The Adler School of Professional Psychology Institute on Social Exclusion (ISE) hosted a summit on "Arrest Records as Barriers to Employment," October 28 at the James R. Thompson Center in Chicago. The purpose was to raise public awareness about and encourage implementation of recently revised policy guidance that the U.S. Equal Employment Opportunity Commission (EEOC) has released on the consideration of arrest histories when employers make hiring decisions. Barriers posed by unlawful and/or inappropriate application of the EEOC policy guidance directly undermine employment opportunities. These barriers disparately impact low-income racial and ethnic minority communities where policing strategies produce large numbers of arrests with no subsequent charges or convictions.

Co-sponsorship and attendance levels demonstrated that the issue is important to a wide variety of groups. The summit was co-sponsored by 28 public and private groups from diverse sectors including business, civic, legal, philanthropic, employment, state, county, municipal, and community agencies and organizations. More than 320 people attended, including concerned community residents affected by the issue.

EEOC Commissioner Chai Feldblum provided the summit’s keynote address. Before introducing Commissioner Feldblum, Lynn Todman, Ph.D., ISE Executive Director and Vice President for Leadership in Social Justice at the Adler School, opened the summit by calling it the capstone event of a three-year initiative through which the ISE worked with community partners to complete a Mental Health Impact Assessment (MHIA) of the EEOC policy guidance. The MHIA study was the first of its kind in the United States that assessed how public policies and practices impact the mental health and well-being of individuals and communities.

Commissioner Feldblum began her remarks by expressing the need for similar summits in every state and city across the country. She emphasized that employment is not only a source of economic security, but is also “good for the soul” and enables people to feel that they are contributing to society.

The EEOC, created under Title VII of the 1964 Civil Rights Act, prohibits employment discrimination on the basis of race, color, national origin, religion, or sex. The Commissioner provided a brief history of the evolution of the EEOC’s focus, policy, and guidance on use of criminal records. She highlighted that use and consideration of criminal records, especially arrest records, when making employment decisions can be a violation of Title VII. Violations occur if screening and employment practices
disparately impact protected classes, and cannot be justified as job-related and consistent with business necessity. The difference between an arrest and a conviction was clarified. An arrest does not establish that criminal conduct has occurred and therefore is not permissible to be taken into consideration in an employment decision. However, an employer may inquire about the conduct underlying an arrest and may take that into consideration when making employment decisions.

Commissioner Feldblum cited a number of formative cases, such as Green vs. Mississippi Pacific Railroad and Griggs vs. Duke Power Company, that helped expand the understanding of disparate impact and further define the types of practices that are unlawful. These cases also helped to define best practices that help employers avoid Title VII liability, such as use of a matrix of considerations that are to be applied when using criminal records to make employment decisions.

The matrix should include the nature and gravity of the offense, the amount of time passed since the offense or end of sentence, and the nature of the job sought or held. Another encouraged practice is the use of individualized assessments that entail notice to the individual that an adverse action is being taken because of a criminal record, and giving the individual the opportunity to respond and comment as to why the adverse decision should not be applied in this circumstance.

As a result of a 2007 U.S. Supreme Court case, the EEOC embarked on efforts to strengthen its Policy Guidance on Consideration of Arrest and Conviction Records. Hearings on the matter were held in 2011. The Commissioner noted that the Adler School submitted comments during the public comment period, and emphasized the importance of understanding the health impacts of policies such as the guidance. The guidance was subsequently revised to expand research and analysis content, provide examples of how the use of arrest and criminal records can have disparate impacts on protected groups, and establish that employers must validate conviction screens used by the employer.

Following Commissioner Feldblum’s keynote address, two panel presentations took place. The first was moderated by Esther Franco-Payne, Program Manager at Metropolis

Christopher Wilmes, Attorney at Hughes Socol Piers Resnick & Dym, Ltd.; Paul Strauss, Co-Director of Litigation for the Chicago Lawyers’ Committee for Civil Rights Under Law, Inc.; and Todd Belcore, Staff Attorney in Community Justice at the Sargent Shriver National Center on Poverty Law.

