

**CERTIFICATES OF RELIEF FROM DISABILITIES
IMPLEMENTATION AND TRACKING
FULL REPORT**

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

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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.

1 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 report was 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 this report 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 that played critical roles in the implementation and tracking of the Certificates and that, 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 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, former 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 Metropolitan 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 additional information on Safer's work, including policy and advocacy initiatives, other papers, and additional information on the Certificates of Relief from Disabilities, 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

Background on Certificates Legislation

The Need for Legislation

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), an advisory council made up at that time of approximately 55 organizations and individuals focused on the removal/reduction of systemic barriers to employment for people with criminal records in Illinois, to conduct a review of Illinois' professional and 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 (See *Appendix A: Restricted Licenses* for a full listing of restricted licenses). 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.² No licensing entities publicly reported on the denials or approvals of waiver applications, and people with records reported difficulty accessing licensure.

Early Advocacy

Based on this research and feedback from people with criminal records, advocates and policymakers recognized this barrier and, in their quest to help increase employment opportunities for individuals with criminal histories, saw legislation to relieve bars to employment and occupational licenses as a strong first step in legislative change. In 2002, the Illinois Workforce Investment Board (IWIB) appointed an Ex-Offender Employability Task Force (EETF), co-chaired by Paula Wolff (Senior Executive at Chicago Metropolitan 2020) and Janet Payne (Director of Personnel at Provena United Samaritan Medical Center) and made up of service providers, public officials, and policy advocates, to identify best practices and to develop program and advocacy recommendations that would address systemic barriers that individuals with criminal records face. In August 2002, the EETF, Chicago Metropolitan 2020, CARRE, and U.S. Congressman Danny K. Davis's (7th District-IL) Ex-Offender Task Force joined in an effort to promote and support legislative initiatives that would adequately respond to the issue of barriers to employment for people with criminal records through a targeted advocacy agenda. The National Helping Individuals with criminal records Re-enter through Employment (HIRE) Network was also invited to help shape the legislative and policy/advocacy agenda of the group. Based on its research of state and local legislation that aims to improve employment opportunities for people with criminal histories, HIRE identified various legislative models Illinois advocates could consider. The primary effort the advocates agreed upon as a starting point was to create job opportunities for people with criminal records by providing evidence of rehabilitation and improving access to occupational licenses for people with criminal records. HIRE recommended the creation

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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/OccupationalLicensurePaperIntro.pdf>

²The other Certificate created is the Certificate of Good Conduct, which provides the holder with State certification of rehabilitation to present to employers.

of Certificates modeled after New York's certificate law (New York Correction Law Article 23 §§ 700-706), which 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. The New York State Certificates also serve as evidence of rehabilitation.

Illinois advocates succeeded in gaining momentum around the issue of reentry in a relatively short period of time, in part because advocates immediately began conducting campaigns in their communities and with public officials. Immediately upon learning about the New York Certificates, Congressman Davis worked with community advocates to hold community summits throughout the year, providing individuals with information about prospective policy reforms and connecting communities to public officials on these issues.

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.

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Early Legislation

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 felony to apply for a certificate that alleviates certain barriers to employment. (*See Appendix B: Offenses Ineligible for a Certificate of Relief from Disabilities* for a list of disqualifying convictions.) The two types of Certificates created by the legislation are: (1) a Certificate of Relief from Disabilities (CRD), which improves access for people with criminal records to 15 occupational licenses, and (2) a Certificate of Good Conduct (CGC), granted by the Prisoner Review Board (PRB), which provides evidence of rehabilitation to employers. The 15 occupational licenses covered under this legislation were selected because the qualifications for good performance were thought to be fairly broadly understood among policymakers and the reason someone should not be licensed because of a prior offense related to the field could be defined clearly. These 15 licenses were:

- 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 Prisoner Review Board (PRB) (if the individual was incarcerated in 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 such a certificate 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. In other words, without the CRD, the burden is on the individual to prove why s/he should not be denied. With the CRD, the burden is on the licensing agency to prove why the individual should be denied. It is important to note that the acquisition of a Certificate of Relief from Disabilities 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. Note that the statute only requires the consideration of these eight factors for applicants who possess CRDs. 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;
- 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;
- 8 The legitimate interest of the licensing agency in protecting property and the safety and welfare of specific individuals or the general public.

First Legislative Expansion

In 2003, an ad hoc group of advocates organized to create a multi-faceted approach to eliminating the barriers that people with criminal records face in obtaining and retaining gainful employment. Cabrini Green Legal Aid initiated the collaborative and was joined by the Safer Foundation, First Defense Legal Aid, the Sargent Shriver National Center on Poverty Law, and the Chicago Jobs Council to begin working with the courts in Cook and DuPage Counties. These groups 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 original 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.

Limitations of the Legislation

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. Because of the repeated steps of individual consideration a CRD applicant went through—CRD applications were assessed individually and then used to apply for licensure from entities that again individually assessed each applicant—the Certificates process already had built in safety mechanisms to do individual-level reviews, thus necessitating the elimination of eligibility limitations based on category

and number of offenses. Additionally, the IDFPR and other licensing entities used a waiver review process that applied to individuals with all classes and number of offenses, offering a working example of opening up eligibility to people with all types of records and adding a second individual review/safety mechanism to the process. The purpose of the legislation was not to limit the process beyond what the IDFPR had in place, nor was it to add an additional step in the process, but rather to relieve the process. Likewise, New York's Certificates legislation was open to people with all types of criminal records, providing another working model.

