



JUSTICE INVOLVEMENT ISSUE BRIEF

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Overview

Employment is a key to community reintegration for people with serious mental illness, especially those who have been involved in the criminal justice system. Although surveys vary, a conservative estimate is that over half of people with serious mental illness in the U.S. public mental health system have a criminal justice history of some form, ranging from arrests for minor infractions to incarceration for felonies (Anderson, von Esenwein, Spaulding, & Druss, 2015; Frounfelker, Glover, Teachout, Wilkniss, & Whitley, 2010; Robertson, Swanson, Frisman, Lin, & Swartz, 2014). Justice involvement is profoundly demoralizing and disenfranchising. Arrests, court hearings, and especially incarceration undermine positive self-identity and decrease access to jobs, housing, and other community resources that promote recovery (Baron, Draine, & Salzer, 2013; D’Alessio, Stolzenberg, & Flexon, 2014; Tschopp, Perkins, Hart-Katuin, Born, & Holt, 2007). Justice involvement increases the likelihood of re-arrest, stigma, reluctance of professionals to provide assistance, and difficulty accessing mental health and rehabilitation services (McGuire & Rosenheck, 2004; Osher, Steadman, & Barr, 2003; Steadman, Davidson, & Brown, 2001).

While people with justice involvement often face many barriers to employment (Cantora, 2014), those who do gain employment often find it life-changing. For people who have served time in prison, employment reduces their risk of returning (Skardhama & Telle, 2012). This relationship is especially strong for full-time, sustained employment in high-quality jobs (Ramakers, Nieuwbeerta, Van Wilsem, & Dirkzwager, 2017; Schnepel, 2018; Yang, 2017). Meaningful work, along with a change in environment, social networks, and outlook can reduce recidivism and support integration into society.

At present, the empirical literature on employment services for justice-involved people (with or without co-occurring mental illness) is meager. By contrast, an extensive evidence base documents the effectiveness of Individual Placement and Support (IPS) for people with serious mental illness. This issue brief summarizes the research on employment services for people with legal involvement, focusing on IPS research, and suggests several practices that IPS specialists can use to help people with criminal justice involvement reach their vocational goals.

Vocational Programs for Justice-Involved People

The criminal justice literature offers little guidance for identifying employment strategies that might enhance services for justice-involved clients. Most published studies of employment services for this group are limited to descriptive reports, and most emphasize training and set-aside jobs that do not lead to competitive employment. A variety of programs have been developed to assist the general population to secure employment upon release from prison. The U.S. Department of Labor has funded several demonstrations of such employment services, including a national evaluation of a program offering counseling and traditional job club services (Bellotti, Derr, & Paxton, 2008). Another project offered vocational training and apprenticeships to young people with justice involvement to prepare them for careers in construction and other trades (Hamilton & McKinney, 1999). A recent controlled trial evaluating a training and apprenticeship program in the construction industry suggests this approach may be effective for young people (Schaeffer et al., 2014). A quasi-experimental study of veterans with justice involvement that found higher competitive employment rates for a staff-assisted job search compared to self-directed job search, suggesting the added benefit of professional assistance for people with justice involvement (LePage, Lewis, Washington, Davis, & Glasgow, 2013).

Historically, vocational services for people with legal involvement have emphasized pre-vocational job readiness training, self-directed job searches, time-limited follow-along supports, and noncompetitive employment options. Employment programs for clients with justice involvement often involve creation of work crews (Samele, Forrester, & Bertram, 2017). Criminal justice experts typically have recommended stepwise approaches for re-entry into mainstream employment. These strategies stand in stark contrast to IPS principles. For decades, experts endorsed similar stepwise strategies in programs for people with severe mental illness prior to the publication of studies documenting their ineffectiveness. Helping people find meaningful jobs in the open job market is a more effective approach than creating set-aside jobs, which leads to segregation from mainstream society (Drake, Bond, & Becker, 2012).

