

Improvements to Community Supervision: Housing & Employment Supports for Justice-involved Clients

"If you have that support system in place which includes employment, your employers, your colleagues, and your co-workers it gives you that sense of purpose and then you do see the reduction in recidivism."

- *Employment Specialist in Utah (September 2020)*



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Purpose of this Report

There are four main goals of this report are to:

1. Share findings from a targeted focus group with housing and employment specialists in Utah who have subject matter expertise in working with justice-involved clients;¹
2. Connect the recommendations of these subject matter experts to existing data and research from the Commission on Criminal & Juvenile Justice (CCJJ) or other state agencies;
3. Look at national literature in order to provide empirical support for the recommendations that the housing and employment specialists suggest when discussing how to improve community supervision² for justice-involved clients. National literature will be interwoven throughout this report; and
4. Provide recommendations for future research and policy in connection to the needs of justice-involved clients and agencies within Utah's criminal justice system.

Housing & Employment Specialists Focus Group with Major Findings

During the month of September 2020, a focus group was conducted with five employment and housing specialists who work with state agencies, housing authorities, and substance-abuse and mental health treatment providers in Utah. The purpose of the focus group was to glean insight into how community supervision of clients can be improved. This focus group had a special emphasis on barriers that justice-involved clients face when seeking sustainable housing and employment.

The benefits of conducting focus groups with subject matter experts includes: (a) capitalizing on their ability to notice meaningful patterns of information not observable by novices; (b) documenting their acquisition of advanced content knowledge in their areas of expertise; and (c) learning from their knowledge, which cannot be reduced to sets of isolated factors or proposition.³ The paragraphs to come will highlight three major findings from this focus group with experts, which include:

1. Common barriers justice-involved clients experience in finding employment and housing;
2. Current practitioner-based⁴ understanding of employment and housing laws and how they effect justice-involved clients; and
3. Recommendations to improve systemic success of justice involved clients with special attention to issues of recovery from substance abuse and reduction in recidivism.

What the Specialists Share:

- Common Barriers for Clients
- Effects of Employment & Housing Laws
- Issues of Treatment & Recidivism

Common Barriers for Justice-involved Clients

The housing and employment experts shared a number of barriers that their clients experience when trying to find and maintain housing and employment. There are three overarching categories of barriers: (a) lack of uniform acceptance/review processes when clients are looking for employment and housing; (b) lack of supports/opportunities for clients who have successfully completed restitution, recovery programs, or other milestones that demonstrate their new-found competency to live productive and safe lives in the community; and (c) lack of dedicated policy that places restrictions on discrimination for justice-involved clients or dedicated policy that supports clients who have demonstrated success in significantly reducing their criminogenic risk.

Major Barriers for Clients

1. Lack of Uniformity in Background Checks
2. Lack of Options for Restituted Clients
3. Discrimination of Justice-involved Clients

- **Lack of uniform acceptance/review processes.** The experts share that there continue to be significant barriers for clients when it comes to the assessment of their criminal backgrounds and how it impacts

¹ For the purposes of this report, justice involved clients refers to any person who is currently incarcerated, has a criminal history in the state of Utah, and/or is receiving supervision by a county or state probation or parole agency such as Criminal Justice Services in Salt Lake County or the Adult Probation & Parole.

² Community supervision is defined as clients who are currently receiving agent supervision from a designated probation or parole agency such as a county criminal justice agency or Utah's Adult Probation & Parole (AP&P).

³ Bransford, Brown, & Cocking (2004). How people learn: Brain, mind, experience, and school. Washington, D.C. National Academy Press.

⁴ Practitioner-based means anything related to what a professional does in their work or field of practice. Such as housing case managers supporting clients in finding housing resources or employment specialists supporting clients in finding a job or work.

their screening for employment and housing. The employment experts share that some employers will conduct background checks with varying timelines, going back ten (10) years to as few as three (3) years with additional variation due to the level of offense (e.g., felony versus misdemeanor offenses).⁵ On the housing side, experts share concerns about discrimination due to criminal history when their clients are trying to find rentals. These experts have also observed that uniform practices don't exist in the housing sector. For example, some property managers⁶ won't rent to a client if there is any felony conviction on file, regardless of how long ago the charge occurred and without consideration to whether the charges were dismissed. The experts share that this speaks to the concerns they have when navigating – with their clients – housing systems.

