



# Citizens United for Rehabilitation of Errants Inc.

A National Grassroots Effort by Families of Prisoners, Former Prisoners and Other Concerned Citizens to Reduce Crime Through Criminal Justice Reform  
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## New Era in CURE

On May 5th, by a vote of 22 to 1, the Board of Directors voted for a comprehensive revision of its by-laws. This was at the end of the national board meeting which was held May 4-6 at the Hotel Harrington in Washington, DC.

This vote was the conclusion of a nine month study by a committee authorized by the Board. The immediate need for changes was to comply with the new District of Columbia incorporation law where CURE is incorporated. Also, this revision effected a much greater role for national leadership by leaders of state and issue chapters.

A Chapter Support Committee and a Finance Committee were created and the membership in the Executive Steering Committee was increased. On June 5, 18 board members were elected by the Board to these Committees. Then, on July 5, the Board of Directors after receiving a report from the Finance Committee voted for a budget for the last six months of this year. A new item in the budget is \$5,000 to help chapters, through small grants, as recommended by the Chapter Support Committee. This Committee also determines which chapters are fully compliant with the by-laws and which are provisional.

Only board members from chapters in full compliance with CURE's By Laws are Director Members. All other CURE members are General Members. General Members have the opportunity to help to determine CURE's criminal justice initiatives for the upcoming year and will be provided ballots in the November issue of this newsletter.

## Other Items on the Agenda

In preparation for this historic vote on the internal structure of CURE, there was a report on Sunday by the Bylaws Revision Committee members Deborah Elizabeth Forbes, Gretchen Vala and Jean Thrash.

Next, Lea Green, Director of MD CURE, led a discussion about mobilizing families for reform of MD's life sentence.

Then, there was a "Presentation on Tools of Engagement: Making the Most of What's Available to Nonprofits for Grassroots Advocacy" by Galen Baughman, Director of Communications, and Nick Szuberia from Nation Inside. This was in preparation for a June 21-23 Social Media Conference in Detroit where a dozen CURE leaders participated.

Concluding the day, Wayne Bowers, Chair of CURE-SORT, and Tom Chleboski, editor of CURE's Civil Commitment Newsletter, co-chaired a panel that reported what is going on concerning people serving a sentence for a sex offense.

Talks on Monday were by Matthew Gritzmacher from the Campaign for Fair Sentencing of Youth on its efforts to implement the Supreme court's decision to abolish life without parole for juveniles. [www.fairsentencingforyouth.org](http://www.fairsentencingforyouth.org)

Later, Mellie Nelson, supervisory attorney, U.S. Department of Justice (USDOJ), Disabilities Rights Section of the Civil Rights Division discussed the decision by North Carolina to become the first state prison system to comply with the

Americans with Disabilities Act (ADA). NC-CURE leader Deborah Elizabeth Forbes shared how NC-CURE worked with USDOJ to successfully achieve compliance. NC prisons publicly post this compliance notice at the front gate of each prison.

Also, there were updates by speakers concerning the following: (1) The Clemency Project by Director J.P. "Sandy" Ogilvy, Columbus School of Law, Catholic University of America. The Project is in its first year and law students prepare a very limited number of clemency petitions. They are not in a position to accept any new petitions requests at this time.

In conjunction with former Maryland Governor Robert Ehrlich, who is partnering with Columbus School of Law in the Project, the Clemency Project also hopes to provide training for newly-elected Governors and staff who will oversee clemency petitions in their state to guide them in creating a robust clemency process in their states. This aspect of the CUA Project is being coordinated by Professor Cara Drinan. Jean Thrash, leader of Arkansas CURE, reported on Gov. Ehrlich's visit to Little Rock to start a similar clemency project at the law school there.

(2) The Prison Rape Elimination Act (PREA) by Chris Daley of Just Detention International (JDI). Mr. Daley highlighted the refusal by Texas to comply with PREA. Since then, AZ, ID, IN, NE, UT and FL have offered no assurances that they would comply. In fact, only two states, NH and NJ have been certified that they have fully implemented PREA.

Also, victim funding should soon cover services for those sexual assaulted while incarcerated. For more info about PREA, contact JDI, 3325 Wilshire Blvd., #340, Los Angeles, CA 90010. Staff attorney Cynthia Totten Esq., California Attorney registered #199266, will receive legal mail from people incarcerated. JDI: phone: 213-384-1400 email: [info@justdetention.org](mailto:info@justdetention.org). Its web site is [www.justdetention.org](http://www.justdetention.org)

People Formerly Incarcerated at Board Meeting  
Left to right are Pauline Sullivan, Wayne Bowers, Charlie Sullivan, Galen Baughman, Joshua Gravens, Michael Jewell, Mary Brown-Bey, John Witherow and Etta Myers. Excluding the Sullivans who served 15 days, this group was in prison for a total of 171 years.



