

Motivational Interviewing: Embracing Effective Intervention

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IN

One can only imagine how many times the phrase “You need to get a job,” has been uttered by criminal justice officials to people with criminal records. Even though research and our personal convictions reinforce the importance of employment in the lives of all people, including those with criminal records, a well-intentioned plan is often misapplied and may do more damage than good. Without understanding the stage of life a person with, and the motivation to

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Back on Track

We asked people with criminal records to share their personal experiences finding employment having the stigma of a conviction. Here is one story:

Tom Brown

When a state trooper pulled me over on the night of March 22, 2002, it was my third DWI in four years. Like many alcoholics, I never thought about the repercussions of my addictive behavior. That night my education began. My life and the lives of my family were changed forever.

I had been gainfully employed for the past 15 years as a stock trader with various investment brokerage firms. I was a third generation Wall Street trader following in the footsteps of my father and grandfather. After my arrest, I was convicted of felony DWI in November later that same year. In January 2003, after almost a year of recovery, the firm that I worked for asked me to resign. As a result of my felony conviction, my broker’s license (series 7) was subject to disqualification and my firm declined to sponsor me. [See “**People with Criminal Records Working in Financial Institutions: The Rules on FDIC Waivers**” at <http://www.hirenetwork.org/FDIC.html> for a discussion of the rules governing the employment of people with criminal records in financial institutions.] I have not found employment in the brokerage industry since.

I found myself out of work with a family of four, a mortgage and lots of bills. I could not work in the industry where I had built my career. To get my license reinstated, I had to find an employer who was willing to sponsor me. If I am fortunate enough to find someone willing to sponsor me, it will cost about \$3500 and will take from six to 12 months before I can work in my field again. That is assuming that the NASD (National Association of Securities Dealers,

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change it, it may feel like pounding the bottom of the ketchup bottle with the lid still on; exerting energy with no effect. Motivational interviewing is a case management technique that can help take the bottle lid off. That lid, or barrier, is the self-actualization of the behaviors that cause problems and the benefits to changing them. Job-readiness training, placement services, extraneous barrier-reducing and transitional jobs are worthwhile interventions; however, without the individual having a reason or an understanding of the benefits of employment, it can be pointless to exert the energy.

Change is difficult for people in most situations. For example, the administration of an organization implementing a new method for cutting costs creates change. Some resist the new way of doing things and drudgingly go through the process of retooling their systems, while others roll with it. When attempting to apply change to people with criminal records, many practitioners are puzzled when the client neglects to provide a “better life” for him or herself. For many criminal justice and workforce development practitioners, motivation then becomes another problem they must “fix” or do something about, otherwise known as the righting reflex (Miller & Rollnick, 2002).

Practitioners often respond to this “righting” reflex by either subtly or quite blatantly “imposing” change on their clients. This only leads to increased resistance and the consequent labeling of people with criminal records as either denial, resistant or recalcitrant (Fabiano, E. & Porporino, F., 2004). Until recently, the staff at Allen County Community Corrections in Fort Wayne, Indiana recognized that many practice this reflex daily. The staff participated in three days of training in the “Cognitive Motivational Tools for Negotiating Behavior Change, 2004” provided by T³ Associates. It changed the way staff interacted with clients almost immediately, applying learned techniques like “reflective listening” and “decisional balance” the following day.

We learned that any approach that relies on persuading, convincing, shaming, or confronting will not work, even if there seems to be some degree of compliance. We also learned that by rolling with

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the governing body of all securities dealers) approves my registration.

I have begun searching for work outside of Wall Street and have found the transition difficult. My felony conviction is definitely a hurdle to employment. I recently applied for a certificate that lowers the bar against discriminating me from employment because of my felony conviction. My application was declined, and I was told to reapply in a year. As difficult as it has been to find work, I will not give up; I will just have to work harder.

The last two years have been a life-altering experience for me. I have lost many things that I once believed were important. But at the same time, I have found my sobriety and a better understanding of what is really important. I believe something greater than me intervened that early morning in March of 2002. I participate in a recovery program that helps me maintain my sobriety. My program has made me a better husband, father and person. It teaches me how to live life on life’s terms. When I do get back to work again, I will be the best that I can be at any profession that I choose. ❖

From Media to Practice

This is the ninth of a series in which we highlight an issue raised by a recent press article.

Glenn Martin

A recent New York Times article (“Use of Credit Records Grows in Screening Job Applicants, March 28, 2004) highlights the increasing trend of employers to rely on credit reports to screen prospective employees. See <http://www.nytimes.com/2004/03/28/jobs/28jmar.html?ex=1081573177&ei=1&en=5bb184880b2f5c88>. If you think a history of not paying your debts can eliminate your chances of getting a job, imagine the employer’s reaction when he or she reviews the report and sees criminal record information. Whether the information is accurate or not, it could spell disaster for even the most qualified job applicant.