- **Lack of supports and/or opportunities for clients who have successfully restituted.** Both the employment and housing specialists spent a significant portion of the focus group discussing the issues surrounding even their most successful clients – those who have completed substance use disorder programs, peer-support certification programs⁷, and more. They shared that there needs to be deliberate and thoughtful attention paid to reducing barriers for those who have demonstrated their competency to re-integrate into the community in healthy and productive ways. The employment specialists share – that for their clients that have completed substance use disorder programs – they can often intervene and recommend the client to an employer based on this success. After signed waivers of release, the employment specialist can also highlight the skills and merits the client will bring to their job as result of their successful completion of treatment program. However, this also means that employment is dependent on the relationship the specialist has with employers in the community. This also highlights another major barrier that justice-involved clients face. For those who aren't connected to supportive employment and housing specialists, they will face considerable difficulty trying to find work and housing on their own. The specialists share that they have seen clients who will return to criminal activity (recidivate) due the fact that they have tried multiple times to find employment or housing but haven't been successful due to issues involving their criminal history and lack of dedicated professional supports (e.g., housing case managers, employment specialists, and peer support specialists).
- **Lack of dedicated policy that places restrictions on discrimination for justice-involved clients.** Utah's HB 156 in 2017 modified general labor provisions so that a public employer may not require an applicant to disclose a past criminal conviction before an initial interview for employment while also providing exemptions for certain public employers⁸. This notion of 'banning the box' has most certainly helped to improve access to employment for many of those who have been or are justice-involved. Additionally, the employment and housing specialists share that there is room for additional legislation or inter-agency policy that could expand these protections for applicants throughout the state. Specifically, they share that with the vast differences in how employers screen applicants' backgrounds, this places clients at risk to not find and maintain employment. There should be a state-manded and standardized measure from which employers should be able to screen for criminal background – this group of experts felt that three years would be sufficient given the patterns in recidivism they see with their clients. The housing specialists also agreed with the idea of policy and legislation to mitigate negative effects of housing discrimination based on criminal background. Having a uniform measure

Highlight #1:
Successful access to housing and employment is often depending on the relationship a case manager (specialist) has with employers in the community.

Highlight #2:
There is room for additional legislation or inter-agency policy that could expand protections for justice-involved clients throughout the state of Utah.

⁵ The housing and employment specialists noted that felony offenses were treated more severely but that there wasn't also supportive differentiation on the type of felony an applicant possessed, such as the differences between violent or non-violent and or whether the felony was directly associated with the work the applicant would potentially do (e.g., such as handling money).

⁶ The term property manager is used in this report and is inclusive of land lords, private renters, and other individuals or entities that would subsequently fall into this category.

⁷ Peer recovery services are community-based services for people with a mental illness or substance use disorder. Services are activities that promote recovery, self-determination, self-advocacy, well-being and independence (Ohio Department of Mental Health & Addiction Services)

⁸ See the Utah State Legislature to review [H.B. 156 – State Job Application Process](#)

that property managers could use to screen all clients for criminal activity could significantly reduce barriers their clients have to getting sustainable housing. How far back these background screenings should go must certainly be data and research informed. Survival analyses completed by CCJJ on recidivism could prove to be immensely beneficial in developing an appropriate timeframe metric.

The Effects of Employment & Housing Laws

In 2011, HB 240 was signed into law to establish employment first priority policy for persons with a disability. This bill requires relevant state agencies⁹ to provide services to a person with a disability and give priority to providing services that assist the person in obtaining and retaining meaningful and gainful employment.¹⁰

Highlight #3:

Reasonable supports and accommodations (related to ADA & HP 240) are necessary in order for justice-involved clients to be successfully re-integrated into the community.

Under the Americans with Disabilities Act (ADA) mental health disorders (such as major depressive disorder, post-traumatic stress disorder, anxiety disorders, and schizophrenia)¹¹ are covered disabilities with substance use disorder being provided limited protections from discrimination for those in active recovery.¹² The employment specialists shared that although this bill was signed into law in 2011 there hasn't been traction that provides adequate supports and resources to justice-involved clients who may also have mental health and substance use disorder comorbidities¹³ in addition to issues connected to criminogenic risk. These specialists agree that reasonable supports and accommodations are necessary in order for clients to be successfully re-integrated into the community.

