



**DURHAM INNOVATION TEAM
DRAFT RESEARCH SUMMARY**

October 27, 2017

PRIORITY STATEMENT

The collateral consequences of arrest hinder economic opportunity and mobility for those involved in the Criminal Justice System. This project seeks to increase economic opportunity and mobility for Justice-Involved Residents (JIRs) in Durham or those at high-risk of justice involvement.

Key Terms:

- **Justice-involved:** The full continuum of ways in which individuals interact with the criminal justice system, including arrest, pretrial and trial, probation, incarceration, parole, and living with criminal records.
- **Collateral Consequences:** The rights, privileges, and opportunities denied to individuals as a result of their criminal records (records need not imply conviction). These barriers to accessing employment, housing, education, and a variety of other resources include both legal mandates and personal and social biases. These consequences prevent those involved with the criminal justice system from accessing the very resources they need for successful reentry.
- **Economic Opportunity & Mobility:** Access to sustainable employment that provides an engine for upward mobility and to housing, transportation, health care, child care, social and career services, and education and training that provide a good quality of life and the building blocks for individuals and families to flourish.

PRELIMINARY RESEARCH PROCESS

Between August 1st and October 25th, our team has conducted ethnographic research with a wide variety of stakeholders. Below is a summary of the research conducted thus far:

1. In-depth and ad-hoc interviews with **21 justice involved residents**. The gender and racial breakdown of these interviews closely matches the overall demographic breakdown of justice-involved residents. In our next phase of interviews, we are working to talk with more people under the age of 30 to have the age of interviewees also mirror the demographics of our returning residents.
2. Three focus groups with **30 justice involved residents**. One focus group consisted of recently returned individuals who had received job placement services from the NC Job Works reentry program, one focus group consisted of teenagers in a gang diversion program, and the other focus group consisted of residents at a substance abuse recovery transitional home
3. Interviews with **15 law enforcement officials** ranging from police officers, sheriffs, probation officers, prison case managers and correctional officials
4. Interviews with **10 judicial officials and criminal justice advocates** ranging from district court judges, the District Attorney, and lawyers and advocates working from the NC Justice Center, the American Civil Liberties Union (ACLU), Southern Coalition for Social Justice, Forward Justice, and the Carolina Justice Policy Center
5. Interviews with **15 service providers**, including employees of the Criminal Justice Resource Center, transitional housing providers, the Durham Housing Authority, and employment placement and readiness trainers at Step Up and NC Works
6. Interviews with **5 employers**, including the City of Durham and several small business owners
7. Participant observation at the employment readiness program Step Up, at the Misdemeanor Diversion Program, with a community bail-out program with the community organization Southerners on New Ground, at the Local Reentry Council, getting booked at the Durham County Jail, participating in Parents' Day at Orange County Correctional Facility, and attending free community Legal Aid expungement and drivers' license restoration sessions

In addition to the above qualitative research, our team has also analyzed data from:

1. **The Durham County Jail**. Data on those detained from 2011 – Present.
2. **The North Carolina Department of Public Safety**. Data on those incarcerated, on probation, or on post-release supervision.
3. **Administrative Office of the Courts**. Data on the amount of fines and fees people are accruing as a result of involvement with the criminal justice system, what these funds support, and the annual dollar amount of fines and fees waived by each Judge in Durham County.
4. Submitted a request for information from the **North Carolina Department of Motor Vehicles**. Data on the number of people with revoked or suspended drivers' licenses and the amount of fines and fees they must pay to reinstate their licenses.

Finally, our findings have been informed by an initial survey of the literature, especially in the areas of employment, criminal justice system related debt, and barriers to obtaining a driver's license.

PRELIMINARY KEY FINDINGS, EMERGING INSIGHTS & IDEAS

(Organized by Theme)

Legend



Persona: Composite stories based on real people we met through the course of our research. Names have been changed to protect individuals' identities.



Insights: Summary statements that draw from multiple sources of data and illuminate the problems facing justice-involved residents in ways that will help our team think about new solutions.



Key Observations: Quotes from residents and stakeholders and field observations that formed the basis for emerging insights.



Quantitative Data: Descriptive statistics from analysis of datasets that formed the basis for emerging insights.



Literature Review: Evidence from peer-reviewed journals and reports from think tanks and other respected sources relevant to our priority.



Early Ideas: Approaches we believe may hold promise for addressing specific problems identified through our in-depth research.

SECTION I: SNAPSHOT OF DURHAM'S JUSTICE INVOLVED POPULATION



Quantitative Data: Snapshot of Justice Involved Population

Each year, over 700 people return home to Durham from state prison, and thousands more are detained in the Durham County Jail. Currently, an additional 2,400 are on probation. These numbers do not capture many people who also suffer the collateral consequences of a criminal record, including those who have served their time, who are no longer under supervision, who were arrested but had their charges dismissed, or who received a not guilty verdict. Some consistent themes emerge from a descriptive analysis of data from Durham's probation, post-release, and detention populations (see Tables 1 – 5).

- “Crime is a young person’s game.” The age group with highest number of people in detention or on parole or probation is the 20-29 year-old age range.
- People of color are disproportionately represented and impacted. While Black people make up only approximately 40 percent of the Durham population, they make up 66 percent of the detention population, 71% of probation population, and 76% of those on parole.
- Men are much more likely to have a criminal record than women.
- Recidivism is a significant issue. Of those detained in Durham County Jail in 2016, 29% have been detained two or more times. Since 2011, 1,041 people have been detained in Durham County Jail ten or more times.

Table 1: Returns to Durham from State Prison

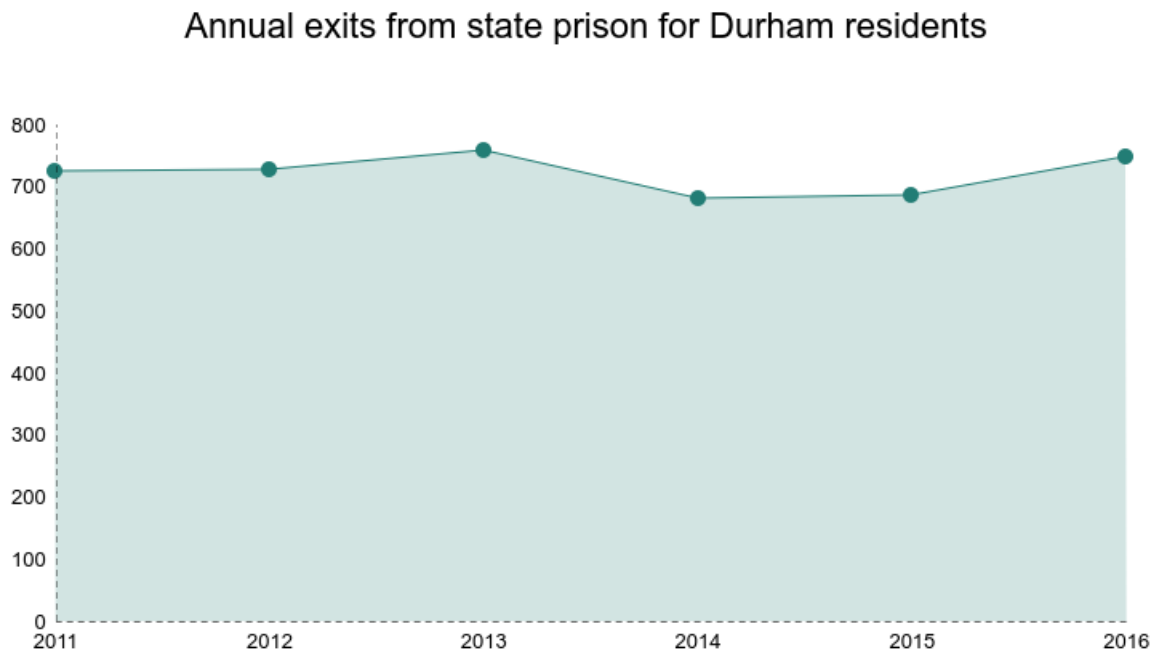
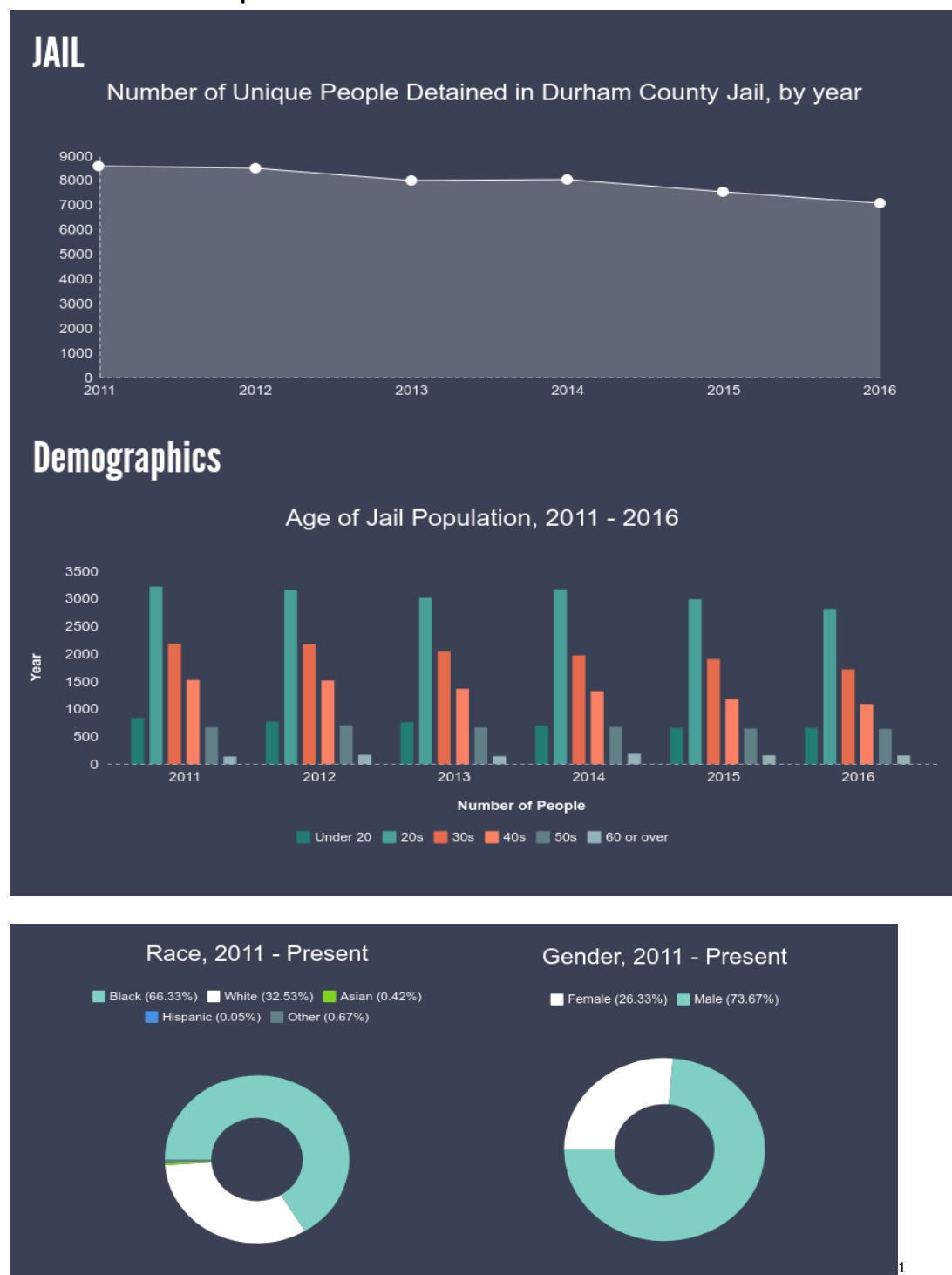


Table 2: Detention Population



¹ Note. We believe our data from the jail under-represents the Hispanic/Latinx community, and that some of this population is reflected in the data as “white.”