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resistance and ambivalence, a usually exhausting day of “wrestling with the offenders” can be turned into “a dance.” I like to think of it as the ancient art of Tai Chi in the martial portion of teaching. The emphasis is gracefully being able to channel potentially destructive energy (in the form of a kick or a punch) away from one in a manner that will dissipate the energy or send it in a direction where it is no longer a danger. Eventually, clients will exhaust themselves and the old way of doing things.

Developing discrepancy, avoiding argumentation, supporting self-efficacy, and expressing empathy allow staff to detect the level of motivation, or the lack thereof. One of the basic tenants of “negotiating behavior change” is the understanding that motivation to change must be elicited from within the person rather than imposed by the treatment provider (Fabiano, E., & Porporino, 2004). Individuals move through a series of five stages when engaging in the process of change: pre-contemplation, contemplation, preparation/determination, action, and maintenance.

Resistance to change is normal. Usually practitioners perpetuate resistance too often. For example, when people are in the “pre-contemplative” stage, a typical response from a practitioner may be to undervalue the benefits to the continued behavior, overestimate the risk and harms, giving (expert) advice against and assuming that the person sees it as a problem in the first place. The movement through the stages of change derives from the motivation of the person and the practitioner must be armed with tools and interventions to guide him or her. They must continually assess the stages, because life is situational and so is change.

The criminal justice and corrections environments focus on the element and process of change. It has been shown that practitioners can influence the client’s motivation and greatly increase the likelihood of success. One of the greatest tasks is to overcome the ambivalence to change in the pre-contemplation stage. Using the framework of motivational interviewing, front-line staff exercises can be strategies to reinforce new interpersonal styles of case management. Motivational Interviewing is not a program or intervention as much as it is a new way of

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Agencies that sell criminal record information often market their services to employers by emphasizing that they may be liable if they hire someone without doing a background check and the new employee commits a crime while at work. This is a common scare tactic used to drum up business by taking advantage of employers’ legitimate post-9/11 fears and negligent hiring concerns. What these companies often do not advertise is that criminal justice information contained in credit reports is frequently not up-to-date or is altogether inaccurate.

Although criminal justice information is not protected by privacy rules, each state maintains an official repository of criminal justice information (see the “Resources and Assistance” section of our website for contact information for the agency in your state) that is, for the most part, fingerprint-based. In some states, only certain employers and licensing agencies have a statutory right to receive a copy of these records. However, credit reports have become an inexpensive and effortless way for employers to obtain criminal justice information on a job applicant. Yet, these reports usurp most state’s intentions when levels of suppression are created for the dissemination of criminal justice information.

Credit reporting agencies rely on public information, such as liens, fines, court fees, and other public records as a source for gathering criminal justice information. In many instances, the courts are too overburdened to update the records of credit reporting agencies when one of these debts has been satisfied. In addition, credit reports may inaccurately reflect court activity. For example, the credit report of a woman who was convicted of a misdemeanor in 1998 in New York resulted in her not getting employed because it inaccurately reflected her criminal history. In 2002, she applied for a Certificate of Relief from Disabilities to obtain evidence of rehabilitation from the court where she was convicted. Her credit report documented the original arrest information. However, it also misreported her receipt of the Certificate in 2002 as an additional arrest, thus making her criminal record appear more serious and more current than it was. As a result, the employer accused her of misrepresenting her conviction history on the job application and this inaccuracy contributed to the employer being

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being and interacting with people. Expressing empathy, avoiding argumentation and rolling with resistance are a few techniques that we, as practitioners, must adopt. Avoiding negative confrontations and having a motivated caseload saves time needed for those with more difficult issues and challenges. Motivational interventions can effect job satisfaction, time management, caseload size and overall expenditures. Subscribing to this new methodology is difficult ... but consider the alternative.

For more information on motivational interviewing, please contact Elizabeth Fabiano, T3 Associates. (613) 236-4188. ❖

unwilling to hire her despite her qualifications for the job.

Here are a few important guidelines for employers and job developers to keep in mind when reviewing credit reports of job seekers:

- If a report contains inaccurate information the applicant has a right to challenge the information and the credit-reporting agency (CRA) must immediately correct it.
- If an item listed on a report is incomplete, the CRA must complete it. For example, if the report shows that the person was late making payments, but failed to indicate that the person is no longer delinquent, the CRA must confirm that payments are now current.
- While a credit report can contain information about criminal convictions without any time limit, if it includes information belonging to another person, the CRA must research and delete it.

