

More Ex-Cons Find Bars on the Outside

By Samantha Marshall, Crain's
New York Business
10/04/04

After release from an upstate prison in June 2003, Derek Copeland tried everything he could think of to get an entry-level job in New York City. But whether he filled out application forms online or knocked on doors, he could feel the chill each time a prospective employer learned he had a criminal record.

"They tell me, 'We'll get back to you,' and I know they're lying," says Mr. Copeland, who, after faxing about 30 resumes to no avail, became so frustrated that he even contemplated returning to a life of crime.

Mr. Copeland, who finally found work as a handyman for \$7 an hour two months ago, isn't alone in his desperation. Advances in screening technology coupled with zero tolerance among employers that had never traditionally screened their lowest-level job candidates are keeping thousands of newly released inmates unemployed. The fact that Wal-Mart began doing criminal background checks on all prospective employees this fall is only fueling the new scrutiny.

These recent barriers are compounding problems that already existed for the estimated 20,000 newly released inmates who arrive in the city each year looking for work in a tepid economy. That large number is expected to remain steady in the years to come. The result could lead to an explosion in recidivism rates if businesses decide that an ex-cons debt to society doesn't end with his or her prison time.

"Door after door after door is closing in an economy that's not good," says JoAnne Page, executive director of the

Fortune Society, which helps rehabilitate ex-convicts through job training and employment.

While it's difficult to gauge employment rates among former prisoners, advocacy groups say they are having to work harder to find job placement opportunities for their clients. When they do, wages are often lower, benefits are usually nonexistent, and former prisoners have to look longer and harder to find honest work.

At the Doe Fund, a nonprofit that has longstanding relationships in the Manhattan business community, the average wage of people who have found work through the agency has dropped to just below \$9 this year. In 2001, the average wage for Doe Fund clients was \$9.50. Former inmates take almost twice as long, or about two months on average, to find work after they've been through job training.

At the Fortune Society, the number of released prisoners seeking help has jumped to 500 a year from 400 two years ago.

"The fact that they are coming to us in greater numbers is a sign that it's tough out there," says David Nidus, senior director of career development at the Fortune Society.

New York City is one of the few places in the United States where it is illegal to discriminate against a job applicant based on a criminal record, unless the applicant is clearly inappropriate for certain jobs—such as a child molester seeking to drive a school bus. But it's often difficult to prove discrimination. Most former inmates are either unaware of their rights or reluctant to make an official complaint.

"Formerly incarcerated people don't want to bring attention to themselves; they just want to blend into the woodwork," says Patricia Gatling, chair of the New York City Commission on Human Rights.

Criminal records notwithstanding, former

inmates are already at a disadvantage compared with other job applicants, even for low skilled, low-wage jobs. Many are poorly educated and don't possess obvious job qualifications. The fact that they've been out of the market for an extended period of time is an added liability.

But what's new is the fact that the jobs former inmates could usually count on finding are no longer available to them. The wealth of jobs in and around airports is now off-limits to people with rap sheets. Many positions driving trucks or working on construction sites are also being restricted. Even jobs at major retail chains are being close to ex-cons.

There are some businesses we don't even bother applying for," say Mr. Nidus.

It's easy enough for an employer to freeze someone out of the hiring process early on based on some other pretext, especially through online job applications. Job development directors at agencies such as the Fortune Society routinely do test runs when they see job openings posted online, to spare former inmates from the sting of rejection that Mr. Copeland faced.

In recent months, Mr. Nidus has noticed that several retail chains, including hardware, electronics and furniture stores, have rejected applications even before they were completed. While he can't prove discrimination, Mr. Nidus, who doesn't have any prior convictions, was able to complete several online applications while his colleague, who does have a criminal record, was told that all of the vacancies were full within a few minutes of entering his social security number.

Often the decision not to consider an applicant is based on out-of-date or inaccurate rap sheets, but felon job seekers are rarely given the opportunity to explain their histories in person. Mr. Copeland, who served two-and-a-half

years for criminal weapon possession in the second degree, says he rarely got the chance to explain himself to potential employers.

"I know what I did was wrong and I'm man enough to admit it," says Copeland, a Doe Fund client who is struggling to support his four children.

The blanket rejection may be partly due to employers' fears of legal liability. Wal-Mart now screens all job applicants for criminal records, after two separate cases in South Carolina where employees who were convicted sex offenders were accused of sexually assaulting girls. The retailer is being sued in both cases.

But advocates say liability is just an excuse. Some protection is available through a federal bonding program that offers free insurance to protect employers in the event of losses incurred through a new worker's financial dishonesty.

Agencies are becoming more adept at finding job openings in less obvious places. Instead of setting up clients for disappointment by putting them through the application process at large companies, Mr. Nidus tends to focus on small to medium-size businesses.

"It's necessary to go farther and farther off the beaten path," says Isabel McDevitt, a director at the Doe Fund, which launched Pest-at-Rest, an extermination business, earlier this year. The new venture will give ex-cons a short training session to provide them with the skills to work in this steady and growing field. "There will always be cockroaches," she says.