



CORRECTIONS EMPLOYMENT ELIGIBILITY FOR EX-OFFENDERS

Special Issues in Corrections

September 2002

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Introduction

The National Institute of Corrections (NIC) Information Center and Prisons Division launched a study in June 2001 to examine the practices of correctional agencies with regard to the hiring of persons with a criminal record. When corrections agencies offer employment to ex-offenders, they provide other potential employers with a model of acceptance of individuals with criminal backgrounds, demonstrating that these individuals can become effective contributors to the workplace and to society. This report summarizes how agencies are balancing their security interests against the objective of providing reasonable employment opportunities to ex-offenders.

Project Method

To begin the research, NIC mailed a written survey to departments of corrections (DOCs) in the 50 states, the District of Columbia, the U.S. protectorates, selected large municipal governments, and the federal governments of the U.S. and Canada. Responses were received from 52 jurisdictions. These included 47 states, the U.S. Bureau of Prisons ("BOP"), the Correctional Service of Canada ("Canada"), and the corrections systems in Guam, Saipan, and Cook County (Chicago), Illinois. Follow-up contacts did not result in responses from DOCs in three states and the District of Columbia.

Scope of the survey. The survey instrument defined "criminal background" as a record of one or more criminal convictions. Questions explored the statutory and policy environment for the potential employment of ex-offenders in correctional systems. Specifically examined were the effects of misdemeanor and felony convictions, the significance of the length of time elapsed since conviction, the relevancy of a juvenile record or factors such as arrests or deferred adjudications as an adult, and differences in eligibility based on the type of position sought. Agencies were also asked about recent changes in their policies or practices for hiring ex-offenders and were invited to provide copies of relevant documents. The survey did not address how many ex-offenders now work in corrections agencies, the types of jobs they fill, or how they are performing on the job.

Data analysis. Agencies' responses were reviewed and tabulated for analysis. Where attached material or written comments in the responses pointed to a different response than the selected multiple-choice answer, the more detailed response was used. For example, one respondent selected an answer to indicate that an arrest would be an automatic and permanent bar to DOC employment in that agency. However, the written commentary:

We do not hold arrest against applicant, we look at their conduct at the time of the law enforcement contact.

clearly shows that this was not an example of an automatic bar to employment.

Authority to Hire Ex-Offenders

Policies and statutes allow the vast majority of DOCs to hire ex-offenders as employees, for at least some positions. Just six (6) DOCs, including DOCs in three (3) states as well as Cook County, Guam, and Saipan, said they could not or would not hire any job applicant with a criminal history.

Table 1, page 3, presents an overview of DOCs' ex-offender hiring practices. It also summarizes the authority behind agency practices:

- Forty-two (42) DOCs, or 81% of the responding agencies, reported having formal policies on the potential hiring of ex-offenders. In only one DOC does policy specifically prohibit their hire.
- Twenty-five (25) DOCs, or 48% of the responding agencies, reported the existence of statutes on the eligibility of ex-offenders for employment in corrections agencies. The survey respondent in one of these agencies, however, directly cited a federal statute prohibiting possession of firearms by felons in response to this question. Because the survey did not ask specifically about state-level statutes and because not all DOCs provided copies of their statutes for review, the actual number of states that have passed such legislation may be fewer. Several DOCs cited administrative codes, such as peace officer standards and training (POST) codes, as their source authority. These were considered statutory in nature for purposes of this research.
- Three (3) DOCs reported having no formal policy or state statutory guidance for the potential hiring of ex-offenders.

Effect of federal law. Federal law prohibiting the possession of firearms by ex-felons and domestic violence offenders is a major factor limiting ex-offender employment in corrections, specifically for security positions. Under federal law, both felony convictions and domestic violence convictions entail a prohibition against the possession of firearms. The

federal restriction for domestic violence convictions holds true whether the crime is classified as a felony or misdemeanor in the particular jurisdiction. Unless a pardon is granted, this prohibits ex-offenders from appointment to correctional officer (also known as "correctional series" or "peace officer") positions involving custodial responsibility over inmates. Twelve (12) DOCs cited firearms-related restrictions as automatic bars to employment for some posts.