## JPAY ?

Also on Monday, the Board Meeting heard from two persons representing groups that affect people in the criminal justice system and their loved ones daily.

The first was Gregory S. Levine, Executive Vice President, of Sales, JPAY Inc. which contracts with correctional facilities for email, processing money, etc. Also, it states on its website [www.JPAY.com](http://www.JPAY.com) that it is "the one-stop shop for probationers, parolees," and others making required community correction payments.

CURE's President Charlie Sullivan asked Mr. Levine "Is JPAY just another business like private prisons and phone companies trying to make big bucks off of prisoners?"

Mr. Levine was invited because he requested to be on the agenda. Also, he came across as "being on our side." For example, he considers video visiting as a supplement to in-person visiting not a replacement. He expressed interest in a suggestion by John Witherow, the President of Nevada-CURE, that JPAY write into its contracts that the video visiting contract would be void if in-person visiting is lessened.

Finally, JPAY has a 24-hour customer support number (800) 574-5729 and their mailing address is JPAY, Inc., 12864 Biscayne Blvd., Suite 243, Miami, FL 33181.

## ACA?

The second dialogue was with Jim Gondles, Executive Director of the American Correctional Association (ACA). As with Mr. Levine, Mr. Gondles wanted to speak to us and like Mr. Levine, he also brought staff to the gathering. But, ACA differs from JPAY in that CURE has for years paid for a CURE leader to be at the ACA national meetings twice a year. Today that person Dianne Tramutola-Lawson, the wife of a former prisoner, who is now a very respected leader in ACA.

However, because of recent decisions that were totally against CURE's interests, the title of the session was "Why should CURE continue to strongly support ACA?" President Sullivan pointed out three recent anti-rehabilitative decisions.

The first was publicly backing a proposal asking the Federal Communications Commission to mandate that jails have a lower cost-reducing requirement for phone calls than prisons have. This also violates an ACA accreditation standard that phone costs be close to what people normally pay in the "free world".

The second also concerned accreditation when only two members (John Wetzel, PA Prison Director, and Justin Jones, former OK Prison Director) of the Accreditation Committee supported a new standard mandating climate control (air conditioning in summer/heat in winter) in all prisons and jails. The dozen or so other members as well as ACA staff seemed "to look the other way" during the vote while deaths continue to increase during summers in these global-warming times.

The third concerned the decision by the President of ACA, Mississippi prison director Christopher Epps, to cut out private family visits (PFV). Sullivan felt that the other ACA leadership should have publicly made it clear that this was not the position of the American Correctional Association.

For 43 years of existence, CURE has supported more PFV programs. However, PFV continues to decrease and CURE felt the Epps decision would also accelerate the decrease. This was proven true when New Mexico cut out its PFV program later.

Although Sullivan was very upset, and concerned, he did not call for CURE's removal of support for ACA. He feels that it is better to have accreditation than not to have accreditation.

Like JPAY, the jury is still out on what CURE's position should be. **YOU ARE THE JURY!** Write or email us what you think our position should be in regard to JPAY and ACA.

## Honoring CURE's Telephone Heroes



Shown left to right are Frank Krogh, Lee Petro and Kay Perry.

During our noon luncheon we honored CURE telephone heroes, pro-bono attorneys Frank Krogh and Lee Petro. Kay Perry, coordinator of CURE's eTc (Equitable Telephone Charges) Campaign, traced CURE's inmate phone involvement that began in 1989. "25 years later," Kay noted, "we are still talking about prison phones—but now with a possible light at the end of the tunnel."

During this time, there have been about a dozen pro-bono attorneys representing CURE before the Federal Communications Commission (FCC). These last two attorneys especially played a major role in two reforms the FCC began in February concerning interstate calls (calls from one state to another which is about 10% of the calls).

"Frank Krogh," Perry explained, "presented data that the cost of phone services was far less than what was being charged." The FCC mandated Krogh's suggested rates of 21 cents per minute for debit and prepaid calls and 25 cents per minute for collect calls. Please file a complaint if your call is to or from another state and is above these rates.

