

**Appendix 104**  
**Admissions Counselor Guide for**  
**Evaluating Applicant Behavior and Court History**

---

This guide provides Admissions Counselors (ACs) with strategies to use when assessing an applicant's ability to participate successfully in Job Corps. All applicants must be evaluated on an *individual* basis, and on their *current* ability to participate. Recommendations for denial should not be based solely on long-past behaviors or offenses. It is expected that many qualified applicants will have behavior histories that reflect one or more of the indicators listed in these guidelines. The AC is responsible for evaluating them to determine if the applicant meets PRH requirements for eligibility under the Behavior History criterion.

These guidelines provide only a basis for evaluation; there is not, for example, a list of offenses for which anyone would automatically disqualify an applicant. The guidelines consist mainly of a series of questions designed to help ACs make recommendations about applicant eligibility with regard to the Additional Factors for Selection and Enrollment in Exhibit 1-1.

**I. Additional Factors for Selection and Enrollment**

The AC should evaluate the applicant's eligibility under the Additional Factors for Selection and Enrollment included in Exhibit 1-1, including Behavior History:

- Prior to asking the applicant to complete the Health Questionnaire, *and*
- Prior to obtaining any information related to disabilities, *and*
- Prior to conditional assignment to a Job Corps center.

ACs are required to make a recommendation for enrollment of applicants using the Admissions Counselor Assessment Tool (ACAT), Appendix 102, after considering eligibility under the PRH Behavior History criterion, which requires applicants be free of behavioral problems so serious that the applicant:

- could not adjust to Job Corps standards of conduct;
- would prevent others from benefiting from the program;
- requires face-to-face supervision from the court system; or,
- has significant court-imposed financial obligations.

These guidelines provide methods for ACs to use when evaluating the applicant's eligibility under the Behavior History criterion in the following areas:

- AC behavior observations
- History of criminal behavior

- Court fines
- Parole, probation, and incarceration
- Serious behaviors or crimes

Finally, applicants may have a history of behaviors that did not result in criminal conviction, but that cause an AC to have concerns regarding the applicant's ability to participate successfully in Job Corps. ACs should evaluate all aspects of the applicant's behavior history when determining eligibility for Job Corps, regardless of whether the behaviors led to criminal conviction.

## **II. Behavior Observations by ACs**

ACs may immediately suspend the application process for applicants who display inappropriate behaviors during the admissions process, such as:

- Displaying aggression or using threats;
- Showing anger regarding application procedures;
- Acting disrespectfully toward other applicants or the AC;
- Depending on parents, friends, case workers, or others to complete required application activities (except where an applicant has a disability that makes such assistance appropriate);
- Refusing to comply with orientation or interview expectations, such as refusing to remove gang-related apparel; and/or,
- Attending appointments while under the influence of illegal drugs or alcohol.

In cases where applicants display inappropriate behaviors during the application process, the AC should inform the applicant that she/he will not be allowed to complete application to Job Corps as a result of the behavior. ACs should immediately stop the application process and require the applicant return at a later time to complete it, with the understanding that should any inappropriate behavior reoccur, the application process will again be suspended or enrollment will be denied.

## **III. History of Criminal Behavior**

The PRH states that applicants cannot be denied enrollment in Job Corps based on involvement in the criminal justice system. The PRH does not list criminal offenses that automatically determine that an applicant is unsuitable for enrollment in Job Corps, nor is there is a specific criminal offense or number of convictions that automatically disqualifies an applicant from Job Corps.

In order to evaluate eligibility of applicants with a history of criminal convictions or other serious behaviors as defined in Section IV, ACs must keep in mind the need for applicants to be successful in the Job Corps residential living environment, and within a system of structured training and discipline. Applicant criminal history review should include the following:

- ***The relevance of each conviction or behavior to the requirements of Job Corps.*** Considerations must include:
  - ✓ Has the applicant demonstrated inappropriate or disruptive behaviors in school or other structured environments, such as group homes or foster-care placements?
  - ✓ Does the behavior history indicate that the applicant may not be appropriate in a group living situation, such as having a history of theft or being a chronic runaway?
  - ✓ Does the applicant pose a risk to others?
  - ✓ Are there any other factors that indicate that the applicant may interfere with the training of others and prevent them from receiving the benefit of the program?
  
- ***The nature of the crime(s) committed.*** Considerations must include:
  - ✓ Is there history of assault or physical aggression toward other persons?
  - ✓ Were there serious crimes that included poisoning or attempted poisoning of others or those that involve kidnapping, robbery, or extortion behaviors?
  - ✓ Did the applicant possess a weapon or use one in a crime?
  - ✓ Is there a history of stalking, or any other behaviors that involve threats or harm to weaker individuals?
  - ✓ Are there arson-related property crimes?
  - ✓ Has the applicant been convicted of serious felony crimes?
  
- ***The number of convictions.*** Considerations must include:
  - ✓ Is there only one isolated conviction, or are there many?
  - ✓ If there are multiple convictions, did they increase in seriousness as the applicant became older (i.e., did they begin with small property crimes at age 15 and end with robbery at age 19)?
  - ✓ Are there many convictions for an earlier time period, and then none or fewer more recently, indicating the applicant has made an effort to reform?
  
