

Connecticut Sentencing Commission

Certificates of Employability in Connecticut

Scope of Study

Introduction

The Connecticut Sentencing Commission (CSC) was established in 2010 (Public Act 10-129) and began its work on February 1, 2011. The Sentencing Commission is mandated to review the state's criminal sentencing structure including sentencing laws, policies and practices and any proposed legislation or changes to those policies and practices. Based on that review, the CSC must make recommendations to the governor, the General Assembly and criminal justice agencies.

The Sentencing Commission researched the issue of barriers and forfeitures to employment and professional licensure among offenders and formulated recommendations. These recommendations were subsequently submitted to the General Assembly and enacted in Public Act 14-27.

Summary of Public Act 14-27

During the 2014 session, the General Assembly passed Public Act 14-27, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Certificates of Rehabilitation. It should be noted that Board of Pardons and Paroles (BPP) and the Judicial Branch Court Support Services Division (CSSD) administratively changed the name of certificates of rehabilitation to certificates of employability (COE) to better reflect the intent and purposes of the process. The Sentencing Commission agrees with the name change and will use the COE term throughout the study.

Public Act 14-27 recognized that one or more criminal convictions impact an offender's ability to obtain employment or the professional license required in certain occupations. These barriers, along with financial instability, have been linked to higher recidivism rates among offenders. Research shows that offenders who are gainfully employed are rearrested at a lower rate than those who are not employed. The COE process passed in Public Act 14-27 was intended to provide relief from these barriers and thereby potentially reduce the rate of recidivism among offenders issued certificates of rehabilitation. The new law, however, does not eliminate these barriers or substantively change the laws or administrative policies nor does it address the socioeconomic realities that establish such barriers.

Beginning on October 1, 2014, BPP and CSSD, which administers adult probation, are authorized to award certificates of employability to eligible offenders. Starting January 1, 2016, the Sentencing Commission must post online BPP and CSSD data on the certificates of employability process.

The Sentencing Commission is also responsible for evaluating the effectiveness of the certificates of employability in reducing the barriers to employment faced by offenders. The longitudinal evaluation process begins on October 1, 2015 -- one year after the new law takes effect on October 1, 2014 -- and

ends on January 15, 2018. CSC is required to submit reports to the General Assembly on January 15 of 2016, 2017, and 2018.

Definition of Certificates of Employability

As previously stated, a certificate of employability is intended as a form of relief for eligible offenders from the barriers and forfeitures to employment or the issuance of a professional license required for certain occupations because of a criminal conviction. The Board Pardons and Paroles and the Court Support Services Division are responsible for granting or denying COE applications. BPP or CSSD can issue certificates of employability that apply to all or only specific barriers, forfeitures or convictions. The COE is a state-issued endorsement that the certificate holder's prior criminal conviction(s) should not prevent him or her from getting a job or a professional license.

Applicant Eligibility

An applicant must be a Connecticut resident convicted of a crime in any jurisdiction. The eligibility criteria vary slightly between the Board of Pardons and Paroles and the Court Support Services Division and are based on each agency's jurisdiction.

Board of Pardons and Paroles. BPP accepts and processes COE applications for offenders who have:

- been under parole supervision for at least 90 days without any technical violations or new arrests or
- completed their sentence, are not currently under supervision, and have been living in the community for at least 90 days without any new arrest.

Incarcerated offenders are not eligible to apply for or be granted a certificate of employability.

Court Support Services Division. CSSD accepts and processes COE applications for offenders who are:

- sentenced by the court to a term of probation or
- participating in a pre-trial diversionary program and have at least one prior criminal conviction.

Measures of Effectiveness of Certificates of Employability

Public Act 14-27 established the goal of the certificates of employability process as, "promoting the public policy of rehabilitating ex-offenders consistent with the public interest in public safety, the safety of crime victims and the protection of property." For the purposes of this study, two primary performance measures will be tracked: (1) employment and (2) recidivism.

Because the intent of the certificates of employability process is to reduce the barriers to employment as a result of a criminal conviction, the first measure is the rate at which certificate holders are

employed. Based on the best available data, the Sentencing Commission will attempt to determine how many certificate holders are employed or issued a professional license and in which occupations they work. If data are available, CSC will also attempt to analyze how long certificate holders are employed or unemployed.

The second measure is the recidivism rate among certificate holders. Recidivism is consistently defined by the Connecticut criminal justice system as new criminal activity that leads to an arrest by a convicted offender after a certain point, e.g., discharge from prison, release to parole or sentence to probation. The measures used to track the recidivism rate are re-arrest, reconviction and sentencing. For this study, the start date to track the recidivism rate will be the COE issuance date.

