%** of those in jails or prisons suffering from a serious mental illness also have **substance abuse disorders**.<sup>3</sup>

### Social Welfare:

- Federal welfare reform in 1996 denied access of public assistance programs to drug felony offenders. California has modified but not eliminated this ban, meaning that felony drug offenders will not be denied CalWORKs or CalFresh benefits, but they must be in compliance with parole/probation to receive it.<sup>4,5</sup>
- If an offender is receiving SSI, payments are suspended while in prison. If confinement lasts for 12 months, eligibility for SSI benefits terminate. Former offenders are not automatically deemed eligible for social security or SSI payments after incarceration (depends on their specific situation).<sup>6</sup>
- Justice involved veterans with disabilities may have their compensation reduced by 10% if they are convicted of a felony and incarcerated for 60+ days.<sup>7</sup>

### Health:

- The medical and mental health needs of the incarcerated (and reentry) population are significantly higher than those of the general population.<sup>8</sup>
  - 50% in prison or jail report a chronic condition
  - 20% report an infectious disease
  - Over 50% face mental health problems
  - 53% of state and 45% of federal prisoners meet the criteria for drug dependence
- For offenders facing mental health and/or substance use problems, less than 20% who need treatment get it while incarcerated. This % is even lower for individuals reentering the community.<sup>8</sup>
- Research shows that care within the first few days/weeks after reentry is most crucial to the health and recidivism status of former offenders.<sup>8</sup>

### Relationships:

- Having been incarcerated puts offenders at risk of losing relationships that could have prevented recidivism later on.<sup>9</sup>
- Married men who have been incarcerated are 3 times more likely to divorce than men who were not.<sup>9</sup>
- Formerly incarcerated men who were married or in long term relationships were 1/2 as likely to report committing a new crime 8 months after release than those who were not involved in relationships.<sup>9</sup>

### Housing:

- Often times, parole departments impose conditions of supervision (ie. not associating with others who have criminal records), which makes it harder for former offenders to find permanent housing. Parolees are more likely to wind up in shelters or other temporary housing. Sometimes, even families who want to take their relatives with former offenses back, can't because of these policies.<sup>1</sup>
- Nationwide, more than 10% of former offenders end up homeless upon reentry to society. In urban areas, this amount can be as high as 50%.<sup>10</sup>
- 80% of private landlords use background checks nationally to weed out prospective tenants with former offenses.
- Not In My Backyard (NIMBYism) negatively impacts development of new housing facilities and increases discrimination against former offenders trying to obtain housing.<sup>11</sup>

### Employment:

- Nearly 90% of employers conduct criminal background checks on prospective employees.<sup>12</sup>
- Having any kind of arrest diminishes an individual's chance of employment more than any other "employment related stigma" like long-term unemployment, receipt of public assistance, or having a GED as opposed to a high school diploma.<sup>13</sup>
- Employers often miss out on hiring well-qualified individuals because they put too much emphasis on criminal background.<sup>4</sup>

### Education:

- About 37% of people coming out of state prisons do not hold a high school diploma or a GED.<sup>14</sup>
- 86% of people coming out of state prisons have no postsecondary education.<sup>14</sup>
- The American Opportunity Tax Credit (AOTC), which is a \$2,500 per year complement to Pell Grants, is denied to those with any sort of felony drug conviction.<sup>4</sup>
- Not having access to financial aid decreases the # of those with drug convictions enrolling in college. This impact is far greater for offenders of color.<sup>4</sup>
- Poor education and/or lack of educational options makes navigating the job market much harder.<sup>4</sup>

### Restitution:

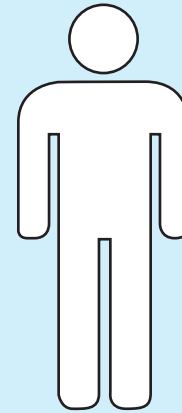
- A restitution order can never go away until it is paid in full. Even if an individual declares bankruptcy, it will still be owed and sent to the Franchise Tax Board (FTB) for collection.<sup>15</sup>
- Adult misdemeanor convictions – \$150 to \$1,000<sup>15</sup>
- Adult felony convictions – \$300 to \$10,000<sup>15</sup>
- If former offenders do not pay restitution fines, money can be directly transferred from their paycheck(s) or bank account(s). Failure to pay off restitution can in some cases be considered a violation of probation, which could lead to further justice involvement or fines.<sup>15</sup>
- If parole or probation is revoked, the fine amount doubles, as offenders are now responsible for the original fine and revocation fine.<sup>15</sup>



## Breaking Down the Barriers

“By investigating strategies that lead to prevention of incarceration or recidivism, identifying problems and creating solutions, and promoting efforts that have positive outcomes – we will make a difference.”

