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**IN THE  
SUPREME COURT OF ILLINOIS**

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PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* )  
ILLINOIS DEPARTMENT OF CORRECTIONS, )  
 )  
Plaintiff-Appellee, )  
v. )  
 )  
KENSLEY HAWKINS, )  
 )  
Defendant-Appellant. )

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Appeal from the Appellate Court of Illinois, Third Judicial District, No. 3-09-0418  
There heard on appeal from the Circuit Court for the Twelfth Judicial Circuit  
Will County, Illinois, Case No. 05 L 206  
The Honorable Bobbi N. Petungaro, Presiding

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***AMICUS CURIAE* BRIEF OF  
THE INSTITUTE FOR PEOPLE WITH CRIMINAL RECORDS**

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## INTRODUCTION

Mr. Hawkins' brief establishes that allowing an inmate to save wages earned while incarcerated is warranted by the plain language of the relevant statutory provisions and the underlying legislative intent. This *amicus curiae* brief demonstrates something even more profound: allowing released inmates to retain earned wages is essential to breaking the vicious cycle of recidivism into which penniless releasees often fall.

The General Assembly's intent to allow inmates to retain wages earned while incarcerated is supported by both common sense and solid empirical research. Study after study has shown that inmates who obtain employment after release from prison are less likely to return to jail. A program that allows inmates to save wages, such as that contained in 730 ILCS 5/3-12-5, facilitates post-release employment in at least two critical ways. First, it creates an incentive for inmates to participate in prison employment and vocational programs that teach skills needed to obtain a job in the outside world. Second, and even more important, the ability to draw upon saved wages is often critical to inmates' ability to obtain housing, clothes, and other necessities required to position themselves for finding employment. For these reasons, the Institute for People with Criminal Records respectfully disagrees with the Department of Corrections' interpretation of 730 ILCS 5/3-7-6, which would allow the Department to attach *all* of an inmate's wages earned through prison employment.

The opinion of the majority below is not just based on an incorrect interpretation of 730 ILCS 5/3-7-6, it also undermines the General Assembly's efforts, when it enacted 730 ILCS 5/3-12-5, to reduce the high rates of recidivism experienced in our state. The Third District's decision below should be reversed, as 730 ILCS 5/3-12-5 should be

interpreted to allow inmates to retain a portion of the wages earned while they are incarcerated, in order to effectuate the sound public policy embodied in that statute.

**I. Allowing Released Inmates to Retain Wages Earned While Incarcerated Combats Recidivism.**

**A. Impecunious Releasees Face a High Risk of Becoming Homeless and Unemployed.**

Released inmates are confronted with a series of formidable obstacles, not the least of which is obtaining adequate housing, clothing, and food. These necessities are the very cornerstone of the rehabilitative and reentry process. Absent the financial ability to stabilize themselves upon release from prison, former inmates are unlikely to find work or become law-abiding members of society.

Nonetheless, as a leading authority on criminal justice and recidivism has observed:

The criminal justice system is like an assembly line. Police hand off arrestees to prosecutors who in turn bring cases to court; in court, judges impose sentences on the guilty who in turn are sometimes sent off to prison. At the back end of this assembly line, prisoners are released from prison. Ironically, this critical step in the assembly line receives the least attention . . . . Yet this is where hundreds of thousands of Americans each year make difficult and dangerous transitions in ways that affect their sense of identity, their relationships with family, and community, and their chance of successful reintegration into society.

Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, p. 333 (2005)<sup>1</sup>, App. at A-1. It is precisely because of this precarious transition that individuals who are released from prison need at least a modicum of financial resources – the most likely source of which is wages earned during prison employment.

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<sup>1</sup> Relevant excerpts of this and other authorities discussed in this brief are included in the attached Appendix.

Inmates receive little or no financial assistance from the Department of Corrections upon their release from prison. The Department is only authorized to grant inmates up to \$100 upon their release from jail, *see* 20 ILCS 502.320 (“Upon release . . . the Department shall procure or provide expense money for necessary transportation and may provide a grant of up to \$100.”). As a practical matter, however, inmates are generally given the balance remaining in their commissary accounts, which amounts to little or nothing, and the cost of bus fare to get home.

The plight facing penniless releasees is exacerbated by federal regulations and other policies that make it difficult for many released offenders to obtain financial assistance with housing. Precisely because inmates who reenter society have a criminal record, they often do not qualify for federal or state housing aid. The Chicago Coalition for the Homeless, *November 1, 2010 Position Paper* (2010) (“CCH Report”), App. at A-6. Under federal policies, a person is ineligible for Section 8 housing assistance if he is a registered sex offender, a person convicted of methamphetamine production, a person currently engaged in drug use, or if he has been evicted from federally assisted housing based on drug-related activity. *Id.*; 24 C.F.R. § 960.203(c)(3); *id.* § 960.204(a)(3); *id.* § 960.204(a)(4).

At the local level, the Chicago Housing Authority’s policies make it even more difficult for persons with criminal records to obtain Section 8 housing assistance. Current CHA policy provides that a person is ineligible for Section 8 assistance if the applicant or a household member has committed a drug offense or a violent crime within the last three years. Chicago Housing Authority, *FY 2010 Admissions and Continued Occupancy Plan*, at 14 (Sept. 2010), App. at A-13.