The panelists stated that the EEOC guidance addressed disparate treatment and impact, and that a lack of employer records on the race and sex of applicants is a frequent barrier to successful legal challenges. The attorneys described the process for filing a complaint, and also discussed use of other remedies for dealing with criminal records such as expungement and sealing of records.

The second panel, moderated by Anthony Lowery, Director of Policy & Advocacy at the Safer Foundation, focused on state and local implications. Illinois State Senator Kimberly Lightford described legislative efforts, including bills that she sponsored, and the difficulties associated with gaining legislative support. Community leaders Marlon Chamberlain, member and leader at FORCE/Community Renewal Society, and Juandalyn Holland, Executive Director of Teamwork Englewood, discussed the devastating economic and mental health impact on individuals and communities stemming from unemployment resulting from misuse of criminal records, and the importance of community education and advocacy to empower community residents to change policy and practices.

During a lengthy question and answer period, attendees raised questions about the process for dealing with criminal records and other issues such as the use of incentives for employers to hire people with criminal histories.

As referenced during the summit, the ISE report "U.S. Equal Opportunity Commission Policy Guidance: A Mental Health Impact Assessment" offers number of recommendations for future work on this issue, including:

- Enactment of state and local policies based on the EEOC policy guidance;
- Engagement of community partners in advocacy efforts;
- Monitoring outcomes on social determinants resulting from revisions to the EEOC policy guidance.

The ISE’s MHIA project team supports changes already made by the EEOC, and recommends expanded education for community residents and increased funding for implementation and enforcement.

For more information on the summit or the ISE’s Mental Health Impact Assessment, contact ISE@adler.edu or visit adler.edu/MHIA.
Violence is a leading public health concern in the United States in general, and the city of Chicago in particular. In an effort to address these concerns, the Institute on Social Exclusion (ISE) has been contracted by the Community-Supported Violence Prevention Collaboration (CVPC) to implement a community-supported violence prevention program. As part of this effort, the ISE team trained community members on how to plan a program intended to improve protective factors against violence.

The CVPC initiative is supported by a special projects grant that the Illinois Criminal Justice Information Authority (ICJIA) provided to Quad Communities Development Corporation (QCDC) to implement the project. Its purpose is to collaborate with other community organizations to work toward the common goal of violence prevention in the city of Chicago. Its primary aim is to build a collective efficacy among the residents of neighborhoods that are most affected by violence. Collective efficacy is a process that helps to organize, mobilize and reduce violent behaviors toward community residents. The CVPC not only addresses violence and its associated risk factors, but also works with policy makers to develop more effective interventions to reduce the violence.

The CVPC utilized a Community Based Participatory Research (CBPR) approach to build collective efficacy among community members. In CBPR, community members actively participate in the research process, by performing tasks ranging from getting the word out about the research, to the collection and analysis of research findings.

For its part in the project, the ISE team used a CBPR approach to recruit and train community members to identify underlying social and economic factors that are contributing to the high prevalence of violence within their own community. The process helped community members learn from research professionals and share their knowledge with other community members, providing them an opportunity to feel empowered and in control over the problem-solving process. Transferring knowledge and skills from the professionals to the community members also helps create a healthy and socially harmonious environment.

The ISE team attended community events and meetings in three different priority neighborhoods in Chicago—Grand Boulevard, Kenwood, and Washington Park—to identify common underlying contributing factors for violence. The ISE team and community partners also held three listening sessions within communities to identify additional common patterns of violence occurrence. A total of 10 community members were recruited through these meetings and listening sessions, and received training from the ISE team for a period of 12 weeks, from June through August 2013. After completing the training sessions, trained community members took part in the data collection process by completing research assignments within their communities. The community participants worked five hours per week while receiving a stipend for their time.

The data collected by community members provided a basic understanding of underlying factors that are driving violence in the three priority communities. The common themes that stood out after the compilation of data demonstrated demand for greater police sensitivity, a lack of trust in law enforcement and politicians, perceived job discrimination, and a fear of violence. Other themes that community members gathered from residents included the need for open discussions with gang members, the need for financial resources, and parental involvement for youth at risk.