A recent review of the community re-entry literature for people who were recently incarcerated concluded that transitional employment programs were a “bad bet” both for preventing recidivism and for helping people achieve long-term steady employment (Doleac, 2018). Three randomized controlled trials found higher rates of employment for transitional employment participants than control participants until their temporary jobs ended; at long-term follow-up the two groups did not differ in employment outcomes or recidivism (Cook, Kang, Braga, Ludwig, & O'Brien, 2015; Valentine & Redcross, 2015). Similarly, a randomized controlled trial evaluating a program for people released from prison or jail within the last 6 months that offered job readiness training, vocational training, a computer lab, and job placement services found no significant impact on employment, recidivism, or housing stability (Farabee, Zhang, & Wright, 2014).

Current Trends in Justice Involvement in IPS Services

Historically, vocational programs serving people with serious mental illness have not given sufficient attention to criminal justice issues. In fact, vocational studies of people with serious mental illness rarely reported background information on criminal justice history. One of the few vocational studies that did examine justice involvement, a multi-site supported employment study completed in the early 2000s, reported that only 3% of clients disclosed any recent arrests or police detentions (Anthony, 2006). The reasons for this low rate of reported justice involvement are unknown, but we can speculate that some programs included in the study screened out people with justice involvement.

Limited access to employment services for people with justice involvement is inconsistent with the IPS zero exclusion principle (i.e., no one who wants to work is excluded from IPS because of their

background) nor does it fit current realities in the public mental health system. IPS specialists increasingly have noted justice-involvement on their caseloads and that helping such clients find jobs is one of their greatest challenges (Whitley, Kostick, & Bush, 2009).

Despite the zero exclusion principle, IPS programs may explicitly or implicitly limit access to their services for people with justice involvement. A chart review study at a large psychiatric rehabilitation agency found that 53% of new admissions disclosed past or current justice-involvement (Frounfelder et al., 2010). The referral time to IPS services for justice-involved clients was significantly longer than for clients without justice involvement, which clinical staff and clients attributed to four factors: legal barriers (e.g., restrictions enforced by the court system), urgent service needs taking priority (e.g., housing), feelings of hopelessness (clients did not think they could get help), and lack of family support (Frounfelder et al., 2010). At this agency, the IPS program had no formal admission policy excluding people with justice involvement, but structural, client, and clinical factors together contributed to delay IPS enrollment.

A randomized controlled trial of IPS for 90 homeless people with serious mental illness receiving supported housing included 62% of IPS participants and 64% of control participants with a criminal record (Poremski, Rabouin, & Latimer, 2017). The 8-month competitive employment rates were low for both groups (34% for IPS and 22% for controls), but justice involvement was not a significant predictor of competitive employment outcome.

Evaluations of IPS for People with Mental Illness and Justice Involvement

Bond and colleagues (2015) conducted a randomized controlled trial with one-year follow-up for 85 participants with severe mental illness and justice involvement who were assigned to IPS or a comparison group offering a job club approach with peer support. At one-year follow-up, more participants in the IPS group than in the comparison group had obtained competitive employment (31% vs. 7%). During follow-up, the IPS group averaged more than twice as many days competitively employed as the comparison group, but the two groups did not differ on rates of hospitalization or justice involvement (arrests or incarceration). Thus, while the IPS program was effective for helping justice-involved clients achieve employment, the outcomes were modest compared to prior IPS studies, which typically report competitive employment rates of 60% or more (Bond, Campbell, & Drake, 2012). This study also examined barriers to employment. According to IPS specialists, the most common barrier to employment was that clients did not engage in services. Surprisingly, employer resistance to hiring people with criminal justice background was rarely mentioned as a significant barrier, which may be attributed to people failing to engage in services before starting the job search (Sveinsdottir & Bond, 2017).