These barriers to affordable housing render many released inmates homeless. According to the Chicago Coalition for the Homeless, more than 40,000 inmates were released from Illinois prisons in 2005. More than 20,000 of those former inmates returned to Chicago communities, and roughly 1,200 of them wound up in homeless shelters. CCH Report. The same holds true outside of Illinois. In a 36-city survey on hunger and homelessness, prison release was identified by officials in six cities (Cleveland, Denver, New Orleans, Phoenix, Seattle, and Washington, DC) as a major contributor to homelessness. U.S. Conference of Mayors, *A Status Report on Hunger and Homelessness in American Cities*, pp. 82-83 (2002) (Washington, D.C. United States Conference of Mayors), App. at A-18.

The link between homelessness and recidivism is beyond cavil. Former inmates lacking a place of their own to sleep, shower, or clean and store clothing stand little chance of obtaining what the following discussion reveals they most need to avoid returning to a life of crime: a job.

**B. Inmates Who Enter the Workforce Upon Release Are Less Likely to Return to Jail.**

Numerous studies establish that inmates who participate in prison employment or vocational programs are less likely to be involved in criminal conduct after their release. In order to incentivize inmates to participate in such programs, however, they must be able to keep a portion of the wages they earn.

The link between unemployment and crime is well settled. In 1997, for example, 31% of state prisoners nationwide were unemployed one month prior to their arrest. By contrast, the unemployment rate for the general population during the same time period was a mere 4.9%. Mayor Richard M. Daley's Policy Caucus on Prisoner Reentry,

*Breaking the Cycle of Incarceration and Building Brighter Futures in Chicago, Final Report*, at 15 (Jan. 2006), App. at A-20; General Accounting Office, *State and Federal Prisoners: Profile of Inmate Characteristics in 1991 and 1997* (2000), App. at A-26.

U.S. Department of Labor, Bureau of Labor Statistics, *Employment Status of the Civilian Noninstitutional Population, 1940 to Date*, App. at A-28. Not only is there a direct connection between unemployment and crime, there is considerable evidence of a connection between unemployment and *repeat* crime *i.e.*, recidivism.

Conversely, if inmates can utilize their training and employment experience in prison into a job in the outside world when they are released, their odds of becoming a repeat offender are greatly reduced. A number of studies have concluded that an individual's propensity to commit crime is directly affected by their employment status. *See, e.g.* Marlaina Freisthler & Mark A. Godsey, *Going Home to Stay: A Review of Collateral Consequences of Conviction, Post-Incarceration and Recidivism in Ohio*, 36 U. Tol. L. Rev. 525, 532 (2005). As pointed out in Appellant's brief, those studies indicate that inmates who participate in vocational training programs – like those administered by the Illinois Department of Corrections – have a recidivism rate roughly 20 percent lower than that of non-participants. *Id.* Indeed, more granular studies have identified a corresponding link between a decrease in crime and an increase in wages. Karen E. Needels, *Go Directly to Jail and Do Not Collect? A Long-Term Study of Recidivism, Employment, and Earnings Patterns*, 33 J. of Research in Crime and Delinquency 471 (1996), App. at A-29.

Without an incentive for inmates to participate in vocational training and employment programs while in prison, however, inmates and society will continue to

confront a vicious cycle of recidivism. Allowing an inmate to earn and save a portion of his wages, as 730 ILCS 5/3-12-5 expressly contemplates, provides that incentive. Effectively reading it out of the Code, as was done by the majority opinion below, destroys it.

**C. The Code of Corrections Is Designed to Encourage Inmates to Learn a Trade and Work While in Jail.**

The statutory scheme in the Code of Corrections, 730 ILCS 5/3-12-1, *et seq.*, underscores the importance of providing vocational training and employment for inmates: “The [IDOC] shall . . . employ committed persons . . . . [and] [s]uch employment shall equip such persons with marketable skills, [and] promote habits of work and responsibility . . . .” 730 ILCS 5/3-12-1; *see also id.* § 5/3-12-2 (IDOC may establish, maintain, train, and employ inmates to produce work on “antipollution projects,” “environmental projects,” or other public works); *id.* § 5/3-12-3 (“The [IDOC] shall maintain programs of training in various vocations and trades in connection with its employment programs.”).

These Code provisions on their face evince a policy that encourages inmates to learn new vocational skills and to work while in jail. Reference to legislative history is unnecessary to reach that conclusion. But the legislative history does, indeed, confirm the aim of the of the Code of Corrections to: (1) encourage inmates to learn new skills, (2) encourage inmates to work and earn wages, and (3) allow inmates to save a portion of their earnings for reentry into society. As explained by Senator Earlean Collins, the sponsor of Senate Bill 1431, the bill that enacted 730 ILCS 5/3-12-5, the purpose of that legislation was to teach inmates to “contribute *part* of their salaries that they earn while on these jobs to be used . . . to defray the costs for their incarceration,” to “contribute *a*

*part* of the money [they] earn while in prison to go for [their] keep,” and to teach them “a new work ethic” and allow them to “*save[ ] some money to come back into the community.*” 86th Ill. Gen. Assembly, Senate Transcript, May 25, 1989, at 424-429 (emphasis added), App. at A-58, A-59, A-62.

Prison work programs are having the desired impact. A recent national study concludes that inmates who participated in job training programs “gain[ed] exposure to . . . hard and soft [employment] skills, financial benefits, and the aesthetics of a work environment [and] *did significantly better in terms of post-release employment effects and recidivism effects than otherwise similar releasees.*” Cindy J. Smith, et al., *Correctional Industries Preparing Inmates for Re-Entry: Recidivism & Post Release Employment* (2006), at 79 (emphasis added), App. at A-75. The same study concluded that “releasees [in work training programs] had slower and reduced recidivism, as measured by arrest, conviction, and incarceration,” than other releasees. App. at A-72. Thus, there is solid empirical support for the rationale underlying the provisions of the Code of Corrections designed to encourage inmates to learn work skills, save money, and successfully reenter society.