Table 3: Probation Population

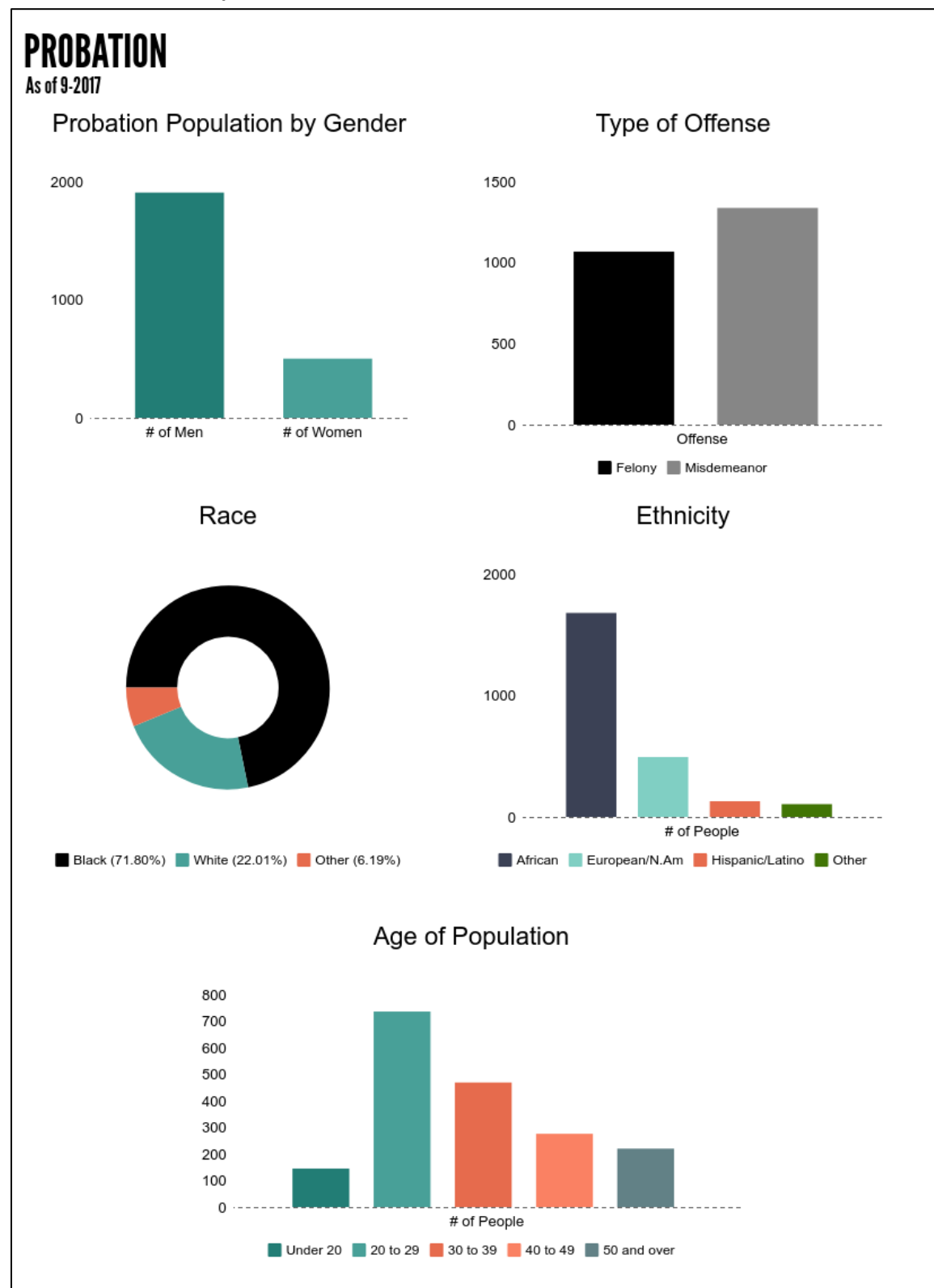


Table 4: Post-Release Population

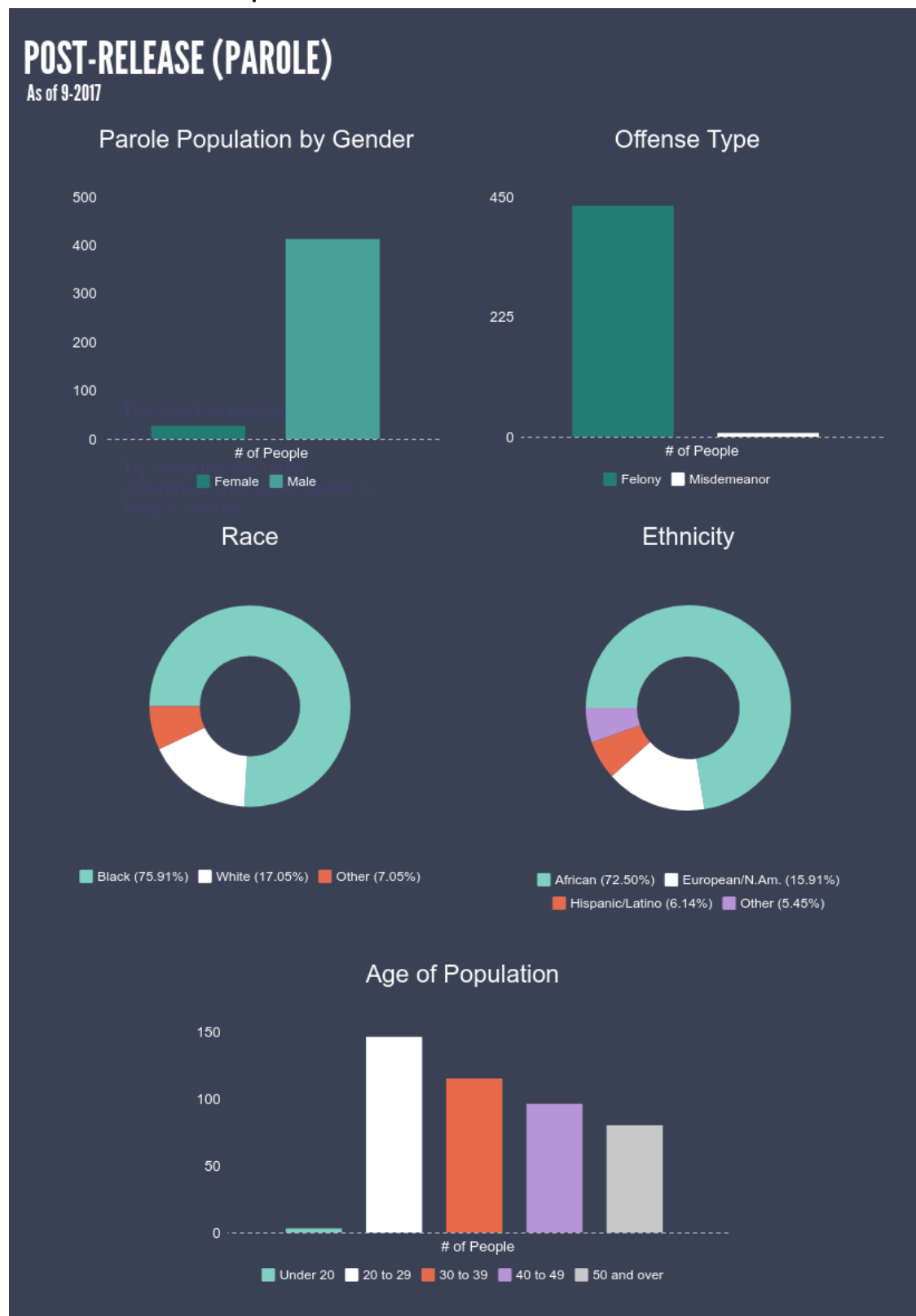
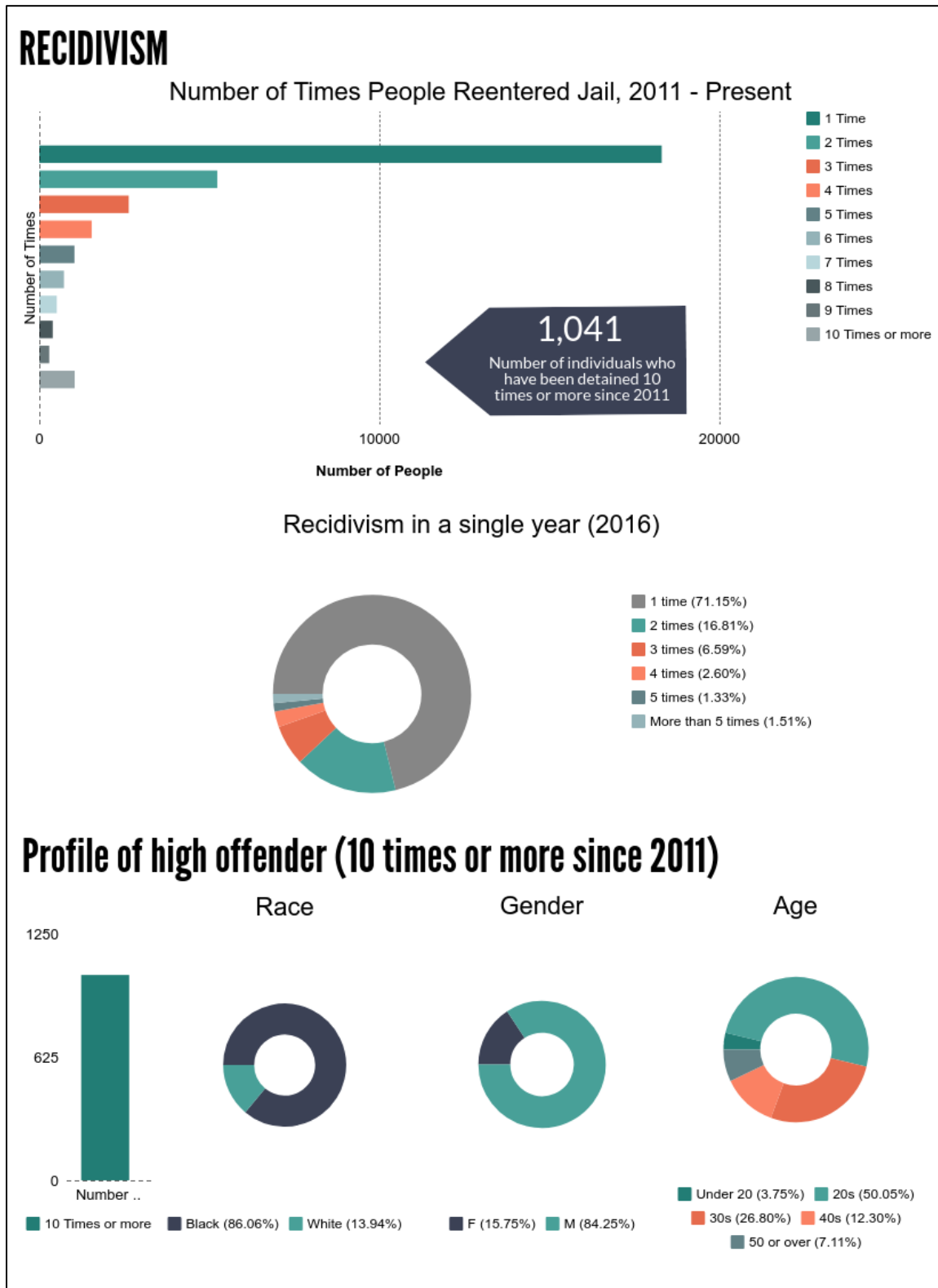
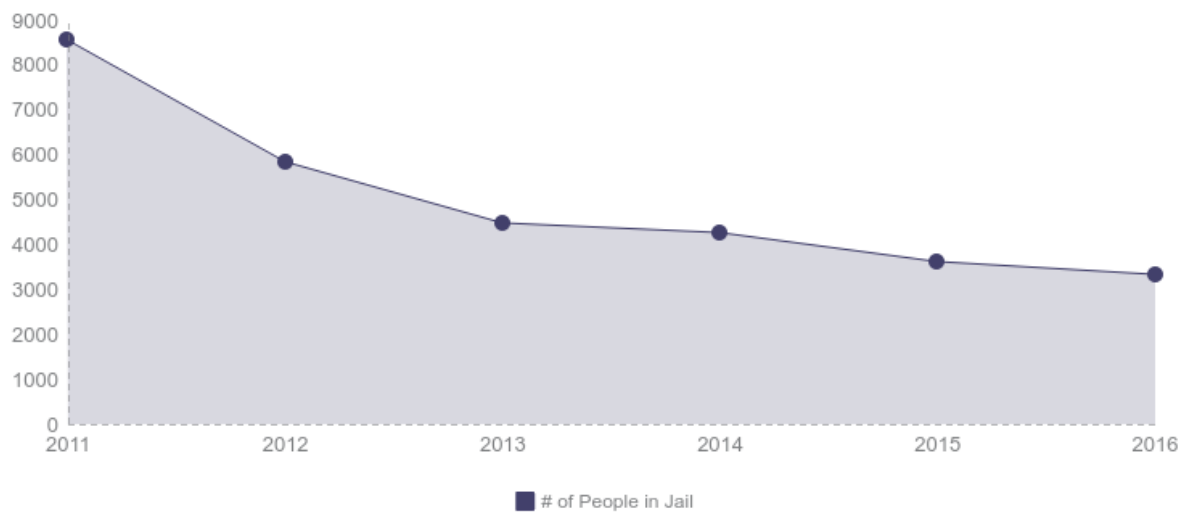