State laws and DOC policies. Where restrictions exist within statutes and policy, ex-offender eligibility for hire is defined in two essential ways:

- **Permanent disqualification** of the applicant, often on the basis of the classification of the offense committed or because of a conviction on specific types of offenses. Permanent disqualifications are the only defined restriction in nearly half the responding agencies, including DOCs in 20 states and Cook County.
- **Time-limited disqualification** of the applicant, often on the basis of the classification of the offense committed or on specific types of offenses, and reflecting the perceived degree of importance of the offense. In just three (3) DOCs are time-limited restrictions the only type of restriction reported.

Sixteen (16) DOCs, including 14 states, the BOP, and the Correctional Service of Canada, use a combination of permanent and time-limited restrictions in making hiring determinations.

For the remaining 10 DOCs with some type of policy or statutory guidance, no structured permanent or time-limited disqualification of ex-offenders was reported. These agencies have more discretion for considering the characteristics of the applicant, the offense, and the relationship if any between the offense and the responsibilities of the position sought. Several respondents noted that their agencies strive for consistency in their hiring practices though formal guidelines are absent.

Table 1. DOCs' Ex-Offender Hiring Practices and Authority

	Does DOC Ever Hire Ex-Offenders?		Authority for Ex-Offender Hiring Practices		
	Yes	No	Statute	Formal DOC policy	Neither
Alabama	No survey response				
Alaska	✓		✓	✓	
Arizona	✓		✓	✓	
Arkansas	✓			✓	
California	✓		✓	✓	
Colorado	✓		✓	✓	
Connecticut	✓			✓	
Delaware	No survey response				
D.C.	No survey response				
Florida	✓		✓		
Georgia	✓			✓	
Hawaii	✓		✓		
Idaho	✓			✓	
Illinois	✓			✓	
Indiana	✓		✓	✓	
Iowa	✓			✓	
Kansas	✓			✓	
Kentucky	✓		✓	✓	
Louisiana	✓			✓	
Maine	✓		✓		
Maryland	No survey response				
Massachusetts	✓		✓		
Michigan	✓		✓	✓	
Minnesota	✓		✓	✓	
Mississippi	✓		✓	✓	
Missouri	✓			✓	
Montana		✓		✓	
Nebraska	✓			✓	
Nevada	✓		✓	✓	
New Hampshire		✓	✓	✓	
New Jersey		✓	✓	✓	
New Mexico	✓		✓	✓	
New York	✓		✓		
North Carolina	✓		✓	✓	
North Dakota	✓			✓	
Ohio	✓			✓	
Oklahoma	✓		✓	✓	
Oregon	✓			✓	
Pennsylvania	✓			✓	
Rhode Island	✓		✓		
South Carolina	✓		✓	✓	
South Dakota	✓				✓
Tennessee	✓			✓	
Texas	✓			✓	
Utah	✓		✓		
Vermont	✓			✓	
Virginia	✓			✓	
Washington	✓			✓	
West Virginia	✓				✓
Wisconsin	✓			✓	
Wyoming	✓			✓	
U.S. BOP	✓			✓	
Canada	✓		✓	✓	

Convictions as a Permanent Bar to Correctional Employment

Thirty-six (36) DOCs reported the existence of permanent bars to correctional employment for persons with certain criminal record elements. These bars are articulated in DOC policies and/or statutes, which in many cases were included with agencies' survey responses. Depending on the jurisdiction, particular types of convictions may bar an applicant from all positions or only from correctional officer posts or other specific positions in the agency.

Permanent bars to hiring in a given jurisdiction may result from felony and/or misdemeanor convictions.