Housing laws and policies end up creating a more difficult terrain to navigate. The housing specialists share that the average amount of time an eviction will remain on someone's credit report is seven years. A recorded eviction remains one of the biggest hurdles they face in trying to get clients sustainably housed. Poor credit and criminal history then create a difficult triad of issues that all housing specialists must deal with as they work with their clients to find homes. Housing specialists use a number of means to navigate the terrain to get their clients housed, from building relationships with private property owners to providing advocacy services so that trust and rapport can be built. These efforts in relationship building are insufficient to address the needs of all justice-involved clients as there simply are not enough housing case managers and housing specialists to successfully get all clients, in need, housed.

Addressing Recovery & Reducing Recidivism – the Role of Employment and Housing Supports

This group of housing and employment specialists share that justice-involved clients continue to face many, almost insurmountable, barriers when trying to find work and housing. CCJJ's annual report of the Justice Reinvestment Initiative (JRI) shows that in 2019 the number of justice-involved clients admitted to substance use treatment continued to increase but that a significant number of individuals remain in need of treatment services.¹⁴ The specialists understand that recovery and reduction in recidivism go hand-in-hand but in order to ensure that our justice-involved clients are successful they shed light on some of the barriers that are existent within the Utah's criminal justice system and related agencies, these include:

- Lack of peer support specialists who are working within correctional departments who can support clients prior to re-entry into the community and while on probation and parole. One of the barriers peer support specialists may face when gaining access to employment is similar for other justice-involved clients in that their criminal history may preclude them from being employed within a state agency that is exempt from HB 156 – such as with the Division of Substance Abuse & Mental Health or the Department of Corrections.
- Housing and employment services need to be seen as necessary and integral to reducing recidivism among clients. The specialists

Highlight #4:

Even successfully restituted clients, like peer support specialists, face barriers in employment. Legislative and policy changes are necessary to re-integrate these model clients back into sustainable employment.

⁹ Department of Workforce Services, the Utah State Office of Rehabilitation, and the Division of Services for People with Disabilities

¹⁰ See the Utah State Legislature to review [H.B. 240 – Social Services Employment First Priority](#)

¹¹ See the United States Commission on Civil Rights – [Chapter 5 Psychiatric Disabilities and the ADA](#)

¹² See the United States Commission on Civil Rights – [Chapter 4 Substance Abuse under the ADA](#)

¹³ The simultaneous occurrence of two or more medical or mental health disorders in a given patient or client.

¹⁴ See CCJJ's Annual Report on JRI – [Current Criminal Justice Policies](#)

share that there has been enough research done on issues of housing and employment to see its effects on reducing risk for recidivism. These include evaluations of best-practice programs (such as IPS Works) which have shown increases in competitive employment (31% in the IPS group versus 7% in the control group) for justice-involved clients.¹⁵

Highlight #5:

State agencies should consider how housing and employment access actually contribute to reductions in recidivism. We must look towards model programs to guide internal programming and policies.

Longitudinal analyses show that housing insecurity is not only common but is associated with an increased risk of recidivism for clients on probation. However, interventions that increase housing access for people on probation may reduce recidivism especially for those who are at low risk for reoffending.¹⁶ Lastly, the Urban Institute – who has partnered with CCJJ on other research projects – has also done evaluation work on a permanent supportive housing re-entry program implemented by the Ohio Department of Rehabilitation and Correction. Using a quasi-experimental design, the evaluation found that this particular supportive housing program was associated with recidivism reductions as measured by rearrests and reincarcerations within one year of release.¹⁷

These studies demonstrate the concerns the housing and employment specialists have when working with other agencies to support their clients. They understand both the need to keep communities safe while simultaneously providing the resources necessary for clients to be successful. Thus, they encourage folks working within corrections and related state agencies to consider how housing and employment actually contribute to reductions in recidivism and suggest we look toward programs such as IPS Works¹⁸ to guide our internal programming and policies.