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. Again, a CRD did not guarantee the holder a license, and each applicant for a license was considered individually, with the licensing entity considering the relationship between the criminal record and the occupation and any public safety concerns. With this layering of individual license category determinations and for the same reasons as listed above, CARRE members believed that expanding the CRD legislation to cover all occupational licenses would eliminate more barriers to employment for people with criminal records, while guarding public safety.

Further Legislative Expansion

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, and the Illinois Department of Human Services regarding the removal of barriers to employment for people with criminal records and included recommendations from Safer's work with CARRE, the Governor's Statewide Community Safety and Reentry Working Group, the Mayoral Policy Caucus on Prisoner Reentry, the National HIRE Network, and Safer's People with Criminal Records Advocacy Group. One issue highlighted was 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 the 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:³

- Expanded the pool of eligibility for Certificates of Relief from Disabilities 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 Certificates of Relief from Disabilities from the former 18 to 27 to include the following:

³Public Act 094-1067 also (1) required state contracts to include notice of encouragement to employers to hire individuals who have been released from an Illinois adult correctional facility within the last year as well as qualified veterans; (2) required the Department of Central Management Services to report annually to the Governor and the Illinois General Assembly on hiring; (3) provided a tax credit to employers that hire qualified individuals; and (4) granted the IDOC the power to provide a pre-release job preparation program for individuals incarcerated in Illinois adult correctional centers. Several of Safer's recommendations were included in the legislation.

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- Auction License
 - Architecture Practice
 - Dietetic and Nutrition Services
 - Environmental Health Practitioner
 - Funeral Directing and Embalming
 - Land Sales
 - Professional Geology
 - Public Accountant
 - Structural Engineering.

Safer and its partners commend the State of Illinois for taking an important first step by passing this legislation and its subsequent expansions. The recent movement towards supporting the employment of people with criminal records is evident in this legislation, which is the first of its kind in Illinois, and in comparison to the New York legislation, which has been in existence for many years. Thanks to the original Certificates law and its two expansions, many people who were previously denied eligibility for these various occupational licenses solely because they had criminal records now have a mechanism by which they may more easily access occupational licenses. (*See Appendix C: Occupations Covered by the Certificates of Relief from Disabilities* for a full list of the occupations that require any of the licenses covered by all Certificates legislation, including the agency and act governing each license.) By reducing the barriers to occupational licensure, Illinois law offers greater opportunities for people with criminal records to seek employment opportunities in occupations that pay a livable wage.

The Safer Foundation's Role

The Governor's Office convened representatives from agencies affected by the Certificates legislation to begin formulating plans for implementation of the legislation in 2003. However, by early 2004, it became clear that, due to the need for coordination among several public agencies to fully implement the Certificates, a dedicated focus on legislative implementation was needed. In 2004, Safer and HIRE developed a proposal to the JEHT Foundation and, after successful award, launched the "Eliminating Barriers to Employment in Illinois" project: (1) to assist in the implementation of the Certificates of Relief from Disabilities and Certificates of Good Conduct and to test, track, and evaluate implementation and (2) to develop standards that help guide employers when considering qualified job applicants with criminal records.⁴ Safer hired a Policy Field Educator and Organizer who was responsible for coordinating this project.⁵

Safer began its Certificates work with three preliminary objectives: (1) to contact representatives in each agency responsible for implementing CRD procedures; (2) to introduce the project's goals and objectives to other local advocates to obtain their support and involvement in its efforts; and (3) to create the Certificates Implementation Advisory Group (CIAG) to guide Safer's implementation activities. The CIAG would be comprised of all public agencies critical to the implementation of CRDs and CGCs, as well as other local advocates who provide employment/legal services or conduct public policy on behalf of people with criminal records. In addition to the advice of the CIAG, Safer sought guidance from its People with Criminal Records Advocacy Group. 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.

In October 2004, Safer convened the CIAG with members from the Chicago Jobs Council, Chicago Metropolitan 2020, the Developing Justice Coalition, the Illinois Department of Corrections, Protestants for the Common Good, the Sargent Shriver National Center on Poverty Law, Cabrini Green Legal Aid, the Cook County Circuit Court Clerk's Office, the Cook County Adult Probation Department, and the Illinois Department of Employment Security. The CIAG agreed: (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 to Safer on how to help improve the effectiveness of implementation. From the CIAG, two working groups were developed: one focused on Certificates of Relief from Disabilities and the other on Creating Employment Standards and Certificates of Good Conduct. The Certificates of Relief from Disabilities subcommittee held its first meeting on November 1, 2004. The group agreed to meet regularly to monitor implementation, to track problems, and to report recommendations to the larger advisory group.

⁴This paper will focus only on the first goal related to Certificates.

⁵Safer hired Rochelle Perry in October 2004 as the first Policy Field Educator and Organizer. Carrie Cox replaced Ms. Perry in May 2006.