1-888-CALL-FCC (1-888-225-5322) or write FCC, 445 12th St. SW, Washington, DC 20554 Send CURE a copy.

Attorney Lee Petro followed with convincing the FCC that these rates were likely too high and phone companies must cost-justify (convince the FCC) any rates higher than 12 cents per minute for debit and 14 cents per minute for collect. Petro also got the FCC to require cost-justification for ancillary charges e.g. a fee for making a deposit in a phone account etc. In fact, as Perry concluded, the FCC went along with "everything our terrific attorneys asked for!"

Not surprisingly, the telephone companies have appealed the cost justification for the rates 12 cents debit /14 cents collect per minute and the ancillary charges. The pro-bono attorneys fighting this appeal were present as well as a few of the dozen pro-bono attorneys representing CURE over the years. Also present was a representative from the Campaign for Prison Phone Justice, a very dedicated coalition of organizations that CURE joined, and was responsible for finally getting "the ball over the goal-line."

And, following football strategy that the best defense is a good offense, Lee concluded that besides fighting the appeal, we would continue to advocate that our victory be applied to the other 90% of calls which are made intrastate (within the state).

**CURE SUPPORTS MANY BIPARTISAN, COMPANION BILLS IN THE 113th CONGRESS**

BILL	SPONSORS	SUMMARY	HOUSE	SENATE	SIGNED
HR 1318 S. 1307	Scott R. (D) & W. Jones/ (R) Landrieu (D) & Inhofe	Youth Promise Act (Prison Reduction through Opportunities, Mentoring, Intervention, Support and Education) Act provides that communities will be able to develop a comprehensive response to youth violence. 114 House cosponsors.			
S.162 HR 401	Franken (D) Johanns (R)/ Nugent (R) Scott R. (D)	The Justice and Mental Health Collaboration Act is a comprehensive bill that provides diversion and treatment for the mentally ill in criminal justice.		Passed Committee 6-20-13	
S. 1690 HR 3465	Leahy (D) Portman (R)/ Sensenbrenner (R) D. Davis (D)	Second Chance Reauthorization Act continues grant funding for reentry services with audits. Has 17 Senate and 35 House cosponsors.			
HR 1447	R. Scott (D)	Death in Custody Reporting Act.	Passed by voice vote 12-12-13		
HR 2212 S. 2017	Conyers (D)/ Cardin (D)	Democracy Restoration Act would restore voting rights in federal elections to felons living in their communities. Majority Leader Reid is cosponsor.			
S. 575 HR 1203	Grassley (R)/ Sensenbrenner (R)	Establishes the office of the Inspector General for the federal judiciary. It will conduct investigations, audits, prevent and detect waste, fraud and abuse.			
S. 2550	Paul (R) Reid (D)	A bill to secure the federal voting rights of non-violent prisoners when released from incarceration.			
S. 619 HR 1695	Paul (R) Leahy (D)/ R. Scott (D) Massie (R)	The Justice Safety Valve Act authorizes federal judges to depart below a mandatory minimum in cases where the mandatory minimum is not necessary to protect public safety.			
S. 657	Leahy (D) Inhofe (R)	Prison Foreign Conditions Improvement Act seeks to identify and eliminate unhealthy and unsafe prison conditions found in developing countries.		Passed Committee 11-14-13	
S. 1675	Whitehouse (D) Portman (R)	Recidivism Reduction and Public Safety Act gives federal prisoners 60 days off their sentences each year for participating in programs		Passed Committee 3-11-14	
HR 1537	Jeffries (D) 6 cosponsors	Provides that people in prison shall be counted in the census from the last place of residence.			
HR 4618	Richmond (D) 22 cosponsors	Solitary Confinement and Reform Act seeks to develop and implement national standards for the use of solitary confinement in the Nation's prisons, jails and juvenile detention facilities.			
HR 4124	Cardenas (D) 5 cosponsors	Prohibits subjecting a juvenile in federal custody in a juvenile facility to solitary confinement.			
HR 4123	Cardenas (D) 5 cosponsors	Amends Juvenile Justice and Delinquency Act to lessen the use of solitary confinement for status offenders in juvenile state systems.			

CURE filed a letter with the Appropriations Committees to support Cong. Frank Wolf's efforts to oppose the funding of the Thomson Facility in Illinois which will substantially increase the placing of federal prisoners in extreme isolation. Also, through the leadership of retiring Cong. Wolf, Congress has passed the Colson Study which is named after the late Chuck Colson, the founder of Prison Fellowship. This million dollar study will be a nine-person, bi-partisan, blue-ribbon commission to look at mandatory sentencing and other ways to stem the booming increase in mass incarceration in the federal correction system. As you can see from his accomplishments, CURE will certainly miss Cong. Wolf's leadership!

