

**CERTIFICATES OF RELIEF FROM DISABILITIES
IMPLEMENTATION AND TRACKING
EXECUTIVE SUMMARY**

**Council of Advisors to Reduce
Recidivism through Employment (CARRE)**

NOVEMBER

2006





Foreword

The Safer Foundation (Safer) conducted a two-year advocacy project dedicated to removing employment and occupational licensing barriers for people with criminal histories, with technical assistance from the National Helping Individuals with criminal records Reenter through Employment Network (HIRE) and supported by resources provided by the JEHT Foundation. One objective of the project was to track the implementation of Illinois legislation that authorized the creation of Certificates of Relief from Disabilities (CRDs) to remove occupational licensing and employment barriers for people with criminal records. Other objectives of the project included tracking implementation of the Certificates of Good Conduct and creating employment/hiring standards. The scope of this paper is solely focused on the CRDs.

Safer and HIRE found early in this project that before tracking of implementation could take place, coordination of the implementation of the legislation needed to take place. Therefore, in addition to tracking implementation, Safer took on the role of coordinating the implementation of Certificates among all involved agencies. This executive summary and its corresponding full report were written to provide an overview of the Certificates of Relief from Disabilities legislation, to give a historical account of its early implementation, and to take a first look at data tracking/results of this legislation. We hope these documents will be relevant both for Illinois' growing coalition of partners working on furthering policies that reduce barriers to employment that people with criminal records face, as well as for other states considering adopting similar reliefs to the barriers people with criminal records face as they seek to attain employment. After further public education and tracking of the legislation, Safer and its partners will evaluate the full impact of the CRDs. We hope the information provided here and in the future is used to shape effective policies that reduce employment barriers for people with criminal records.

The Safer Foundation's mission is to reduce recidivism by supporting, through a full spectrum of services, the efforts of people with criminal records to become productive, law-abiding members of the community. Safer has been working for more than 30 years to reduce recidivism by enabling individuals with records to obtain employment and supportive services. The National HIRE Network is a national policy advocate and technical assistance provider that aims to increase the number and quality of job opportunities available to people with criminal records by improving employment practices and public policies and by changing public opinion. The Safer Foundation served as the lead agency in this project. HIRE served as the technical assistance provider, with a focus on bringing a national perspective and recommendations to this project, especially based on similar legislation and lessons learned in other states, particularly New York.

We first want to thank the early advocates, policymakers/staffers, and members of the various coalitions who conceptualized, crafted, sponsored, and passed the legislation that created the Certificates of Relief from Disabilities, making Illinois one of the first states to implement policies that provide relief to the lifelong barriers to employment that a criminal record creates. Particularly, we would like to thank U.S. Senator Barack Obama, who introduced the original Certificates legislation as an Illinois State Senator, as well as Illinois State Representatives Mary O'Brien, Constance Howard, and Chapin Rose, who introduced the House version of the legislation, which ultimately became law. We also thank the JEHT Foundation for its investment in Illinois' policy work to remove employment barriers for people with criminal records.

We thank the following state agencies who played critical roles in the implementation and tracking of the Certificates and who, through their work, have created a foundation to build upon for further expansion of the CRDs: the Illinois Department of Corrections, particularly Director Roger E. Walker, Jr., Assistant Director Deanne Benos, former Reentry Director Rick Guzman, and Senior Program Administrator Leslie Balonick; the Illinois Prisoner Review Board, particularly Chairman Jorge Montes, Legal Counsel Kenneth Tupy, former Board Member Andrew Fox, and Executive Clemency Liaison Colette Knoles; the Office of the Cook County Clerk of the Circuit Court, particularly Clerk of the Circuit Court of Cook County Dorothy Brown, Chief Deputy Clerk Garry Smith, and Chief Deputy Clerk of Legal Research Elena Shea Demos; the Cook County Adult Probation Department, particularly Acting Chief Probation Officer Jesús Reyes, former Chief Probation Officer Veronica Ballard, and Adult Probation Executive Assistant Mike Bacula; and the presiding judges of Cook County.