Based on these themes, the ISE with other collaborative partners suggested that in order to address the issues pertaining to violence, there is a need to increase the collective efficacy within community members. The partnership between police and community members also needs to be addressed; having police officers visit schools and community meetings may make the role of the police more understandable for community members. Furthermore, communities lack awareness about the function and policies of government. Involvement by legislators and other policy makers in community social events can help create a trusted relationship with the community.

The identification of psychosocial factors that play an important role in the prevalence of violence will help community members to participate in the development of the prevention strategies in collaboration with stakeholders. This will not only help improve the conditions for community members, but also help them feel empowered to solve their own problems.

According to Tiffany McDowell, Ph.D., M.F.T., Associate Director of the Center for the Social Determinants of Mental Health at the ISE, partnering with communities is essential to creating a strategy that will meet the needs of residents and stakeholders. In order to be most responsive to community partners, the ISE team adjusted its timelines and project activities a few times, ultimately providing a framework through which community partners can continue to grow. The work concluded the research phase of the grant. Continuing funding for this project is being provided by ICJIA.

To learn more, email us at ISE@adler.edu.
The criminal justice system has long impacted the lives of young disadvantaged men in their efforts to obtain employment. These marginalized groups of men become further excluded through social injustices acting as barriers to their re-entry into society. In *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*, Dr. Devah Pager examines the economic and racial consequences of large-scale imprisonment for modern labor markets within the United States.

According to Dr. Pager, black and white job-seeking men who have criminal records are discriminated against during the hiring process. The discrimination not only affects the lives of the individual men who are withheld from employment, but also has significant implications at the systemic level as well. She argues that the damaging effects of incarceration cannot be overlooked and addressed at solely an individual level. The trends in crime policy throughout our history have proved evident, that “blackness has come to embody criminality in the minds of many Americans” (p.160). Therefore, the very policies that we have in place to combat crime may in fact be inhibiting the desistance from it.

Dr. Pager’s experiences with societal issues have been empirically documented through her extensive research endeavors with this population. The majority of this book focuses on the outcomes of an experimental study that shed light onto the complicated web of characteristics that affect an applicant’s real chances in job searches, in order to focus on the specific causal impact of a criminal record. Using composite resumes based on the lives of ex-offenders, college males embarked on a journey for employment.

The findings revealed: “The status of ex-offender is formalized and legitimatized by the imposition and dissemination of criminal records, which are in turn used by employers and other gatekeepers in ways that restrict access to valuable social resources” (p. 89). Specifically, employers are using information from background checks as a screening tool to weed out ex-offenders from being hired. As a result, “Ex-offenders are one-half to one-third as likely to receive initial consideration from employers as equivalent applicants without criminal records” (p. 144). This staggering statistic becomes even more inflated when the personal characteristic of race is discussed.

The unequal representation of blacks in the criminal justice system indicates that any adverse effects of incarceration will be experienced most strongly by the black community as a whole. The documented research findings illustrated in this book found that “black job seekers presenting identical credentials to their white counterparts received callbacks from employers at less than half the rate of whites. Even more striking, a black applicant with no criminal record fared no better than does a while applicant with a felony conviction” (p. 97). This powerful duo of being black with a criminal record places young men even farther behind in the race against social injustice. The “two strikes and you’re out” mentality that most employers have adopted makes the hunt for gainful employment among these men discouraging (p. 146). Members of this population are often disqualified before they even walk through the door.

This book is careful to acknowledge that the job market, the government, and the criminal justice system alone should not be blamed for the effects of mass incarceration and unequal job employment opportunities among young males who have been incarcerated. Other governing bodies and societal beliefs, both past and future, have influenced the segregation and stratification process that has become accustomed within our communities. These historical trends have marginalized populations and require multi-disciplinary efforts in order to promote systemic change.