## Serving Life

One in nine people in prison is serving a life sentence. CURE LIFE-LONG, 665 W. Willis St. Ste. B-1, Detroit, MI 48201-1641 seeks to mobilize people in prison and their loved ones to reform life and long term sentences in order that rehabilitation is considered as the most important reason for release.



A newsletter is published and distributed by the chapter's Chair Willis X. Harris. Shown is Mr. Harris answering the numerous letters he receives daily at his home for CURE's Life-Long newsletter.

Willis is a former prisoner who was given a mandatory life sentence at age 17 in 1956. He served 23.5 years and was released in 1980 at age 41 when Governor William Miliken commuted his sentence. He has been free for 34 years.

The editor of the newsletter is Gordon Haas W38878, MCI-Norfolk, P.O. Box 43, Norfolk, MA 02056. Mr. Haas is serving a life-without-parole sentence with over thirty six years of incarceration.

Gordon welcomes mail especially suggestions, comments, submission and information for the newsletter. However, Massachusetts prisoners are not allowed to send or receive mail from another Massachusetts prisoner. Thus, they should send their mail to Mr. Harris.

Although Willis and Gordon are volunteers, financial help is greatly needed especially since the newsletters are mailed first class. As Gordon writes in the premier issue, "Third class mail, while less expensive, tends to be thrown into rubbish barrels by administrators in many prisons."

Also, Gordon wrote that the newsletter is dedicated to the late Wendell Brown who founded the Life-Long chapter 25 years ago. Gordon was then the newsletter editor but was forced to discontinue it because of a conservative Massachusetts administration.

Besides Wendell, Gordon writes that "it is dedicated to all those who have and do labor so unselfishly for the welfare of those serving life and long term sentences in all prisons."

Reducing Population=Reducing Recidivism=  
Increasing Public Safety

16 states (CA, CO, CT, GA, KS, MI, MS, NC, OH, OR, PA, RI, SC, TX, VT & WI) have reduced its state prisoner population and as a result, there has been a reduction in recidivism (people returning to prison).

HEARD (Helping Educate to Advance the Rights of the Deaf) P.O. Box 1160, Washington, DC 20013 [www.behearddc.org](http://www.behearddc.org)

Google the book *Ministry to the Incarcerated* by Dr. Henry G. Covert

See National Institute of Corrections [www.nicic.gov](http://www.nicic.gov) for *Lesbian, Gay, Bisexual, Transgender and Intersex Offenders*, A Resource Card for corrections professionals.

U.S. Dept. of Education's *Take Charge of Your Future: Get the Education and Training You Need* is a free 66 page guide for people who are incarcerated or on probation or parole. Publication ID: ED005354P Mail: ED Pubs, P.O. Box 22207, Alexandria, VA 22304 or Phone: 1-877-4ED-PUBS or Para espanol, liame al 1-877-433-7827.



Photo by Lois Ahrens

Shown is Andra James speaking June 21 to the over 200 participants at the FREE HER RALLY on the national mall in Washington, DC. James, a person formerly incarcerated, spent two years traveling to organize the gathering.

Speakers invited including CURE leaders had friends and relatives who had been incarcerated or were imprisoned at some point themselves.

They spoke about the purposes of the Rally which were (1) raise awareness of the increase in the rate of incarceration of women in the United States and the impact on their children and communities, (2) demand an end to voter disenfranchisement for people with felony convictions and (3) ask President Obama to commute the sentences of women and men in the federal system who have applied for commutation.



### SUPREME COURT DECISIONS THIS TERM

**Death Penalty:** *Kansas v. Cheever* 2-609; *Hinton v. Alabama* 13-6440; *White v. Woodall* 12-794; *Hall v. Florida* 12-10882.

**4th Amendment:** *Walden v. Fiore* 12-514; *Fernandez v. California* 12-7822; *Prado Navarette v. California* 12-9490; *Riley v. California* 13-132.

**Excessive Force:** *Tolan v. Cotton* 13-551; *Plumhoff v. Rickard* 12-1117.

**Guns:** *Rosemond v. United States* 12-895; *United States v. Castleman* 12-1371.

**Drugs:** *Burrage v. United States* 12-7515; *Kaley v. United States* 12-464; *Robers v. United States* 12-9012.

**Sentencing:** *Stanton v. Sims* 12-1217; *Burt v. Titlow* 12-414; *Paroline v. United States* 12-8561; *Martinez v. Illinois* 13-5967.