- **Any felony conviction** results in a permanent hiring bar in 31 DOCs, including the BOP. Respondents in 14 jurisdictions specified that these bars apply to correctional officer posts, security posts, or positions requiring possession of a firearm. In one agency, a felony conviction bars the applicant from any position working with the state's justice information system.
- **Specific types of misdemeanor convictions** result in a permanent hiring bar in 23 DOCs. Among these agencies, 18 respondents cited domestic violence convictions as a targeted offense. Other examples include misdemeanor drug offenses; class A misdemeanors; misdemeanors involving personal injury, perjury, or moral turpitude; and misdemeanors involving the service of jail time. Applicants with more than two convictions of driving under the influence are disqualified in another DOC.
- **Specific types of felony convictions**, rather than all felonies, result in a permanent hiring bar in four (4) DOCs. In Idaho, persons with a firearm-related felony conviction are barred from uniformed positions. Hawaii also bars applicants with a felony conviction on a firearm-related offense. Kentucky DOC policy prohibits consideration of correctional officer applicants with domestic violence or felony drug-related convictions.

Persons convicted of violent felonies are ineligible for hire in the Vermont DOC.

- **Any conviction, felony or misdemeanor**, results in a permanent hiring bar in four (4) DOCs—those in New Hampshire, New Jersey, Cook County, and Saipan. These bars apply regardless of the nature of the offense or any other factors. Policy in the New Hampshire DOC precludes employment for anyone lacking “good moral character” as evidenced by any class of offense, “in any state, territory or nation for which a penalty may be imposed” as well as for other factors. In a fifth DOC (Montana), ex-offenders are never hired, but DOC policy does allow for their hire unless they have felony or domestic violence convictions.

The DOCs combine permanent bars for felony and misdemeanor convictions in various ways. The most common pattern, found in 19 of the 36 jurisdictions with permanent bars, is to bar all applicants who have *either* any felony conviction *or* a conviction for some specified type of misdemeanor offense.

Convictions as a Temporary Bar to Correctional Employment

Time-limited restrictions on the hiring of persons with a criminal conviction were reported by 19 DOCs, or 35% of responding agencies. In most DOCs, time-limited restrictions are used in concert with permanent restrictions, such as the permanent ineligibility of applicants with felony convictions. Often, where permanent bars apply to correctional officer posts, time-limited bars define eligibility for other positions.

Most DOCs use the date of conviction as the start date for calculating eligibility. In a few cases, however, the start date is the date of sentencing or the date when correctional supervision was completed.

The length of time limiting employment options for ex-offenders is sometimes tied only to the broad class of the offense, such as a felony conviction or a misdemeanor conviction. Other DOCs work within more

detailed systems that reflect the relative seriousness of various types of offenses. For example, the Connecticut DOC requires a time lapse of 2, 3, 5, or 7 years after a misdemeanor conviction, depending upon 1) whether the offender was incarcerated in connection with the conviction, and 2) whether there were multiple convictions or a single conviction.

Eighteen (18) DOCs provided details about their time-based restrictions on eligibility for correctional employment. The periods of ineligibility ranged from 1 to 15 years. Table 2, page 6, summarizes several examples of time limitations for ex-offenders seeking employment in DOCs.

Time limitations for particular types of offenses.

The time limitations defined for hiring eligibility vary within particular types of convictions.

- **Any conviction.** The Rhode Island DOC cannot hire any applicant with less than 3 years since any conviction. In Guam, the requirement is 7 years. In the Canada, 5 years are required, and the applicant must have received a pardon.
- **Felony convictions.** Time required after a felony conviction ranges from 3 years in the Missouri DOC, 5 years since certain convictions in Vermont, 10 years in North and South Carolina, to 15 years for specific posts in the Texas DOC. Three other states (Wyoming, Nebraska, and Oregon) require 5 years since the completion of any correctional supervision.
- **Misdemeanor convictions.** California requires 1 year for eligibility in a peace officer position. Several DOCs require 3 years since any or a specified type of misdemeanor conviction (e.g., property offenses). Vermont requires 5 years since a misdemeanor involving violence against a person, and Texas requires 5 years since a class A or B misdemeanor. Connecticut requires 7 years since completion of the sentence for multiple misdemeanors involving a period of incarceration.
- **Controlled substance-related convictions.** Several states prescribe graduated lengths of time