Safer began to coordinate and monitor the implementation of CRDs using a four-track model—(1) IDOC/PRB, (2) Cook County Circuit Courts/Adult Probation, (3) IDFP/other licensing entities, and (4) community awareness. The last track—community awareness—arose from the recognition that policy changes often create information gaps between those who represent the needs of communities and the community members most affected by the policy changes. 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.

Implementation

Implementation of Certificates of Relief from Disabilities initially began with a focus on the two issuing authorities—the PRB and the Circuit Courts. The agency focus was then divided even further to include those agencies responsible for working with the PRB and the Circuit Courts of Cook County. 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 the IDOC; the PRB; the Cook County Clerk of the Circuit Court; the Cook County Adult Probation Department; the IDFP; the Illinois 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 their respective systems.

Because the majority of those affected by a criminal record in Illinois reside in Cook County, implementation of CRDs in the courts was initiated in Cook County. Through the combined work of Safer, the CIAG, and the above named entities, the CRD application and tracking processes have been fully implemented in the Cook County Circuit Courts for individuals whose Illinois convictions did not result in incarceration in state prison and throughout the state of Illinois for individuals who were incarcerated in Illinois state prison or who were convicted in another state or federally. Safer and the CIAG plan to work to replicate the current CRD forms and processes throughout the state’s courts, and Safer continues to provide issue education to increase the number of agencies and occupations that recognize CRDs to aid in the licensing process.

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ILLINOIS DEPARTMENT OF CORRECTIONS/PRISONER REVIEW BOARD

Illinois Department of Corrections

Safer began to work with the Illinois Department of Corrections over the summer of 2004 and requested that IDOC craft its Certificates implementation process and educate IDOC personnel on this new relief. IDOC promptly began shaping its administrative directives and trained all Deputy Directors, wardens, and eventually IDOC counselors and parole officers on CRDs. Upon IDOC’s request, Safer provided Certificate training to IDOC District I and District II Parole Supervisors. IDOC also disseminated a bulletin at every facility and in all housing units to notify incarcerated individuals of the law.

IDOC set up a permanent process of alerting individuals in its system of the CRD, and information about Certificates became part of the orientation process upon reception at a correctional facility. This information also became integrated into various programs and departments, such as the pre-release unit, the workforce development unit, prison industries, and the Pre-Start class. Under the established process, 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 supplemental program consideration report or written report to the PRB and provides

information about the returning individual's incarcerating offense, institutional adjustment, current classification, escape risk classification, educational advancements and Certificates received while incarcerated, family situation, disciplinary tickets, release plans, and recommendations for approval or denial of a certificate.

IDOC collaborated with the CIAG in its development of the CRD application form and procedures. IDOC shared its draft application form with the CIAG and accepted recommendations for changes to improve it. IDOC has been in consistent communication with the CIAG and recognizes that the group is a resource to help it implement effective procedures.

With the CIAG's encouragement, IDOC established a system to track data regarding Certificates of Relief from Disabilities. From September 2004 to June 12, 2006, IDOC reviewed 524 CRD requests. IDOC deemed 485 applicants ineligible under the law, with the primary reason for ineligibility being more than one conviction. Thirty-nine applications were forwarded to the Prisoner Review Board during that time.

Prisoner Review Board

In 2004, the PRB conducted an analysis of its capacity to implement a Certificates process. Although the PRB expressed support for the legislation, it also stated that it needed additional resources and assistance to develop the operational system necessary to implement the Certificates program. These additional needs were: (1) to hire a full-time staff person dedicated to operating the Certificates program, (2) to establish an application process, and (3) to establish a data tracking system.

The PRB welcomed Safer's assistance and the advice of the CIAG and, while the PRB sought out the needed resources, Safer provided the PRB with intensive technical assistance in creating a Certificates program that would be manageable and efficient for the PRB as well as fair and "user-friendly" for all Certificate applicants, whether they were incarcerated, under community supervision (parole), or off supervision. Safer and the CIAG 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. Safer 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 members to the Director of New York State's Parole Board in order for them to share ideas about operational issues.

Safer worked with the PRB to create the actual Certificate of Relief from Disabilities (*see Appendix C*). The CIAG reviewed and commented on the PRB's draft application forms and rules for Certificates and, after a series of revised drafts between the CIAG and the PRB, the PRB submitted its application forms and rules to the Illinois General Assembly's Joint

Council on Administrative Rules (JCAR) for approval in December 2005. At the time of this report, these rules were still pending JCAR approval. As of September 11, 2006, the PRB had received 47 CRD applications, 38 of which were granted and nine of which were deemed ineligible because the applicants had more than one felony conviction.

COOK COUNTY CIRCUIT COURT/ADULT PROBATION

As outlined in Illinois Public Act 93-0207, the CRD application process for an individual whose Illinois criminal conviction did not result in incarceration in state prison is to apply through the sentencing court. The Act further directs the Adult Probation Department to provide an investigative report on the applicant if requested by the Circuit Court.

Cook County Circuit Court

Following the enactment of the legislation, the Clerk of the Circuit Court developed a CRD *pro se*⁶ 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. Two applications were summarily rejected by the Clerk's Office due to insufficient information. Four applications were filed and considered—two were approved and two were denied because the applicants had pending new cases. Safer also learned that one private attorney represented all six applicants 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.

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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.

⁶The term "*pro se*" means "for oneself" and refers to legal actions taken on one's own behalf without representation by an attorney.