Cohort Groups

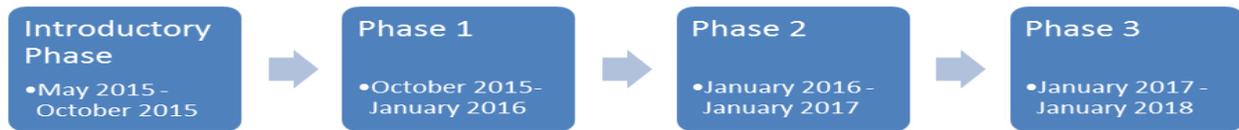
The Sentencing Commission will track and compare the COE applicants processed through (1) CSSD and (2) BPP. Within these two primary cohort groups, data on those applicants granted a COE and those denied a COE will also be examined.

For comparison to the certificate holders, the Sentencing Commission will select from each agency a cohort group of offenders who did not apply for a COE. These offenders will be selected based on demographics, sentences and criminal records that are similar to those of the COE subjects selected for the study.

It is important to analyze the rates of employment and recidivism among certificate holders and those offenders who applied, but were denied a COE, and like-offenders who did not apply for a COE.

Study Timeline

The Sentencing Commission designed a longitudinal study to evaluate the effectiveness of the certificates of employability process based on identified performance measures. As the graphic below shows, there are four phases: the introductory phase and phases 1 through 3. The introductory phase is not required by Public Act 14-27, but is intended to define terms, identify performance measures, and ensure that the necessary data is collected by BPP and CSSD from the COE process' initial implementation.



Introductory Phase

The introductory phase extends from August 2014 to September 30, 2015. Though not required, the Sentencing Commission will issue a briefing document at the end of the introductory phase that will:

1. Describe CSSD and BPP policies and procedures for the issuance of certificates of employability including standards for granting or denying certificates.
2. Clarify areas of authority or responsibility that are (a) not addressed in statute or (b) raised by implementing agencies.
3. Identify terms and definitions and unclear statutory language.
4. Identify data necessary to conduct longitudinal analysis and work collaboratively with BPP and CSSD to collect data.
5. Establish an online link on the Sentencing Commission website for BPP and CSSD data by January 1, 2016.
6. Conduct background research on all barriers to employment and community re-entry of offenders and relief processes in other states.
7. Identify areas of potential statutory or administrative recommendations or for further analysis.

Year 1 Phase

The Sentencing Commission is statutorily required to issue its first evaluation report on January 15, 2016, which is 18 months after the certificates of employability process is implemented. This phase will include the baseline rates of employment, including issuance of professional licenses, and the recidivism rate among the study cohort groups. In this phase, the Sentencing Commission will:

1. Analyze the BPP and CSSD processes based on timeframes, caseloads and other process markers.
2. Continue to describe BPP and CSSD implementation processes including funding and staffing resources.

3. Attempt to survey applicants and certificate holders regarding the use of the process and value of the COE in obtaining employment or a professional license.
4. Examine a possible role of Department of Labor in the COE process.
5. Identify the policies and processes of licensing boards and commissions and agencies that consider COEs in issuing professional licenses.
6. Coordinate with the business community regarding the value of the COE in hiring offenders.
7. Bring the Sentencing Commission website link online to provide BPP and CSSD data on certificates of employability.

Year 2 Phase

The Sentencing Commission is statutorily required to issue its second evaluation report on January 15, 2017. This phase of the study will include more detailed analysis of the rates of employment, including issuance of professional licenses, and recidivism among the study cohort groups. In this phase, the Sentencing Commission will:

1. Continue to track and compare the employment and recidivism rates among the cohort groups from the introductory and year 1 phases.
2. Assess implementation of any statutory or administrative recommendations from year 1 phase.
3. Continue qualitative analysis (through survey and other methodologies) of COE applicants and holders as well as employers.
4. Make necessary legislative or administrative recommendations.

Year 3 Phase

The Sentencing Commission is required to issues the final report on the effectiveness of the certificate of employability process on January 15, 2018. In this final phase, the Sentencing Commission will:

1. Complete final employment and recidivism rate analyses and compare them to the prior three years.
2. Based on available data, attempt to conduct a cost-benefit analysis of COE process.
3. Assess implementation of any prior statutory or administrative recommendations.
4. Issue final findings and recommendations.
5. Summarize the broader policy implications, issues, problems and solutions for offender re-entry and barriers and forfeitures to employment.