for eligibility after convictions involving controlled substances. For example, Utah requires from 2 years since a DUI conviction or marijuana use to 5 years for a conviction involving hard drugs. Arizona DOC policy requires 1 year since any “marijuana experimentation” and 7 years since experimentation with other drugs; POST standards require 3 years since marijuana use. (Note: information provided with surveys was not always clear as to whether a specific time limit applies in the case of convictions or of non-adjudicated behavior, such as might be self-reported during the job application process.) Kansas requires 5 years since misdemeanor use or possession of drugs for safety-sensitive positions.

- **Motor vehicle offenses.** In DOCs in Ohio and Vermont, 1 year is required following a conviction on a driving offense. For Ohio applicants, 3 years must have passed since conviction on three or more DUIs, and 5 years must have passed since a conviction as a habitual traffic offender.

Other Approaches to Determining Suitability for Correctional Employment

Where formal guidelines are absent, and also within the context of structured guidelines in policy or statute, DOCs may make case-by-case determinations of the suitability of ex-offender applicants for hire. Very often, discretion is allowed when hiring for positions other than those automatically barred to ex-offenders by statute or policy.

Factors that are commonly considered in the potential hiring of ex-offenders include:

- Length of time elapsed since offense;
- Severity of offense;
- Whether the conviction precludes use of a firearm after completion of sentence;
- Age of offender at time of offense; and
- The actual duties required by the position sought by the applicant.

Table 2. Examples of Time-Limited Restrictions on Ex-Offender Employment in Corrections

Time Required	Offense Type
1 year from:	<ul style="list-style-type: none"> ■ Misdemeanor conviction, for peace officer positions (California) ■ Driving offenses (Ohio, Vermont) ■ Sentence served in facility in which employment sought (Tennessee) ■ Marijuana use/experimentation (Alaska, Arizona)
2 years from:	<ul style="list-style-type: none"> ■ Disposition of single misdemeanor offense (Connecticut) ■ DUI conviction, or marijuana misdemeanor, i.e., use (Utah)
3 years from:	<ul style="list-style-type: none"> ■ Felony conviction for non-custody position (Missouri) ■ Three or more Class A misdemeanors (i.e., maximum of two misdemeanors within 3 years) (Missouri) ■ Misdemeanor convictions (Nebraska, North Carolina) ■ Conviction of any kind (Rhode Island) ■ Misdemeanor involving property (Vermont) ■ Misdemeanor vehicular negligence (Vermont)
4 years from:	<ul style="list-style-type: none"> ■ Non-substance-abuse related misdemeanor conviction (Utah)
5 years from:	<ul style="list-style-type: none"> ■ Hard drug use conviction (Utah) ■ Felony conviction involving property, felony vehicular negligence, or misdemeanor conviction involving violence against a person (Vermont) ■ Completion of felony sentence, including any form of supervision (Wyoming, Nebraska, Oregon) ■ Conviction, if pardon granted (Canada) ■ Class A or B misdemeanor conviction (Texas) ■ Drug offenses other than marijuana (Arizona)
7 years from:	<ul style="list-style-type: none"> ■ Any conviction (Guam) ■ Experimentation with drugs other than marijuana (Arizona) ■ Completion of sentence for multiple misdemeanor incarcerations (Connecticut)
10 years from:	<ul style="list-style-type: none"> ■ Felony conviction (North Carolina, South Carolina) ■ Possession or use of drugs other than marijuana (Alaska)
15 years from:	<ul style="list-style-type: none"> ■ Felony conviction, for specified positions (Texas)

Policies in several DOCs require the demonstration of a relevant connection between the criminal history of the individual ex-offender applicant and the position being sought. An example is in the Arizona DOC, where traffic offenses or loss of driving privileges must be related to the position sought before such convictions will bar employment.