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We also commend and thank the other members of the Certificates Implementation Advisory Board for their commitment to this project. While they were not required by legislation to implement the CRDs, they worked diligently on this project. They include: Sherri Moses, Policy Director, Illinois Department of Employment Security; Angela Rudolph, Program Director, Chicago Metropolis 2020; Lisa Hampton, Senior Policy Specialist, Chicago Jobs Council; Margaret Stapleton, Attorney, Sargent Shriver National Center on Poverty Law; Timothy Huizenga, Supervising Attorney, Legal Assistance Foundation of Metropolitan Chicago; Jennifer Walsh and Christie Fischer, Assistant Defenders, Office of the State Appellate Defender; Samuel McDade and Sharod Gordon, Coordinators, Target Area Development Corp.; Tumia Romero, Director of Public Policy and Programs, Office of U.S. Congressman Danny K. Davis, 7th District; Lisa McKean, Deputy Director, Center for Impact Research; and Felix Rosa, Director of Executive Clemency and Secretary of the Parole Board, New York State Division of Parole. Likewise, we thank Safer's People with Criminal Records Advocacy Group for offering their insights to drive this work and for donating their time to educate others in the community on Certificates of Relief from Disabilities.

Finally, we thank Protestants for the Common Good (PCG), particularly Walter Boyd, the Director of the Ex-Offender Opportunity Program, for their work not only on the CIAG but also on their own project tracking the impact of the Certificates legislation on the individual level. The first phase of the PCG project was aimed at identifying and tracking the outcomes of individuals who

qualified for CRDs as well as those who did not to determine whether CRDs were being granted and used as an effective means to attain licensure. The project was also designed to verify that the new CRD legislation did not negatively impact the chances of individuals with criminal records who did not qualify for CRDs to obtain licensure. PCG expects to release a report of the project's findings in October 2006.

The primary author of the full report was Carrie Cox, current Policy Field Educator and Organizer at the Safer Foundation, and secondary writers were Rochelle Perry, former Policy Field Educator and Organizer at the Safer Foundation and Roberta Meyers-Peebles, Co-Director of the National HIRE Network. Anthony Lowery, Safer Foundation's Director of Policy and Advocacy, and Kelsey Bryant, Policy and Advocacy Intern at the Safer Foundation, also contributed to the paper, reviewed drafts, and gave comment. The previous work of Sharron Matthews, Safer's former Director of Policy and Advocacy, proved indispensable. Finally, Paula Wolff, Senior Executive at Chicago Metropolis 2020; Margaret Colgate Love, Director of the American Bar Association Commission on Effective Criminal Sanctions; and Safer's Certificates Implementation Advisory Board reviewed this paper and offered advice and feedback.

To access the full CRD implementation report as well as additional information on Safer's work, including policy and advocacy initiatives, other papers, and additional information on the CRDs, including full application instructions and forms, please visit the Safer Foundation's website: www.saferfoundation.org. Likewise, if you have comments or questions about this paper, please email them to info@saferfoundation.org or post them on our website.

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Sincerely,

Jodina Hicks

Vice President of Public Policy and Community Partnerships
Safer Foundation

Certificates Legislation: Background

In 2002, the Egan Urban Center at DePaul University worked with the Safer Foundation and its Council of Advisors to Reduce Recidivism through Employment (CARRE) to conduct a review of Illinois' occupational licensure policies regarding people with criminal records. The study reported that in 2001 there were 98 statutes governing licensure in Illinois, 57 of which had stipulations regarding applicants with criminal convictions, affecting potential employment opportunities in 65 various occupations.¹ The statutory restrictions either absolutely barred individuals with criminal records or generally did so by use of a "good moral character" standard. At the time, Illinois law only provided reprieve to individuals with conviction records through executive clemency—a pardon from the governor—or through a waiver process by the licensing entity. No licensing entities publicly reported on the denials or approvals of waiver applications, and people with records reported difficulty accessing licensure.