LePage and colleagues (2016) conducted a controlled study comparing a standardized group-based vocational program to a modified program incorporating IPS principles. The researchers enrolled 84 study participants who were military veterans with at least one felony conviction and a substance use or psychiatric disorder. Over a 6-month follow-up, 46% of the group receiving services based on IPS principles gained employment, compared to 21% in the usual services group. The IPS group also worked significantly more hours and earned more wages than the usual services group.

A recent program evaluation examined costs before and after receipt of IPS, compared to a closely matched comparison group, for 3,642 adults with mental health needs in Washington state (Fan et al., 2016). The evaluation found that in the 12 months after enrolling in IPS services, mental health clients

were significantly more likely than the comparison group to experience a reduction in arrest rates, declining from 15% to 12% in the IPS group, compared to 16% to 15% in the comparison group.

Tips for IPS Specialists Helping People with Justice Involvement

Even though IPS works for people with mental illness and justice involvement, IPS specialists face greater challenges than they do when helping clients without justice involvement. Here are several strategies and tips for IPS specialists that can help more people get and keep jobs.

Engage people in IPS services.

People with criminal records often feel hopeless about their chances of getting a job, which makes it harder for them to access or stay in IPS services. IPS specialists who are flexible, hopeful, creative, and directed in their service approach will build stronger rapport and help more people achieve their goals. This means following IPS principles of zero exclusion, rapid job search, and assertive engagement and outreach. If people are using substances, collaborate with the treatment team and continue helping them find work or enroll in school. If people miss appointments, keep trying to meet with them by offering meetings at different locations or times of day. Share hope with the job seeker that they will get a job and offer success stories of people in similar situations who reached their vocational goals.

Learn what is on the criminal record.

Help the person find out what is on their criminal record. Many people are unsure of the exact details of their legal history, which makes it difficult to answer questions accurately on job applications and during the interview process. A RAP (Record of Arrests and Prosecutions) sheet gives the most accurate information on arrests and convictions. If someone has ever been arrested and fingerprinted, they will have a RAP sheet, and the information can show up on a background check.

RAP sheets can be obtained from local, state, and federal authorities and each local area and state has their own process for requesting one. Federal RAP sheets are provided by request from the FBI. If someone is on probation or parole, they may be able to get a free copy of their record from their officer. The National H.I.R.E. Network is an excellent resource for finding out how to get a RAP sheet (<http://hirenetwork.org/clearinghouse>). It's best for people to get a RAP sheet that covers all of the area(s) where they have had legal activity. If all of their activity occurred in one county, get a local RAP sheet. If it occurred in multiple counties in one state, get a state RAP sheet. A word of caution however: when people go in person to the courthouse or police station to request the RAP sheet, they run the risk that they may be arrested if they have an outstanding warrant.

Seek legal remedies.

Once the job seeker has his or her RAP sheet, look at it together to understand what convictions, arrests, and other activity is on it. Using the support of the treatment team, help the person find out if there are any legal remedies available to them. Many states have legal processes for people to expunge, seal, or reduce the severity of their criminal histories. For example, in several states, many nonviolent felony drug convictions can be reduced to a misdemeanor, and many misdemeanors can be dismissed entirely. This can make it much easier for someone to get employment and housing. Legal remedies must occur in the state where the activity happened. People may also have RAP sheets with incorrect information on them and legal services can help them correct their records. It's a worthwhile endeavor for treatment teams to support people to access legal services to see if any remedies are available to them and support them through the process.

Know the laws.

In addition, familiarize yourself with any potential issues with the person's criminal record and their professional goals. Some federal laws prohibit people with certain offenses from specific jobs. Some professional licenses are not available to people with certain convictions. Helping the job seeker navigate any of these potential issues will support them toward greater vocational success.