The degree of specificity in the factors to be considered in hiring ex-offenders varies considerably. Some DOC policies simply require a connection between the offense and the position, and others list relevant factors to consider. The Arizona DOC's policy

requires consideration of firearm requirements for the position and also provides the following general factors to guide the hiring process:

- The likelihood the employment will enhance the opportunity for the commission of offenses similar to the convicting offense;
- The time elapsed since conviction;
- The likelihood that the personal circumstances that led to the convicting offense will recur; and
- The ex-offender's conduct since conviction.

In the Minnesota DOC, factors used to determine whether a prior conviction should bar employment include:

- Evidence showing that at least 1 year has elapsed since release from any institution without subsequent conviction of a crime and showing compliance with all terms and conditions of probation or parole;
- The nature and seriousness of the crime(s) for which the individual was convicted;
- All circumstances relative to the crime(s), including mitigating circumstances or relevant social conditions;
- The length of time elapsed since the crime(s) was committed;
- Evidence of rehabilitation and present fitness to perform the duties of the job; and
- The relationship of the crime(s) to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position.

Like many jurisdictions, Minnesota uses procedures that combine offense-related and time-limited restrictions plus case-by-case review of the position sought and the offense history. For example, once the applicable time period has elapsed, suspended driving privileges or excessive traffic violations must relate to the position sought (i.e., driving a motor vehicle is required to perform the duties involved) before they can be grounds to eliminate an applicant.

Policies in the Virginia DOC include some additional factors not articulated in the documents provided by other jurisdictions:

- Indicators of stability and reliability;
- Relationship of the position sought to the security of persons in the department's care;

- Relationship of the ex-offender to other offenders under the supervision of the DOC;
- Relationship of the ex-offender to other employees who may have supervised him/her;
- The ex-offender's attitude toward the department during incarceration;
- Records to which the applicant would have access in the position; and
- Evaluation of harm flowing from repeat offense or from any potential "tak[ing] advantage of his position" of employment with the department.

Special Issues

Positions requiring offender contact. A survey question asked whether ex-offender hiring eligibility was different for positions involving offender contact. This question was often answered in the context of armed security positions rather than specifically on the basis of offender contact. Thirty-eight (38) DOCs, or 73%, indicated that hiring eligibility is different for non-contact posts, but nearly half of these cited firearms-related bars to security posts for ex-offenders based on felony or domestic violence offenses.

An example of a custody-based eligibility distinction exists in the Missouri DOC. For custody positions, ex-offenders are permanently ineligible for hire if convicted of a felony and temporarily ineligible if convicted of a misdemeanor. For non-custody positions, the DOC can hire persons who have felony or misdemeanor convictions, once the time limitations have been observed. In the Arizona DOC, ex-offenders are ineligible for correctional series positions and any other position involving inmate contact.

The Minnesota DOC requires a greater time lapse for positions requiring offender contact (2 years after serving to the expiration of the sentence) than for positions which do not (1 year). DOCs in other states, such as Nebraska, North Carolina, and Texas, also

follow similar systems. The Idaho respondent noted, “. . . individuals with violent crimes or crimes against other individuals shall not be eligible in positions that have daily or regular contact with offenders unless specifically approved in writing by the Department Director. At the Central Office with no inmates around, some of the criteria are modified and some others are added, such as restricting applicants with embezzlement convictions from working in financial positions.”

Effect of drug possession vs. sale convictions on eligibility. Another point explored by the survey was whether corrections agencies distinguish, for purposes of determining hiring eligibility, between convictions for drug use/possession and drug sales/distribution. Respondents from 15 DOCs, or 29%, indicated that their agencies do make such a distinction. In the California and Indiana DOCs, respondents noted specifically that the distinction is made with regard to security positions.