Based on this research and feedback from people with criminal records, advocates and policymakers saw legislation to relieve barriers to occupational licenses, and therefore to employment, as a strong first step in legislative change. The National Helping Individuals with Criminal Records Reenter through Employment Network (HIRE) recommended the creation of Certificates modeled after New York's Certificate law (New York Correction Law Article 23 §§ 700-706), which serves as evidence of rehabilitation and allows individuals with criminal convictions to apply for a Certificate that restores many rights lost as a result of a conviction, such as eligibility for certain types of jobs or occupational licenses. Illinois advocates gained momentum around this issue in a relatively short period of time, in part because advocates immediately began conducting campaigns in their communities and with public officials.

At the time, there were no policies in place in Illinois that provided relief to the barriers to employment imposed by a criminal record, except for executive clemency. Illinois policymakers took a big first step in incorporating the concept of providing relief from barriers to employment for people with criminal records into State law by reviewing the New York certificates model and creating similar legislation in Illinois, which required tracking, making Illinois the only state to track Certificates. Illinois lawmakers also expressed their intent to explore further incremental policy changes based on the results of this first legislative step.

In February 2003, former Illinois State Senator Barack Obama introduced Senate Bill 0125, which many organizations promoted. In May 2003, modified language from SB 0125 was incorporated into Illinois House Bill 0569, which was introduced by Illinois State Representatives Mary O'Brien, Constance Howard, and Chapin Rose and passed by the General Assembly. HB 0569 was signed into law in July 2003 (Public Act 93-0207) and went into effect in January 2004. It amended the Unified Code of Corrections to allow an individual convicted of no more than one non-violent

¹Council of Advisors to Reduce Recidivism through Employment (CARRE): "A Review of the State of Illinois Professional and Occupational Licensure Policies as Related to Employment for Ex-Offenders." Policy Paper #4, September 2002. <http://www.saferfoundation.org/docs/OccupationalLicensurePaper-Intro.pdf>

felony to apply for a Certificate that alleviates certain barriers to employment. One of the two Certificates created was the Certificate of Relief from Disabilities (CRD),² which helps people with criminal records access 15 occupational licenses, specifically:

- Athletic trainer
- Barber, cosmetologist, esthetician, and nail technician
- Professional boxer
- Certified shorthand reporter
- Interior designer
- Professional land surveyor
- Landscape architect
- Marriage and family therapist
- Professional counselor/clinical professional counselor
- Real estate agent
- Roofer
- Animal welfare inspector
- Boiler and pressure vessel repairer
- Farm labor contractor
- Employment agency counselor.

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The law was crafted for CRDs to be granted by the Illinois Prisoner Review Board (PRB) (if the individual was incarcerated in Illinois state prison or was convicted federally or in another state) or by the sentencing court (if the Illinois sentence did not result in incarceration in state prison). Specifically, a CRD assists the holder in meeting the “good moral character” licensing standard. Although an individual with a criminal record can apply for a state license whether or not s/he has obtained a CRD, the possession of a CRD shifts the burden of proof to deny licensure to the licensing entity, which is the Illinois Department of Financial and Professional Regulation (IDFPR) for most licenses. It is important to note that the acquisition of a CRD does not guarantee an individual a professional license but helps qualified applicants prove they meet the “good moral character” standard. Again, it is important to note that individuals without CRDs can still apply for licensure through the licensing agencies.

In addition to increasing access for people with criminal records to the above listed licenses, the statute established standards for individual determinations when a licensing entity is considering an applicant for licensure who possesses a CRD. The statute requires licensing entities to consider eight factors when determining whether to grant a license to a CRD holder. In this way, a CRD further aids the bearer in gaining licensure, as it establishes fair, measurable, and articulated standards for individual determinations. The eight factors are:

- 1 The public interest of the state to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;
- 2 The specific duties and responsibilities necessarily related to the license being sought;

The other Certificate created is the Certificate of Good Conduct, which provides the holder with State certification of rehabilitation to present to employers.