### **CONCLUSION**

A clear delineation of the scope of 730 ILCS 5/3-7-6 by this Court, which limits the Department’s ability to recover an inmate’s costs of incarceration from wages the inmate earns while in prison in accordance with 730 ILCS 5/3-12-5, will effectuate the plain meaning of the statutory provisions and the underlying legislative intent. Released inmates will by no means be the only beneficiaries of such a ruling. All of the citizens of our state will benefit in the form of lower rates of recidivism.

The Institute for People with Criminal Records is grateful for the opportunity to assist the Court in its consideration of the important issues raised by this appeal.

Dated: January 10, 2011

Respectfully submitted,

THE INSTITUTE FOR PEOPLE WITH  
CRIMINAL RECORDS

By: 

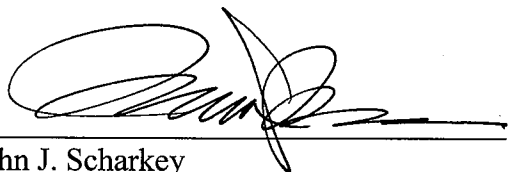
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**CERTIFICATE OF COMPLIANCE**

I certify that this brief conforms to the requirements of Rules 315 and 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, and this Rule 341(c) certificate of compliance, the certificate of service, and the documents appended to the brief under Rule 342(a), is eight (8) pages.

A handwritten signature in black ink, appearing to read "John J. Scharkey", is written over a horizontal line.

John J. Scharkey

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# But They All Come Back

Facing the Challenges of Prisoner Reentry



Jeremy Travis

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## The Principles of Effective Reentry

We have already established that prisoner reentry is a process—a virtually inevitable consequence of imprisonment. With rare exceptions, everyone sent to prison returns home. Seen from one perspective, reentry is a governmental process; in other words, the institutions that define the contours of prisoner reentry are principally government agencies. Government policies determine reentry preparation, supervision realities, and integration hurdles. However, the process is also fundamentally an intensely personal process, involving prisoners, families, and extended social networks. Their actions can significantly influence the realities of reentry. The end result of the reentry process reflects decisions that are made by a variety of individuals—some of whom are government employees, many of whom are not. This chapter articulates the principles that should govern the way those decisions are made. Because many of these decisions reflect government policy, the principles developed in this chapter are directed to the leaders of those government agencies. However, these principles are also intended to guide the individual thought processes of those who leave prison and those in their familial and social networks.

In essence, we will carry out a classic “reengineering” exercise. In their book *Reengineering the Corporation: A Manifesto for Business Revolution*, Hammer and Champy (1993, 32) define reengineering as “the fundamental rethinking and radical redesign of business processes to

community groups; and find out the problems with prisoner reentry and how well we are doing in addressing those problems. Acting on the insights gained from these conversations could revolutionize American prison management.

### Seize the Moment of Release

The criminal justice system is like an assembly line. Police hand off arrests to prosecutors who in turn bring cases to court; in court, judges impose sentences on the guilty who in turn are sometimes sent off to prison. At the back end of this assembly line, prisoners are released from prison. Ironically, this critical step in the assembly line receives the least attention in the world of criminal justice practice. Yet this is where hundreds of thousands of Americans each year make difficult and dangerous transitions in ways that affect their sense of identity, their relationships with family and community, and their chances of successful reintegration into society.

In many jurisdictions, the moment of release from prison seems designed to increase the odds of failure. Prisoners are often released in the early morning hours to locations where drugs, prostitutes, and alcohol are abundant. They are often discharged wearing prison gear, carrying their belongings in a plastic bag, with little money to buy new clothes or secure transportation home. Often, family members are not notified of the details of the release process, so they are not there to provide immediate connections. For mentally ill prisoners taking prescription drugs, a one- or two-day supply of medication may be provided, if they are lucky. For a large number of returning prisoners, the release process leads straight to a homeless shelter.

Too often, the moment of release is viewed as the end of the assembly line; the prisoner is simply shown the door and sent on his way. Too often, this moment becomes the correctional system's last opportunity to remind the prisoner of his degraded status in society. The challenge of building an effective reentry initiative is to reverse this worldview and to seize the moment of release as an opportunity to improve reentry chances, support the reintegration processes, and encourage the elevation of returning prisoners' status.

Simple things matter. In the Maryland Reentry Partnership program, community members and prisoners due to be released to those

communities hold an "exit orientation" meeting once a month. The community members' first message is "Welcome home." At one exit orientation, an older prisoner commented that he had been released from prison twice before, but had never been welcomed home. An effective reentry partnership will find ways to increase the likelihood that someone—a family member, a friend, a mentor, a community leader, a police officer, or a pastor—will say "Welcome home" at the moment of release.

Beyond this symbolic and powerful statement, the moment of release should be marked by tangible connections to the community. Family should be involved, where appropriate—particularly the returning prisoner's children. Transitional housing, if needed, should be available. Mentors from community organizations of formerly incarcerated individuals should be part of the welcoming team. Benefits such as Medicaid should be restored, where available. Health care should be continuous. The ingredients of the safety plan, worked out prior to the prisoner's release, should be activated so that behaviors, associations, locations, and individuals that might elevate the risk of reoffending are identified and addressed.