Connections to Existing Research and Data from CCJJ and other State Agencies

Earlier this year, CCJJ researchers completed a report on re-arrest patterns amongst individuals screened with the LSI-R:SV in Salt Lake County Jail.¹⁹ Two important findings from this research are applicable to improving outcomes for community supervised clients. These are: (a) that individuals classified as low risk experienced half the rate of re-arrests than those classified as high risk when the definition of a new arrest includes either a misdemeanor or felony offense, and (b) that the average re-arrest rate after jail release significantly declined when the definition of a new arrest is restricted to a new felony offense. This being said, those classified as low risk experienced an average re-arrest rate of around 30% compared to 60% for those classified as high risk (when new arrests consider both misdemeanor and felony offenses). Additionally, low risk individuals experienced a new arrest rate of 11% in comparison to 29% for those screened as high risk (when new arrests consider felony offenses only). Taking this data into consideration, agencies such as the Department of Corrections, have an opportunity to use risk-assessment tools such as the LSI-R:SV to determine how best to supervise clients. In the case of low-risk offenders there is an opportunity to direct them to community-based services such as treatment or housing case management to address and reduce risk factors for recidivism some of which are directly linked to behavioral health issues such as history of substance abuse²⁰.

Highlight #6:

Low-risk offenders should be directed to community-based services such as treatment and housing case management to address and reduce risk factors for recidivism.

¹⁵ Bond et al., (2015) – [A Controlled Trial of Supported Employment for People with Sever Mental Illness and Justice Involvement](#)

¹⁶ Jacobs et al., (2020). [The Effect of Housing Circumstances on Recidivism: Evidence from a Sample of People on Probation in San Francisco](#)

¹⁷ Fontaine, J. (2013). The role of supportive housing in successful reentry outcomes for disabled prisoners. *Cityscape: A Journal of Policy Development and Research*, 15(3). 53-75.

¹⁸ [IPS Employment Center](#) – considered a best practice program or model for those working with justice-involved clients

¹⁹ Nyström, S. & Nguyen, V. (August 2020) – Re-arrest Patterns Amongst Individuals Screen with the LSI-R:SV in Salt Lake County Jail

²⁰ Training manuals for the LSI-R (non-short version) list behavioral history as a predictor of criminal conduct. This includes alcohol and drug abuse.

In October 2020 the Office of the Legislative Auditor General published an audit of JRI²¹. Among many recommendations, three in particular are important to issues of community supervision improvements. These include:

1. Recommendations for the Division of Substance Abuse & Mental Health (DSAMH) to continue to assess the frequency and quality of criminogenic treatment and focus training on needed areas;
2. Addressing the fidelity issues of using evidence-based practices within the Division of Adult Probation & Parole (AP&P) and create greater supports for agents to learn, adopt, and implement evidence-based practices when assessing clients and their respective risk;
3. Involve clients in case-plan creation in order to assess the needs for and access to services that support housing and employment for justice-involved clients.

Given the three aforementioned recommendations, criminal justice agencies in Utah have an opportunity to more effectively partner in ways that support clients in getting their criminogenic risk lowered and meeting their needs for housing and employment. These potential collaborations can include:

- The Utah Department of Corrections (DOC) working with the DSAMH to develop a program that assesses how treatment centers are addressing criminogenic risk with a specific emphasis on identifying metrics for evaluation that include disseminating program outcomes and effects on justice-involved clients;
- Evidence-based practices within AP&P are an important missed opportunity when addressing client's criminogenic risk. Linking risk assessment to case plans (that address client's multifaceted needs²² for housing and employment supports) is a critical area of programmatic work or collaboration. This could improve outcomes in community supervision and address the recidivism issues²³ the JRI audit identified.

The issue of probation and parole revocations, a form of recidivism, is an important area of consideration. CCJJ's 2017 annual report on JRI showed that prison admissions continued to exceed prison releases due in part to revocations of probation and parole on technical violations.²⁴ Although technical violations can include a number of offenses such as absconding, missing appointments as well as more serious offenses, it's important to note the effect these technical violations have on community supervised clients in relationship to their employment and housing. The housing and employment specialists discussed the ramifications of when a client goes back to jail or prison due to a revocation of parole or probation. They use the **metaphor of a ladder** (see image to the right) to describe what happens to a client's housing and employment when they return to prison.