Employers are legally obligated under Title VII of the Civil Rights Act of 1964 to consider each job applicant with a criminal record on a case-by-case basis, taking into account the nature of the crime(s), how it may relate to the job, and how long ago the offense occurred. The Equal Employment Opportunity Commission [released guidance](#) to employers in 2012 about this in an effort to stem widespread blanket disqualification of all people with records.¹ [Efforts](#) are also underway throughout the United States to increase access to jobs for people with criminal records through “ban the box,” fair hiring, and fair chance licensing reform initiatives.² Check your state and local laws and initiatives in order to best guide the job seeker.

Example: A person who had completed security guard training applied for the state license for security guards and was turned down because of her federal drug conviction. The IPS specialist helped her appeal the decision by helping her gather several letters of recommendation from the treatment team, her former parole officer, and her pastor. The IPS specialist also helped her write a letter of explanation of her legal history, and accompanied her to the appeal hearing. She was granted the security guard license and got a job shortly thereafter.

One note of caution regarding Ban the Box legislation. Studies have suggested that this legislation may have the unintended consequence of discriminating against young, low-skilled, black men; the interpretation of these observational findings is that when employers are prohibited from conducting background checks, they fall back on stereotypes (Doleac, 2018).

Build employer partnerships.

When developing employer relationships for someone with a significant legal history, cultivating a strong partnership through face-to-face contact becomes even more important. While employers often say that they do not hire people with criminal records or certain convictions (often stating official policies of their company), many employers will make exceptions. As one employer survey found, written policies regarding criminal justice involvement do not always reflect actual practice (Swanson, Langfitt-Reese, & Bond, 2012). Many employers report hiring people with criminal justice histories, because they had the skills to do the job and they explained their history honestly. Employers also report that having someone like the IPS specialist vouch for the job seeker made them more likely to hire them. Make multiple, in-person contacts with hiring managers. Get to know their business and their hiring needs and process. Emphasize the strengths of the job seeker to the employer and bring the person in to meet with the hiring manager face-to-face. These tactics will help the employer see the whole person, not just their legal history, and lay a strong foundation for any needed advocacy on the IPS specialist's behalf.

¹ https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

² <http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-State-and-Local-Guide.pdf>

Example: A person who had assault convictions and was on the sex offender registry wanted to work at a regional chain grocery store. The IPS specialist went into the store with the job seeker on multiple occasions to meet with the hiring manager and let him know of the person's interest in working there. When they had an opening, the manager offered him a job but the regional office said he could not work there because of his record. The IPS specialist coached the hiring manager on how to advocate for the person based on the laws and they ended up hiring him after all.

Prepare the job seeker.

Most of the time, people will be asked about their legal history at some point during the application process at a company. IPS specialists can help job seekers prepare how to explain their criminal record on job applications and during interviews. People have had success using an explanation that has four parts: clearly stating the convictions, expressing remorse and taking responsibility, explaining how your life is different now, and sharing how you would be a good employee. A worksheet for crafting these statements can be found here. The explanation length and content may vary depending on context (online application, in person during a job interview, a letter given to the hiring manager). Help people craft statements in their own words and practice saying them to reduce nervousness. Lastly, pay attention to what specifically is asked on the job application. Some only ask about felony convictions in the past seven years. Some ask about misdemeanors and felonies. Only provide information that directly answers the question.

Support clients after they start work.

Once people are hired, they will likely need a range of retention supports to help keep their job. Maintain frequent contact. If people have substance use disorders, help them plan for how to spend their paycheck. Find out meeting times for recovery groups that people can attend outside of working hours. Help people plan how they will make important appointments with psychiatrists, parole or probation officers, and other supports.

Example: One person who had a burglary conviction and was on probation got a job as a customer service representative at a call center working full time. She did not disclose any personal information to her employer and they did not do a background check. The IPS specialist helped her arrange her psychiatry and probation officer appointments back-to-back each month and she used sick leave from her job to attend both without her employer having to know.

Conclusion

IPS works for people with mental illness and criminal justice involvement to get and keep competitive jobs. People in this group usually experience more obstacles to achieving their vocational goals, so IPS practitioners are wise to employ additional strategies at each phase of service that help people be more successful.

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