Ineligibility of persons convicted for drug sales is often due to the felony nature of most such offenses and the resulting bar against firearm possession. Lesser drug-related offenses that are classified as misdemeanors would not entail this automatic ineligibility. In the Vermont DOC, for example, a drug sale conviction is considered a violent felony and automatically precludes employment, while use or possession offenses do not. Other state systems referring to such a felony/misdemeanor distinction include DOCs in Florida and Massachusetts.

On the other hand, agencies may follow specific policy or statutory guidance on the ineligibility of persons with drug sales convictions. In the Arizona DOC, persons with drug sales convictions are never hired. In Indiana, eligibility “may” be revoked for drug possession but “shall” be revoked for drug sale.

Wherever a formal distinction is made, the restrictions on hiring ex-offenders are both quantitatively and qualitatively greater for sale/distribution offenses than for possession/use offenses:

- Sale offenses often preclude employment outright in jurisdictions where use offenses do not preclude employment.
- Where use of a firearm or offender contact is required by the position, sale offenses may preclude employment by reason of felony classification of the offense, while use offenses may not.
- Where sale offenses are not an absolute bar to employment, time lapse restrictions are longer for these than for drug possession or use offenses. Examples include DOCs in Minnesota, Ohio, Oregon, and Texas.

Differential consideration between types of drug offenses may also be a matter of practice rather than formal policy. In the Washington DOC, for example, drug use and drug sales convictions are considered in the context of an individual applicant’s suitability for a particular position.

Provisions in the Texas DOC exempt ex-offenders who are applying for substance abuse counseling positions from the usual 5-year time lapse requirement, indicating a policy recognizing the qualifications an ex-offender might have to offer in this particular occupation.

Juvenile criminal history. In lay circles, juvenile criminal history is considered to be confidential, once the offender reaches adulthood. A question on this subject found that 21 DOCs, or 40% of responding jurisdictions, could or would consider an applicant’s juvenile criminal history in assessing his or her fitness for corrections employment. In 31 jurisdictions, or 60%, juvenile history was not a consideration, and a few respondents specifically stated that such records are sealed. Some respondents noted that juvenile criminal history would be considered only if it were disclosed by the applicant or if it turned up in a background check.

Respondents noted some specific factors in the relevance of juvenile criminal records. In the Minnesota DOC, a juvenile record is significant only if the applicant is still on probation. In Indiana, a juvenile record

is relevant only if it involves a sex crime. In North and South Carolina, requirements for a specific time span since conviction apply equally to adult and juvenile convictions. The New York DOC respondent noted that a juvenile criminal record would be significant only in the case of an extremely serious felony.

Non-conviction factors. Elements of a criminal record besides conviction also are considered by DOCs in hiring. Such factors usually do not convey automatic ineligibility, but sometimes they do. For example, applicants are disqualified from further consideration for the following indicators of possible criminal activity:

- Open warrants (Hawaii and Michigan);
- Pending court matters, such as pending charges (Michigan, Missouri, North Carolina, and Wisconsin), pending investigations (Hawaii), pending judgments (Rhode Island), pending felony adjudications (Idaho), or anything pending (New York);
- Deferred adjudication (Oklahoma), pretrial diversion (Nebraska and New Jersey), or deferred sentencing (South Dakota, Utah, and Washington).

Arrest usually is not sufficient to disqualify an applicant, but the frequency of arrest may be considered in Wyoming. Applicants in New Hampshire are disqualified for any violation of a protective order, and in Colorado any charge of domestic violence results in ineligibility for hire. Applicants may be found ineligible because of behavior that is considered criminal, even if there was no arrest or adjudication, in at least three DOCs (Arizona, Florida, and Tennessee).

Many DOC respondents provided information on additional factors their agencies consider when hiring new staff:

- **Military record.** In four (4) jurisdictions, a less-than-honorable discharge or a dishonorable discharge from the military acts as a permanent

and automatic bar to employment in corrections positions.