As a final point, anytime a credit report is used as a method of verifying criminal record information, the job seeker should be given ample time to review and refute any information being considered in the report. For a full discussion of the rules governing the use of credit checks by employers, please view the summary on our website, "**Employer Use of Consumer/Credit Reports to Obtain Criminal Record Information.**" ❖

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The National H.I.R.E. Network is generously supported by the Charles Stewart Mott, Joyce, Public Welfare, and Annie E. Casey Foundations.

Shout Out!



Congratulations to **Robyn Frye** of Providence, RI for her 2004 nomination to receive a Volvo for Life Award. The award recognizes and honors ordinary people "who go above and beyond the call of duty to act with conscience, caring and character to help others in need." One-hundred heroes across the country will receive the award.

Ms. Frye, a Harlem, NY native, serves as the Director of Community Relations at a local community development corporation. She performs community outreach with the Rhode Island Department of Correction's Women in Transition program, volunteers as a mentor to middle school children and uses her experience as an individual with a criminal history to help women who want to make a change in their present lives and to share those experiences with legislators and policymakers in Rhode Island.

Thanks Robyn for your leadership and dedication! ❖



H.I.R.E. on the Hill

Alexa Eggleston

Senate Passes S. 2231, "Welfare Reform Extension Act of 2004," Bill for 3-Month Extension of the Temporary Assistance for Needy Families (TANF/Welfare) Program*

The Senate passed S. 2231, the "Welfare Reform Extension Act of 2003," introduced by Senate Finance Committee Chairman Charles Grassley (R-IA), to extend the Temporary Assistance for Needy Families (TANF/Welfare) Program through June 30, 2004. The legislation would provide a "clean" extension for the TANF program, meaning that no policy changes would be made to the existing TANF program. TANF is currently set to expire on March 31, 2004. The bill was referred to the House Committee on Ways and Means as well as the House Committee on Energy and Commerce, the Committees with jurisdiction over the bill.

In the House of Representatives, Congressman Wally Herger (R-CA) introduced two bills that would also extend TANF through June 30, 2004. These bills are:

H.R. 3848, the 'Work Promotion and Independence Act of 2004.' This extension includes a provision that would recalibrate the current caseload reduction credit based on more recent participation rates.

H.R. 3897, the 'Welfare Extension and Marriage Promotion Act of 2004.' This extension includes a provision that would authorize \$50 million FY 04 to award competitive grants for healthy marriage promotion activities, as well as \$50 million in FY 04 for research, demonstration, and technical assistance for marriage promotion activities. Healthy marriage promotion activities include: public advertising campaigns, education in high school on the value of marriage, marriage education for non-married pregnant women and non-married expectant fathers, pre-marital education and marriage skills training, divorce reduction programs and marriage mentoring programs.

Both pieces of legislation were referred to the Committee on Ways and Means and the Committee on Energy and Commerce. Although timing for the reauthorization of

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FUNDING OPPORTUNITIES!



"Workforce Development for Community Corrections: Defining Workforce Issues and Strategies for the 21st Century":

The National Institute of Corrections will award a cooperative agreement to create a guidebook that will identify, analyze, and address critical issues and challenges, and suggest strategies and solutions, related to recruitment, hiring, pre-employment assessment, performance evaluation, job descriptions, retention of staff, and required knowledge and skills for promotion into first line supervisory positions. Up to \$75,000 is available for this project. *The deadline is June 3, 2004.* For more information, go to <http://frwebgate1.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=162026109105+6+0+0&WAISaction=retrieve> or contact Drew Molloy at (800) 995-6423 ext. 40100 or by email at amolloy@bop.gov

The Substance Abuse and Mental Health Services

Administration (SAMHSA) will make Youth Transition into Workplace grants to help organizations that have identified promising new practices to evaluate and package those innovations for review and inclusion in the National Registry of Effective Programs (NREP). *The deadline is May 27, 2004.* For more information, go to http://www.samhsa.gov/grants/2004/nofa/sp04006_YIW.htm

The Administration for Children and Families, Family and Youth Services Bureau

will grant 150-200 awards up to \$1 million each to public or private organizations to provide mentoring services to children of prisoners. *The deadline is April 23, 2004.* For more information, go to <http://www.acf.hhs.gov/grants/open/HHS-2004-ACF-ACYF-CU-0001.html>

The Tiger Woods Foundation focuses on supporting organizations that provide opportunities for children and families who are underserved in the areas of education, youth development, parenting and family health and welfare. Organizations must have IRS qualifying public support of over \$100,000 from the preceding year. *The deadline is May 1, 2004.* For more information, call (714) 816-1806 or see

<http://www.twfound.org/grants/funding.sps?section=grants&sid=941&lid=1&gra=0>

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the TANF/Welfare program is still uncertain, the full Senate is currently debating the bill and it is possible that the Senate could pass the legislation before it recesses in early April. The House passed its version of TANF reauthorization legislation, H.R. 4, early last year.

