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**Three Strikes and You're Out!: The Political Sentencing Game** ..... *Peter J. Benekos*  
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# Federal Probation

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## This Issue in Brief

**Three Strikes and You're Out: The Political Sentencing Game.**—Recent sentencing initiatives which mandate life sentences for three-time convicted felons may appeal to the public, but will they address the realities of crime? Authors Peter J. Benekos and Alida V. Merlo focus on the latest spin on sentencing: "three strikes and you're out." Their article reviews the ideological and political context of recent sentencing reforms, examines "get-tough" sentencing legislation in three states, and considers the consequences of increasing sentencing severity.

**Electronic Monitoring in the Southern District of Mississippi.**—Although many criminal justice agencies now use electronic monitoring as an alternative to prison, some still hesitate to use it in supervising higher risk offenders. Author Darren Gowen explains how the U.S. probation office in the Southern District of Mississippi began its electronic monitoring program with limited expectations but successfully expanded it for use with higher risk offenders. He describes the district's first year of experience with electronic monitoring and discusses the selection criteria, the types of cases, the supervision model, and offender demographics.

**Helping Pretrial Services Clients Find Jobs.**—Many pretrial services clients lose their jobs because they are involved in criminal matters; many have been either unemployed or underemployed for a long time. Some are released by the court with a condition to seek and maintain employment. Author Jacqueline M. Peoples describes how the U.S. pretrial services office in the Northern District of California addressed the issue of unemployment among its clients by launching a special project to identify employers willing to hire them. She also explains how the district developed an employment resource manual to help clients find jobs or training programs.

**Specialist Foster Family Care for Delinquent Youth.**—Authors Burt Galaway, Richard W. Nutter, Joe Hudson, and Malcolm Hill contend that the current focus on treatment-oriented or specialist foster family care as a resource for emotionally or psychiatrically impaired children and youths may disguise its

potential to serve delinquent youngsters. They report the results of a survey of 266 specialist foster family care programs in North America and the United Kingdom. Among their findings were that 43 percent of the programs admitted delinquent youths and that the delinquents were as likely to be successful in the programs as were nondelinquent youths.

**United States Pretrial Services Supervision.**—In June 1994 the Probation and Pretrial Services Division, Administrative Office of the United States

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# Helping Pretrial Services Clients Find Jobs\*

BY JACQUELINE M. PEOPLES

*Supervising United States Pretrial Services Officer, Northern District of California*

**F**EDERAL PRETRIAL services officers supervise individuals, charged with Federal offenses, who have been released by United States magistrate judges or district court judges pending adjudication of the charges. Many of these individuals are unemployed and have committed crimes because of their poor financial status. In a significant number of cases, they are either unemployed or underemployed for a long time.

Because pretrial services clients are involved in criminal matters, many of them lose their jobs. Then the stigma of being involved in a criminal case or being convicted of an offense makes it difficult for these individuals to obtain work. Often the court releases them with a condition to seek and maintain employment throughout their period of supervision. The philosophy of the court is that these individuals are more apt to stay out of trouble if they are gainfully employed and able to meet their financial needs.

Individuals who are without jobs seem more likely to commit the kinds of crime that lead to imprisonment (Viscusi, 1986; Duster, 1987, pp. 300-346). Also, offenders who are even slightly more successful at work seem to commit fewer crimes than offenders who are less successful in the labor force (Petersilia, Greenwood, & Lavin, 1987, p. 321). Furthermore, some research indicates that unemployment rates before imprisonment are a strong predictor of which inmates will engage in crime at the highest rate after their release (Greenwood, 1980, pp. 85-88).

Criminals tend to have poorer work records and higher rates of unemployment than nonoffenders, but some research indicates that more and better job opportunities might lead some offenders to select legitimate sources of income over illegal ones (Freeman, 1983, p. 106). People who hold unattractive jobs that pay poorly, are boring, and offer little room to advance may not think they stand to lose much if they are arrested (Cook, 1975; Orsagh & Witte, 1981, pp. 11-54; 1055-1071). Finding a good job to which a person can feel committed over time seems to be more important than simply holding some job.

This article focuses on how the pretrial services office in the Northern District of California addressed

the issue of unemployment among its clients by launching a special project to identify employers willing to hire defendants. The other goal of the project was to develop an employment resource manual to help defendants find jobs or training programs.