The moment of release also provides opportunities for supporting a returning prisoner's new identity. In particular, this moment might provide an opportunity for reconciliation between the prisoner and the crime victim. Some returning prisoners might want to take advantage of opportunities to work on community projects or engage in other forms of redemptive service that would send a signal to society that they are indeed assets to the community. Some might work with young people in the community, demonstrating the importance of avoiding the life choices that can lead to prison.

Making these symbolic and tangible connections a reality may require additional resources. However, as we discussed in chapter 5, the risks of rearrest are highest immediately after release, so a simple risk-reduction goal definitely warrants investing additional resources during these early weeks and months. Furthermore, as we mentioned in chapter 3, there is something irrational about a criminal justice system that spends ten times as much on a prisoner's last day in prison as it does on his first day after prison. Shifting existing resources from prison to reentry management, and from the last months of supervision to the first months after release, would reflect a public acknowledgment that our current policies regarding the moment of release are highly counterproductive and that seizing that moment could significantly improve the reentry process.



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**Barred from Housing:**  
Individuals with Criminal Records &  
Housing Choice Vouchers (Section 8)

*Safe Chicago communities depend upon stable and affordable housing for all community members, including individuals leaving incarceration.* However, federal housing policies imposed by the US Department of Housing and Urban Development (HUD) and local discretionary policies imposed by the Chicago Housing Authority (CHA) create barriers for individuals with criminal records who want to access Housing Choice Vouchers (Section 8). Such barriers to stable and affordable housing for individuals reentering society dramatically increase their potential for homelessness and recidivism, and decrease their ability to support their families both emotionally and financially.<sup>1</sup>

**Who Are the Formerly Incarcerated?**

In 2005 over 650,000 prisoners were released in the United States, and over 40,000 were released from Illinois prisons.<sup>2</sup> Each year more than 20,000 ex-offenders released from Illinois state prisons return to Chicago communities, and approximately 1,200 of these individuals are discharged into homeless shelters.<sup>3</sup> Despite completing their sentencing requirements, most returnees are immediately confronted with additional challenges or “invisible punishments” upon their release from jail or prison.<sup>4</sup> These challenges include finding employment, obtaining adequate health care, and securing stable housing. Studies indicate that while relapse into criminal activity (recidivism) is high among returnees, it is significantly lower if individuals find stable housing soon after release.<sup>5</sup> However, access to federally subsidized and administered housing—a primary option for returnees—is delayed more than necessary due to local policy barriers.

**Chicago Public Housing Policies**

Federal policies (HUD) require the Chicago Housing Authority (CHA) to ban individuals from Housing Choice Vouchers (Section 8) if they meet any of the following conditions: 1) evicted from federally assisted housing within the past three years because of drug related criminal activity; 2) registered sex offender; 3) convicted of methamphetamine manufacture or production on the premises of federally assisted housing; 4) currently engaging in illegal drug use; or 5) currently abusing alcohol in a manner that interferes with the health, safety or right to peaceful enjoyment of other residents.<sup>6</sup>

However, beyond the federal requirements imposed by HUD, the Chicago Housing Authority (CHA) has a great deal of discretion in the creation and the implementation of policies based on individual criminal histories. Unfortunately, CHA’s current policies make it very difficult for individuals with criminal records to access Housing Choice Vouchers (Section 8).

This document was prepared by the Chicago Coalition for the Homeless Housing Committee, comprised of people who were formerly incarcerated, service providers, lawyers, educators, government officials, and advocates. The committee addresses the barriers associated with reentry and develops policies for individuals returning from jail or prison.



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*CHA's current policy states that applications for Housing Choice Vouchers (Section 8) will be denied if either the applicant or a household member has engaged in drug-related or violent criminal activity during the 5 years prior to screening.<sup>7</sup>*

This time frame is too long to ensure that individuals with criminal histories re-enter society successfully. Without an immediate option for housing following their release, individuals with criminal histories are more susceptible to homelessness—a condition that drastically decreases their ability to support themselves *and* their families, and increases their chances of reoffending before they have the opportunity to access the Housing Choice Voucher (Section 8) Program.

In addition, the policy is often applied incorrectly in practice. Rather than looking at the date the criminal activity occurred, the CHA looks for any criminal justice involvement in the past five years. People are denied housing because of arrests, convictions, and time spent in prison or on parole in the past five years, even if the criminal activity occurred before that time.

**Proposal to Reform CHA Housing Choice Voucher Program**

The Re-Entry Committee of the Chicago Coalition for the Homeless (CCH) is recommending that the Chicago Housing Authority revise its policy regarding applicants with criminal histories and ensure proper implementation of the policy:

- 1) *Applicants will be denied only if the housing authority can prove that they have committed a drug-related or violent criminal act in the 12 months prior to screening either through a conviction or the preponderance of the evidence that the criminal act was committed.*
- 2) *In applying this policy, CHA must only look at the date the criminal act occurred, not time spent in prison or on parole in the 12 month period. In addition, they must prove the act occurred and not rely only on arrest records. They should not deny people for criminal acts that occurred prior to the look back period. In order to ensure proper implementation, CHA will allow an outside advisory body to review applications denied due to criminal history on a quarterly basis.*
- 3) *Applicants with a criminal background should be allowed to present mitigating circumstances before they are denied due to criminal background. They should be informed at or before their eligibility interview that they may, if they choose, disclose any criminal history as well as any mitigating factors that show that their situation has changed. This would not replace their right to an informal review should they be denied later.*