- **Moral character.** Acceptable moral character is a stated requirement for employment in at least seven (7) DOCs. Relevant factors may include behavioral indicators as well as indicators of involvement with the criminal justice system. For example, Arizona documents state:

Moral turpitude is any intentional act . . . that is marked by baseness, vileness, or depravity; or involves fraud, deceit or dishonesty; or otherwise offends the conscience of the community.

Definitions provided by other DOCs cite specific types of offenses as indicating unacceptable moral character. Examples include “offenses involving fraud or dishonesty” or explicit listings of criminal statutes on drug-related offenses, sexual misconduct offenses, or offenses relating to violence against persons or property.

- **Use of controlled substances.** Survey responses indicated that past drug use may be a factor in hiring decisions. Because the survey focused on criminal record issues, however, comprehensive information on agencies’ consideration of non-adjudicated drug use or experimentation is not available.

Recent Changes in Policy and Practice

The survey requested information about recent changes, defined as those occurring within the past 3 years, in agencies’ policies and practices concerning the potential hiring of ex-offenders.

- Most DOCs (38, or 70%) reported no changes to policy or practice during that time.
- Changes had been made in 11 jurisdictions, or 20%. In seven (7) of these DOCs, changes were made to formal policies, and in six (6) jurisdictions, changes were made in hiring practices.

The reasons most often given for these updates were 1) complying with federal firearm restrictions in the case of domestic violence convictions, and 2) standardizing procedures to promote consistent and fair application of policies concerning employment of ex-offenders. One jurisdiction indicated that it changed its policies to make them stricter for non-security positions. Changes in other locations had the effect of permitting more employment of ex-offenders as considered appropriate within the agency.

In a few jurisdictions, changes permit or require more careful consideration of individual cases. For example, one DOC has begun to more carefully screen applicants for sex offenses before they can be hired as staff within women's prisons, a policy precipitated by a legal settlement agreement. Updated policies in Illinois, Ohio, and Minnesota require the DOC to demonstrate a relevant connection between the offense and the requirements of the position before it can reject an applicant based on his or her ex-offender status.

Of the 23 DOCs that limit employment based upon felony convictions, only five had reviewed their policies within the last 3 years, and most of these appeared to be formalizing the agencies' compliance with federal restrictions regarding domestic violence offenders and firearms.

Policies in Support of Ex-Offender Employment

Some DOCs provided copies of policies with specific language expressing a commitment to non-discrimination in employment practices affecting ex-offenders. Language in one jurisdiction specifically cites Title VII of the Civil Rights Act of 1964, prohibiting automatic discrimination or elimination of applicants by reason of past criminal behavior alone.

The following examples demonstrate the proactive stance that DOCs can take to support the appropriate employment of ex-offenders, even within the security-focused correctional agency environment.

Written policy, procedure, and practice provide that the agency does not discriminate or exclude from employment qualified ex-offenders. [Comment:] Ex-offenders can be a valuable resource and should not be discriminated against when they seek employment with the agency. Qualified applicants should have the opportunity to prove that they can be productive employees. (Mississippi DOC).

Applicants who are ex-inmates, misdemeanants or felons, will be reviewed for hire by the Employment Review Committee. Nothing in this policy shall preclude the hiring of qualified ex-inmates. The general policy for hiring includes a close review, with consideration given to the crime, sentence, institutional record and length of time free from other convictions. (Nebraska DOC)

It is the policy of the Department to support and encourage all other employers to hire qualified ex-offenders, and to set an example by hiring ex-offenders for any non-sensitive positions for which they are among the best qualified candidates. (Virginia DOC)

Since employment can be a key component of rehabilitation, the Department will continue to make strong efforts through its own hiring actions to demonstrate to other employers the feasibility of hiring persons with arrest and conviction records. At the same time, the Department has a responsibility to the public to ensure that the Department's correctional, rehabilitation, treatment and administrative programs are carried out in a legal, effective, safe and humane manner. (Wisconsin DOC)

For correctional agencies considering a review of their hiring restrictions and opportunities for ex-offenders, this report may provide food for thought. Written materials provided by survey respondents are available from the NIC Information Center. ■