- 3 The bearing, if any, the criminal offense(s) of which the person was convicted would have on his or her fitness or ability to perform one or more such duties and responsibilities;
- 4 The time elapsed since the occurrence of the criminal offense(s);
- 5 The age of the person at the time of occurrence of the criminal offense(s);
- 6 The seriousness of the offense(s);
- 7 Any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a Certificate of Relief from Disabilities issued, which creates a presumption of rehabilitation in regard to the offense(s) specified in the certificate; and
- 8 The legitimate interest of the licensing agency in protecting property and the safety and welfare of specific individuals or the general public.

In 2003, an ad hoc group of advocates (Cabrini Green Legal Aid, the Safer Foundation, First Defense Legal Aid, the Sargent Shriver National Center on Poverty Law, and the Chicago Jobs Council) provided issue education on the importance of increasing the number of licenses covered by CRDs, particularly to Illinois State Senator Kimberly Lightford (D-Westchester) and Illinois State Representative Arthur Turner (D-Chicago), who introduced Senate Bill 0948. SB 0948 was signed into law on August 12, 2004 as Public Act 93-0914 and extended the list of 15 licenses covered under the original Certificates law to 18. The three additional licenses were:

- Professional engineering
- Electrologist
- Water well and pump installation contractor.

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Even after the expansion of the Certificates legislation, it continued to limit eligibility to individuals convicted of no more than one non-violent felony, severely limiting the number of people who could benefit from the legislation. In addition to limited eligibility, the small number of occupations covered by the CRD legislation limited its effectiveness in providing relief to barriers to employment. Therefore, in February 2006, Safer provided issue education to the Illinois Black Caucus, Illinois State Senator Rev. James T. Meeks, the Illinois Governor's Office, the Illinois Department of Corrections (IDOC), and the Illinois Department of Human Services regarding the removal of barriers to employment for people with criminal records, highlighting the large number of people who had applied for a Certificate, but the small pool of eligibility. Safer recommended the State review the New York Certificate program, which reviews all people with criminal records and covers all occupational licenses.

Utilizing this issue education, the Illinois General Assembly passed SB 1279, sponsored by Illinois State Senator Terry Link and State Representative Arthur Turner, co-sponsored by Senator Meeks, and supported by Governor Rod Blagojevich and his policy team, on May 4, 2006. Governor Blagojevich signed the bill into law as Public Act 094-1067 on August 1, 2006. The law, which became effective immediately:

- Expanded the pool of eligibility for CRDs to include individuals convicted not more

than twice of a felony. Persons convicted of crimes of violence, criminal sexual offenses, or Class X felonies continued to be ineligible.

- Expanded the occupational licenses covered by CRDs from the former 18 to 27 to include the following:
 - Auction License
 - Architecture Practice
 - Dietetic and Nutrition Services
 - Environmental Health Practitioner
 - Funeral Directing and Embalming
 - Land Sales
 - Professional Geology
 - Public Accountant
 - Structural Engineering.

The Safer Foundation's Role in Implementation

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By early 2004, it became clear that, due to the need for coordination among several public agencies to fully implement CRDs, a dedicated focus on legislative implementation was needed. Therefore, with funding by the JEHT Foundation and technical assistance from HIRE, in 2004 Safer began a two-year advocacy project to coordinate, test, track, and evaluate implementation of the CRDs.

In October 2004, Safer convened the Certificates Implementation Advisory Group (CIAG), comprised of all public agencies critical to the implementation of CRDs, as well as other local advocates who provide employment/legal services or conduct public policy on behalf of people with criminal records. The purpose of the CIAG was: (1) to monitor implementation of the different systems involved in processing Certificate applications; (2) to determine procedural and population gaps that exist as a result of restrictions set by current legislative language; and (3) to make recommendations on how to improve the effectiveness of implementation. As with all of Safer's policy work, the CRDs project relied on feedback from people with criminal records to guide and drive the direction of the work. Therefore, in addition to the advice of the CIAG, Safer sought guidance from its People with Criminal Records (PCR) Advocacy Group.