For these specialists, they understand that their clients often have to engage in the completion of multiple requirements before they can move onto the next step or phase in their lives as justice-involved clients. After release from prison or jail (bottom rung of ladder) they will start probation or parole, then if applicable, they will engage in treatment. Towards the top of the ladder – and when the clients have demonstrated stability in both meeting their legal requirements and possibly in treatment – they can begin to look for employment and housing. This stability in their treatment and community supervision is an important indicator of success to move forward to the top two rungs of the ladder. When a client is successful at finding employment and housing this can be a great success but if their probation or parole is revoked, they will have to start back at the bottom of the ladder once again. The reasons for this, according to these specialists, are two-fold: (a) it is rare that an employer can hold a job for a client while they are incarcerated and (b) if the client is on a housing subsidy or on a wait list, they will often lose their housing (almost immediately) and then be placed back in the queue at the bottom to reapply or determine re-

²¹ See Report 2020-08: [A Performance Audit of the Justice Reinvestment Initiative](#)

²² See CCJJ Report on [Females in the Criminal Justice System](#) that addressing the issues of multifaceted needs.

²³ Measuring recidivism through time is complex. Although JRI was supposed to reduce the rate at which people commit new crimes, recidivism has increased since the law took effect. The high re-offense rate among chronic drug offenders is a special concern. (JRI Audit – October 2020).

²⁴ CCJJ's 2017 Annual Report – [Utah Justice Reinvestment Initiative](#)

eligibility. An additional consequence the specialists emphasized was that continued re-entry into the criminal justice system further stigmatizes their future applications for employment or housing especially when there are unexplainable gaps in work history that then a client must decide to disclose and navigate all over again.

Recommendations for Programs, Policy & Research

The housing and employment specialists shared barriers that their clients face such as: (a) lack of uniformity in acceptance and review processes for employment and housing; (b) the effects of employment and housing laws; and (c) addressing recovery and reducing recidivism. They also had much to share about recommendations for improvement and how to support justice-involved clients in gaining access to employment and housing. Overall, we must keep in mind that successful re-entry – into the community – requires a multifaceted approach and the role of housing and employment are critical factors for an individual to succeed in the community²⁵. Working within the system (departments and divisions) of the State of Utah, recommendations include:

- Dedicated re-entry programming is necessary for clients on supervision to be successful. The risk-need-responsivity (RNR) model highlights the importance of targeting criminogenic needs through planned interventions to reduce risk.²⁶ The importance of models such as the RNR is to capitalize on their case management potential. As the employment and housing specialists share, dedicated supports and advocacy are often necessary in order for client to obtain work and housing. Reviewing agency procedures and creating supports for criminal justice agencies to implement more of these models/practices will be essential to improving community supervision outcomes for clients.
- Criminal justice agencies can continue their collaborations with CCJJ in order to address shortfalls in policy and legislation that could support low-risk offenders in gaining access to housing and employment. Placing restrictions on how far back a background check should go may be an important and crucial step. Additionally, criminal justice agencies should also look internal to their departments and see what supports can be put into place to fully educate clients on existing laws that are meant to provide protections for them in their pursuit of employment, specifically.
- There are still opportunities to implement evidence-based practices (such as risk assessments, RNR models, re-entry programs and etc.) in order to provide clients with the resources they need to be successful. Sustainable housing and employment can reduce criminogenic risk and it's important to put into practice policies that place employment and housing forefront in the case plans of justice-involved clients.

Recommendations

1. Use the risk-need-responsivity (RNR) model to build case management supports.
2. Expanding policy & legislation to providing housing and employment supports to low-risk offenders.
3. Use evidence-based practices to provide housing and employment supports.

State agencies and other partners working with justice-involved clients have an opportunity to increase the quality of and effect of supports for clients on community supervision. Housing and employment are integral pieces to doing this work effectively and within the goals of existing legislation such as JRI.

²⁵ Collaborative discussion with Nyström, S. on the role of housing and employment supports for justice-involved clients.

²⁶ Holliday, et al., (2012). Examining improvement in criminogenic needs: The risk reduction potential of a structured re-entry program. Behavioral Sciences & the Law, 30(4). 431-447. <https://doi.org/10.1002/bsl.2016>