Table 5: Recidivism in Durham County Jail, 2011 – Present



How many people would be in Durham Jail today, if we had launched a successful effort to eliminate recidivism in 2011?



In 2011, if Durham had launched a new effort that was successful so that no one entered jail more than once, the jail population would be over **60% smaller today**.

SECTION II: HOW LONG IS LONG ENOUGH TO PAY FOR YOUR CRIME?

The primary focus of our project is on improving economic opportunities for justice involved residents in the City of Durham. Thus, the experiences and barriers to employment those with criminal records face were important topics in most of our interviews. Below is a sample story drawn from several interviewees' experiences that illustrates the wide range of difficulties—from social bias to internal fears and motivations to legal and educational barriers—that people face looking for work.



Emory got out of prison several months ago. A friend of his uncle offered him a job at his garage. Emory knows how to do the job; he wants to be a mechanic. But the garage is in Crip territory. He's been a Blood since he was twelve, more than half his life now. He turns the job down. The temp job working construction last month hadn't lasted long. With violent charges on his record, Emory's job options are limited. Perhaps more importantly, all the skills he learned to move up in his gang and survive on the streets and in prison do not transfer to the work world he is trying to enter. In fact, they are often contradictory. Expectations of how to get, earn, and receive respect, of how much money you will make and how you will make it--everything seems different on the streets and on the job. What he's done before that gave him respect in the gang makes his boss at the construction site disrespect him, or at least in his eyes. He lasted two weeks in the construction job. Emory's trying hard to make it in the work world, but he's at a crossroads between the street and the job. He doesn't know which way he will turn.

CRIMINAL RECORDS POSE A MAJOR BARRIER TO EMPLOYMENT



Insights: Criminal Records

When it comes to the criminal records of prospective employees, employers often do not take into account how recent or severe the charge is or whether the charge has any bearing on the prospective employee's work capacity. Dismissed charges on people's records are enough to knock qualified prospective employees out of consideration for employment. Even for ban-the-box employers such as the City of Durham, criminal background checks do not always make clear whether charges were convictions or dismissals, blurring the line between the two.

Employment readiness programs like Step Up teach justice-involved residents how to talk about their criminal records in an interview. Just getting to an interview with a record, however, is more than half the battle. Even low-wage employers conduct criminal background checks.



Key observations: Criminal Records

"I can't bury this dog. It keeps getting dug up."

"You just apply and apply. You apply everywhere. And I can't even get a job as a dishwasher? I'm not good enough to even wash dishes? It's like there's no way to get a second chance."

"It would be great on an application to have a time limit – has something been in the past ten years ago. That way there would be something I could check 'no' to."

"You get that feeling that, 'I did my crime, I paid my time and it's still holding me back.' People judge you by the stuff they see. They might see the assault, the misdemeanor and think, 'Is she violent? What happened?'"

She's been putting applications in everywhere, including McDonalds. Her kids have a job at McDonalds. No one calls her back. She's 37 years old. *"I don't know if it's my record that's setting me back, I don't know if that's why people aren't calling me. But no one calls back."*

"Some places, if you have an assault charge, let's say, a warehouse job, you can have an assault charge and work in a warehouse because normally you're not going to be around a whole lot of people versus working at Auto Zone. There's gonna be more people interacting. So they feel like if you have an assault charge, you're not going to be able to be around people. You might fight them or whatever. If you have an assault on a female, it's that times two. You can't work in a warehouse. You definitely can't work at a McDonalds or an Advance Auto. You'll have to really, then, go look for a laboring position where you're working off with some other guys that have the same situation you've got."

– Quotes from Durham Justice Involved Residents

"The criminal record is like a life sentence. That is insane."

"There are a whole lot of people in this community helping those who have records with resumes and skills. But if you don't have employers willing to hire, it won't matter."

"Durham needs to build a culture within the employment community that prides itself on giving second chances."

"People tell you, when I was inside—staff, volunteers, say, don't tell people you've been in prison. Well, that comes back to bite you when you do get the job because even if it's not asked on the application, when it comes up, I know friends who've been let go because of it."

– Quotes from Durham employers

A trainer at an employment placement program explained why it was necessary to be clear to employers, saying, *"I'm a middle class white man. I don't know anything about criminal backgrounds. Go slow with me; don't throw me into the deep end of the pool. I cannot swim."*

"If I have to make assumptions about what you did, they usually won't be good," the trainer explained. "Don't make employers find this on their own. There are three opportunities to talk about this. Don't lead with this because it makes it seem like it's the most important thing about you. Put it in the middle—the sandwich method—lead with the good, stick the bad in the middle, and finish with the good again."

– Quotes from Durham Service Providers



Early Ideas: Criminal Records

Employer Convening: The City of Durham has the opportunity to partner with the Chamber of Commerce to organize an event to educate local employers about the benefits, risks, and special needs involved in hiring justice-involved residents. This event would be modeled around Dave's Killer Bread Foundation's Second Chance Summits, in which the organization brings together employees, employers, and legal advocates to educate attendees about the topic of Second Chance Employment. At such a convening, employers who hire justice-involved residents such as the City of Durham, Measurement Incorporated, and Favor Desserts could speak to their experiences, as could justice-involved residents working at these (and other) locations. Goals of this event would be demystifying the meaning of criminal background checks, providing information about federal incentives for hiring justice-involved residents, decreasing the stigma of hiring people with criminal records, and creating a culture of pride within the employment community for giving second chances.

R1 Campaign: The City of Burlington is developing plans for a program it calls "R1," which stands for "reserve one." The goal of the program is to create a community-wide movement to address employment barriers for those with criminal records by asking local employers to reserve one position on their staff for someone with a criminal record. They have not yet launched the program, but it may hold promise as a model to explore and build upon in Durham. The program might encourage collective action and address employers' hesitancy to hire those with records by increasing the visibility of and community pride in second chance employers.

THE DIFFICULTY FINDING WORK EXTENDS BEYOND THE CHALLENGES OF SIMPLY HAVING A CRIMINAL RECORD FOR JUSTICE INVOLVED RESIDENTS.



Insights: Difficulty Finding Work

The process of looking for work is intimidating and often unfamiliar for many justice-involved residents. Younger residents might not even know their social security number, let alone how to get a social security card. Likewise, knowing how to write a resume is a barrier for many justice-involved residents looking for work.

- There are good resources for helping people with these job readiness skills, such as NC Job Works' Second Chance program, the CJRC job readiness program, Step Up's job placement program, Durham Tech's job readiness program and the Durham Economic Resource Center. Yet, many of these programs have limits to the number of people they can serve. There is also an issue with residents knowing these programs exist.
- For some, there is a lack of desire to gain the skills necessary to find work, while for others there is a lack of knowledge of how to access available resources.

Many justice-involved residents have not completed high school or have their GEDs, severely limiting their job opportunities and earning potential. When this low-wage earning potential is compared with available criminal opportunities, legal work is often far less appealing.

- Some people have been able to benefit from vocational education opportunities in prison

for skilled trades such as truck driving, culinary arts, plumbing, or welding. Yet, their criminal records can make it difficult to obtain the necessary licenses to do this work or the social stigma of hiring those with criminal records prevent individuals from engaging in the skilled work they are trained to do.

- Finally, criminal records can make it difficult for people to keep their occupational licenses, particularly in medical fields, effectively closing the door to many sustainable job opportunities.



Key Observations: Difficulty Finding Work

"I applied for 138 jobs when I got out. I would apply to 7 or 8 a day. I kept on applying to jobs and the 138th time, I got a job. It was at a Chick-fil-A. The owner was a deacon at a church. He said he believed in second chances and would try me out for a couple of hours. That's how I finally got a job."

"I might technically be able to get a job but it's not going to pay. I'll have to get two jobs. And dear goodness, it was a struggle to get the one job and now I've got to get two."

The probation officer estimated that "85 – 90% of those on probation cannot find jobs." They said that some "can't keep a job or want something more."

He had never had a real job before but he had looked for work, once. That didn't go so well. *"I tried at McDonalds but I didn't know how to do the application. I don't have time for all that. So I just went back to what I know ... I don't know what a resume is and I don't know my social security number."*

"I have to go all the way. I can keep on doing what I'm doing and go fed, just take it all the way. Or I can go get a real job. But I've never really worked before. I don't really know how to do it."

"So, that's a lot, when you think of pride, guys that are used to making a certain amount and then they're like, what, eight bucks? Naw. I'm not doing that. Then they might be ashamed of where they're working at. A lot of guys won't work at McDonalds."

"What about if we had some jobs that were \$8-12 an hour?" and he said, that's not really enough to get people off the streets. These guys are going to think about how much money they make a week. So if you say, hey, here's a job for \$500-600 a week, then they'll start thinking about that. But they're going to ask if that's before or after taxes, they're thinking like that."