The Chicago Coalition for the Homeless' proposal falls directly in line with the goals of the Mayoral Policy Caucus on Prisoner Re-Entry, a group convened by Chicago's Mayor Richard M. Daley in 2004, along with those highlighted in the Mayor's 10-Year Plan to End Homelessness in the City of Chicago.<sup>8</sup> Their goals, like the Re-Entry Committee's proposal to reform CHA's Housing Choice

This document was prepared by the Chicago Coalition for the Homeless' Re-Entry Committee, a group of people who have worked together to provide services, advocacy, and support to people who are homeless or at risk of homelessness. The committee includes representatives from the legal system, social service providers, law enforcement, government agencies, and advocates. The committee addresses the barriers associated with re-entry, including: police, court, and individualized funding from all sources.



## Chicago Coalition for the Homeless

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Voucher Program, aim to eliminate the “invisible punishments” associated with having a criminal record.

If individuals with criminal records are eligible for Housing Choice Vouchers (Section 8) **12 months after the date of criminal activity**, then their potential for recidivism and temporary and disruptive living arrangements—and all other forms of homelessness—is reduced. Such a policy reform would help to promote safer Chicago communities.

Council of State Governments. Public Housing Authorities (PHAs) and Prisoner Re-Entry; Council of State Governments. Homelessness and Prisoner Re-Entry.

<sup>2</sup> Final Report of the Mayoral Policy Caucus on Prisoner Re-Entry, 2006. Rebuilding Lives. Restoring Hope. Strengthening Communities. Breaking the Cycle of Incarceration and Building Brighter Futures in Chicago.

<sup>3</sup> Mayoral Policy Caucus on Prisoner Re-Entry, *Supra* Endnote 2.

<sup>4</sup> Mayoral Policy Caucus on Prisoner Re-Entry, *Supra* Endnote 2.

<sup>5</sup> Council of State Governments, *Supra* Endnote 1.

<sup>6</sup> Corporation for Supportive Housing, 2007. Public Housing Authorities and Re-Entry Populations: Eligibility of Persons with Criminal Histories and/or Drug Involvement for Public Housing and Section 8/Housing Choice Voucher Programs; CHANGE Chicago Housing Authority, Amended January 2009. Amended FY2007 Admissions and Continued Occupancy Policy (ACOP).

<sup>7</sup> Chicago Housing Authority, 2008. Administrative Plan for the Housing Choice Vouchers (allocated for leasing) Project-Based Vouchers, and Moderate Rehabilitation Programs. Adopted by the CHA Board of Commissioners Approved July 15, 2008; Chicago Housing Authority, *Supra* Endnote 7.

<sup>8</sup> The Mayoral Policy Caucus on Prisoner Re-Entry is a group comprised of government, business and community leaders. The mission of the Policy Caucus is to 1) expand options for ex-offenders transitioning back into Chicago communities, and 2) lower the recidivism rates that challenge ex-offenders. Mayoral Policy Caucus on Prisoner Re-Entry, *Supra* Endnote 2.

This document was prepared by the Chicago Coalition for the Homeless Re-Entry Committee, comprised of people who were formerly incarcerated, service providers, lawyers, educators, government officials, and advocates. The Committee addresses barriers associated with re-entry and develops policies for individuals returning from jail or prison.



# **CHANGE**

## **CHICAGO HOUSING AUTHORITY**

### **FY2010 ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)**

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Approved by Board of Commissioners  
September 21, 2010

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**G. Admissions Screening Criteria**

The CHA will use the screening criteria in this section to determine if an applicant will be accepted or rejected. If emergency applicants, who are victims of federally declared disasters, arrive without any documentation, the CHA will obtain the name and SSN of the head of household. The CHA will verify the families' current eligibility by calling REAC and conducting a credit check. If the data cannot be verified by REAC and a credit check, the CHA may accept alternate documentation that demonstrates participation in the public housing program, participation in the HCV Programs, or establishes eligibility.

1. An applicant's past performance in meeting financial obligations, especially payment of rent, will be considered. **24 CFR § 960.203.**
2. Applicants with a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents may be denied. **24 CFR § 960.203.**
3. Applicants with negative findings from other housing authorities or housing programs will be reviewed. The burden shall be on the applicant to provide evidence to show the negative finding(s) was not the fault of the applicant.
4. Applicants who have been evicted from the CHA or any other subsidized housing program within the last two years from the date of the eviction for nonpayment of rent will have his/her application denied.
5. Applicants who owe funds to the CHA or any other housing authority for any program that the CHA or another housing authority operates will be denied. **24 CFR § 960.203.**
6. Applicants who owe funds or judgment debts to any utility company or cannot obtain utility connections will be denied.
7. An applicant family that is not an elderly family will not be leased a unit in a senior designated housing property until the family qualifies as an elderly family as defined in XIII.
8. Applicants must provide documentation that family members who will reside in the household between ages six through 17 are enrolled in and will attend school regularly. If regular attendance cannot be verified, the applicant must prove that the child(ren) is enrolled in school and demonstrate an improved attendance record.
9. Applicants must provide documentation that children age 13 and under will participate in day care, after school programs, or otherwise be adequately supervised when school is not in session.
10. Applicants, co-applicants, and all members of the applicant's household age 18 to age 61 are subject to the CHA Work Requirement as outlined in Section VIII. Note: Applicants are not eligible for safe-harbor status. Applicants must either be compliant with the CHA Work Requirement or exempt.
11. Applicants on the wait list will be sent information outlining the work requirement and resources available throughout the city to help them meet the requirement. If an applicant is called to be screened and is currently not meeting the work requirement, their spot on the list will be deferred for up to 12 months. If the applicant becomes compliant with the work requirement she/he will be offered the next available unit. If the applicant is unable to meet the work requirement within the 12 month deferment period she/he will be removed from the wait list.
12. If a member in the applicant household age 17 is not enrolled in school, the applicant must supply documentation that the child is employed for a minimum of 15 hours per week or otherwise in compliance with the CHA Work Requirement.
13. The CHA is required to deny the applications of certain applicants based on criminal activity or drug-related criminal activity by household members:
  - a. The CHA is required to deny any applicant, for three years from the date of eviction, if any household member has been evicted from any federally-assisted housing for drug-related criminal

