



Helping Justice-Involved Individuals with Mental or Substance Use Disorders, or Both: Understanding How Laws, Regulations, & Policies Affect Re-entry Opportunities

In Illinois

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ILLINOIS: STATE AND FEDERAL LAWS, POLICIES AND PRACTICES THAT AFFECT JUSTICE-INVOLVED INDIVIDUALS WITH MENTAL OR SUBSTANCE USE DISORDERS, OR BOTH

This report summarizes Illinois state laws, policies and practices, and relevant federal policies that promote or hinder successful re-entry for justice-involved Illinois residents, particularly those with mental or substance use disorders, or both. While there are few absolute legal bars to employment, housing, and health care that apply specifically to people with mental or substance use disorders, or both, many people with these conditions have histories of criminal justice involvement. There are many state and federal policies that create obstacles to these essentials based on criminal history.

Justice-involved individuals must often meet multiple requirements that can interfere with their ability to seek and find work. Community reintegration for recently released individuals often includes, as a condition of their release, requirements that they seek housing, and if mental or substance use disorders, or both were at the center of their criminal behavior that they stay engaged in treatment services. Additionally, individuals may be required to comply with conditions made by a community supervision agency, like parole or probation. Justice-involved individuals may also have to navigate the family court system to reunite with their children or deal with child support obligations. These individuals may need additional assistance with maintaining strict schedules that could potentially conflict with a work schedule and add pressure to the stress of adjusting to work life.

Justice-involved individuals often face significant health issues, including high rates of mental or substance use disorders, or both (M/SUDs). Untreated M/SUDs among justice-involved individuals contributes to high rates of death from overdose upon release from prison, crime and recidivism. It is thus critical that these individuals have access to health care coverage and the medical, mental health and substance use disorder treatment they need when they re-enter society.

While Illinois has taken a number of important steps to pass laws and implement policy guidance to improve employment opportunities for justice-involved individuals and to improve health care access, particular additional work is needed to reduce barriers to housing.

More can be done to reduce barriers facing justice-involved individuals with M/SUD care and needs. Providers such as Drug Court-linked recovery peer and field workers, re-entry service providers that serve as peer-support coaches, mentors, and outreach workers will find that if they understand these laws and policies, they will be better equipped to help justice-involved individuals successfully re-enter their communities and live healthy lives.

EMPLOYMENT:

OBSTACLES AND CHALLENGES FACED BY JUSTICE-INVOLVED INDIVIDUALS WHEN SEEKING EMPLOYMENT

Justice-involved individuals with mental or substance use disorders, or both are more likely to be successful in the community if they have recovery support and a job. Those who participate in job training, educational programming or other employment support services are more likely to avoid re-arrest and re-incarceration.

The relationship between employment and recidivism is complex, but having stable employment helps individuals successfully reintegrate into their communities.¹ However, the stigma associated with a criminal record, and for those with mental or substance use disorders, or both, the stigma associated with those health conditions, combined with a frequent lack of marketable skills and work experience, can make job placement difficult. Justice-involved individuals also have to overcome legal restrictions that make it difficult to be gainfully employed and earn a living wage.

Federal law that ties highway funding to driver's license suspension/revocation is also a major obstacle for individuals in recovery who want to join or re-enter the workforce. In 1992, Congress amended the Federal Highway Apportionment Act² to withhold ten percent of certain federal highway funds unless a state enacts and enforces a law revoking or suspending the driver's license of an individual who is convicted of any drug offense for at least six months after the time of conviction. States can opt out of the law by limiting the revocation or suspension to those whose drug convictions were related to driving, such as driving under the influence of a controlled substance, or to other more limited categories of offenses. However, states can also impose a longer period than the federal law's minimum six-month policy.

Barriers to employment not only hinder success for the individual, but their families, communities, and the nation also suffer. Unemployment among justice-involved workers costs the U.S. economy between \$57 billion and \$65 billion a year in lost output.³ Recidivism leads to more crime, more victims, and more strain on federal, state and local budgets.

While Illinois provides some legal protection against discrimination for individuals with criminal records (*see* Legal Protections for Job-Seekers and Workers), individuals with certain criminal convictions or charges pending may be presumptively disqualified from working and volunteering in particular positions. There are specific occupational restrictions for individuals convicted of specific offenses that are enumerated in statutes like the Child Care Act⁴. However, the state has made progress in reforming the occupational licensing laws to create more job opportunities and remove barriers that keep qualified workers with criminal histories locked out of the labor market.

Illinois Industry-Specific Restrictions on Employment Licensing

Many laws and regulations restrict the ability of justice-involved individuals to work in specific jobs and industries. The American Bar Association reports that approximately 32,000 laws specific to occupational and business licensing include provisions for considering criminal records.⁵ For example, federal laws:

- Bar many people with certain criminal records from working in the health care industry.⁶ This applies to workers with a wide range of convictions, including convictions for most drug-related offenses. For some offenses, the law requires permanent mandatory exclusions from employment in health facilities that participate in federal health care programs.⁷ These barriers are not limited to specific positions. A person with a past misdemeanor drug conviction, for example, could be prevented from working in a maintenance job on the grounds of a health facility.
- Prevent many people with certain criminal records from working in commercial transportation,⁸ finance,⁹ and insurance,¹⁰ among other fields. Generally, these restrictions apply to a variety of crimes, restrict employment for decades or longer, and make it difficult to receive an exemption.