-Quotes from Durham residents"



Literature Review: Difficulty Finding Work

- Incarceration reduces annual employment by more than 2 months and reduces yearly earnings by 40 percent.
- Underemployment of individuals with criminal history lowers overall male employment rates as much as 1.7 percentage points.

DIFFICULTY KEEPING A JOB



Insights: Difficulty Keeping a Job

Keeping a job is often more difficult than getting one for many justice-involved residents. Many of the biggest barriers to keeping a job boil down to inter-personal skills such as conflict resolution, time management, anger management, non-violent communication, and consistency in work attendance. The soft skills necessary to maneuver the work world are often contradictory to those needed to survive jail, prison, or the life that landed them there in the first place.

Incarceration creates institutionalization marked by a lack of freedom and intensive time management. When people leave these institutions, they often reject the normal constraints to freedom involved in any job while struggling with the time management necessary to complete work tasks. While it is true that some people just don't want to work—or at least not legally—others do not understand or have never learned the skills they need to operate in what is for many a new world with new rules.



Key Observations: Difficulty Keeping a Job

"I know there's this thing I can do that I'm really good at. I know all the rules, I can make a lot of money. I know the street. But this job thing, I don't know what I'm doing. I put on a suit? I haven't put on a suit since I was nine years old for my sister's wedding. No one has ever taught me how to tie a tie. It doesn't feel right. It's uncomfortable, clothes that fit," he pulls at his baggy orange jumpsuit as he says this.

"I'm never surprised when a partner quits their first job. Many people have had to defend their space for so long. They couldn't say no, they'll quit. Or people will quit because they feel disrespected."

"How to adjust to society, because, you see, in there, you gonna get three meals a day and it's all prepared for you. People think that jail or prison is hard, being away from your family and different things of that nature is hard. But really, it's actually the easiest thing to do because everything is handed to you, if that makes sense. When you're released and you come back out into the world, back into society, that's when the real work starts."

"I thought it would be different here," he said about working in the legal world. *"I thought there wouldn't be all this bullshit. That you would just go to work and do your thing and people wouldn't be trying to fuck with you. But I was wrong."*

"A lot of guys feel like, construction sites, they're like, 'I ain't about to be out there all hot, standing out there doing all the work and the boss man sitting down he ain't doing nothing.' ... And if we going out on Friday, I don't get off until about 5 or 6. So, some of the other guys, they sell drugs, they be like, 'man you working, you working like a slave, you need to get with us.'"

-Quotes from Durham Justice-Involved Residents



Early Ideas: Difficulty Keeping a Job

Supportive Transitional Job Programs: The first six to twelve months after incarceration are the most difficult for people returning home. This is also the most crucial period for people to find the economic and social support they need so as not to re-offend. Transitional job programs that provide people with jobs as well as supportive services ranging from soft skills training to mental and physical health services can serve an important role in bridging the time between incarceration and community re-integration. The City of Durham currently has a small transitional job program that could benefit from expansion both in terms of number of people served and the supportive services available, particularly mentorship and mental health opportunities. Additionally, Step Up Durham is attempting to design a 6-month job program that incorporates vocational education components and on-the-job training. Supporting this initiative, in collaboration with Durham Tech, as well as expanding the City of Durham program could serve as pilots for developing a more robust supportive transitional job program for Durham residents.

GETTING A DRIVER'S LICENSE



Insights: Getting a Driver's License

Driving violations can cause someone to enter the criminal justice system.

The lack of access to legal reliable transportation due to small scale driving violations is a major barrier preventing Durham residents with criminal records from achieving economic stability and mobility. The majority of people coming out of prison do not have current driver's licenses. Many have licenses that are revoked due to unpaid fines, others have expired licenses, while some have never successfully managed to get driver's license.

The barriers to getting licenses reinstated after they have been revoked are steep. Many people face thousands of dollars worth of fines, often in multiple counties.

The lack of driver's licenses knocks people out of contention for jobs for which they are otherwise eligible. This problem is notable in City and County of Durham jobs. Most jobs at the city ask for drivers' licenses, whether or not driving is required for the position. Labor positions at the City of Durham require driver's licenses, preventing many people with records from obtaining these jobs. In other cases in both the public and private sector, a driver's license is a manager's preference which can also prevent someone from getting a job for which they are otherwise qualified.



One Durham woman's experience illustrates the long-term and wide ranging impact of losing a driver's license:

Shelly had over two thousand dollars of unpaid driving fines. Her driver's license had been revoked long ago, but she kept driving. She didn't have the money to pay the fines. With four children, the car really helped to get to work, daycare, and all the other places in-between.

After a while, her luck ran out. She got pulled over and arrested for driving without a license. Since she had so many unpaid tickets, the judge put her on probation. When her probation officer gave her a drug test, it came out positive for marijuana. Her probation officer sent her to a substance abuse program. If she failed to complete the program, she would have to serve time. Participants of this program call it “the trap.” Shelly got out of the trap. Yet, she was the only one of forty participants in the program to successfully complete it.

Even though she successfully completed her substance abuse program and later found a temporary job with the County of Durham, her lack of driver’s license continued to hinder her economic stability. Even though she worked hard at her temporary job, her boss didn’t want to hire her for the permanent position due to the fear she wouldn’t reliably show up to work. “That hurt my feelings,” Shelly told us. “I had been trying so hard. And I thought, your car could fall through too. I always found a ride to work.”



Quantitative Data: Getting a Driver’s License

There are close to a million people like Shelly in North Carolina who have lost driver’s licenses due to court debt. Data below confirms that this is a problem facing many across our state and city. While detention trends suggest that changes in local policy may be reducing the number of people pulled into the criminal system as a result of driving related charges, there remains a large number of Durham residents who cannot drive due to suspended privileges or revoked licenses. When we shared with a Durham County Judge that over 5,000 people were charged with driving with a revoked license since 2011, she responded, “**that’s just the tip of the iceberg.**”

THE NORTH CAROLINA CONTEXT

933,386

The number of drivers, as of August 2017, whose driver’s license was suspended for traffic-related failure to appears (FTA) and failure to pay (FTP).

59,287

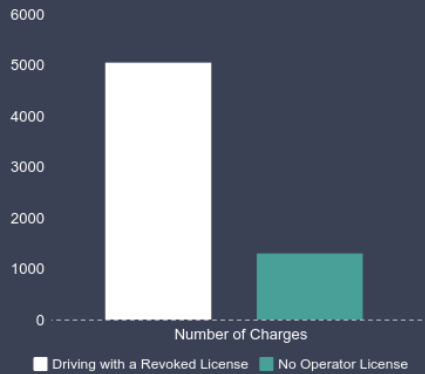
The number of individuals who had their driver’s license restored in the last twelve months.

Some other key facts:

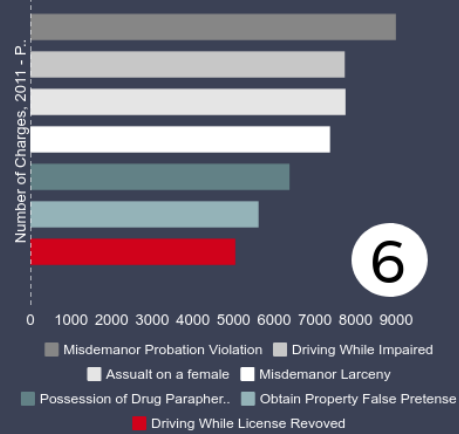
- According to NC state law, suspension of a person’s driver’s license is **MANDATORY** for nonpayment of traffic court debt.
- State law does NOT require consideration of a person’s ability to pay prior to suspension.
- The suspension can begin as early as 30 days after failure to pay.
- Suspension is **INDEFINITE**.

THE DURHAM STORY based on data from Durham County Jail, 2011 - Present

Number of People Detained in Durham County Jail

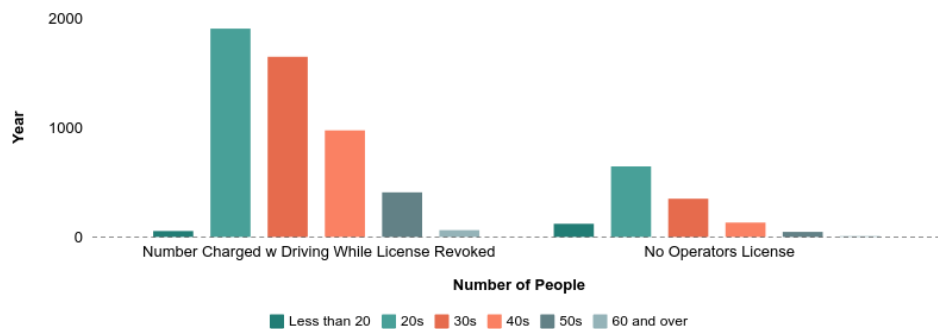


Driving with a license revoked is the 6th most common charge.



DEMOGRAPHICS OF THOSE DETAINED IN JAIL, 2011 - 2016

Age



Race of those charged with "driving while license revoked"

B (75.25%) W (23.85%) A (0.14%) H (0.10%) I (0.06%) U (0.60%)





Key Observations: Barriers to Getting a Driver's License

"A driver's license may be the only opportunity you have for getting a job."

"So when you put your arms around them and they come out and they've got a driver's license, they've got their identification and social security card, everything that has been lost, they've got all this stuff again and they hit the ground running with a job and all of that, 9 times out of 10, they make it. They make it because confidence is built."

"One-third of the people who come to NC Works Second Chance program have drivers' licenses. They say they don't have money to pay for old fines."

"That's the biggest barrier. They need some type of ID when they get out."



Early Ideas: Difficulty Keeping a Job

As a city, we have opportunities to lessen the effects driving violations have on residents whose inability to pay fines often end up leaving them trapped in cycles of debt, unemployment, and the criminal justice system.

Organize an Amnesty Day in Partnership with the District Attorney and District Court. District Attorney Roger Echols has previously organized a day in which the DA's office has dismissed older driving charges. This first event was sparsely attended. However, he is open to trying again. While the DA has the ability to dismiss charges, district court judges have discretion over waiving financial penalties. Therefore, this event would have the most impact if coordinated with the District Court. Participants would be limited to those facing charges and fines in Durham County, as the DA and District Court judges have no discretion over charges in other counties. Partnering with community organizations such as the Southern Coalition for Social Justice would be beneficial to the success of such outreach efforts. See Appendix for current plans to hold an Amnesty Day event in November. The truly novel/innovative aspect of this event is how easy it is for people to participate. In our scan of other communities, we have yet to find a community that did more to design its amnesty program with residents in mind. There are compelling reasons for doing for so (based on our qualitative research), including addressing the lack of trust between the community affected and the court system, and eliminating the need for people to miss work and wait in long lines.

Lead by Example with City Hiring. The city has discretion on hiring decisions based upon whether or not a person has a driver's license. A thorough review of which positions require driving and which positions merely prefer that applicants have driver's licenses would be a good place to start. Limiting the number of jobs that require a driver's license will allow otherwise qualified applicants a chance at these jobs. For those jobs that do require driving, trying to coordinate hiring applicants who have driver's licenses that are revoked due to charges in Durham County with an amnesty day could further expand the pool of qualified candidates working for the city.