Safer's primary goal with this project was to ensure that these progressive policy gains were utilized and their intent realized. To that end, Safer worked with the involved entities to create data tracking systems to monitor the implementation and impact of the Certificates legislation in order to gather the data that would support similar policy changes in the future. To ensure utilization of the CRDs, Safer and its PCR Advocacy Group conducted an education campaign that directly informed over 9,100 people with criminal records, as well as many groups and organizations, about Certificates.

Implementation

Safer's first step in coordinating implementation of the Certificates legislation was to contact all the relevant entities to collect their plans for implementation. Safer contacted IDOC; the PRB; the Cook County Circuit Courts; the Cook County Adult Probation Department; the IDFP; the Departments of Agriculture, Labor, and Public Health; and the State Fire Marshall, to offer assistance via the CIAG in creating forms and processes for applying for and tracking CRDs within and among their respective systems.

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Illinois Department of Corrections (IDOC)

Safer and the CIAG worked with the IDOC to create application forms, procedures, and a data tracking system and ensured the CRD process included individuals on supervision. With Safer's assistance, IDOC immediately and efficiently implemented staff (prison and parole) training and programming to comply with the new CRD legislation. IDOC set up a permanent process of alerting individuals in its system of the CRD, and information about Certificates was integrated into various programs and departments, including the orientation process upon reception at a correctional facility. IDOC counselors interview eligible individuals preparing for reentry to see whether they wish to apply for one of the enumerated licenses. If qualified and interested, IDOC includes this information in the report to the PRB and provides information about the returning individual and recommendations for approval or denial of a CRD.

Illinois Prisoner Review Board (PRB)

In 2004, the PRB conducted an analysis of its capacity to implement a Certificate application process and found it needed additional resources and assistance to develop the necessary operational system. The PRB welcomed Safer's assistance and the advice of the CIAG and, while the PRB looked for the needed resources, Safer provided the PRB with intensive technical assistance in creating a Certificate program that would be manageable and efficient for the PRB as well as fair and "user-friendly" for all applicants, whether they were incarcerated, under community supervision (parole), or off supervision. Safer helped create the actual Certificate

of Relief from Disabilities and convened various meetings that included key state and national experts, including the key policymakers and advocates who helped shape the legislation, to provide the PRB with background information on the legislation, legal counsel on the rules process, and guidance on the original intent of the legislation. HIRE also helped guide this process and connected the PRB to the Director of New York State's Parole Board in order for them to share ideas about operational issues. Safer and the CIAG reviewed and helped revise the PRB's draft application forms and rules for CRDs, which were submitted for approval to the Illinois General Assembly's Joint Council on Administrative Rules (JCAR) and were still pending approval at the time of this report. Safer and the CIAG also worked with the PRB to implement a data tracking system and to ensure consistent data and information sharing among the IDOC, the PRB, and the CIAG.

Cook County Circuit Court/Adult Probation Department

As outlined in the legislation, the CRD application process for individuals whose Illinois convictions did not result in incarceration in state prison is to apply through the sentencing court. The Act further directs Probation to provide an investigative report on the applicant if requested by the Circuit Court. Because the majority of those affected by a criminal record in Illinois reside in Cook County, implementation of CRDs in the courts was initiated and finalized in Cook County.

Following the enactment of the legislation, the Clerk of the Circuit Court developed a CRD *pro se*³ informational packet and made the information available in all municipal districts. The packet explained that CRD applicants do not have to hire an attorney and provided answers to frequently asked questions. However, Safer's early investigation into implementation of an application process at the court level concluded that one judge, the Honorable Paul Biebel, Presiding Judge of the Criminal Division of the Cook County Circuit Court, was the only judge who had been petitioned to review CRD applications and that all the petitioners had been represented by an attorney for a fee. The CIAG was troubled by the financial burden the applicants had faced in hiring an attorney and so consulted with Judge Biebel, the Office of the Clerk of the Circuit Court, and the private attorney to provide guidance on the *pro se* instructions and forms.