Finally, Safer worked with the Clerk's Office to create a tracking system. Under the Freedom of Information Act (FOIA), Safer requested that the Clerk's Office make tracking data available on a quarterly basis and establish a point person for that information.

Specifically, Safer sought to gather the following information:

- The name of the applicant
- Whether the applicant meets the eligibility requirement
- The applicant's status—probation or no supervision
- The applicant's occupational training—when/where received
- Any occupational license(s)/certification(s) previously held
- The date the application was filed
- The method of applying—*pro se* or with attorney representation
- The number of applications received
- The number of applications granted
- The number of applications denied.

While not subject to the FOIA, the Clerk's office voluntarily works to comply with the spirit of the Illinois FOIA. The Clerk's office maintains much of its data electronically, and requests for information must be approved by the Chief Judge's Office. On October 18, 2005, codes were added to the Clerk's system for CRDs, allowing the Clerk's office to more accurately track CRD petitions that are filed, granted, and denied.

Cook County Adult Probation Department

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In the fall of 2005, Safer provided an overview of the CRDs to mid-level managers and the Chief Officer to enable them to discuss CRD implementation with other officers at the Cook County Adult Probation Department. At that time, Safer recommended a training/overview for front line Probation Officers.

Safer drafted a sample one-page CRD brochure and a sample application for officers to give to individuals on probation. The Probation Resource Supervisor was invited: (1) to join the CIAG, (2) to collaborate with the Certificates of Relief from Disabilities subcommittee to lay out an implementation plan that designated one agent/office to receive/screen applications and then forward eligible applications to Judge Biebel, and (3) to plan data tracking. Safer worked with Cook County Adult Probation to design a Certificate that the Cook County Circuit Courts could grant.

Adult Probation's role in the implementation of the Certificates 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 Certificates 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). Next, Safer will work to implement a process with the AOIC, ideally one that would consistently replicate the Cook County forms and procedures throughout the State of Illinois.

LICENSING ENTITIES

Illinois Department of Financial and Professional Regulation

The Acting Director of the Illinois Department of Financial and Professional Regulation (IDFPR) and the Deputy Director, Enforcement Administration, attended the CIAG meeting in January 2005. While IDFPR did not join the advisory group, the representatives explained the department's non-CRD procedures on applicants with criminal records. An applicant for licensure must first meet all the qualifications for licensure. Applications by individuals who possess a criminal record without a Certificate of Relief from Disabilities are routed Intent to Deny (ITD) to determine if the record is significant enough to deny the license. The applicant may be asked to provide criminal background information, and an informal hearing may be deemed necessary. The burden of proof is on the individual to present evidence that s/he should not be denied licensure. 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 Certificate shifts the burden of proof to the IDFPR to prove why the individual should not be granted a license.

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The IDFPR is the only licensing entity required by Public Act 93-0207 to track Certificates data and to report that data to the General Assembly. This report is due by November 30 each year. Safer worked with the IDFPR to create a system to track and report data on applicants with criminal records and applicants with CRDs. IDFPR tracks and reports the following information for each occupational licensing category:

- The number of new applications received
- The number of applications by individuals with convictions
- The number of licenses issued to applicants with convictions
- The number of licenses denied to applicants with convictions
- The number of applications pending
- The number of licenses issued to individuals with CRDs
- The number of licenses denied to individuals with CRDs.

In February 2005, the IDFPR provided Safer with a copy of their January 1, 2004 through November 30, 2004 report, which showed that:

- Out of 6,545 new applications, 24 were from individuals with convictions:
 - Professional Counselor – 6
 - Clinical Counselor – 2
 - Athletics – 1
 - Registered Interior Designer – 1
 - Licensed Barber – 3
 - Licensed Cosmetologist – 7
 - Esthetician – 2
 - Licensed Nail Technician – 2.

- The IDFPR issued 16 licenses to individuals with convictions:
 - Professional Counselor – 3
 - Clinical Counselor – 1
 - Athletics – 1
 - Registered Interior Designer - 0
 - Licensed Barber – 2
 - Licensed Cosmetologist – 7
 - Esthetician – 1
 - Licensed Nail Technician – 1.

- The IDFPR denied one application for Professional Counselor by an individual with a conviction.

- Seven applications for individuals with convictions were pending as of the date of the report:⁷
 - Professional Counselor – 2
 - Clinical Counselor – 1
 - Athletics – 0
 - Registered Interior Designer – 1
 - Licensed Barber – 1
 - Esthetician – 1
 - Licensed Nail Technician – 1.

- The IDFPR received no applications from individuals with CRDs.

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⁷The IDFPR does not track or report the reasons for or the specific outcomes of pending applications. Often, applications are pending at the time of the report because of recent submission.