## *Background*

The growing number of individuals unemployed in the United States and particularly in California is staggering. According to the Department of Labor, as of March 1994, the unemployment rate was 6.8 percent for the Nation and 8.6 percent for the State of California. The unemployment breakdown for the major counties in the Northern District of California was as follows: San Francisco, 6.2 percent; Santa Clara, 6.2 percent; Alameda, 6.0 percent; Santa Cruz, 11.8 percent; San Mateo, 4.7 percent; San Benito, 16.4 percent; Monterey, 15.2 percent; and Marin, 4.4 percent.

From January to December 1993, of 1,006 defendants referred to the pretrial services office in the Northern District of California, 27.2 percent (274 individuals) were unemployed, 36.1 percent (363) were employed, and 36.7 percent had an unknown employment status (for various reasons, primarily because defendants refused to be interviewed). Nationally, during that same period, 57,891 clients were referred to pretrial services offices, and out of that number, 39.9 percent (23,088) were unemployed, 48.2 percent (27,930) were employed, and 11.9 percent (6,871) had an unknown employment status.

These unemployment figures are significantly high. They may represent a considerable number of pretrial services clients who feel helpless and discouraged because they are unemployed. Many of these persons have limited skills and therefore slim chances of finding the kind of work which would generate the income they need to sustain themselves and their families. Moreover, even individuals who go through the court system and have skills experience difficulty in finding work. One reason is that, in the job market, they compete against persons who do not have criminal records.

As caseloads of unemployed clients increase, particularly the number of offenders that have a court order to "seek and maintain employment," helping clients to satisfy work-related problems becomes of utmost importance to pretrial services officers. Defendants fre-

\*This article is based on the author's in-district report prepared as part of the Federal Judicial Center's Leadership Development Program. For more information about the program, contact Michael Siegel at (202)275-4100.

quently come to the pretrial services office with the hope that they will receive employment assistance. Pretrial services officers are often the first persons with whom the defendants have contact after they are released by the court. Officers therefore are in an ideal position to address the issue of unemployment.

Pretrial services officers often lack the time needed to actually find jobs for defendants. However, the pretrial services office in the Northern District of California has adopted an approach that allows officers to serve more as employment resources than as job developers and to refer clients to other resources that can best assist them in initiating job searches or in obtaining skills.

### *The Project*

The first step in initiating the project was to develop a letter to send to prospective employers in the community. This letter was designed primarily to identify employers willing to hire defendants and to have them place the pretrial services office on their mailing lists for notification of job vacancies. One hundred letters were sent from each of the three major offices in the district: San Francisco, Oakland, and San Jose. The letters mostly were sent to large companies because of their ability to hire a large number of employees at various skill levels.

The responses to the letters were minimal. Twenty-five percent of employers responded. The major concern of these employers was the amount of time the clients would have to miss from work because of court appearances. Other concerns focused on the kinds of crimes in which the defendants were involved and whether the defendants' jobs would be jeopardized by incarceration following a conviction or sentencing. Because referrals to employers would most likely be made shortly after a person's entry into the Federal court system, these concerns were and will continue to be difficult to address. Hearings sometimes can last for months or years, and pretrial services clients may have to miss considerable time from work to attend these hearings.

One of the major companies that agreed to interview referrals from pretrial services is the American Automobile Association (AAA). AAA initially was concerned about possible liability issues—e.g., a defendant driving an AAA vehicle while under the influence of drugs. The personnel manager was assured that the pretrial services office would refer only individuals who had been screened carefully, who met the requirements of the job, and who would not be viewed as posing third party risk to the company.

Since the project included three of the offices in the district, an employment committee was formed with one officer representing each of the offices. The purpose of the committee is to identify resources that can be used in clients' employment searches. The committee also is responsible for contacting key employers

and agency heads to address any problems or concerns that arise during the employment referral process.

As job announcements are received at the pretrial services office, they were numbered and either displayed on a bulletin board or placed on a clipboard to which the clients have access as they wait to be seen by their officers. Additionally, each officer is given copies of announcements and can review them with any client who meets the job specifications.

The employment committee handles the screening process. Adequately screening defendants is extremely important. It helps avoid sending unqualified and unmotivated individuals to prospective employers, possibly jeopardizing the relationship between the employers and the pretrial services office. A member of the employment committee also makes the initial referral to the employer to eliminate calls from many different officers with whom the employer is not familiar.

The screening process entails a review of the defendant's bail report and any other documents that can provide information about employment history, education, skills, and possible job-related problems. How motivated the defendant is to find employment is a key factor. Some clients, particularly the chronically unemployed, may be better served by a referral to an agency that can coach them in interviewing techniques, resumé writing, and application preparation.