The CIAG also reviewed and provided advice on the forms and processes developed by the Clerk of the Circuit Court and the Adult Probation Department. The CRD court forms were reviewed and approved by an Interagency Forms Committee, comprised of the Clerk of the Circuit Court, the Chief Judge's Office, the State's Attorney's Office, and the Public Defender's Office. The Interagency Forms Committee and the Presiding Judges further decided that the process for CRDs should mirror the process presently used in the Clerk's Office for expungement and sealing petitions, with only the Presiding Judge in each municipal district ruling on the petitions. Additionally, a process was set up so that individuals can obtain a CRD application from any Cook County Municipal District Court, from any office of the Clerk of the Circuit Court including the Clerk's website, from any office of the Adult Probation Department, and from the Safer Foundation. Adult Probation, the Clerk's Office, and Safer also jointly drafted an instruction guide with the CIAG's guidance. Finally, Safer worked with the Clerk's Office to create a tracking system.

³The term "pro se" means "for oneself" and refers to legal actions taken on one's own behalf without representation by an attorney.

While not subject to the Freedom of Information Act, the Clerk's Office voluntarily works to comply with the spirit of the Illinois FOIA.

Adult Probation's role in CRD implementation is to provide CRD information and applications to individuals on Probation and to provide reports to the Circuit Court upon request regarding the rehabilitation of applicants. In the adopted procedure, once a notice to investigate is submitted to Adult Probation, Adult Probation must return the completed investigation to the Circuit Court within 30 days. Given that Adult Probation does not review or grant applications, it does not track CRD data.

Non-Cook County Circuit Courts

In discussions with the Cook County Adult Probation Department and the Cook County Clerk of the Circuit Court, Safer began to develop a strategy for assessing/assisting with the implementation of CRDs in the remaining Illinois counties. As a first step, Safer's President/CEO presented an early overview and implementation recommendations for a unified application process throughout the state courts and probation to a working group of the Administrative Office of the Illinois Courts (AOIC).

Illinois Department of Financial and Professional Regulation (IDFPR)

While the IDFPR did not join the CIAG, the Acting Director and the Deputy Director of Enforcement Administration attended the CIAG meeting in January 2005 and explained the department's non-CRD procedures on applicants with criminal records. An applicant must first meet all the qualifications for licensure. Applications by individuals who possess a criminal record without a CRD are routed Intent to Deny (ITD) to determine if the record warrants denial of the application. The applicant may be asked to provide criminal background information, an informal hearing may be deemed necessary, and the burden of proof is on the applicant. The license may be issued outright or as probationary, it may be issued with conditions (such as further education), or it may be denied. Applications by individuals with criminal records who possess CRDs also go through a screening process, but the CRD shifts the burden of proof to deny licensure to the IDFPR. The IDFPR is the only licensing entity required by law to track and report Certificates data to the General Assembly. Safer worked with the IDFPR to create a system to track and report data on applicants with criminal records and applicants with CRDs for each occupational licensing category.

Other Licensing Agencies

In addition to the IDFPR, four other state agencies are the statutory regulators of five of the 27 professions covered by the Certificates legislation, but these four are not named in the legislation and do not track CRDs. These agencies and licenses are:

- The Illinois Department of Agriculture – *Animal Welfare*
- The Illinois Department of Labor – *Farm Labor and Private Employment Agency*
- The Illinois Department of Public Health – *Water Well and Pump Installation*
- The Office of the State Fire Marshall – *Boiler and Pressure Vessel Repairer*.

In an effort to accurately track CRD dissemination and utilization for successful attainment of occupational licensure in Illinois, Safer made repeated efforts to contact the administrators of these agencies to invite them to join the CIAG and to assess the agencies' application processes. The Director of the Department of Agriculture was unable to join the CIAG but agreed to provide as much data as possible under FOIA. Safer was unable to make contact with the Directors of the Department of Labor and the Department of Public Health. The Division Superintendent of the State Fire Marshall was willing to provide information under FOIA, but the State Fire Marshall does not disqualify people with records for licensure and so does not track applicants by criminal record.

Data Tracking

As of IDOC's last report to the CIAG (June 12, 2006),⁴ IDOC had reviewed 524 CRD requests, 39 of which had been forwarded to the PRB. IDOC did not forward 485 to the PRB due to failure to meet the eligibility requirements, meaning only 7.44 percent of IDOC applicants were eligible.