The IDFPR report for December 1, 2004 through November 30, 2005 showed that:

- Out of 4,342 new applications, 11 were from individuals with convictions:
 - Marriage and Family Therapist – 1
 - Professional Counselor – 3
 - Clinical Counselor – 1
 - Athletic Trainer – 1
 - Athletics – 2
 - Licensed Barber – 1
 - Licensed Cosmetologist – 2.
- The IDFPR issued 5 licenses to individuals with convictions:
 - Marriage and Family Therapist – 0
 - Professional Counselor – 1
 - Clinical Counselor – 0
 - Athletic Trainer – 1
 - Athletics – 2
 - Licensed Barber – 0
 - Licensed Cosmetologist – 1.
- The IDFPR denied no licenses to individuals with convictions.
- Six applications by individuals with convictions were pending at the time of the report:
 - Marriage and Family Therapist – 1
 - Professional Counselor – 2
 - Clinical Counselor – 1
 - Athletic Trainer – 0
 - Athletics – 0
 - Licensed Barber – 1
 - Licensed Cosmetologist – 1.
- The IDFPR received no applications from individuals with CRDs.

Other Licensing Agencies

While the legislation requires the IDFPR to provide the General Assembly with a licensure report each year, four other state agencies are the statutory regulators of five of the 27 professions covered by the Certificates legislation. 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*.

These state agencies are not named in the legislation and are not tracking CRDs. 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. Despite attempts, Safer was unable to make contact with the Directors of the Departments of Labor and 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 criminal records for licensure and so does not track applicants by criminal record.

Data Summary

As of IDOC's last report to the CIAG (June 12, 2006),⁸ IDOC had reviewed 524 CRD requests, 39 of which had been forwarded to the PRB. IDOC⁹ 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, 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.¹⁰

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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 IDFP's first report to the General Assembly reveals that, from January 1, 2004 through 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, from December 1, 2004 through 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.

⁸Due 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).

⁹The PRB's report includes one more application from IDOC than IDOC's last report, because IDOC's data does not include the last quarter.

¹⁰After 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.

Training and Education

Safer and the CIAG are committed not only to ensuring that Certificates are implemented but also that people in the community know about and take advantage of this new opportunity. Safer and its People with Criminal Records Advocacy Group conducted an education campaign that directly informed over 9,100 people with criminal records about Certificates through several events. Safer participated in three expungement summits; U.S. Congressman Danny K. Davis hosted two, in July and October of 2005, and the Cook County Clerk of the Circuit Court, Dorothy Brown, co-hosted the July 2005 expungement summit and hosted another in June 2006. Safer provided continuous education to its clients both in community-based and correctional center programs through presentations and the distribution of CRD informational materials. Additional educational opportunities arose through co-sponsored activities with the Summer Link Internship Program at the University of Chicago-Community Service Center and the University of Illinois at Chicago, Jane Addams School of School Work.

Over the past year, Safer has also educated many groups and organizations about Certificates. In February 2005, the Illinois Department of Employment Security (IDES) launched statewide the Re-entry Employment Service Program, as a response to the high demand for job preparation and placement assistance for people with criminal records. Safer provided a workshop on Certificates of Relief from Disabilities for 55 IDES employees at their July Liaison Quarterly Meeting. Likewise, Safer worked closely with the Chicago Jobs Council in public education workshops that included Certificates of Relief from Disabilities. In September 2005, Safer had two opportunities to provide education and to generate support for Certificates—one through Safer's participation in the Governor's Community Safety and Re-entry Working Group, and the other through a direct training on Certificates at the Cook County Adult Probation Department's Third Annual Department-wide Conference. In November 2005, Safer provided certificate training to IDOC District I and District II Parole Supervisors. Finally, in September and October 2006, Safer provided information on Certificates to the Northwest Community Support and Advisory Council (CSAC), the Coalition to Stop Discrimination against People with Criminal Records, and the Auburn Gresham/Englewood Community Forum hosted by Neighborhood Housing Services.

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, had the CIAG not put such tracking systems in place.
- 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.

22 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 that targeted resources and attention were needed to implement them. Therefore, Safer worked with a private foundation in order to bring on a dedicated, professional, and experienced individual (Safer's Policy Educator and Organizer) who brought continual focus and follow-up to this work, convened the critical organizations, and tracked and reported the data. These resources also allowed Safer to convene the CIAG and work with the National HIRE Network, which brought technical assistance and training to the initiative.

Throughout the process of coordinating and tracking implementation of the Certificates legislation, Safer was able to work with the CIAG to overcome a number of roadblocks—including lack of communication, coordination, data tracking, and public education—that could have prevented fully effective implementation of this legislation, had an intermediary organization not been present. By convening the CIAG, Safer was able to bring together all the involved parties to facilitate continuous communication, coordination, and data tracking, ensuring a complete, seamless process for applicants; education/orientation of the legislation for the agencies responsible for implementation; and analysis of limitations of the legislation and corresponding work to address the limitations.

The eligibility limitations of the legislation have severely limited its impact. An additional limitation of the legislation is the target population. As discussed above, the legislation, until August 1, 2006, created a very small pool of eligibility, as it limited eligibility for Certificates to individuals convicted of no more than one non-violent felony, with a variety of convictions ineligible. Even now, eligibility is still limited to individuals with no more than two non-violent felonies, with the same ineligible convictions. Feedback from people with criminal records consistently highlights the inability of most to access CRDs because of the small eligibility pool. 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 allowed for data analysis and an understanding of the low numbers of interested people who can access this relief. The data tracking and analysis has strengthened the recommendation to expand the pool incrementally, 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. This section will outline the next steps Safer and the CIAG intend to take.