- ***The facts surrounding each offense.*** Considerations must include:
  - ✓ Were there aggravating factors, such as threats against the victim or multiple instances of aggressive behaviors?
  - ✓ Was the offense a first offense?
  - ✓ Was the applicant a “ring leader” for the crime, or was the applicant following the lead of an older, trusted adult in committing the offense?
  - ✓ Did the crime or behavior involve significant planning, or did it appear to be an unplanned response to an opportunity?

➤ ***The length of time between the conviction(s) and/or the completion of court-imposed sanctions, and the time of the Job Corps application.***

Considerations must include:

- ✓ Is the crime or behavior recent, and is there any indication that the applicant is committed to changing behaviors?
- ✓ Has the applicant nearly completed court-imposed sanctions and shown an effort to meet requirements in positive ways?
- ✓ Has the applicant shown through actions in the community after release — such as volunteer work, employment, or participation in other activities — that she or he could function as a responsible citizen in the local community near a Job Corps center?
- ✓ Was the applicant's response to supervision and rehabilitation positive?
- ✓ Are there other positive mitigating factors present now, such as current success in school or a job, or a history of such success?

➤ ***The applicant's school and employment history before and after the conviction.*** Considerations must include:

- ✓ Did the applicant attend school or have employment prior to the conviction?
- ✓ Was the applicant successful in school or employment prior to the conviction? After?
- ✓ If there is a long history of failure to succeed in school, and was it because of poor attendance, or expulsion for disruptive behaviors?

➤ ***The applicant's efforts at rehabilitation.*** Considerations must include:

- ✓ Is the applicant active in finding ways to improve behaviors, such as counseling, drug and alcohol treatment, or involvement in positive activities such as sports or community service?
- ✓ Is the applicant now employed or in school, and doing well?
- ✓ Does the applicant acknowledge personal responsibility for behaviors and crimes?
- ✓ Is the applicant positive when discussing changes made?
- ✓ Does the applicant present restitution requirements such as fines or community service in an affirmative manner, accepting them as reasonable repayment for actions that caused others harm?

#### **IV. Court Fines**

Applicants who have court fines may be considered for enrollment in Job Corps if the court suspends the obligation during Job Corps enrollment. ACs should make a reasonable determination regarding the eligibility of applicants with court fines, using the criteria above for review of criminal behaviors, and considering the level of restitution

required and the applicant's commitment to fulfilling court imposed obligations once separated from Job Corps.

ACs should also consider the applicant's restitution efforts thus far when considering recommendations for enrollment. Applicants should have made a responsible effort to pay court-imposed fines for a reasonable time period prior to enrollment in Job Corps.

ACs must coordinate with the Job Corps center *prior to conditional assignment* when reviewing applicant eligibility in cases where court fines are involved. In addition, the AC should forward cases in which applicants are responsible for significant court fines, such as those over \$500, to the Regional Office for review and approval prior to conditional assignment.

## **V. Parole, Probation, and Incarceration**

Applicants to Job Corps who are on parole or probation are not considered for enrollment unless:

- the court of record will waive the requirement for face-to-face supervision during Job Corps enrollment, *and*
- the parole or probation officer indicates the applicant has made a good faith effort to meet court-imposed sanctions and responded positively to court supervision.

Applicants should have displayed successful ability to meet court-mandated appointments and requirements for a reasonable time period prior to enrollment in Job Corps, and should be involved in positive activities since being sentenced, such as school or employment. Applicants who apply to Job Corps in order to avoid their court-mandated supervision, or court-sentenced incarceration, should not be considered for enrollment in Job Corps.

ACs must coordinate with the center *prior to conditional assignment* when reviewing applicant eligibility in cases where court supervision is involved. In addition, the AC should forward cases in which applicants are involved in significant court supervision waivers, such as those for a felony or those more than 6 months in length, to the Regional Office for review and approval prior to conditional assignment.

## **VI. Serious Behaviors or Crimes**

The following are considered serious behaviors or crimes:

- First- or second-degree assault;
- Gang-related assault or assault committed by multiple attackers;
- Use of a weapon in a crime;
- Poisoning or attempted poisoning;
- Kidnapping, robbery, or extortion behaviors;

- History of stalking, or any other behaviors that involve threats or harm to weaker individuals;
- Arson-related property crimes;
- Serious felony convictions;
- Sexual offenses; and/or
- Significant court-imposed fines (\$500 or more.)

### ***Special Considerations***

#### **I. Drug and Alcohol Involvement**

Applicants who disclose current or past drug or alcohol use are not automatically disqualified from Job Corps. These applicants are reviewed on an individual basis for their eligibility to enroll in Job Corps. Eligibility determinations for applicants with a history of drug involvement and/or drug addiction are processed in one of three ways depending on applicant characteristics:

- Applicants who have not completed a treatment program, or who have completed a treatment program but are currently using illegal drugs, are reviewed by the AC to determine eligibility under the Behavior History criterion.
- Applicants who have completed a treatment program for alcohol or drug addiction, and who are not currently using drugs illegally, are considered to be persons with disabilities. If the applicant is requesting reasonable accommodations to participate in the admissions process, the AC will need to address the applicant's accommodation needs before the admissions process can begin or continue. The circumstances under which such information may be collected, and types of information that may be collected, are described in Appendix 605.
- Applicants who have not completed a treatment program, and who have a physician's or other medical professional's referral for treatment should be forwarded to the Job Corps center of assignment for a medical review. The center can recommend the applicant be required to complete treatment prior to enrollment in Job Corps.