- activity. However, the CHA may admit the household if the CHA determines that: **24 CFR § 960.204(a)**.
- i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the CHA;
  - ii. The circumstances leading to the eviction no longer exist (e.g. the household member involved in the drug-related criminal activity is imprisoned); or
  - iii. The applicant household will not include the household member involved in the drug-related criminal activity. **24 CFR § 960.203(c)(3)(i)**.
- b. The CHA is required to deny the application of a household if the CHA determines that:
- i. Any household member is currently engaging in illegal use of a drug; **24 CFR § 960.204 (a)(2)<sup>9</sup>**
  - ii. There is reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; **24 CFR § 960.204 (a)(2)(ii)**.
  - iii. Any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of any federally-assisted housing; **24 CFR § 960.204 (a)(3)**.
  - iv. Any member of the household is subject to a lifetime or any registration requirement under a state sex offender registration program, including the ten-year Illinois State Sex Offender Registration Act; or **24 CFR § 960.204(a)(4)**
  - v. Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.<sup>10</sup> **24 CFR § 960.204(b)**.
14. In addition to the federally-required rejections for criminal activity, the CHA will deny applicants if the CHA can document via police arrest and/or conviction documentation that:
- a. An applicant or household member has ever been convicted of arson or child molestation. **24 CFR § 960 203 (c)(3)**.
  - b. An applicant or household member has ever been convicted of a crime that requires them to be registered under a state sex offender registration program including the ten-year Illinois State Sex Offender Registration Act.
  - c. An applicant or household member has ever been convicted of the manufacture or production of methamphetamine on any premises.
  - d. An applicant or household member has a criminal history in the past three years that involves crimes of violence to persons or property as documented by police arrest and/or conviction documentation. **24 CFR § 960.203(c)(3)**.
- Crimes of violence to persons or property include, but are not be limited to, homicide or murder; destruction of property or vandalism; burglary; armed robbery; theft; trafficking, manufacture, use, or possession of an illegal drug or controlled substance; threats or harassment; assault with a deadly weapon; domestic violence; sexual violence, dating violence, or stalking; weapons offenses; criminal sexual assault; home invasion; stalking; kidnapping; terrorism; and manufacture, possession, transporting or receiving explosives. **24 CFR § 960.203(3)**.

<sup>9</sup> For purposes of this section, a household member is "currently engaged in" the criminal activity if the person has engaged in the behavior recently enough to justify a belief that the behavior is current. **24 CFR § 960.204(2)(i)**

<sup>10</sup> The CHA must be able to show a relationship between the applicant household member's abuse of alcohol and behavior that threatens the health, safety, or right to peaceful enjoyment of other residents.

- e. Any applicant or household member evicted from any housing for drug-related criminal activity is barred for three years from the date of eviction.
  - f. Any applicant or household member has been paroled or released from a facility within the last three years for violence to persons or property.
  - g. Any applicant or household member has a pattern of criminal history that involves crimes of violence to person or property or drug-related criminal activity as documented by police arrests and/or conviction documentation.
  - h. If the CHA denies an applicant based upon a police arrest report pending case information, the applicant's name will remain on the wait list until documentation is presented showing the outcome of the case.
15. An applicant's intentional misrepresentation or omission of information related to eligibility, income, preference for admission, housing history, allowances, family composition, or rent will result in denial of admission. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
  16. Applicants must be able to demonstrate the ability and willingness to comply with the terms of the CHA lease, either alone or with assistance that they can prove they will have at the time of admission.<sup>11</sup> Availability of assistance is subject to verification by the CHA.