*This update from Washington, DC is being reprinted courtesy of the Legal Action Center's Washington Weekly Roundup. ❖

Staples Foundation for Learning Funds for Job Skills and Education Training provides funding to programs that support or provide job skills and /or education for all people, with special emphasis on disadvantaged youth. *The deadline is April 2, 2004.* For more information, see <http://www.staplesfoundation.org/foundapplication.html>

The **Bank of America Foundation** provides grants to non-profit organizations that help people develop job skills and attain affordable housing. For information about eligibility, contact (800) 218-9946 or see http://www.bankofamerica.com/foundation/index.cfm?template=fd_funding.

Federal Grants Website: As a reminder, the U.S. government has a website with information about federal grants available in a range of topics, including Employment, Labor and Training, and Law, Justice, and Legal Services. See www.grants.gov. ❖

Updates to the H.I.R.E. Website!

We recently added many new documents to our website (www.hirenetwork.org). We hope you find them useful. Please check them out:

- FBI Rap Sheets: Frequently Asked Questions
- State Rap Sheets: Frequently Asked Questions
- Make Your Voice Heard: Guidelines for Effective Advocacy
- Effective Strategies to Increase Employment Opportunities for People with Criminal Records
- The Million Dollar Question: Do You Have a List of Employers Who Hire People with Criminal Histories?
- Federal Occupational Restrictions Affecting People with Criminal Records
- Technical Assistance Available

If you have suggestions for ways we can improve our website, please let us know. ❖



ONLINE RESOURCES

As this election year unfolds, it can be difficult to stay on top of new developments in your state. The website www.polstate.com is an ideal site for anybody interested in keeping up with state-level politics around the country. The site features a state-by-state breakdown of important political news, as well as an easily usable archive section.

RTI International and the Urban Institute are pleased to announce the availability of a website for the Multi-site Evaluation of the Serious and Violent Offender Initiative, located at <http://www.svori-evaluation.org>. The website provides up-to-date information regarding multi-site evaluation activities and also includes selected reentry-related resources, including links to reentry-related websites, presentations, documents, and reports. Several excellent reentry reports based on earlier research from the Urban Institute can be accessed through the website. ❖

Upcoming Conferences of Interest

April 14-16, 2004

Center for Mental Health Services & Criminal Justice Research First Biennial Conference: "Reentry to Recovery: People with Mental Illness Coming Home from Prison or Jail"

The Sheraton Society Hill Hotel

Philadelphia, PA

Contact: Kristen Gilmore

Tel: 732-932-1225

Email: cmhs&cjr@ihhpar.rutgers.edu

May 12-14, 2004

The National GAINS Center for People with Co-Occurring Disorders in the Justice System 2004 Annual National Conference: "From Science to Services: Emerging Best Practices for People in Contact with the Justice System"

Contact: <http://www.gainsctr.com/b/Default.asp>

Tel: 800-311-GAIN

May 12-15, 2004

Family Support America's 10th Biennial Conference: "Extending the Reach - Building a National Framework for Family Support"

Hyatt Regency on the Riverwalk

Chicago, IL

Contact: www.familysupportamerica.org

Tel: 312-338-0900

Fax: 312-338-1522

May 19-21, 2004

Pennsylvania Partners 2004 Employment, Training and Education Conference

Hershey Lodge and Convention Center

Hershey, PA

Contact: www.papartners.org

May 23-26, 2004

National Association of Workforce Development Professionals 15th Annual Conference: Expedition to Professionalism

Hilton Portland & Executive Tower

Portland, OR

Contact: www.nawdp.org

Tel: 202-589-1790

Fax: 202-589-1799

May 24-27, 2004

2004 LISC Community Safety Initiative National Conference

Wyndham Toledo Hotel



Hot Off the Press: Recent Reports

Life on the Outside: The Prison Odyssey of Elaine Bartlett, by Jennifer Gonnerman. This book, published by Farrar, Straus and Giroux, tells the story of Elaine Bartlett who was convicted under New York State's Rockefeller Drug Laws.