For free copies of these criminal justice decisions and other recent ones contact Public Information Office, Supreme Court, 1 First St. NE, Washington, DC 20543 202-479-3211

[www.supremecourt.gov](http://www.supremecourt.gov)

Five separate decisions per request



**HELP !  
Please**

Do not send your "legal" papers to CURE. We don't have the ability to assist with individual cases.

Do not ask for "Piercing Together a College Education". We do not send out this information. Ask your prison library to purchase from *Prison Legal News* J.M. Taylor's *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada*

Do let us know when you move. First class mail is supposed to be forwarded but prisons do not do it.

Do contact CURE if you have been on our mailing list for three years and we haven't from you. If we do not hear from you, you will be removed from our newsletter list.

JOIN the chapter in your state, A revised chapter list will be published in the next newsletter.

International CURE  
PO Box 2310  
Washington, DC 20013

## Obamacare & the Inmate Exclusion

Obamacare or officially the Affordable Care Act (ACA) affects citizens in the criminal justice system. Call 1-800-318-2596 (available 24/7) to find out. This may be difficult to do but a person in the free world can do it. CURE cannot do it for you.

Now, there are two ways to enroll in Obamacare :

(1) either through your own private insurance plan (about 15% of potential enrollees) or (2) through the government program of Medicaid. About half the states have expanded Medicaid and eventually all states should do it.

These states that have expanded Medicaid to all adults with incomes of 138% or less of the federal poverty level. This is about 16 thousand dollars a year for one person.

Now, ACA will not pay for your medical care while you are incarcerated. But, the ACA considers you not incarcerated if you are in a jail or prison pending disposition of charges—in other words, being held but not convicted of a crime. If you are on appeal in the state prison, can you enroll in the ACA? It seems like you can since you are awaiting disposition.

Even if you are not awaiting a disposition of charges you should consider enrolling in the ACA especially if your release is near. Some correctional systems are helping to make this happen. Also, your family or a friend might be able to do this, for you but you have to authorize them. Of course, this enrollment becomes effective at the moment of release.



Through Obamacare, this person pictured in prison or in a jail should be released to a nursing home in the community. Photo by: Alan Pogue

## Inmate Exclusion

Also, when not released, it has been federal policy since 1997 based on §1905(a) of the Social Security Act that Medicaid will pay the bills for inmates who are Medicaid-eligible and who leave state or local facilities for at least 24 hours to receive treatment in local hospitals or nursing facilities.

Called the “inmate exclusion” this lets a state or county pass on costs to Uncle Sam such as heart surgery or a stay in a psychiatric facility. Until Obamacare, few prisoners were eligible since most states extended Medicaid only to infants and children who are under five, pregnant women, people with disabilities and the frail elderly. But now with those states who expanded Medicaid under the ACA, most prison and jail inmates become immediately Medicaid-eligible. And the federal government is paying 100% of the costs.

Even if the state has not yet gone along with the ACA, it could change its present Medicaid coverage to include the Inmate Exclusion. The federal government then would pay 50% to 84% of the cost since Medicaid is a joint program by the state and federal government.



Every state could use the “inmate exclusion” to have Medicaid pay for such surgery as shown here.

Photo by Alan Pogue

## Prisoner Recommendations

1. Discontinue automatic Medicaid terminations.
2. Make effective use of federal Medicaid funding for inpatient services.
3. Screen individuals for Medicaid eligibility at every opportunity.
4. Seek Minimum Essential Benefits described below for the Medicaid eligible that are not under Obamacare.

## Minimum Essential Benefits of Obamacare

At first, you may be confused by Minimum Essential Coverage (MEC) and Minimum Essential Benefits (MEB) or sometimes called Essential Health Benefits. But, they are totally different even though they both became effective in January, 2014.

ACA started requiring Minimum Essential Coverage (MEC) of health insurance or face a tax penalty. An example of MEC is the famous individualized mandate. However, MEC is required for everyone except those like people incarcerated who are in an exempt group.

Also in 2014, the MEB kicks in too and consists of ten core health benefit categories. They are emergency, laboratory tests, rehabilitative and habilitative services (speech therapy). Others of the ten are hospitalization, maternity and new-born care, prescription drugs, and ambulatory patient services which means a doctor visits you in your home when you are sick or injured or for out patient clinic visits.