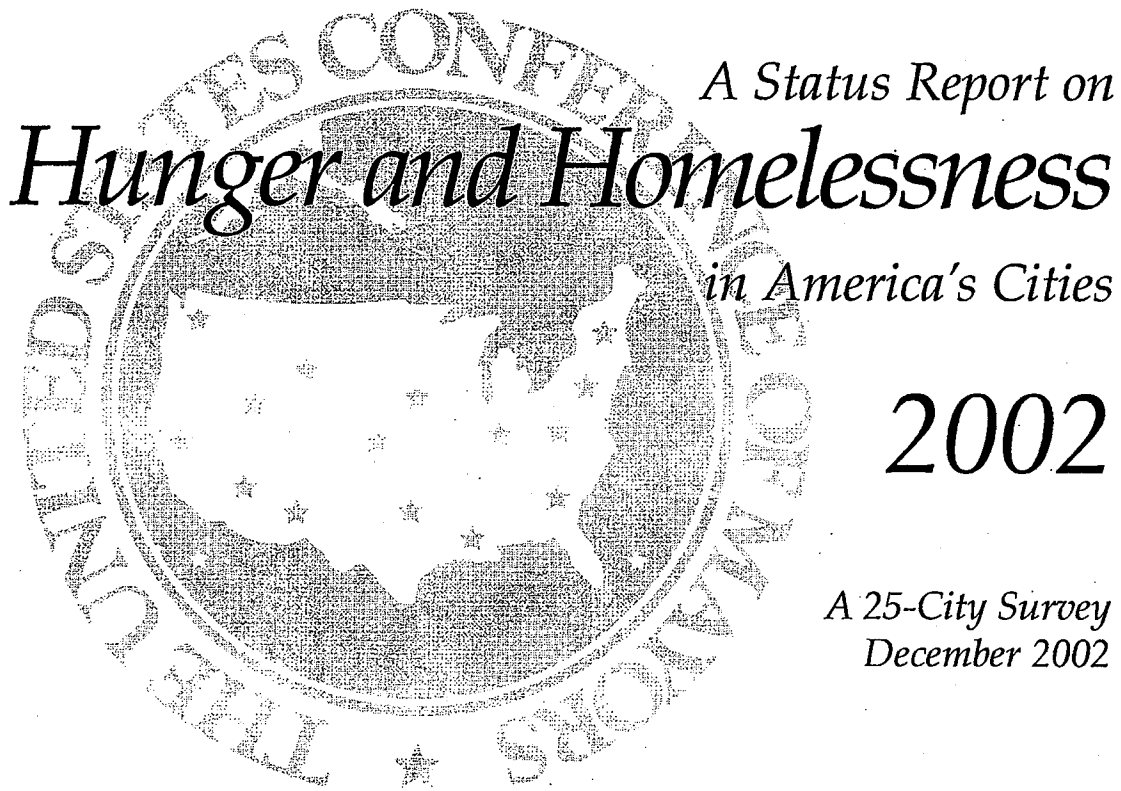
**H. Screening Applicants with Mitigating Circumstances 24 CFR § 960.203(d).**

1. If information received through screening negatively impacts an applicant's qualification for admission, the CHA shall consider the time, nature, and extent of the applicant's conduct and any factors that might indicate a reasonable probability of favorable future conduct. Mitigating circumstances must be verifiable to be considered in accordance with the **CHA Mitigating Hearing for Rejected Applicants Procedure.**
2. The CHA will consider whether individuals with behavior in their recent past that negatively impacts their qualification for admission can document that they have been rehabilitated.
3. Applicants are encouraged to inform the CHA at the time of application of their domestic violence, sexual violence, dating violence, or stalking situation if the applicant believes it may affect their preference standing or screening.
  - a. An applicant who is a victim of domestic or sexual violence, dating violence, or stalking will have a reasonable opportunity to present information regarding their status as a victim and the causal relationship between the violence and how it has impacted their ability to meet other eligibility criteria such as an acceptable credit and rental payment history, landlord references, eviction history, employment history, or criminal history. The CHA and property manager will consider such information in mitigation.
  - b. If the modified consideration is based on the work requirement, the applicant must submit documentation to show if there are any established hours the applicant can work. The amount of hours the applicant is able to work shall be determined by a verified agency and this amount of hours will be the applicant's established work hours for admission to CHA. Once housed, continued lease compliance requires re-examination every 90 calendar days and what steps have been taken to meet the full work requirements established for the property.

**I. Determination of Qualification for Admission**

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<sup>11</sup> Applicants whose landlord, financial, criminal, and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met this criterion. Applicants with disabilities who demonstrate that an agency or individual will assist them with complying with the essential obligations of tenancy will be considered to have met this criterion. Applicants whose housing situations make it difficult for the CHA to determine whether or not they are able and willing to comply with lease terms (e.g. they are homeless, living with friends or relatives, or have other non-traditional housing circumstances) will have to demonstrate ability and willingness to comply with lease terms.



*A Status Report on*  
***Hunger and Homelessness***  
*in America's Cities*

**2002**

*A 25-City Survey*  
*December 2002*



*The United States Conference of Mayors*

## **THE UNITED STATES CONFERENCE OF MAYORS**

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J. Thomas Cochran, Executive Director



The report was prepared by Eugene T. Lowe, Assistant Executive Director, with the assistance of Art Slater, James Welfley and Doreen Hardie of the staff of the U.S. Conference of Mayors. A copy may be obtained from the USCM website at [usmayors.org](http://usmayors.org).

would not be to enter a shelter, but to be placed in affordable housing with follow-up case management support (as is done in the Community Care Grant program), but here again resources do not permit such placements to keep pace with the demand for shelter for poor families who need to move from where they currently live.