As of the last report to the CIAG by the PRB and the Cook County Clerk of the Circuit Court (September 11, 2006):

- Of the 40 applications the PRB reported having received from IDOC,⁵ 33 were granted and seven were deemed ineligible under the law. The PRB had also received seven CRD applications from individuals who had been released from IDOC, of which five were granted and two were ineligible. No eligible petitioners were denied CRDs. Of the total 47 applications the PRB had received (40 from IDOC and seven from previously released applicants), the PRB granted 38 CRDs and nine were ineligible, for an approval rate of 81 percent.
- The Cook County Circuit Court had received only the four original CRD applications, of which it had granted two and denied two because the applicants had new pending charges, for a 50 percent approval rate.⁶

In total, as of the September 11, 2006 report, 51 CRD applications had been filed with the PRB and the Cook County Clerk of the Circuit Court, of which 40 were granted and 11 were not, for an approval rate of 78 percent.

The IDFPR's first report to the General Assembly reveals that, from January 1, 2004 to November 30, 2004, out of 6,545 total applications, 24 applicants (3.7 percent of all applicants) had criminal records. Of these 24 applications, 16 were granted, one was denied, and seven were pending at the time of the report, for an approval rate of 67 percent (or 94 percent, excluding the seven pending applications). None of the applicants possessed CRDs. The second report reveals that,

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⁴Due to staff changes, IDOC did not report CRD tracking at the last CIAG meeting on September 11, 2006, so the IDOC data does not include the numbers from the last quarter (June 12 through September 11, 2006).

⁵The PRB's report includes one more application from IDOC than IDOC's last report, because IDOC's data does not include the last quarter.

⁶After the September 11, 2006 CIAG meeting, the Office of the Clerk of the Circuit Court reported that another CRD application was granted on October 18, 2006 in District Six by the Presiding Judge, Honorable Ronald C. Riley. With this additional approval, the Court's approval rating is 60 percent.

from December 1, 2004 to November 30, 2005, out of 4,342 total applications, 11 applicants (2.5 percent of all applicants) had criminal records. Of these 11 applications, five were granted, none were denied, and six were pending at the time of the report, for an approval rate of 45 percent (or 100 percent, excluding the six pending applications). Again, none of the applicants possessed CRDs.

Lessons Learned

Gaps in the legislation could have prevented coordination and data tracking. The legislation does not address three components to facilitate the process of implementing and tracking CRDs:

- 1 The legislation does not identify an entity to coordinate implementation among the affected entities. Without this coordination, CRD forms and policies might not have met the needs of all organizations involved, nor been user-friendly to the target population, as evidenced by the legal fees incurred by early CRD petitioners in the Cook County Circuit Courts.
- 2 The legislation only requires the IDFP—not IDOC/PRB, the Circuit Courts, or other licensing entities—to track CRD data, which would have rendered analysis of the success of CRD programs incomplete.
- 3 The legislation does not address public education to ensure the effective utilization of the Certificates. Without mass public education, the process created for obtaining Certificates would not have been fully utilized by the population it is meant to serve.

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Safer, the CIAG, and the People with Criminal Records Advocacy Group filled these three gaps to ensure coordinated implementation, full data tracking, and widespread public education.

The role of the intermediary was critical in the implementation of this legislation. By the summer of 2004, movement had not yet been made by the State of Illinois to implement the CRDs. Safer and CARRE recognized the need for implementation coordination and convened the critical entities. Safer worked with the CIAG to overcome a number of roadblocks that could have prevented fully effective implementation of the legislation had an intermediary organization not been present. Safer brought together all the involved parties to facilitate continuous communication, coordination, and data tracking, ensuring a seamless process for applicants, education/orientation of the legislation for the agencies responsible for implementation, and analysis of and work to address the limitations of the legislation.