SECTION III. PSYCHOSOCIAL FACTORS TO REENTRY or “JOBS AIN’T SHIT IF YOU’RE MIND AIN’T RIGHT”

“On the surface, you need a job, you need to earn money, you need to get transportation, you need health care. You need all of those things. You need a real place to live. That’s on the surface. But beneath that, what you really need is a sense of self. That’s gonna help you keep all of those things. And if we don’t get that developed, then you might get a job at Whole Foods but you’re not gonna keep it because your lack of socialization, your lack of ability to feel confident enough to socialize with people is gonna continue to limit you. Guarantee. Because being overwhelmed with life and not having nobody who you think you can talk to about that is going to stifle you and trip you up.”

- Justice Involved Durham Resident

PERSONAL EXPECTATIONS: BETWEEN TWO WORLDS



Insights: Between Two Worlds

Among the biggest of the many hurdles people must cross during reentry is regaining a sense of self-confidence, independence, and self-worth. The system of incarceration purposefully erodes this through the processes of institutionalization. Yet, these internal values are crucial to being able to remake life afterwards. People do not leave incarceration with their confidence intact. Instead, this must be built up over time.

This is especially difficult when faced with the discouraging prospect of looking for work and housing, the foundation of economic stability. The fact that many of these work and housing opportunities are not accessible to people with records further validates feelings of discouragement, shame, and worthlessness. This leads many people to give up on the job search quickly, assuming they will never get work, instead of putting in the lengthy and rejection-filled effort of looking for work.



Key Observations: Between Two Worlds

“Because my struggle was, I’ve got this title on me now. How am I gonna change? How am I gonna get better? Who’s gonna hire me? So you spend the first couple months or so, maybe six months or so, just trying to get all your insecurities together to become secure enough to learn that I’ve got to do this thing, I’ve got to get a job. Because when you’re in prison or jail, you’re really just marking time. They really don’t have enough programs inside jail and prison to build the confidence so that when they come out, they’re confident enough to actually go out and get a job, to actually go out and plug back into the community. The very reason they got in that spot in the first place was because of the same insecurities and the lack in their lives in different areas.”

"I know about the law of large numbers. I knew that if I kept on applying for jobs, eventually someone would hire me. And they did. You have to have the self-esteem to keep applying, there's a great deal of shame, it's really hard to apply for work in this context, and once you get the job, how do you keep it? A lot of these guys will apply for 4-5 jobs, not get any of them, and feel really discouraged and quit. For partners—what does it even mean to apply for a job? Lots of folks have never even applied for a job."

"People would rather sweat it out—literally—before they ask another grown man for help."
- Durham Justice Involved Residents



Insights: Between Two Worlds

Incarceration is emasculating. So too much of the experience of reentry, in which many men are unable to find even low-wage jobs to provide for their families. It is difficult for many men to see their girlfriends and wives as the wage-earners while they are unable to legally earn money. Male pride is deeply tied into earning potential. The difficulty in finding legal work leads many men to turn to more lucrative and easier to access illegal work in order to have a sense of self-efficacy in their personal and professional lives.



Key Observations: Between Two Worlds

"Pride and shame changes your thinking, your productive thinking. It stifles you and when you're stifled you're not fluid in your movements or your thoughts. You're kind of static and choppy and hesitant. You make a lot of poor decisions from that."

"When you think of pride, guys that are used to making a certain amount and then they're like, what, eight bucks? Naw, I'm not doing that. Then they might be ashamed of where they're working at. A lot of guys won't work at McDonalds."

- Durham Justice Involved Residents

SOCIAL SUPPORT AND THE IMPORTANCE OF INFORMAL NETWORKS



Literature Review: Between Two Worlds

The lack of support upon release as one of the most important barriers facing justice involved individuals' attempts for successful reentry. These barriers are exacerbated in part because residents often return to impoverished areas leading to further strain on these already economically disadvantaged communities' resources (Denney, Tewksbury, & Jones, 2014; Krivo & Peterson, 2004; Raphael, 2011; Sampson & Raudenbush, 1999; Sampson & Wilson, 2005).



Insights: Family as Factor in Successful Reentry

It is clear that the social support families provide both during incarceration and afterwards is one of the most important factors in successful reentry. While several residents noted they “came from a good family,” yet still got involved in crime, they also cited family members as role models and crucial financial and emotional resources.

Over and over again, the justice-involved residents we spoke to said their children, wives, or family in general were the most important forces motivating them to not go back to jail or prison. Family support, particularly in the first year, is crucial for people’s success in reentry.

Yet, even for those who can count on family and social support, the process of reentry is difficult and slow. It can be hard to live up to the emotional and financial expectations of even the most loving of families. Incarceration takes its toll on the entire family.



Key Observations: Family as Factor in Successful Reentry

“Family can help you or break you.” - Durham Law Enforcement Professional

“After I got tried and convicted, my mother and my sister moved here from New Jersey solely to support me. It was overwhelming and that’s what they did.”

“I have a strong support system, strong strong. It’s always good to have support. It keeps you strong minded.”

“One of the healing areas that I needed more than anything was my wife. I think if it hadn’t have been for her, I may not have made it. Her ability to love and nurture me really brought me back. I remember being in prayer and I was young and in my mind, the world was just bad, everything was evil. I grew up watching tv and I watched all these wholesome shows on tv and I just thought, I couldn’t wait to jump into the world and it was gonna be great and then I found out that it was really bad. That people hated me, people that looked like me. And it was crazy...So, I prayed. And I remember telling god, if you want me to be a better person, you gotta show me some better people. And one of the people god put in my life to show me it was better people in the world and that they had the capacity to love and love honestly and freely, they put my wife in my life. Because she went through a lot of stuff with me that most people would run away from. But she prayed for me, she covered me, she was there for me and because of the love that she had in her, it helped make me better.”

-Durham Justice Involved Residents



Insights: Family as Barrier in Successful Reentry

On the other hand, families and social groups can be the cause of incarceration and re-offense. Some residents spoke of family financial needs as the reason for their entry into dealing drugs or other criminal behaviors. Others told us of a lack of safety at home that made gang life more appealing than family life. Returning to the same homes and communities where people first engaged in criminal activity can be a powerful incentive to continuing such behavior. For those with limited financial means, the option to move out of town, or even to another neighborhood in Durham, is often out of reach.



Key Observations: Family as Factor in Successful Reentry

"I think about going home sometimes. That shit stresses me out. I've gotta start back from scratch."

"Wanna know how I got into dealing drugs? I saw my mother not have enough money for groceries. I was in fifth grade and I wanted to help her. My grandfather would give me twenty dollars for lunch money. I would take that and play die. I could turn that \$20 into \$350. If I lost money, some of the older guys would front me the money and I would turn it around. Then I would give her \$300—I'd pocket fifty for myself. And it went from there."

"It's easier in here. People will take care of you. They'll give you money, take care of you, you don't need to worry about stuff. On the outside, they think you can take care of yourself and it's harder."

-Durham Justice Involved Residents

MENTORSHIP AND FRIENDSHIP



Insights: Mentorship & Friendship

The need for strong positive role models and mentorship was a clear theme in our research. Many respondents spoke of the lack of a functional family unit as a primary reason why this need was so pressing. The ways in which perceptions and realities of African-American masculinity are socially formed came out in many conversations. The need for strong role models was core to respondents' descriptions of how healthy and confident masculinity can be developed, in contrast to the forms of masculinity that emerge through gang membership, criminal behavior, and incarceration. Residents also spoke to the power of cross-class, inter-racial experiences of mentorship and friendship as powerful factors in regaining (or developing for the first time) the confidence necessary to leave behind the known world of criminal activity. Accountability, concern, and care are at the heart of what mentorship and friendship can provide, in sharp contrast to the purely punitive nature of the criminal justice system.



Key Observations: Mentorship and Friendship

"I've never seen a black man like him, who's taking care of his family, who's got a job, whose kids are happy. That's what I needed. He comes and wakes me up at 5:30 in the morning, I need that shit."

"And when I connected to Step Up, they put me with a partner. He didn't look nothing like me, he didn't have the same background that I had, he came from a totally different world, his skin color was totally different. And I was nervous and I was mad and I was upset and I was like, how in the world is he gonna identify with me, how am I gonna identify with him. But do you know what? Erin, he turned out to be the best thing that ever happened in my life."

-Durham Justice Involved Residents

MENTAL HEALTH AND SUBSTANCE ABUSE



Insights: Mental Health and Substance Abuse

According to the Durham County Sheriff, twenty percent of detainees in the Durham County Jail suffer from a mental illness. Additionally, our research on female inmates of the Durham County Jail has anecdotally shown a high level of substance abuse issues among this population. Several of the service providers and justice-involved residents have spoken of substance abuse as a major barrier to people keeping jobs once out of jail or prison. Our team, however, needs to conduct additional research on these issues, including observing and talking with personnel involved with the Mental Health Court Diversion Program and the Drug Treatment Court, talking with people from Alliance Behavioral Health, and interviewing justice-involved residents participating in programs such as these as well as other substance abuse treatment programs and TROSA.



Literature Review: Mental Health & Substance Abuse

A 2006 Bureau of Justice Statistics report provided staggering numbers with regard to inmates who met the criteria for having any mental health problem (56% of state prisoners, 45% of federal prisoners, 64% of jail inmates), a substance dependence/abuse disorder, or both (73% of state prisoners, 76% of jail inmates) (James & Glaze, 2006).

With regard to youth in the juvenile justice system 50% to 70% met criteria for a mental disorder and 60% met criteria for a substance use disorder while those with co-occurring mental and substance use issues (30%) experienced severe disorders that impaired their ability to function (SAMHSA, 2017).

In general, Serious Mental Illness (SMI) is defined “as a mental or behavioral disorder that results in serious functional impairment, such as schizophrenia, major depressive disorder, and bipolar disorder.” It is estimated that 14% of men and 24% of women in jails have a SMI such as bipolar disorder or schizophrenia (SAMHSA, 2017).

TRAUMA AND HEALING



Insights: Trauma and Healing

Prison changes people, as do the experiences of poverty and violence that often get people there. “Every single person here is traumatized,” the psychologist at Homeboy Industries in Los Angeles told us on a tour. Homeboy Industries is the country’s largest gang intervention organization. Those who work at Homeboy recognize experiences of trauma as a major driver to criminal activity and a major barrier to community reintegration after gangs and prison. Yet, public health officials in Durham told us of a notable absence of access to mental health resources focusing on trauma for justice-involved residents.

Justice-involved residents, however, recognize the need for help dealing with past pain to successfully build a life outside of violence and crime. “I need anger management classes,” was

the response from an incarcerated gang member to the question of what he needed most to make it on the outside. Anger management is also the most popular class at Homeboy Industries. Anger and danger is often born from pain, from a lack of options and a sense of nothing to lose. It is not enough for us to help people find jobs. We also have to help nurture strong and confident men and women who are able to sustainably build healthy lives for themselves and their families.



Key Observations: Mentorship and Friendship

"Half my rage was that no one would talk to me."

"I've got PTSD from prison," one resident announced in a focus group. Immediately, the other four members of the group voiced their agreement. "I can't sleep at night, it drives my wife crazy," one many offered. "I don't even eat with a fork anymore," another man shared. "I was eating my rice with a spoon at my cousin's funeral." The group laughed in knowing agreement. Everyone in the group—and others we have interviewed—avoided Walmart immediately upon returning home. There were too many people, too much stimulation. Walmart was just too much to handle.

"I'm learning to humble myself. I'm so much more humble than I used to be. But it's hard. Sometimes, I just want to blow up."

"So, what would you need to live this other life? What would you need for this other life to look better than the gang life? He looked at me for a while. I thought he was confused so I tried to make the question clearer. But instead, he said, "This is the kind of shit I need. Therapy and stuff."