## **Main Causes of Homelessness**

**A number of diverse and complex factors have contributed to the problems of homelessness in the survey cities. Many of these factors are interrelated. Listed in order of frequency, the following causes were identified by the cities in response to an open-ended question: lack of affordable housing, mental illness and the lack of needed services, substance abuse and the lack of needed services, low-paying jobs, domestic violence, unemployment, poverty, prison release, downturn in the economy, limited life skills, and changes and cuts in public assistance programs.**

- **Lack of affordable housing** was identified as a major cause of homelessness in 21 cities: Boston, Burlington, Charleston, Cleveland, Denver, Kansas City, Los Angeles, Louisville, Miami, Nashville, New Orleans, Philadelphia, Phoenix, Portland, Providence, Salt Lake City, San Antonio, Seattle, St. Louis, St. Paul and Washington, D.C.
- **Mental illness and the lack of needed services** were identified by 20 cities as a primary cause of homelessness: Boston, Burlington, Charleston, Charlotte, Chicago, Cleveland, Denver, Los Angeles, Louisville, Miami, Nashville, New Orleans, Norfolk, Phoenix, Portland, Salt Lake City, San Antonio, Seattle, St. Louis, and Trenton.
- **Substance abuse and the lack of needed services** were identified by 19 cities as a primary cause of homelessness: Boston, Burlington, Charleston, Charlotte, Chicago, Denver, Kansas City, Los Angeles, Louisville, Miami, Nashville, New Orleans, Norfolk, Phoenix, Portland, Salt Lake City, Seattle, St. Louis and Trenton.
- **Low-paying jobs** were identified by 17 cities as one of the main causes of homelessness: Boston, Burlington, Charleston, Charlotte, Chicago, Cleveland, Denver, Louisville, Miami, Nashville, Philadelphia, Phoenix, Portland, Salt Lake City, St. Louis and Washington, D.C.
- **Domestic violence** was identified by 11 cities as a primary cause of homelessness: Burlington, Charlotte, Chicago, Denver, Nashville, New Orleans, Phoenix, Portland, San Antonio, Seattle and St. Louis.
- **Unemployment** was identified by seven cities as a main cause of homelessness: Chicago, Denver, New Orleans, Norfolk, San Antonio, St. Louis and Washington, D.C.

- **Poverty** was identified by six cities as a main cause of homelessness: Charlotte, Los Angeles, San Antonio, Seattle, St. Louis and Washington, D.C.
- **Prison release** was identified by six cities as a main cause of homelessness: Cleveland, Denver, New Orleans, Phoenix, Seattle and Washington, D.C.
- **Downturn in the economy** was identified by five cities as a main cause of homelessness: Charleston, Kansas City, Norfolk, Salt Lake City and Trenton.
- **Limited life skills** were identified by five cities as a main cause of homelessness: Burlington, Charleston, Kansas City, Nashville and San Antonio.
- **Changes and cuts in public assistance programs** were identified by three cities as main cause of homelessness: Chicago, Portland and St. Louis. .

## **Three Specific Things the Federal Government Could Do to Help Alleviate Homelessness**

### **Boston:**

- Increase funding for affordable housing including production of affordable housing which incorporates support services and increased funding for Section 8 and Shelter Plus Care housing subsidies targeted to the homeless
- Fund pilot projects for homelessness prevention program which would include identification of at-risk individuals and families, needs assessment, intervention with needed resources, and long term tracking to measure outcomes
- Target child care vouchers and slots to homeless families with children ages birth to 6. High quality early care can help the child stabilize from the homeless experience while giving parents support to work, study, and perform housing search.

### **Charleston:**

- Increase programs to build affordable housing.
- Declare homelessness a health crisis and extend Medicaid to single adults living in shelters and on the street.

Rebuilding Lives.

# Restoring Hope.

Strengthening Communities.

BREAKING THE CYCLE OF INCARCERATION  
AND BUILDING BRIGHTER FUTURES IN CHICAGO



FINAL REPORT OF THE MAYORAL POLICY CAUCUS ON PRISONER REENTRY

JANUARY 2006



CITY OF CHICAGO • RICHARD M. DALEY, MAYOR

# Chapter 1: Employment

Formerly incarcerated individuals face many barriers to obtaining and maintaining employment. They often enter prison with limited education and employment histories, and lack the qualifications needed to compete in a tight labor market. During the time they spend in prison, they may see their skills deteriorate, miss the opportunity to gain work experience, and lose interpersonal relationships that could provide connections to jobs. After release, finding a job is just one of the many challenges facing most formerly incarcerated individuals. The additional stigma of their criminal record makes a job search even more difficult. They may not have a safe, stable place to live, and family relations may be strained. Addiction and mental illness plague many. And almost all are returning to the environment that contributed to their hopelessness and criminal behaviors in the first place.

The link between unemployment and crime is undisputed. In 1997, 31 percent of state prisoners nationally were unemployed during the month prior to their arrest.<sup>1</sup> By comparison, that year, the overall unemployment rate for the general population was 4.9 percent.<sup>2</sup>

Finding and keeping a job can have a significant impact on whether formerly incarcerated individuals remain crime-free. In fact, those with jobs—and with the associated economic resources, structure and self-esteem that

stable employment provides—are three times less likely to return to prison than those without jobs.<sup>3</sup> Unfortunately, 60 percent of former prisoners are still unemployed one year after their release from prison.<sup>4</sup>

The barriers to securing employment are significantly higher for formerly incarcerated individuals, more so than any other vulnerable, job-seeking population.<sup>5</sup> With few exceptions, job applications typically ask about prior convictions. By law, individuals with criminal records are specifically barred from a number of occupations. Moreover, employers generally express a reluctance to hire individuals who were formerly incarcerated, either out of fear they may commit another crime against their business or other employees, or simply because they think they are less desirable job candidates. Today, research shows that more than 60 percent of employers would not knowingly hire someone who had been incarcerated.<sup>6</sup> By comparison, eight percent of those employers would not hire a current or former welfare recipient, and 17 percent would not hire someone who had been unemployed for a year.<sup>7</sup>

Clearly, employment is an important first step in the reentry process. Though the concerns and needs of formerly incarcerated individuals are complex, gainful employment can become the single most critical factor in determining what direction an individual's reentry process will take.