The next step in the project was to develop an employment resource manual listing additional agencies that would help pretrial services clients find jobs or training programs. The goal was to ensure that everyone referred to the pretrial services office for supervision who was unemployed would have at least one resource to which pretrial services could refer him or her. Effort was made to identify resources that would provide information about job openings in the area, as well as job counseling, training, and placement. Also identified were contact persons at each of the agencies who would be willing to provide pretrial services clients with individual attention and assistance. Such contacts also made it easier to verify that defendants were actively pursuing employment and to monitor their progress. Several resources are described below.

### *Employment Resources*

One source of help for pretrial services clients is the Employment Development Department (EDD), which is found in most localities in the Northern District of California. EDD has an ex-felon employment program which is available to pretrial services clients who have prior felony records. Clients referred to EDD are expected to make their first contact with EDD within 3 days. EDD job developers in each of the major cities

(excluding San Jose, which lost its ex-felon program due to lack of funding) selectively work with pretrial services clients. EDD shows each referred client a list of job openings. If the client meets the job specifications, EDD contacts the employer to arrange an interview. EDD conducts a thorough screening before the client is referred to the employer.

An outstanding feature of EDD's ex-felon program is that all potential employers have been briefed about the program and are willing to hire individuals with a criminal history. By doing so, the employer can earn Federal and state tax credits. The job tax credits provide tremendous incentive for employers to hire defendants. EDD also makes notice of job openings available to defendants not eligible for the ex-felon program, though these defendants do not receive the services of the job developers.

Until the pretrial services client finds a job, he or she is in daily contact with EDD to find out about new job listings. The EDD job developer informs the pretrial services office if the client is not showing enough interest or motivation in finding work or if the client continually misses scheduled interviews with employers.

EDD also offers a "Federal Bonding Program" which provides fidelity bonds for those clients who are denied coverage by commercial carriers because of a conviction, imprisonment, or an arrest. It is also available for defendants who have a history of alcohol or drug abuse, poor credit history, and lack of employment history. There is no cost to the employer or the defendant. Bonds of up to \$10,000 are provided and cover any period up to 6 months, with a one-time, 6-month renewal. After a client has been bonded through the Federal program, it is easier for that person to obtain bonding through a commercial carrier. Other services EDD offers pretrial services clients are job counseling, testing, and job preparedness information. Workshops are conducted weekly to ready them for the work environment.

Many agencies also were identified for those individuals who are either unemployed or underemployed or who need training to obtain a job-related skill. The primary source of this training is the Private Industry Council (PIC). PIC was developed in 1980 under the auspices of the U.S. Department of Labor and in cooperation with the District of Columbia Department of Employment. PIC is composed of representatives from business, labor, government, and community organizations.

PIC originally was established to solicit proposals from local agencies and organizations to offer employment and training services to the disadvantaged and underemployed residents of Washington, DC. Funding grants from the Department of Labor were awarded

by PIC for proposals which outlined appropriate action plans and systems for determining measurable results. There is a close link between PIC and the National Alliance of Business. Today, there are PIC's throughout the United States.

PIC works with many agencies in the community that specialize in job developing, training, and placement. A unique component of the PIC agencies is the "On the Job Training" program. Clients are referred to employers who are aware of their criminal record and are willing to allow the client to receive on the job training while the client is paid a stipend. Half of the stipend is paid by the employer and the other half by the government. If the client performs well, he or she is hired by the employer, who must commit to keeping the client employed for at least 90 days. Defendants can train in many areas of work, e.g., secretarial/clerical, culinary, word processing, automobile technology, and electronics. Salaries range from \$5.50 an hour and up depending on the company, the job, and the employee's skill level.

The California State Department of Rehabilitation was also identified as a resource for helping clients in job-related matters (counseling, training, and placement). Their job developers work closely with pretrial services to provide clients with the attention they need. Because many defendants have had difficulty locating work due to their drug abuse or handicap, this resource is crucial and deals solely with individuals who have demonstrated those kinds of problems. Also, the Department of Rehabilitation can assist clients financially in purchasing tools needed for work, in paying their union dues, and in paying for public transportation to get to work.