"I never really thought about how experiences of trauma and my family stuff really shaped me. But my moms went to prison for a long time. And that affects you, it really does. I would cry myself to sleep at night. I would cry all the way from the prison in Rocky Mount back home to Durham. Two years is a lot for a kid. It felt like forever. It tore the family apart. My brothers and sisters, we all went to different places. Afterwards, I would run a lot. Maybe I would run because of that. But instead of pulling over I would get in a high speed chase or something like that to get rid of the drugs I had on me. Cause I wasn't going to prison."

-Durham Justice Involved Residents



Early Ideas: Trauma & Healing

A Case Study of Homeboy Industries. Homeboy Industries—one of the largest and most successful gang intervention programs in the world—is a source of pride for the City of Los Angeles. One of their businesses, Homeboy Cafe, is the only restaurant in Los Angeles' City Hall. They also have a bakery, diner, a café at Los Angeles International Airport, 24 Farmers' Market stands, and a silkscreen and embroidery business. Over fifty classes are offered to the 300 primarily former gang members enrolled in the organization's 18-month program. These classes range from anger management, parenting, yoga, and life skills to GED classes and solar panel training and certification. Hundreds more people come every year to access services such as the free tattoo removal program.

While Homeboy Industries provides job training and placement for hundreds of former gang

members, its most important focus is creating a space for healing to occur and caring community to form. The organization approaches violence as an issue of community health instead of crime. Thirty years working with gang members taught Father Greg Boyle that jobs alone don't provide the healing and resilience people need to maintain stability in the face of the roadblocks and opportunities that lead many to re-offend. Homeboy Industries offers a model of the kind of loving community and integrated services needed to provide a real alternative to a life of gangs and crime. Those working at Homeboy Industries describe the program in term of doses. People might come to Homeboy four or five times before they are ready to seriously make a change in their lives. At Homeboy, there is not an expectation of immediate change. This is a realistic expectation of the time and effort it takes for any recovery process to occur. This is a notably rare perspective for many working in the reentry sector, dominated by a language of "second chances," at best. Homeboy knows, sometimes it's the fifth chance that is the lasting one.

When we visited the headquarters, the building was filled with people working, waiting to meet with a social worker, taking classes, and just hanging out. Participants clearly felt the place was their own. In our interviews, people have frequently either cited Homeboy Industries as a model for the kind of work they wish to be doing in Durham or expressed desire for a support structure similar to the one Homeboy Industries offers. Many of the formal programs of service offered to justice-involved individuals in Durham are institutional in structure and culture. There is definitely a need for these kinds of services. Yet, Homeboy illustrates a model that is born from community needs, desires, and vision where those who participate find a sense of belonging and care.

Boyle notes the difference between programs and strategies when it comes to gang reduction. The first he likens to trying to cure lung cancer with cough medicine. A program—whether it's a job program or a gang reduction program or both—that does not seek to address the root causes of the problem will never lead to lasting change. The model Homeboy Industries offers is a long-term strategy of therapeutic healing and recovery alongside opportunities for economic mobility and the formation of healthy communities. When we think about what we can do in Durham to address the issues facing our justice involved residents, we must think in similar holistic strategic terms if we want to really offer long term benefits to some of our most vulnerable community members.

SECTION IV: “WHERE THERE IS DISCRETION, THERE IS POWER”

DISCRETION IN THE CRIMINAL JUSTICE SYSTEM



Insights: Discretion in the CJ System

There is a wide array of actors and instances of discretion within the criminal justice system. From the moment leading up to a possible arrest until the final day of probation, the criminal justice system is filled with choices for those it employs. Each moment of choice is a moment of possible policy intervention. It is also a moment in which pre-conceived views of race, gender, class, and of what constitutes “appropriate behavior” can guide decision making processes that can affect people’s lives for years and even decades to come.



Key Observations: Mapping Discretion

The following is a brief explanation of the system of discretion, as we understand it, in our community (as a next step, we plan to create a visual map of different discretion points):

- **Arresting powers—Police, Sheriffs, School Resource Officers:** For some crimes, there is no discretion but instead a clear need to arrest. For less serious crimes, however, police officers, sheriffs, and school resource officers (SROs) have a choice of whether to let people off with warnings, write a citation, or arrest the person.
- **Magistrates:** Issue warrants and set bail. They accept guilty pleas as well as payment for fines and costs of traffic violations and minor misdemeanors.
- **Judges:** Decide on amount of bail, later decide on sentencing, fines and fees. Judges enjoy a lot of discretion. This is limited, however, by sentencing guidelines. Additionally, in the case of fines and fees, the North Carolina General Assembly now requires judges to give 15 days' notice to any affected parts, lessening judicial discretion.
- **District Attorneys:** Decide on the severity of charges, can dismiss old charges.
- **Probation Officers:** Decide on the severity of punishment if someone violates the terms of their probation, ranging from warnings to sending to substance abuse programs, sending to jail for several days, or sending to prison



Persona: A Story of Discretion

He wanted to change his life so he decided that he needed to stop taking the jobs he had been taking. “If I wanted to make a change, a real change,” he explained, “then I needed to invest in myself. I couldn’t be mad if the police pulled me over and I did not have my license.” So, he began the process of obtaining his license. He immediately hit a road block. He recounted that he had a warrant for his arrest open in Montgomery County, Maryland and that he could not obtain a driver’s license. He mentioned that he drove to Maryland to turn himself in. Once he arrived at the courthouse, the judge looked at him and reminded him that he had been on the run for five years. “Yes, I was on the run before,” he admitted. “Now I want to do whatever I need to do so that I can

have a better life.” The judge asked that he clarify. He told her that he drove up to Maryland from North Carolina so that he could accept his punishment, put it behind him, and move on toward getting a license. He briefly outlined his plan for getting a driver license to make a career driving trucks. All the while, the Prosecutor was making the case that he should be held on a high bail. The judge looked at him, then looked at the prosecutor and let him go on his own recognizance because she said that if he wanted to run then he wouldn’t be in the court room. He just got a new job as a truck driver with his new Commercial Driver License about a week ago.



Key Observations: Discretion in CJ System

“There was this judge. And she’s been seeing me come before her since I was eleven or twelve. She’s been seeing me not give a fuck when I was sixteen, seventeen, shooting people. And now she sees me giving a fuck, not wanting to be in the street anymore. And she says to me, ‘I haven’t seen you here in a year. That’s good.’ And she dismissed my charges. It’s stuff like that, giving me a chance like that, that make me want to go straight.”

“Too many different people touch the file,” explained an employee at the District Attorney’s office. Those involved in the criminal justice system “touch a person’s case” at different points in the system without an understanding of the entirety of the process. For example, multiple District Attorneys or police officers will work on a single case.



Durham Case Study: When Discretion Becomes Policy

The Misdemeanor Diversion Program (MDP) started in 2014. The program originally worked only with 16-17 year olds but has since expanded to include 18-21 year olds. Eighty percent of participants are young people of color. Approximately four hundred people have gone through the program, which includes ten hours of tailored programming for youth that directly fits the person, action, and need. The MDP also includes a mock-court session in which participants are charged with the harshest punishment possible for a variety of offenses, such as larceny. To be eligible for the program, the participants must be first time offenders under the age of 22 charged with a misdemeanor. Ninety-eight percent of participants complete the program; eighty-nine percent do not reoffend within the year. Successful completion of the MDP completely clears the person of their charge, leaving them with a clean record.

The MDP started with a respected judge cultivating relationships through one-on-one meetings with the many stakeholders who had discretion to discipline, arrest, and incarcerate people. This included school officials, school resource officers, police officers, and sheriffs’ deputies. It was crucial to get these stakeholders’ buy-in to the program. Organizers of the MDP found the biggest obstacle to getting law enforcement on board was learning how to communicate the benefits of such programs in terms that law enforcement cared about and valued. A key to the MDP’s success has been that law enforcement officials recognized the MDP offered immediate punitive consequences while also lessening their work burden.

The MDP is an example of a successful diversionary program that keeps young people out of the criminal justice system. It offers a model of the kinds of relational processes needed to develop consensus across a wide range of stakeholders with different value systems and ways of

understanding a problem. In the case of the Durham Police Department, it illustrates how such a process can lead stakeholders to give up their discretionary arrest powers in exchange for a clear policy that lessens the number of people entering the criminal justice system. In the case of the Durham County Sheriff's Department, it illustrates how the desire to safeguard discretion and the power this represents limits a streamlined county-wide policy of referring eligible participants to the program.



Early Ideas: Discretion in CJ System

Expand the Misdemeanor Diversion Program: Expanding the Misdemeanor Diversion Program to include all people with first-time misdemeanor charges would further reduce the number of people involved in the criminal justice system. This would allow people to avoid the many collateral consequences that come along with even low-level charges.

BAIL: ARE WE CRIMINALIZING POVERTY?



Insights: Bail

Bail is usually set for defendants regardless of ability to pay. Those unable to pay thus remain incarcerated while awaiting trial. People can lose their jobs, their possessions, and access to their loved ones all before a trial to determine guilt.

Those who attend court from jail have less of an opportunity to legally, emotionally, and physically prepare for a case than those who have been released on bail. Simply the visual of someone in jail attire versus someone in professional dress can affect the outcome of a court case.

Those unable to pay bail are clearly at a disadvantage compared to a wealthier person charged with the same offense, leaving them far more likely to suffer long-term consequences from the criminal justice system even for a minor offense.



Key Observations: Bail

"A lot of people plead guilty just so they can get out [of jail]."

She works with Participatory Defense. They organize families and friends to come to court when a loved one has a court date. She finds them clothes to wear so they all look nice, including the accused. It makes a difference in how the judge perceives them, she says, and thus on the kinds of sentences they get. It makes a difference, she tells us, when people are showing up for someone. It makes a difference in the kinds of bail and sentencing they get.

- Durham Criminal Justice Advocates



Quantitative Data: Bail

BAIL & BOND

\$5,000 | The majority are held on bonds of this amount or less.

\$500-750 | The typical non-refundable fee amount a person, who cannot afford to pay their bond, would pay a bondsman. Those who cannot afford this must remain in jail.

47% | The percent of Americans who could **NOT** pay for an unexpected **\$400** emergency expense, or could only pay for it by borrowing or selling something.



Early Ideas: Bail

End Misdemeanor Money Bail: Members of the District Attorney's office and community organizations such as Southerners on New Ground (SONG) advocate for changes in the money bail system, calling for a revision of the bail schedule and an increase in unsecured bonds for minor offenses. One suggestion is to end secured bonds for all misdemeanor offenses. Our data shows that **65% of those in Durham County Jail are there on misdemeanor charges.**² The most frequent offense is misdemeanor probation violation, often times for a positive drug test. Ending money bail for these offenses, as well as possibly some minor non-violent felony offenses, would dramatically reduce the number of people in our county jail. This would prevent people from facing the collateral consequences of pre-trial detention as well as provide a significant financial savings for Durham County.

DEBT FROM CRIMINAL JUSTICE SYSTEM INVOLVEMENT



Insights: Debt from CJ System Involvement

Involvement in the criminal justice system often comes with a heavy financial burden. Many suffer a short-term and long-term income loss due to lost wages during incarceration and lost earning potential as a result of the collateral consequences after incarceration that make finding work difficult. Added to this are the explicitly punitive financial charges, such as fines additional to prison or jail time and the fees of court or probation costs.

² Source: The City of Durham Human Relations Commission Recommendations: Durham County Detention Facility, January 3, 2017, Updated: March 7, 2017.