"Outside the Walls: A National Snapshot of Community-Based Prisoner Reentry Programs," by the **Reentry National Media Outreach Campaign** (written by Amy L. Solomon, Michelle Waul, Asheley Van Ness, and Jeremy Travis of the Urban Institute). This document offers a short summary of prisoner reentry, identifies national resources, and provides briefing papers and sample programs in the areas of Education & Employment; Health Challenges; Housing; Family; Public Safety; and the Faith Community. To read the introduction, go to

http://www.reentrymediaoutreach.org/pdfs/outside_intro.pdf. The Education & Employment and Reentry:

Briefing Paper is available at

http://www.reentrymediaoutreach.org/pdfs/employment_bp.pdf. The report's **Education & Employment and Reentry: Sample Programs** offers information about

model programs and is available at

http://www.reentrymediaoutreach.org/pdfs/employment_ex.pdf

Back into the Fold: Helping Ex-Prisoners Reconnect through Faith, by Ram. A. Cnaan with Jill W. Sinha for the Annie E. Casey Foundation (January 2004).

Educated, Experienced, and Out of Work: Long-term Joblessness Continues to Plague the Unemployed, by

Sylvia Allegretto of the Economic Policy Institute and Andy Stettner of the National Employment Law Project (March 2004). To view this issue brief, go to

http://www.epinet.org/content.cfm/issuebriefs_ib198

Off to a Good Start: A Report on High Road

Workforce Investment Board Policies and Practices, by the AFL-CIO Working for America Institute (2004). This report releases findings from a 2003 survey of over 80 local Workforce Investment Boards in 45 of the largest cities of the United States. The survey assessed the extent to which boards used three techniques to raise community standards: high road community audits, expanded use of more realistic self-sufficiency standards, and subsidy accountability tools. To read this report, go to

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Toledo, OH
Contact: www.liscnet.org/csi

June 5-8, 2004**8th National CURE (Citizens United for Rehabilitation of Errants) Convention**

Hotel Harrington
Washington, DC
Contact: National CURE
Tel: 202-789-2126

June 17-19, 2004**The 11th National Roundtable for Women in Prison**

Sheraton Hotel
Atlanta, GA
Contact: www.takingaim.net/2004roundtable
Tel: 404-755-3262
Fax: 404-755-3294

June 18-20, 2004**2004 American Constitution Society for Law and Policy National Convention: "Liberty and Equality in the 21st Century"**

Marriott Wardman Park Hotel
Washington, DC
Contact: www.acslaw.org

June 24-26, 2004**National Center on Education, Disability and Juvenile Justice National Conference: "Positive Outcomes for Court-Involved Youth: Prevention, Education, Transition"**

Denver Marriott City Center
Denver, CO
Contact: www.edij.org

July 18-22, 2004**The 2004 National Association of Blacks in Criminal Justice: Making a Difference in the American Justice System**

Adams Mark Hotel
Jacksonville, FL
Contact: Ornetta Lockette Slaughter
Tel: 703-299-2190
Email: ornetta_slaughter@vaed.uscourts.gov

July 19-21, 2004**Workforce Innovation 2004: "The Power of E³ ...Fueling America's Economic Engine"**

San Antonio Convention Center
San Antonio, TX
Contact: www.workforceinnovations.org

<http://www.workingforamerica.org/documents/PDF/GoodStart.pdf>

Pulse Check: Drug Markets and Chronic Users in 25 of America's Largest Cities, by the Office of National Drug Control Policy (January 2004). To view this report, go to <http://www.whitehousedrugpolicy.gov/publications/drugfact/pulsechk/january04/>

National Criminal History Improvement Program: Federal Grants Have Contributed to Progress, by the United States General Accounting Office (February 2004). The GAO examined how states have used federal grants designed to improve the quality of criminal records and the progress states have made in automating criminal history records and making them accessible nationally. To read this report, go to <http://www.gao.gov/cgi-bin/getrpt?GAO-04-364>. ❖

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July 19-21, 2004

National Institute of Justice Annual Conference on Criminal
Justice Research and Evaluation: Challenges of Evaluation
Research

JW Marriott Hotel

Washington, DC

Contact: Institute for Law and Justice

Tel: 703-684-5300

Fax: 703-739-5533

Email: nijpcs@ilj.org

<http://www.ojp.usdoj.gov/nij/>

Sept. 24-26, 2004

Fifth Annual Conference on Addiction and Behavior

St. Louis Marriott Downtown

St. Louis, MO

Contact: <http://www.gwcinc.com/ncacbmainpg.htm>

Sept. 26-29, 2004

**11th National TASC Conference on Drugs and Crime:
“Building Safer Communities through Partnerships to
Restore Individuals and Families”**

Sheraton National Hotel

Arlington, VA

Contact: www.nationaltasc.org