Coordinate full and consistent implementation of the CRDs statewide. Although the CRD legislation has been fully implemented for individuals who were incarcerated in the State of Illinois, for individuals who were convicted in another state or federally, and for those who were sentenced in Cook County, it has not yet been fully coordinated nor implemented for those who were sentenced in an Illinois county other than Cook County and were not incarcerated in state prison. Safer and the CIAG will coordinate statewide implementation in non-Cook County Circuit Courts by working with several different partners. 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 recently opened 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.

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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 (the IDOC, the PRB, the Cook County Clerk of the Circuit Court, and the IDFPR), 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 IDFP 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.

Appendix A: Restricted Licenses

In 2002, of the 98 statutes governing licensure in Illinois, 57 contained additional stipulations for the granting of licensure if the applicant has a criminal record. The language used in several of these statutes calls for restrictions that can be grouped into three categories:

- **Absolute barriers:** These statutes create an absolute bar to employment for individuals convicted of certain felonies or misdemeanors that have essential elements of dishonesty or that are directly related to the practice of the profession.
- **Criminal record barriers:** These statutes allow the Department to refuse to issue or renew a license in the case that an applicant has been convicted of a felony or misdemeanor that includes an essential element of dishonesty or that is directly related to the practice of the profession.
- **Good moral character barriers:** These statutes require an applicant to be of good moral character. In determining good moral character, the Department may take into consideration any felony conviction, but such conviction shall not act as a complete bar to licensure.

The following are the 65 licenses with restrictions for people with criminal records at the time of the 2002 review:

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Absolute Barriers

- Business with the State (applies to contractor/business owner, not employees)
- Child care provider
- Doctor (medical practice)
- Driver's license (religious organization or senior citizen)
- Employment counseling
- Foster parent/home operator
- Funeral director and embalmer
- Hazardous waste crane and hoisting equipment operator
- Horsemeat dealer
- Illinois clinical psychologist
- Nursing home administrator
- Optometric practice
- Pharmacist
- Private detective, alarm security, and locksmith
- Professional counselor

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- Professional geologist
 - Respiratory care practice
 - River boat gaming
 - Safety deposit box
 - School bus driver
 - Speech – language pathology and audiology
 - Wholesale drug distribution

Criminal Record Barriers

- Acupuncture practice
- Animal welfare
- Athletic trainers practice
- Barber, cosmetologist, esthetics, nail technologist
- Boiler and pressure vessel repair
- Child protection and child welfare
- Clinical social worker
- Consumer protection
- Dead animal disposal
- Dentist
- Dietetic and nutrition service practice
- Engineering practice
- Environmental health practitioner
- Farm labor contractor
- Feeder swine dealer
- Fire equipment distributor
- Hearing instrument
- Horse racing
- Interior design
- Landscape architecture practice
- Liquor
- Livestock dealer
- Marriage and family therapist
- Naprapathic practice
- Nursing
- Occupational therapist
- Physical therapist

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- Public accountant
 - Real estate
 - Roofing
 - Slaughter livestock buyer
 - Veterinary medicine and surgery practice
 - Water well and pump installation

Good Moral Character Barriers

- Architecture practice
- Attorney
- Certified shorthand reporter
- Detection of deception examiners
- Explosives
- Industrial hygienist
- Podiatric medical practice
- Professional boxing and wrestling
- Professional land surveyor
- Structural engineering

Appendix B: Offenses Ineligible for a Certificate of Relief from Disabilities

ARTICLE 11 OF THE CRIMINAL CODE OF 1961:

- Sec. 11-6: Indecent solicitation of a child
- Sec. 11-6.5: Indecent solicitation of an adult
- Sec. 11-7: Adultery
- Sec. 11-8: Fornication
- Sec. 11-9: Public indecency
- Sec. 11-9.1: Sexual exploitation of a child
- Sec. 11-9.2: Custodial sexual misconduct
- Sec. 11-9.3: Presence within school zone by child sex offenders
- Sec. 11-9.4: Approaching, contacting, residing, or communicating with a child by child sex offender
- Sec. 11-11: Sexual Relations within Families
- Sec. 11-12: Bigamy
- Sec. 11-13: Marrying a bigamist
- Sec. 11-14: Prostitution
- Sec. 11-14.1: Solicitation of a sexual act
- Sec. 11-15: Soliciting for a prostitute
- Sec. 11-15.1: Soliciting for a Juvenile Prostitute
- Sec. 11-16: Pandering
- Sec. 11-17: Keeping a Place of Prostitution
- Sec. 11-17.1: Keeping a Place of Juvenile Prostitution
- Sec. 11-18: Patronizing a prostitute
- Sec. 11-19: Pimping
- Sec. 11-19.1: Juvenile Pimping
- Sec. 11-19.2: Exploitation of a child
- Sec. 11-20.1: Child pornography
- Sec. 11-20.1A: Forfeitures
- Sec. 11-20.2: Commercial film and photographic print processor; reports
- Sec. 11-21: Harmful material
- Sec. 11-22: Tie-in sales of obscene publications to distributors
- Sec. 11-23: Posting of identifying information on a pornographic Internet site

CLASS X FELONIES NOT LISTED IN ANY OTHER CATEGORY:

- Attempted First Degree Murder
- Contraband, penal institution
- Controlled substance, manufacture or delivery
- Violation of Cannabis Control Act, more than 5000g
- Residential Burglary