Several of our interviewees, particularly those working in the criminal justice system, described the system as a tax, calling the process a “shifting of the tax burden,” often to our poorest residents. Many leave jail or prison thousands of dollars in debt, with little ability to pay this money back. On a recent visit to Polk Correctional Institute, case managers informed us the amount of debt inmates owed ranged from \$390 to \$50,000. Inmates at Polk are under the age of 25.

Fines and fees can accumulate over time as the accused awaits trial, especially if they cannot make a bail payment to be released from jail, or while an inmate serves time in prison.

The case of child support is particularly notable as people are incarcerated due to their failure to pay, all the while preventing them from earning money to pay this debt and leaving them further in debt upon release.



Key Observations: Debt from CJ System Involvement

“Fines don’t help...court costs contribute to people’s inability to pay.” - Durham Law Enforcement

“So, I know I’ve got a drivers’ license revoked charge. I had gotten my license back and the officer that had got my license when it got revoked, he still, he didn’t turn in the paper work for it. So I got charged with it. They threw it out when I got to court. But I still had to go get my truck. They towed my truck. I had to, they didn’t make me pay a bond, I signed myself out. I still had to pay \$270 to get my truck out of impound, just cause someone didn’t turn in the paperwork. And you don’t get that money back. Stuff like that. It’s irritating.”

“I helped build that new courthouse,” he told us with a laugh. He said he’d easily spent \$20,000 on the jail with the bail money, restitution, and probation costs he had to pay. “I told my momma I’ve paid for at least a couple of windows in that building.”

-Quotes from Durham Justice Involved Residents

APPENDIX A: Stakeholder Engagement with Research

Internal City Stakeholders

We will have two meetings with key city stakeholders to share our research findings and explore how we can better tell the story of what the city does as a ban-the-box employer, how we can expand on our justice-involved hiring, and how we can share our hiring story with the wider community. At these meetings, we will share the following aspects of our research:

- Specific barriers to employment for justice-involved residents at the City of Durham
- Sites of current opportunity for justice-involved hiring in the City that could be expanded upon
- Sites of future opportunity for expanded justice-involved hiring

The first meeting will include the city HR hiring director and other HR personnel, staff from the Office of Work Force Development and NC Works Second Chance hiring program as well as members of the i-team. This meeting is scheduled for Tuesday, October 31.

The second meeting will include Directors and/or Assistant Directors of departments with the most opportunity for expanded justice-involved hiring. This includes: Public Works, Solid Waste, and General Services. These meetings will provide an opportunity to share our findings and chart a course of future action for city hiring.

Academic Partners

We have shared our research findings to date with our core academic partners at the Criminal Justice Department at North Carolina Central University (NCCU) at a meeting with faculty and graduate students on October 18, 2017. At this meeting, we got useful feedback on the course of our research and further ideas for incorporating the research of NCCU faculty in future i-team work. An additional goal of this meeting was to increase engagement with NCCU graduate students in the i-team's research. Both faculty and graduate students were enthusiastic about this prospect, both in regards to our current research fellow, and for future opportunities in the semesters to come.

Core Project Stakeholders

All of our core project stakeholders will receive a copy of our research synthesis ahead of a mid-November meeting where we will share our research findings and solicit feedback on the future course of our research. This meeting will take place at City Hall, where we can show stakeholders both the process of how we are synthesizing our research and present our key findings.

Research Participants

We will plan 2 research sharing sessions for our research participants. In early November, we will contact all of our research participants to invite them to learn about our findings and provide feedback on the future course of the i-team's work. Participants will have a choice to attend a session the last week of November or the first week of December. One session will take place at City Hall and the other session will take place either at the site of a community partner or a community center.

Employers

We will have a meeting in November with employers, members of the Chamber of Commerce and work readiness service providers to share our research findings and brainstorm ideas for planning a larger employer convening on hiring justice-involved residents. This employer convening will take place in early 2018.

APPENDIX B: Phase 2 Ethnographic Research Plan

We have recently hired a part-time community outreach coordinator, which will greatly enhance our capacity to work with justice-involved residents throughout the upcoming phases of our work.

In-depth interviews with justice-involved residents

In the next 6 weeks, we hope to conduct 7-10 additional in-depth interviews, focusing on people under the age of 30. We also hope that some of these interviews can be with Latino members of the community, who are currently under-represented in our qualitative and quantitative data.

Focus groups

We would like to conduct several additional focus groups, including one with family members of incarcerated individuals. We are also considering a focus group with residents of a 2-year substance abuse recovery and work training program called TROSA.

Participant Observation

We will engage in several court watching sessions, including Drug Court, First Appearances, and Family Court to further understand the process of becoming justice involved.

Stakeholder Interviews

Employers:

We will deepen our knowledge of employers' perspectives on hiring justice-involved individuals through interviews with individuals at the following sites:

Employers who don't hire people with criminal records:

- Duke University and Duke University Health Systems

Justice-involved Employers:

- Measurement Incorporated
- Favor Desserts
- TROSA

Employer Organizations:

- Chamber of Commerce
- Downtown Durham Inc. (DDI)
- People's Alliance Living Wage Project

Service Providers: Employment Readiness and Placement

We will continue to map the formal and informal networks of sources for support in gaining job skills and placement, including interviews with community members conducted by our outreach coordinator and with officials of the following organizations:

- Durham Economic Resource Center

- Durham Tech
- Training 2 Work/Ekhard Workforce Development

Service Providers: Mental Health and Substance Abuse

We will deepen our understanding of the mental health and substance abuse services provided through interviews with officials from the following organizations:

- Alliance Behavioral Health
- Vocational Rehabilitation
- TASC
TROSA

Law Enforcement and the Judicial System

We will deepen our understanding of the way in which discretion functions among various groups in the criminal justice system through additional interviews with officials from the following branches of law enforcement and the judicial system:

- Probation Officers
- School Resource Officers
- Magistrates

APPENDIX C: KEY TERMS

- **Justice Involved Resident:** The full continuum of ways in which individuals interact with the criminal justice system, including arrest, pretrial and trial, probation, incarceration, parole, and living with criminal records.
- **First Appearance:** A court hearing that takes place in a public jail courtroom; bond, the right to counsel, and the next court date are determined here. This phase is also when the person(s) is informed of the charges they face.
- **Bail/Bond:** An amount of money set to secure one's release from jail; There are multiple ways to meet this financial obligation including through a bondsman or cash payment.
- **Citation:** A paper pleading that is given to an individual by an officer to charge them with an offense(s) and require their presence in court at a specific time and place, in place of an arrest.
- **Felony:** A serious crime usually punishable by more than one year or death.
- **Infraction:** A non-criminal violation of a local ordinance, municipal code or traffic law that is not punishable by imprisonment and typically punishable by a fine.
- **Magistrate:** An officer of the district court that issues arrest and search warrants, magistrate orders and sets bail.
- **Misdemeanor:** A non-indictable, lesser crime that is punishable by a fine, probationary period or short-term imprisonment, one year or less.
- **Secured bond:** A set amount of bail/bond that must be secured in full either through cash or a bondsman in order to be released. If unable to make financial arrangements for the full amount, the individual must remain in jail until the court date. Generally, the bond amount is returned upon appearance in court.
- **Unsecured bond:** The temporary release of an individual under a written promise to appear on their court date; an individual is bound to pay a set amount of money if they fail to appear.
- **Written Promise to Appear:** An agreement that the individual will appear in court on a certain date.

APPENDIX D: LITERATURE REVIEW ON BARRIERS TO EMPLOYMENT FOR JUSTICE INVOLVED PERSONS



Literature Review: Barriers to Employment

How can the City of Durham increase economic opportunities for previously incarcerated individuals?

Each year, roughly 700 ex-offenders return to Durham after serving time in state prison. Their criminal records trigger a variety of punishments known as collateral consequences. Collateral consequences are separate from the direct consequences of criminal conviction – such as prison, fines, and probation – yet these indirect consequences are often more severe and long-lasting. The denial of parental rights, public benefits, and employment opportunities are just a few of the losses grouped under collateral consequences (NC Justice 2017). Taking into account the 1.5 million North Carolina residents who have criminal records, criminal justice reform should not only work to reduce the number of people entering the system, but also address the barriers faced by people who leave the system (NC Justice 2017; Garretson 2016).

Re-entry into the labor market remains one of the most challenging situations ex-offenders face. In determining potential ways to improve this population's employment prospects, an important first step is to understand the barriers that limit their opportunities. Much of the focus has been placed on supply-side barriers (i.e., the characteristics of formerly incarcerated individuals). An emerging area of focus is the demand-side barriers: what are the regulatory barriers for successful reentry, and how do employers perceive those with criminal records? While considerable resources have been funneled into programs and services for incarcerated individuals, these efforts may prove futile if demand-side barriers are not fully addressed.

Supply-Side Considerations: Ex-offenders possess a number of characteristics that not only limit their employability, but also their earnings capacities. These characteristics – limited education and cognitive skills, limited work experience, and substance abuse and mental health issues – are widely agreed upon in the literature, and are at odds with employers' virtually universal desire for job-readiness (Holzer et al. 2003; Weiman 2007). Moreover, serving time interrupts an individual's work career. During this time, many inmates fail to accumulate human capital, and some may experience a propensity toward antisocial attitudes (Weiman 2007). Through longitudinal research on young offenders entering California's prison system, the median young, male inmate spent five years of his life cycling in and out of prison. For the median Black offender, this number rose to 6.5 years (Raphael 2011). Raphael surmised that such a disruption early in one's life must affect earnings prospects (2011). A study conducted by the Pew Charitable Trusts confirmed that incarceration reduced an individual's yearly earning by 40 percent (2010).

Attitudes, choices, and a history of well-documented employment problems may also limit the opportunities of this population. Many ex-offenders may choose to forego available employment options due to low wages and limited opportunities for upward mobility. Instead, they may opt for more lucrative, albeit illegal, opportunities. Prisoner surveys revealed that released prisoners recognize the lures of their old neighborhoods – and over half return to their old neighborhoods – where active drug trades could lead them back to their "old

ways.” (Weiman 2007, 582). Additionally, their overall attachment to the legitimate labor market might be tenuous given their estrangement from it during incarceration (Holzer et al. 2003). Bushway and Appel conclude that, with respect to employment-oriented reentry programs, “work doesn’t work,” demonstrating that young individuals experience unstable work histories well before their first conviction. In sum, “many people enter the criminal justice system hard to employ and leave it even harder to employ” (Bushway and Appel 2012, 27). Pettit and Western’s research similarly suggests that incarceration imposes “no additional economic penalty” to men who are at high risk of incarceration (2002, 176).

The need for post-release services is broadly acknowledged, yet how to best provide these services is still unclear. Employing a randomized controlled trial design, Farabee et al. explored the causal relationship between employment and completion of reentry programs. Reentering offenders – all of whom had been released from jail or prison within the past 6 months – were either randomized into an employment-oriented reentry program or provided with a list of community resources. Outcomes were reported based on 12-month follow up interviews. The percentage of the treatment group who were employed was 29.8 percent, compared 27.1 percent of the control group. However, this difference was not statistically significant (2014). Similarly, Redcross et al. evaluated the Center for Employment Opportunities (CEO) Transitional Jobs Program using an experimental design, and found few differences between the treatment and control group. Program participants were much more likely to be employed initially as compared to the control group, yet this effect attenuated by the end of the first year (2012). This finding demonstrates that employment increases were limited to transitional jobs, and ex-inmates struggle to gain employment in the regular labor market (Cook et al. 2014).