Another key resource is a program called GAIN (Greater Avenues for Independence). The program offers welfare recipients placement in college classes; basic education courses in preparation for the high school equivalency examination; job training and placement; and English as a second language classes. Those individuals who currently receive Aid to Families of Dependant Children and have no children under the age of three are automatically enrolled in the program. Clients can enjoy free daycare, as well as free bus passes to enable them to seek work or get to class. Those who are not automatically enrolled can volunteer to participate. If an individual has job skills, GAIN can make an immediate referral for job placement. This program screens clients carefully to ensure that responsible clients are referred to employers. They also work with and prepare for employment those who show a lack of interest and motivation.

In addition to the agencies mentioned, pretrial services has identified, through this project, many other resources that can help defendants find work. Some

provide specialized services such as the Korean Center, Inc.; California Prostitute Education Project; Goodwill Industries; and Options for Women Over Forty. Although these agencies are geared to a certain clientele, anyone can use their services. Many post job announcements and conduct job-related workshops. All of these agencies have job developers who provide many employment-related services and are listed in the employment resource manual.

The manual also includes a list of temporary employment agencies. Although these agencies are limited in the kind of job benefits they offer, they have the ability to keep an individual employed on an hourly wage scale for long periods of time. Their services can include office, industrial, and professional work. Although temporary employment agencies are not able to guarantee anyone steady or permanent jobs, clients have found permanent full-time employment because they did excellent work while temporarily employed.

The resource manual also lists job hotlines for clients to call weekly. These hotlines offer good employment leads from both the public and the private sector and are another tool for pretrial services officers to use in periodically monitoring defendants' job search efforts. Furthermore, included in the resource manual are employment materials which focus on how to complete job applications and resumé; interviewing techniques; sample cover letters; and personal appraisals. The manual features questions which an employer might ask of a job applicant and advice as to what not to do or say during an interview. Officers can give copies of this information to defendants for future reference.

Once a pretrial services client has been identified as having an employment problem, the officer makes the appropriate referrals by discussing with the client the resources available. The officer consults with an employment committee representative to ensure that an inappropriate referral will not be made. The pretrial services office does not want to lose credibility with any of the employment agencies by sending irresponsible individuals to them. Clients who fail to follow up on job leads by any of the agencies are brought to the attention of their officers, particularly when there is a court order to "seek and maintain verifiable employment." The defendant may return to court if the non-compliant behavior continues.

A referral sheet was developed, showing the client's name, address, and phone number, along with the client's education, skills, and the kind of job the client is seeking. The form also includes a section for the pretrial services officer to list resources to which the client is referred and the name of the specific contact person. There is a section in which the client can indicate if particular resources have become obsolete.

Such information helps keep the resource manual updated and weeds out agencies that are unable to provide assistance to the clients. A copy of the completed referral sheet is placed in the client's file.

To help the officer verify the defendant's job search, a contact sheet is given to the defendant to show places where the defendant has looked for work. The sheet, a copy of which is in the manual, includes names of individuals with whom the defendant converses at work sites. The officer reviews the contact sheet and places it in the defendant's file.

Finally, pretrial services clients are given a list of job hotlines, temporary agencies, and job banks to assist them in their employment search. The more resources they have, the better their chances to find work. The pretrial services office's project is ongoing and expanding as new employers and agencies willing to help defendants are added.

### *Conclusion*

After the project was in effect for 3 months, a questionnaire was distributed to officers to help measure the effectiveness of the project. The questionnaires revealed that, from July through September 1994, pretrial services officers supervised 57 unemployed clients. Of these individuals, nine found jobs through the resources of the project. EDD helped two individuals find employment, although five clients were interviewed, through EDD, by prospective employers. Five clients found employment through job announcements, one client found a job with a temporary agency, and one client found a job through an employment agency listed in the manual.

The number of clients who actually found employment is not astounding. However, a significant point is that 25 of the unemployed individuals used the job announcements and manual as resources for employment and training. In pretrial services, where defendants' lack of motivation to find work can be a significant problem, helping even a few to locate jobs constitutes a certain measure of success. In that the project conducted in the Northern District of California aimed to assist clients in their job search and to increase their employability, the project met its goals. It was also initiated with only minimal expenses, which were for mailing. We hope the project described here will be helpful to officers in other districts who want to improve the employment assistance they offer pretrial services clients.

There is a need to re-educate employers and the public about the contributions defendants can make to the employment world and to society in general. Since employment is an important part of a defendant's life, every effort must be made to restore the defendant's sense of self-worth by providing avenues for obtaining

meaningful work. The pretrial services office is in a position to help.

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