Drug induced homicide
Solicitation of murder
For hire solicitation
Forcible felony, if related to organized gang activity
Aggravated vehicular jacking

**CRIMES OF VIOLENCE AS DEFINED IN THE CRIME VICTIMS
COMPENSATION ACT 740 ILCS 45/2:**

Section 9-1: First Degree Murder
Section 9-2: Second Degree Murder
Section 9-3: Involuntary Manslaughter or Reckless Homicide
Section 10-1: Kidnapping
Section 10-2: Aggravated Kidnapping
Section 20-1: Arson
Section 20-1.1 Aggravated Arson

DISQUALIFYING OFFENSES FOR THOSE APPLYING UNDER THE ANIMAL WELFARE ACT:

510ILCS 70/3: Owners duties
510ILCS 70/3.01: Cruel treatment
510ILCS 70/3.02: Aggravated cruelty
510ILCS 70/3.03: Animal torture
510ILCS 70/3.03-1: Depiction of animal cruelty
510ILCS 70/4.01: Animals in entertainment
510ILCS 5/26-5: Dog fighting

ARTICLE 12 OF THE CRIMINAL CODE OF 1961:

Sec. 5/12-1: Assault
Sec. 5/12-2: Aggravated assault
Sec. 5/12-2.5: Vehicular Endangerment
Sec. 5/12-3: Battery
Sec. 5/12-3.1: Battery of an Unborn Child
Sec. 5/12-3.2: Domestic Battery
Sec. 5/12-3.3: Aggravated domestic battery
Sec. 5/12-4: Aggravated Battery
Sec. 5/12-4.1: Heinous battery
Sec. 5/12-4.2: Aggravated Battery with a firearm
Sec. 5/12-4.2-5: Aggravated battery with a machine gun or a firearm
Sec. 5/12-4.3: Aggravated battery of a child
Sec. 5/12-4.4: Aggravated battery of an unborn child
Sec. 5/12-4.5: Tampering with food, drugs or cosmetics
Sec. 5/12-4.6: Aggravated Battery of a Senior Citizen
Sec. 5/12-4.7: Drug induced infliction of great bodily harm
Sec. 5/12-4.9: Drug induced infliction of aggravated battery to a child athlete

Sec. 5/12-5: Reckless Conduct
Sec. 5/12-5.1: Criminal housing management
Sec. 5/12-5.2: Injunction
Sec. 5/12-5.5: Common carriers; gross neglect
Sec. 5/12-6: Intimidation
Sec. 5/12-6.1: Compelling organization membership of persons
Sec. 5/12-6.2: Aggravated intimidation
Sec. 5/12-6.3: Interfering with the reporting of domestic violence
Sec. 5/12-7: Compelling Confession or Information by Force or Threat
Sec. 5/12-7.1: Hate crime
Sec. 5/12-7.2: Educational intimidation
Sec. 5/12-7.3: Stalking
Sec. 5/12-7.4: Aggravated Stalking
Sec. 5/12-7.5: Cyber stalking
Sec. 5/12-9: Threatening public officials
Sec. 5/12-10: Tattooing Body of Minor
Sec. 5/12-10.1: Piercing the body of a minor
Sec. 5/12-11: Home Invasion
Sec. 5/12-11.1: Vehicular invasion
Sec. 5/12-13: Criminal Sexual Assault
Sec. 5/12-14: Aggravated Criminal Sexual Assault
Sec. 5/12-14.1: Predatory criminal sexual assault of a child
Sec. 5/12-15: Criminal sexual abuse
Sec. 5/12-16: Aggravated Criminal Sexual Abuse
Sec. 5/12-16.2: Criminal Transmission of HIV
Sec. 5/12-19: Abuse and Gross Neglect of a Long Term Care Facility Resident
Sec. 5/12-20: Sale of Body Parts
Sec. 5/12-21: Criminal abuse or neglect of an elderly or disabled person
Sec. 5/12-21.5: Child Abandonment
Sec. 5/12-21.6: Endangering the life or health of a child
Sec. 5/12-30: Violation of an order of protection
Sec. 5/12-31: Inducement to commit Suicide
Sec. 5/12-32: Ritual mutilation
Sec. 5/12-33: Ritualized abuse of a child
Sec. 5/12-34: Female genital mutilation
Sec. 5/12-35: Sexual conduct or sexual contact with an animal

Appendix C: Occupations Covered by the Certificates of Relief from Disabilities

Following are the licenses that the Illinois Department of Financial and Professional Regulation (IDFPR) issues that are covered under the Certificates of Relief from Disabilities legislation. Listed under the bold names of the licenses are the occupations that the license certifies an individual to hold. Licenses acquired through other State Departments are listed last.