**-Stephanie Welch**, COMIO Executive Officer



**The Bay Area Community Services - Forensic Reentry & Empowerment (FREE) Program** provides sustainable employment for the formerly incarcerated as peer providers.<sup>16</sup>

Specialty probation improves mental health treatment access and protects against violations.<sup>17</sup>

Offenders who received in-prison treatment for substance abuse and completed aftercare **recidivated 15% less** than offenders who did not.<sup>18</sup>

**Social Welfare:**  
SOAR, funded by the Substance Abuse and Mental Health Services Administration (SAMHSA), is a program operating on a national level to broaden the access to disability income benefit programs administered by the Social Security Administration (SSA). This program specifically targets eligible adults who are experiencing or at risk of homelessness and have a mental health illness, medical impairment, and/or a co-occurring substance use disorder.<sup>19</sup>

**Health:**  
The Whole Person Care Pilot is part of the 1115 Medicaid Waiver (2016-2020) in California. It focuses on achieving seamless care delivery for the highest risk Medical beneficiaries - “high users” of multiple systems. Therefore, this pilot opens opportunities for counties to target justice involved individuals with high mental and medical health needs.<sup>20</sup>

**Relationships:**  
The federally funded Friends Outside in Los Angeles County offers the Dads Back program for incarcerated and reentering fathers of any age. The program provides classes on the topics of responsible fatherhood, job readiness, healthy relationships, and financial literacy.<sup>21</sup>

**Housing:**  
The modification of the Housing Authority of Los Angeles’ policies will reallocate resources to those who need them most, such as those who suffer from mental illness. It will eliminate any and all provisions of screening applicants out of the Housing Choice Voucher and Public Housing programs due to probation or parole status.<sup>22</sup>

**Employment:**  
Effective July of 2014 in California Assembly Bill 218 bars public sector employers from asking about criminal records on employment applications. The legislation stipulates law enforcement positions are exempted from the requirements, as are other positions that require a criminal background check by law.<sup>23</sup>

**Education:**  
The US Department of Education launched a Second Chance Pell Pilot Program for Incarcerated Individuals. This program began in July 2015. This program is being tested during the 2016-17 school year. It allows incarcerated individuals who meet all Title IV requirements and who are eligible for release to have access to Pell grants to use towards postsecondary education and/or training while in custody.<sup>24</sup>

**Veterans:**  
The Veterans Reentry Search Service (VRSS) is a fast and efficient program that identifies incarcerated individuals with a record of military service so that reentry planning and connection to Veteran services can start early on. VRSS is now active in 214 jurisdictions across 30 states and the District of Columbia, including California.<sup>25</sup>

**Employment:**  
As of January 1, 2014 California Senate Bill 530 prohibits employers from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment, information concerning a conviction that has been judicially dismissed or ordered sealed. The legislation adds protection for criminal convictions that have been expunged or judicially set aside but there are exceptions based on the conviction.<sup>26</sup>

**Education:**  
In 1998, an education ban was amended to make sure that any offender with a misdemeanor or felony drug conviction was ineligible to receive federal financial aid. The ban was since modified in 2006 to only prevent the distribution of financial aid to those who committed a drug offense while already receiving federal financial aid. The Free Application for Federal Student Aid (FAFSA) was also modified so that it no longer asks about past criminal convictions.<sup>4</sup>

1. “What Works’ For Justice-Involved people With Mental Illness?” (Jennifer Skeem). 2. The Vera Institute. 3. SAMHSA. 4. “One Strike and You’re Out- How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records” (Rebecca Vallas and Sharon Dietrich, 2014). 5. “A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits” (Marc Mauer, 2013, updated in 2015). 6. “Social Security: What Prisons Need to Know” (Social Security Administration, June 2015). 7. Department of Veterans Affairs. 8. “The Federal Interagency Reentry Council: A Record of Progress and a Roadmap for the Future” (2016). 9. “Incarceration and Family Relationships: A Fact Sheet” (National Healthy Marriage Resource Center, 2010). 10. “In Our Backyard: Overcoming Community Resistance to Reentry Housing,” (John Jay College of Criminal Justice, 2011). 11. “Everyone’s Neighborhood: Addressing ‘Not in My Backyard’ Opposition to Supportive Housing for People with Mental Health Disabilities,” (Disability Rights California, 2014). 12. “Background Checking—The Use of Criminal Background Checks in Hiring Decisions” (Society for Human Resource Management, 2012). 13. “Criminal Stigma, Race, Gender, and Employment” (National Institute of Justice - Scott Decker, Cassia Spohn, and Natalie Ortiz, 2010). 14. “Evaluating the Effectiveness of Correctional Education” (Lois M. Davis et al, Santa Monica, CA: RAND Corporation, 2013). 15. “An Offender’s Restitution Responsibilities: For Adults and Juveniles,” (California Victim Compensation Program, 2015). 16. “Case & Care Management: Path to Reentry,” (Alameda County Behavioral Health Care Services Department). 17. “High-Fidelity Specialty Mental Health Probation Improves Officer Practices, Treatment Access, and Rule Compliance,” (Patrick J. Kennealy et al, 2014). 18. “2015 Outcome Evaluation Report,” (California Department of Corrections and Rehabilitation, 2015). 19. “SSI/SSDI Outreach, Access, and Recovery Technical Assistance,” (SAMHSA). 20. “Whole Person Care Pilots,” (California Department of Health Care Services). 21. Friends Outside LA. 22. Statement of Proceedings for the Board of Supervisors of the County of Los Angeles, (March 24, 2015). 23. Assembly Bill No. 218, (2013). 24. “U.S. Department of Education Launches Second Chance Pell Pilot Program for Incarcerated Individuals,” (US Department of Education, July 2015). 25. “Veterans Reentry Search Service (VRSS),” (Department of Veterans Affairs). 26. Assembly Bill No. 230, (2011).