Finally, there are preventive and wellness services e.g. mammograms and chronic disease management like diabetes, services for children including dental and eyeglasses, and a most important benefit for people in the criminal justice system—mental health and substance use disorder services, including behavioral health treatment—visits with a doctor or other health care professionals, etc.

What is, you may ask, behavioral health? Behavioral healthcare is an umbrella term and refers to a continuum of services for individuals at risk of, or suffering from, mental, behavioral, or addictive disorders. Addictions besides drugs could be gambling, sex addiction etc.

In summary, ACA will pay for this behavioral healthcare for 5.4 million people on probation and parole. This has the potential of lowering the prison and jail rate more than any reform in a generation. This is because the epidemic of incarceration has been caused by two diseases: addiction and mental illness.



Photo by Alan Pogue

Over 70 people representing 19 countries participated in CURE's Sixth International Conference on Human Rights & Prison Reform which was held March 4-8 at the Courtyard Marriott in Bangkok, Thailand.

The countries represented were Australia, Bangladesh, Brazil, Cameroon, Canada, China, Hong Kong, India, Japan, Nepal, Nigeria, Pakistan, Peru, Rwanda, Russia, Sri Lanka, Thailand, Uganda and the United States of America.

Official co-sponsors of the conference were the Observatorio de Prisioneros - Arequipa (Peru), Creative Corrections, USA and longtime CURE cosponsor Jane Addams College of Social Work in Chicago, IL

In May, the Jane Addams Center for Social Policy and Research presented Pauline and Charlie Sullivan, CURE co-founders, with the 2014 Justice Advocates Award.

Women incarcerated was the primary theme of the Conference and presentations were in preparation for our visit to the Central Women Correctional Institution near Bangkok which has over 4,000 females incarcerated.

22 of the women were pregnant and 27 had children under one year old being taken care of by their mothers. Before our visit, "the hat was passed" and baby food, and clothing were given to this innovative program of encouraging mother-child bonding.

Another type of bonding also was the result of the Conference in general. The participants from the Asian countries came together to ask to start CURE chapters.

In this regard, there is discussion of a conference at the United Nations Regional Office in Nairobi, Kenya, for beginning country chapters in Africa as well as Asia.

CURE has consultative status with the United Nations and would be able to utilize the simultaneous translation means within this UN regional office in Kenya.

Finally, Costa Rica has been proposed for the site of Seventh International Conference. Participants from the Americas would be especially encouraged to participate.

Shown are conference participants at the end of the visit to the women prison. See [www.InternationalCURE.org](http://www.InternationalCURE.org) for the proceedings of the Conference.

## EEOC RULING: WHAT IT MEANS WHEN RETURNING CITIZENS APPLY FOR A JOB

Stable employment lowers recidivism and is key to successful re-entry into society.

The U.S. Equal Employment Opportunity Commission (EEOC) is an administrative agency of the federal government that enforces federal laws that make it illegal to discriminate against a job applicant or an employee.

On April 25, 2012, in a 4-1 vote (3 Democrats & 1 Republican), the EEOC issued its *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964*.

The good news is that the Guidance takes the position that a blanket policy denying employment to all applicants with criminal conviction records violates Title VII. Instead, an "individual assessment" based on an accurate criminal record that is kept confidential by the employer is required.

Also, although state or local law may still have the previous way of doing things

which is basically acting on stereotypes, this is no defense.

Now, the bad news. The Guidance stops short of "banning the box." But, it strongly discourages employers from asking about criminal convictions on job applications.

Also, arrest records without conviction can still be used. But, employers may not exclude an applicant based on the arrest record alone. The employer must consider the nature of the crime, the time elapsed since the crime and the nature of the specific job being sought. During this consideration, the conduct underlying an arrest can be used.

Finally, criminal background checks can still be used but the Guidance tells you how you do these without violating Title VII.

Call 1-800-669-4000 to find out how to get "the ball rolling" to file a charge of

employment discrimination if you experienced it. It costs nothing and anyone can file—even white born Americans under age of 40.

There are benefits to hiring one of the millions of Americans who have criminal records. An individual's chances of staying out of prison greatly improve.

Also, businesses who hire such individuals receive a federal Work Opportunity Tax Credit of up to \$2,400 per employee. Finally, the Federal Bonding Program provides free theft insurance to the employer who hires a person. For more info, call 1-877-872-5627 or 1-877-USA-JOBS.