Architecture Practice

The Illinois Architecture Practice Act of 1989, 225 ILCS 305/1

- Architect

Athletic Training

The Illinois Athletic Trainers Practice Act, 225 ILCS 5/1

- Athletic Trainer
- Athletic Trainer Continuing Education Sponsor

Auction License

The Auction License Act, 225 ILCS 407/1

- Auctioneer
- Associate Auctioneer

Barber, Cosmetology, Esthetics, and Nail Technology

The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985, 225 ILCS 410/1-1

- Barber
- Barber Teacher
- Barber School
- Cosmetologist
- Cosmetology Teacher and Clinic Teacher
- Cosmetology School, Private and State-Owned Salon/Shop Registration
- Esthetician
- Esthetician Teacher and Clinic Teacher
- School of Esthetics
- Nail Technician
- Nail Technician Teacher and Clinic Teacher
- Nail Technology School
- B.C.E.N.T. (Barber, Cosmetology, Esthetics, and Nail Technology) Continuing Education Sponsor

Dietetic and Nutrition Services

The Dietetic and Nutrition Services Practice Act, 225 ILCS 30/1

- Dietitian Nutritionist

Electrologist

The Electrologist Licensing Act, 225 ILCS 345/1

- Electrologist

Engineering

Professional Engineering Practice Act, 225 ILCS 325/1

- Professional Engineer
- Professional Engineer in Training
- Professional Design Firm

Environmental Health Practitioner

The Environmental Health Practitioner Licensing Act, 225 ILCS 37/1

- Environmental Health Inspector
- Environmental Health Practitioner
- Environmental Health Practitioner in Training

Funeral Directing and Embalming

The Funeral Directors and Embalmers Licensing Code, 225 ILCS 41/1

- Funeral Director and Embalmer
- Funeral Director and Embalmer Intern

Interior Design

The Interior Design Title Act, 225 ILCS 301/1

- Interior Designer
- Residential Interior Designer

Land Sales

The Land Sales Registration Act of 1999, 225 ILCS

- Large-Scale Land Salesperson

Land Surveyor

The Illinois Professional Land Surveyor Act of 1989, 225 ILCS 330/1

- Land Surveyor
- Land Surveyor in Training
- Land Survey Professional Corporation
- Professional Design Firm

Landscape Architecture

The Illinois Landscape Architecture Act of 1989, 225 ILCS 315/1

- Professional Landscape Architect

Marriage and Family Therapy

The Marriage and Family Therapy Licensing Act, 225 ILCS 55/1

- Marriage and Family Therapist
- Marriage and Family Therapist Continuing Education Sponsor
- Associate Marriage and Family Therapist

Professional Boxing

The Professional Boxing Act, 225 ILCS 105/1

- Boxer
- Judge
- Boxing Manager
- Boxing Promoter
- Referee
- Second
- Timekeeper

Professional Counselor and Clinical Professional Counselor

The Professional Counselor and Clinical Professional Counselor Licensing Act, 225 ILCS 107/1

- Professional Counselor
- Clinical Professional Counselor
- Professional Counselor and Clinical Professional Continuing Education Sponsor

Professional Geology

The Professional Geologist Licensing Act, 225 ILCS

- Professional Geologist

Public Accountant

The Illinois Public Accounting Act, 225 ILCS

- Certified Public Accountant
- Registered Public Accountant

Real Estate

The Real Estate License Act of 2000, 225 ILCS 454/1

- Real Estate Sales
- Real Estate Agent
- Real Estate Broker

Roofing Industry

The Illinois Roofing Industry Licensing Act, 225 ILCS 335/1

- Roofing Contractor

Shorthand Reporters

The Illinois Certified Shorthand Reporters Act of 1984, 255 ILCS 415/1

- Restricted Shorthand Reporter
- Certified Shorthand Reporter
- Shorthand Reporter Continuing Education Sponsor

Structural Engineering

The Structural Engineering Practice Act of 1989, 225 ILCS

- Structural Engineer

Following are the licenses covered by the Certificates legislation that other Illinois departments issue:

Animal Welfare – The Illinois Department of Agriculture

The Animal Welfare Act, 225 ILCS 605/1

- Pet Shop Operator
- Cattery Operator
- Dog Dealer
- Kennel Operator
- Animal Control Facility
- Animal Shelter
- Guard Dog Service
- Foster Home

Boiler and Pressure Vessel Repairer – The Office of the State Fire Marshall

The Boiler and Pressure Vessel Repairer Regulation Act, 225 ILCS 203/1

- Boiler and Pressure Vessel Repairer

Farm Labor – The Illinois Department of Labor

The Illinois Farm Labor Contractor Certification Act, 225 ILCS 505/1

- Farm Labor Contractor

Private Employment Agency – The Illinois Department of Labor

The Private Employment Agency Act, 225 ILCS 515/0.01

- Private Employment Agency Counselor

Water Well and Pump Installation – The Illinois Department of Public Health

Water Well and Pump Installation Contractors License Act, 225 ILCS 345/1

- Water Well Contractor
- Water Well Pump Installation Contractor

Appendix D: Certificate of Relief from Disabilities

CERTIFICATE OF RELIEF FROM DISABILITY

Pursuant to 730 ILCS/Section 5/5-5-5. Loss and Restoration of Rights. The Prisoner Review Board has carefully considered and granted a **Certificate of Relief from Disability** to

John Doe

This certificate is issued only for a Barber, Cosmetology, Esthetics, Nail Technology Act and Illinois Roofing Industry Act or certification issued under PA 98-C207 and/or PA 98-0914, and is issued pursuant the Prisoner Review Board order dated -----.

Granted on this ___th day of _____, in the year of our Lord two thousand and six.


 _____ Date
 Jorge Montes,
 Chairman of the Prisoner Review Board

Prisoner Review Board: CRD/01