The eligibility limitations of the legislation have severely limited its impact. Feedback from people with criminal records consistently highlights the inability of most to access CRDs because of the narrow eligibility requirements. To illustrate this point, from January 2004 until June 12, 2006, 524 people incarcerated in IDOC submitted requests for CRDs; however, only 39 (7.44 percent) met the eligibility requirements. Fortunately, the data tracking put in place early in the process revealed the low numbers of interested people who can access this relief, strengthening the recommendation to expand the pool, which the recently passed Public Act 094-1067 (SB 1279) begins to address.

Next Steps

While CRD implementation has been mostly accomplished, work remains to ensure full implementation, tracking, and evaluation. Additionally, the task of ensuring greater efficacy of the legislation remains. Specifically, Safer and the CIAG plan to take the following steps:

Coordinate full and consistent implementation of the CRDs statewide. Safer and the CIAG will coordinate statewide implementation in non-Cook County Circuit Courts. Specifically, they plan to work with the Administrative Office of the Illinois Courts (AOIC) and to build regional coalitions in the areas outside of Cook County where Safer has five new offices (in Aurora, Joliet, Rockford, Peoria, and Decatur). Via the AOIC and the regional coalitions, Safer and the CIAG plan to offer guidance and assistance throughout the process of implementing consistent CRD processes statewide, using the forms and procedures adopted in Cook County as models.

Coordinate full implementation of the new CRD legislative expansion. Safer and the CIAG will continue to work with the IDOC, the PRB, and the Cook County Clerk of the Circuit Court to update forms and processes to reflect the newly passed Public Act 094-1067 (SB 1279). At the time this report was written, the Clerk of the Circuit Court had proposed revised court forms to the Interagency Forms Committee to reflect the changes to the legislation, and Safer had helped the PRB revise its rules that were pending approval by JCAR. Safer was also working with the PRB to update its application form and website, and the PRB was reviewing previously submitted applications that were denied due to ineligibility to determine whether the applicants are now eligible.

Track CRD usage, employment outcomes, and reduced recidivism. Safer and the CIAG will work with affected entities to encourage and assist them in tracking CRD data. These entities include the organizations currently tracking CRD data, as well as those organizations that do not currently track licensure—the Illinois Departments of Agriculture, Labor, and Public Health and the Office of the State Fire Marshall. Additionally, Safer will begin to track the employment outcomes and recidivism rates of those who attain the CRD in order to understand the potential impact of this legislation and to show that they become tax-paying citizens and do not cause crime.

Educate the public on CRDs. CARRE, Safer, and the CIAG will expand the Certificates public education campaign. This campaign will inform citizens, agencies, training/educational institutions, and employers on Certificates and licensure waivers for people who do not qualify for CRDs. The CRD evaluation project of CIAG member Protestants for the Common Good (PCG) revealed that many training and educational institutions mistakenly believe that people with criminal records are barred from obtaining licensure in Illinois. Based on this misinformation, many deny admission to potential students who have criminal records, believing they will not be able to attain licenses, presenting yet another barrier to licensure for people with criminal records. To eliminate this barrier, Safer and PCG have begun work to engage the IDFPR in an educational campaign targeted at training/educational institutions.

Provide issue education regarding further expansion of the CRD legislation. Safer and its advisory group, CARRE, will continue to provide issue education on Certificates legislation that examines covering all occupational licenses and establishing eligibility standards that consider applicants on an individual basis, based on a demonstration of rehabilitation instead of the current standards that determine eligibility based on the type and number of convictions.

In conclusion, Safer and the CIAG commend the State of Illinois for taking an important step to removing barriers to employment for people with criminal records by passing and implementing the Certificates legislation. While delayed implementation of the legislation and the limited categories of people who can access CRDs may result in relatively low numbers of CRD applications and issuances in the first few years, Safer expects those numbers to increase with improved implementation, data reporting, public education, and expanded categories of people who can access this relief. As additional data is gathered, Safer will evaluate the outcomes and effectiveness of the CRDs and work with the CIAG to explore further expansion of the legislation and/or the addition of other legislative and administrative reliefs to employment barriers for people with criminal records in order to reduce recidivism.