Dr. Pager conducted a novel experiment to identify and measure the effects of the growing criminal justice system. The results of this study are validated through previous literature findings, which indicate that ex-offenders are systematically excluded from employment on the basis of their criminal record and racial identity.

As a student at the Adler School, I feel it is imperative that I share the knowledge I’ve gained with colleagues in the field and the community, and advocate for social change. By doing so, we can break down the barriers that are impeding ecological change from occurring.
Project Update: HIA in Chicago’s Pilsen and Little Village Neighborhoods

The Institute on Social Exclusion’s Center for the Social Determinants of Mental Health is moving into a next phase of its Health Impact Assessment (HIA) in Chicago’s neighborhoods of Pilsen and Little Village. Through generous funding provided by The Chicago Community Trust, the ISE team is conducting an HIA on proposed redevelopment plans for the sites of the decommissioned Fisk and Crawford power plants situated in those communities. The ISE team is leading the HIA to examine the recommended land use options for access to open space along the south branch of the Chicago River, and generate reports on the options’ potential health impacts on the community.

HIA is a tool similar to economic impact or environmental impact assessment that evaluates the implications of proposed plans and public policies; HIA focuses specifically on health impact. The Adler School ISE is recognized for its work promoting HIA as a tool for narrowing health inequities and promoting optimal health outcomes, especially for disadvantaged populations.

The HIA consists of six steps: screening, scoping, assessment, recommendations, reporting, and monitoring and evaluation. At this time, the project team is working on Scoping. This is where the project team determines which health impacts to evaluate, creates a plan and timeline for conducting the HIA, and develops research questions and methods.

Currently, the project team continues to identify stakeholders by collaborating with community leaders and residents in Pilsen and Little Village. Through this process, the team will collect information from community members on their thoughts and concerns of what could potentially occur with increased access to the open space in both neighborhoods. Ongoing meetings and forums within both Pilsen and Little Village are taking place through November and December, before the project team moves into the next phase, Assessment. This involves collecting existing conditions data and identifying the potential health impacts of the proposal, and will take place during January, February, and March 2014.

The project team will build upon the work already completed by the Fisk and Crawford Reuse Task Force, a team appointed by Chicago Mayor Rahm Emanuel to collect community input on future uses of the sites, by incorporating the recommendations that emerged from their final report. The HIA will evaluate the positive and negative environmental and social determinants, as well as examine the many ways that these determinants will impact health.

The HIA in Pilsen and Little Village is scheduled to be complete in June 2014. As we move forward through the HIA process, we welcome input and suggestions for potential partnerships with community organizations and interested parties, as well as any thoughts on health impacts within the Pilsen and Little Village areas that need consideration. To share your ideas, contact us at ISE@adler.edu.
Institute on Public Safety and Social Justice: News and Updates

Partnership with Enlace

The Institute on Public Safety and Social Justice (IPSSJ) is working with Enlace Chicago on its community-wide violence reduction strategy. Enlace Chicago has been a part of the LISC New Communities Program (NCP) and has worked in collaboration with other neighborhood organizations for the past 10 years to improve quality of life in Chicago’s Little Village community.

The community has begun implementing coordinated activities aimed at engaging youth in mentoring and leadership opportunities, expanding mental health services, organizing and engaging parents, and creating community-wide prevention campaigns. These coordinated activities will take place over the span of several years and are aimed at building a stronger community and more engaged youth. The project sees human and community development as the most effective means of building a safer and stronger Little Village. IPSSJ is serving in the role of data analyst and evaluation support specialist, and is working closely with Little Village organizations to improve their data collection and evaluation capacity.

Roca Visit

IPSSJ team members recently had the opportunity to visit one of the nation’s leading restorative justice programs, Roca [rocainc.org], in Chelsea, MA. For more than 20 years, Roca has worked to help youth who are involved with the justice system and at the highest risk for being affected by violence. The program is evidence-based and carefully documented.

During the visit, the IPSSJ team received a detailed look at the database that Roca uses and learned more about measurements used to track program effectiveness. Roca previously had a broader focus and worked with a larger range of youth on various projects before undergoing a change. After conducting research and thorough analyses of its data, the program underwent three Theory of Change processes between 2005 and 2011. They began focusing their work specifically on males and an older population of youth from age 17-24.