Cook et al. posit that one limitation of earlier reentry program efforts is that they typically start providing services after release from prison. At this point, it may be too late to effectively address the number of challenges former offenders face, including finding housing, securing employment, and reconnecting with family members (2014). Therefore, newer models of reentry programs are built on holistic, wraparound services that start while individuals are still incarcerated and extend during and, if applicable, beyond the parole terms of the release (Raphael 2011). In a randomized control trial of a reentry program that included “reach in” services – that is, the treatment group received intensive vocational and soft-skills training, remedial education, and drug and alcohol treatment services about six months prior to release – Cook et al. found statistically significant increases in employment and earnings for the treatment group. However, average earnings for both the control and treatment group were still very low: most former inmates had earnings that put them below the poverty line (2014).

Demand-Side Considerations: In a longitudinal study involving 740 former male prisoners in three states (Illinois, Ohio, and Texas), 70 percent believed that their record affected their job search (Visser et al. 2008). Indeed, criminal records reduced the likelihood of a callback or job offer by 50 percent (Pager et al. 2009). This reduced likelihood is partially attributed to what a criminal record signals. Since records are relatively easy to obtain, criminal history provides information about unobservable characteristics that are undesirable in employees (Doleac 2016). For example, a criminal history may signal an untrustworthy employee who may steal, interact poorly with customers, or break rules on the job (Holzer et al. 2003). In a survey administered to over 3,000 employers, over 90 percent were willing to consider a welfare recipient for their most recent job vacancy. In contrast, about 40 percent were willing to consider hiring an ex-offender (Holzer et al. 2003).

When employers choose to hire individuals with criminal backgrounds, they are more likely to, perhaps unsurprisingly, employ those with shorter criminal records, more educational attainment, and more work experience (Gebo and Norton-Hawk 2009). While employers were highly averse to hiring violent offenders – 90 percent were unwilling to hire these individuals – they relaxed when asked about hiring individuals convicted of drug or property crimes: roughly 50 percent would be willing to hire nonviolent offenders (Holzer et al. 2003). Several limitations exist in this survey: namely, the lack of detail asked in these questions. Employers may view someone who is charged versus convicted differently. In addition, employers may take into consideration the severity of the offense and the extent – or lack thereof – of prior criminal record (Gebo and Norton-Hawk 2009). A 2014 study attempted to address this limitation, finding that 60 percent of employers treated felonies and misdemeanors differently. Employers were asked to rate the seriousness of these two categories on a scale from 1 to 10, and ranked misdemeanors at 4.2, and felonies at 8.2. Moreover, over 60 percent of businesses differentiate between an arrest and conviction. Again, on a scale from 1 to 10, firms rated the severity of a dismissed offense at 3.5 and a convicted offense at 7.5 (Uggen et al. 2014).

The willingness to hire previously incarcerated individuals also varies by industry and employer. Regardless of industry, businesses with an application process were more likely to check criminal background than those that did not (Gebo and Norton-Hawk 2009). This finding corroborates an earlier study conducted by Holzer et al., where businesses with more formal hiring processes were more likely to conduct background checks. Ultimately, firms that always checked backgrounds were less willing to hire ex-offenders. Holzer also observed that not-for-profit firms were less likely to hire justice-involved individuals (2003). Another survey found that minority-owned businesses were four times as likely to be open to hiring ex-offenders. This likelihood may stem from minority populations' – African-Americans in particular – increased exposure to the criminal justice system as compared to other demographic groups. This exposure may lend itself to a closer examination of the applicant's individual circumstances, as well as a more sympathetic reading of the record (Uggen et al. 2014).

In terms of common industries that employ justice-involved individuals, one study determined that social services, restaurants, and construction were the most accessible industries. This finding emerged from focus groups consisting of 150 ex-felons in the San Francisco area (Tam et al. 2003). Gebo and Norton-Hawk build on this list, adding manufacturing, maintenance, food service, and sanitation (2008). On the other hand, Holzer et al. found that service industries as a whole were the least willing to hire ex-offenders (2003). This resistance likely stems from the customer-contact involved in many service occupations. Moreover, managers may not trust former offenders with handling cash or other valuable items, such as those found in the retail industry (Weiman 2007).

The interview process provides an opportunity for applicants to demonstrate soft skills that are virtually impossible to reflect on a resume, such as communication skills and reliability. Although low-wage job interviews are typically brief, even short interactions can provide enough information to employers about an applicant's capacity to succeed in the position. In fact, evidence from Pager et al. reveal that personal contact with an employer reduces the impact of a criminal record by about 15 percent (Pager et al. 2009). Uggen et al. also found that personal contact is a powerful predictor for callbacks, especially for minority applicants: employees of color experienced a .28 callback probability with contact, and a .03 probability without contact (2014). These results dovetail Gebo and Norton-Hawk's questionnaire answers, in which employers identified

the best predictors of a good employee. Two of the top four predictors fell under soft skills: social skills and presentation of self. Not one respondent mentioned a clean record as a predictor (2009).

If criminal records reduce the likelihood of a callback, an ensuing concern is how former offenders can reach the in-person interview stage. Ban the Box (BTB) responds to this concern by removing criminal history questions from job applications and postponing background checks until later in the hiring process. This delay aims to benefit both applicants and employers. Workers are more encouraged to apply because it removes the chilling effect that criminal history questions have on applicants, and employers have a larger pool of candidates from which to choose. Since BTB technically delays rather than prevents employers from gaining access to criminal records, employers ultimately retain their discretion in hiring decisions. However, the goal of BTB is to encourage more nuanced considerations of an individual, including their qualifications and experiences, rather than immediately resorting to premature judgements. In other words, the policy aims to help job applicants with criminal records get their foot in the door (Atkinson and Lockwood 2014).

Some research indicates that BTB and similar fair chance hiring reforms positively impact hiring decisions. A case study of Durham, North Carolina characterized the city as a BTB success story. Durham's policy, which extends only to public employers, was enacted in 2011. Since BTB went into effect, the City of Durham has increasingly hired individuals with criminal records: the proportion of previously incarcerated persons hired by the city has increased 7 fold. Moreover, 96 percent of applicants with a criminal record were eventually hired by the city, which suggests that their qualifications outweighed concerns about their criminal history. During this time period, there was no increase in workplace crime, nor were any employees who were hired despite evidence of a criminal history terminated for illegal conduct (Atkinson and Lockwood 2014). Uggen et al.'s research also supports BTB policies, maintaining that these laws give applicants a chance to make contact with prospective employers (2014).

Other studies report the unintended, detrimental effects of BTB. In the absence of criminal record information, employers may statistically discriminate against individuals from high-incarceration demographic groups – i.e., men of color – in order to avoid hiring former offenders (Pager et al. 2009). Agan and Starr tested this hypothesis by conducting a field experiment in which they sent out 15,000 fictitious job applications before and after BTB went into effect in New York City and New Jersey. Both places have BTB policies that extend to private and public employers. Applications were sent out in pairs, and were identical outside of the name of the applicant. Names were chosen strategically: race was indicated through the applicant's name by choosing racially distinctive names. Prior to BTB, white applicants received roughly 7% more callbacks than Black applicants. After the policy went into effect, the number of callbacks white applicants received jumped to 45%. This increased racial gap in callbacks suggested that, in the absence of criminal background checks, employers were now using race as a proxy for criminal history (Agan and Starr 2016). In a similar vein, Raphael found that checking criminal backgrounds resulted in a 5.5 percentage point increase in the probability that a firm's most recent hire is a Black male (2011).

Doleac and Hansen's study resulted in similar findings, although they took a different approach. In a natural experiment, the authors tested the effect of BTB policies on the probability that young, low-skilled men – a demographic group that is "most likely to have a recent conviction that would concern employers" – were employed (Doleac 2016, 17). This approach addresses a limitation of Agan and Starr's study: fictional applicants cannot be interviewed and hired. After controlling for individual characteristics and employment trends, Doleac

and Hansen found that the employment of young, low-skilled Black and Hispanic workers fell by 3.4 and 2.3 percentage points, respectively, after BTB was enacted (2016). Recent research thus suggests that racial discrimination increases when employers have restricted access to criminal record information (Doleac 2016).

In addition to its potentially detrimental consequences, BTB does little to assuage negligent hiring concerns. The negligent hiring doctrine maintains that “employers can be held liable for the actions of their employees if they knew, or should have known, that the employee posed a significant risk” (Gebo and Norton-Hawk 2008, 8). However, employers are provided inadequate guidance as to what a significant risk entails. For instance, a criminal record that may seem unrelated during the initial hiring process might be a red flag in hindsight (Doleac 2016). Employers have lost 72 percent of negligent hiring cases that have resulted in an average settlement of roughly \$1.6 million. The high likelihood of losing as well as the sizable settlement awards might deter employers from hiring ex-offenders (Holzer 2003). Criminal background checks – and resultantly opting to hire those without a criminal record – therefore act as safeguards against potential negligent hiring lawsuits (Gebo and Norton-Hawk 2009).

Certificates of relief emerged as way to lift barriers to employment and occupational licensing, as well as provide employers with immunity from negligent hiring claims. In practice, a judge may grant a certificate to individuals who meet certain criteria. In North Carolina, for instance, individuals are ineligible if they have two or more convictions in different sessions or if they have been convicted of certain classes of felonies. Garretson utilized qualitative methods to discern the stated intent of certificates of relief – to promote employment – versus how they are actually applied. The study focused on New York City because it not only has the highest concentration of returning offenders, courts, and employers in the state, but also because certificates of relief (CRD) have been offered for 50 years (2016).

From 1972 to 2003, an average 3,200 CRDs were granted yearly, yet in 2003 alone, over 108,000 individuals were convicted of misdemeanors. Garretson maintains that it is highly unlikely that this small percentage of CRDs granted is solely due to eligibility criteria. Interviews with former inmates affirmed this hypothesis, with many stating that neither their attorney nor representatives from the Department of Corrections informed them about CRDs. On the employer side, interviews revealed that firms generally do not ask about certificates – in fact, most paper and online applications do not have a place for applicants to tell potential employers about their certificate. A question that remains is whether these certificates are of little value because employers are unwilling to rely on them or because employers do not know what they are (Garretson 2016).

Recognizing the lack of causal inference in Garretson’s study, Leasure and Anderson sought to test the effectiveness of relief certificates using an experimental design. Similar to Agan and Starr’s study, Leasure and Anderson took an experimental correspondence approach, where fictitious, nearly-identical resumes were distributed to employers. Resumes were distinguishable by whether or not the applicant disclosed a criminal record, and, if so, whether a certificate of relief was included with the record. Fieldwork took place in Columbus, Ohio, largely because of the state’s recent enactment of certificates of qualification for employment (CQE). The results demonstrate that having a criminal record has a sizeable effect on employment opportunities: 29 percent of applicants with no criminal record received an interview or offer, compared to only 10 percent who disclosed a conviction without a CQE. 25 percent of applicants with a conviction *and* a CQE, however, received an interview or an offer. These findings suggest that some of the stigmatizing effects of a criminal record might be

alleviated with CQEs (Leasure and Anderson 2016). Several of the lingering questions in Garretson's study are present in Leasure and Anderson's study. Further research is needed to determine the "practical availability" of these relief mechanisms, including whether ex-offenders are aware that such certificates exist, and if they are able to navigate and afford the legal process in order to obtain these certificates (2016).

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