The IPSSJ team also toured Roca’s facility, and learned that the program also has one replication site located in Springfield, MA. The building was remodeled to purposively fit the unique needs of youth that the program serves, and is centrally located in the neighborhood that Roca targets. The center provides a wealth of in-house resources for program participants, including a drop-in health clinic.

One of the program’s main goals is to help youth obtain steady and meaningful employment, and the center is set up to fully prepare participants for this goal. There are a variety of hands-on training rooms within the center including a barbershop, a woodshop, and a full restaurant-sized kitchen. The IPSSJ team also toured the offices of the job support staff, and viewed the detailed and systematic tracking system used to guide youth through the process of obtaining employment.

Roca representatives discussed the importance of relentless engagement of youth in the community as part of their model. This is a value shared by the “Restorative Justice Hub” program, a program recently launched by the IPSSJ. Restorative justice hubs work with community organizations to use existing community capacity in order to provide young people with the resources they need to succeed: resources such as mentoring, job skills and job placement, and social emotional learning.

The key element is relentless engagement. Often, when first working to engage a youth in the program, a caseworker will be denied many times before the youth will be ready to even talk to him or her. These are the youth with whom Roca wants to work with the most, the youth who are hardest to reach and most deeply pulled into the system. It is important to tirelessly reach out and work to assist the highest-risk youth, as well as engage the agencies that can offer beneficial services to the target population.

Restorative Justice Hub Leadership Core

The IPSSJ recently launched a Restorative Justice Hub program that engages youth, community organizations, and stakeholders to provide young people with the resources they need to succeed. The Restorative Justice Hub Leadership Core has a full-time staff position held by Tina Johnson, M.A., an IPSSJ Justice Fellow who spent the last four years as a Senior Research Specialist for the Chicago Project for Violence Prevention at the University of Illinois’ School of Public Health.

As coordinator for the Restorative Justice Hub Leadership Core, Johnson will serve as a convener and group organizer to bring all key parties to the table and aid in collaboration. The Leadership Core will focus on forming restorative justice hubs throughout the city of Chicago. A hub is a location that provides direct services for youth, such as mentoring, job skill training, and job placement, and social-emotional learning. The Leadership Core will facilitate collaboration and relationships among the hubs, and provide leader training on communication, psychological first aid, understanding trauma-informed care, mentoring, and peace circle facilitation.

The Leadership Core also will research, establish, and document best restorative justice (RJ) practices in an effort to create a replicable model of RJ hubs. This will allow for quality control and course correction advice when necessary to ensure that
all RJ hubs are functioning in a similar manner and adhering to the key elements of a hub. Essentially this is tracking model fidelity and level of implementation of the hubs in each community.

The goal is to establish a learning community made up of RJ hubs across Chicago to work together to share best practices and help lift each other up. In looking at communities in which to establish new RJ hubs, we will identify key existing stakeholders and community organizations that might have interest and capacity to implement restorative justice alternatives. This can include grassroots organizations, service providers, job trainers and partnerships with schools. The Leadership Core will conduct needs assessments, focus groups, and one-on-one interviews to discover potential partnerships as well as current restorative practices in place.

To learn more, email us at IPSSJ@adler.edu.

IN THE NEWS

Dr. McDowell Joins WVON-AM Panel Discussing Black Chicago 50 Years after the March on Washington, 8.30.13

Tiffany McDowell, Ph.D., M.F.T., Associate Director for the Adler School Center of Excellence on the Social Determinants of Mental Health within the Institute on Social Exclusion, was asked to join a panel on “The Cliff Kelley Show” discussing Chicago’s 50 years since the March on Washington. The question at hand: “In 50 years since the March on Washington, how have equality of rights, resources, and opportunities fared in Chicago and the surrounding metropolitan region?”

Discussing her perception and understanding of Chicago’s progress since the March, Dr. McDowell highlighted the importance of empowering and educating communities to participate in policy decisions. In particular, she expressed the importance of engaging in policy decisions that affect schools. She indicated that close attention should be directed to policies related to educational systems in order to promote youth empowerment, which can carry through to adulthood.

Dr. McDowell also briefly discussed current efforts to address job-related social injustices, including the ISE’s partnership with city and county agencies, foundations, businesses, legal, and community organization to host “Arrest Records as Barriers to Employment.” (See story, page 1).

Behavioral Healthcare Features ISE’s Mental Health Impact Assessment as Driver for Change, 8.8.13

An article in Behavioral Healthcare titled “Mental Health Assessment Drives Change in US Employment Guidance” featured findings from the ISE’s Mental Health Impact Assessment (MHIA), the country’s first health impact assessment to explicitly incorporate mental health outcomes. The piece reported that ripple effects are being seen in other U.S. communities that are addressing employment discrimination based on criminal records, which was the focus of the MHIA study.

The article emphasizes how MHIA focused on residents’ trepidations in regards to the proposed changes to anti-discrimination policy guidance disseminated by the U.S. Equal Employment Opportunity Commission (EEOC). The MHIA illustrated that amendments to the EEOC policy guidelines—such as refraining from requiring employment prospects to disclose local arrest record information—could promote social justice through providing equal opportunity of employment.

To learn more about the MHIA, visit adler.edu/MHIA.


The New York Times published “A Second Chance for Ex-Offenders,” which discusses amendments to U.S. Equal Employment Opportunity Commission (EEOC) policy guidelines on related to disclosing arrest record information and employment prospects. According to the article, EEOC policy guidelines indicate that the presence of an arrest record is not sole grounds for exclusion to employment. The article emphasizes how the EEOC’s prior policy guidelines acted as unfair barriers to employment.

Since revising its policy guidance, the EEOC has emphasized the seriousness of the amendments, and appears to be proactive in responding to employers who violate the updated policy.

The New York Times article highlights the EEOC’s work in this area, and reports that the EEOC has already filed discrimination lawsuits against two companies.

The article supports the importance of promoting social justice for residents whom have been socially excluded from employment due to arrest records—particularly in light of the Institute on Social Exclusion (ISE)’s recent report “U.S. Equal Opportunity Commission Policy Guidance: A Mental Health Impact Assessment.”

For more information, visit adler.edu/MHIA.
Institute on Social Exclusion

The Adler School Institute on Social Exclusion (ISE) advances the understanding that societal structures and systems including laws, public policies, and institutional behaviors, lead to unjust social outcomes—and that reconstituting them can achieve social justice and health equity. Our work is to ensure that all members of society have safe housing, quality education and healthcare, fair terms of employment, nutritious food, personal safety, and judicial equity.

The ISE recognizes those who have advanced our work through their generous support:

• The American Psychological Association
• The Chicago Community Trust
• The Field Foundation of Illinois
• The W.K. Kellogg Foundation
• The Kresge Foundation
• The Pierce Family Foundation
• The Robert Wood Johnson Foundation
• The Spencer Foundation
• U.S. Department of Health & Human Services, SAMHSA
• U.S. Department of Justice
• JCCC Foundation

For more information about the ISE, email us at ISE@adler.edu.

Institute on Public Safety and Social Justice

The Adler School Institute on Public Safety and Social Justice (IPSSJ) is dedicated to providing socially just solutions to public safety challenges. Through creative collaboration with community groups, peer institutions, and systems partners to address public safety challenges, the IPSSJ and its partners devise empirically sound methods beyond mere suppression to create environments enabling a more lasting and meaningful sense of peace and wellness. IPSSJ believes that through collaboration, human potential and community wellness can be enhanced, and urban safety outcomes can be improved.

The work of the IPSSJ has been made possible through generous support of:

• Community Justice for Youth Institute
• Enlace Chicago
• The Field Foundation
• Illinois Criminal Justice Information Authority/Chicago Area Project
• U.S. Department of Justice
• YMCA

For more information about the IPSSJ, email us at IPSSJ@adler.edu.