In Illinois, professional licensing agencies receive criminal record information from the Illinois State Police Bureau of Identification, the state repository of criminal records, which is authorized to release most criminal conviction information that is not sealed or expunged.¹¹ Illinois state laws require background checks for those working in health care and other industries particularly when working with or around children, the elderly, and persons with disabilities.¹² In addition to state requirements, local jurisdictions may also have criminal record screening requirements for local licenses such as taxi drivers, ice cream truck operators, massage therapists and others.

Since most criminal record restrictions are created by statute or regulation, each year there is a chance that a new federal or state restriction will be adopted. Very often these types of restrictions are created in response to a public crisis or tragic event. For example, at the height of the foreclosure crisis, Congress enacted a minimum standard for state-licensed loan originators. This categorically prohibits licensing any individual with any felony conviction or plea in the past seven years.¹³

While many federal and state laws and regulations impose restrictions on hiring people with criminal histories in specific industries, it is critical to note that some of these barriers can be overcome. Moreover, they do not apply to everyone. Workforce development intermediaries and legal service providers can help people overcome some of these hurdles. Additionally, there have been some efforts to address these barriers in Illinois.

In 2016, the Illinois Health Care Worker Background Check Act that prohibits healthcare employers from employing persons with “disqualifying convictions,” was amended to reduce the scope of criminal offenses that disqualify applicants from obtaining a Health Care Worker Waiver. While the list of disqualifying offenses appears to be very long, not every conviction is disqualifying.¹⁴ The list of disqualifying offenses can be found on the Illinois Department of Public Health’s [website](#). The law was expanded to allow individuals convicted of what are defined as “forcible felonies” that do not require sexual offender registration to be eligible to apply for licensing after waiting periods of three or five years based on the number of convictions on the applicant’s record. The waiting period starts from the date of conviction.

Up until January 2017 when Public Act 099-0886 went into effect, a felony record could automatically eliminate the possibility of someone obtaining several occupational licenses in the state. The law was amended to prohibit a felony conviction from serving as the sole reason for the Illinois Department of Financial and Professional Regulation (IDFPR) to reject a licensing application for funeral director, embalmer, roofer, barber, cosmetologist, aesthetician, hair braider, and nail technician. The IDFPR cannot automatically deny convictions that are directly related to a profession without considering mitigating factors.¹⁵ Also, effective January 2018, IDFPR has to issue an annual report that describes the licensing decisions it has made regarding applicants with criminal records.¹⁶

In Illinois, many of the licensing statutes dictate a “direct relationship” test and the consideration of mitigating factors. For example, the Health Care Background Check Act requires the agency to consider the applicant’s age when the crime was committed, the circumstances surrounding the crime, the length of time that passed since the crime, the applicant’s work history and references.¹⁷ Individuals issued a Certificate of Relief from Disabilities (see Certificate section below) also may not be denied a license in 27 different professions based on a conviction or a finding of “lack of good moral character” based on a conviction record alone unless, 1) there is a direct relationship between the criminal offense(s) and the specific license sought or 2) a determination is made that the issuance of the license would create an unreasonable risk to property or to the safety or welfare of specific individuals or the public.¹⁸

Background Screens

Nationally, unemployment among justice-involved individuals is as high as 60 percent and may be even higher during recession years.¹⁹ One of the most important hurdles to getting a job is having a “RAP sheet” (record of arrest and prosecution), also known as a “criminal record.” A Society for Human Resource Managers (SHRM) survey found that nearly 90 percent of employers conduct criminal history checks on some or all employees.²⁰ The proliferation of employment background screening has greatly increased the likelihood that prospective employers will learn about an applicant’s criminal history. Employers not only ask about criminal history information on applications and in interviews, they obtain criminal records from various outside sources depending upon the type of job sought. Some employers get direct access to state criminal justice agency records and/or Federal Bureau of Investigation (FBI) records. In addition, specific federal agencies conduct background checks for a number of professions and licenses. However, most private employers obtain criminal record information from the hundreds of commercial background screening companies that collect public information from various sources to make up a criminal record report. As a result of these background checks, many job seekers with criminal histories lose the opportunity to be fairly considered for employment for several reasons:

- Criminal record reports are notoriously inaccurate or incomplete. Mistakes are rampant, including the improper inclusion of records that should have been sealed or expunged and unavailable for scrutiny by employers.
- Many employers are not well-versed in reading those records or assessing the potential risks for employment purposes.

- Many employers disproportionately fear negligent hiring liability, workplace violence, theft, or bad publicity if they hire a worker with a past criminal history.

Some justice-involved individuals will need additional support to overcome these challenges. They may, moreover, need guidance about how to challenge or seek an appeal of a denial for employment or occupational licensing.

Sources of information: While all criminal background checks through the Illinois Department of State Police Bureau of Investigation (State Police) must be authorized by statute, some screening is mandatory while others are permissive. Some employers are prohibited under federal law, state law, or other regulations from hiring justice-involved individuals with certain criminal records, and are required to screen an individual's criminal history before hiring him or her into a certain position or occupation.

In Illinois the State Police is the criminal record repository that maintains all statewide criminal history information. Sheriffs, police, probation and parole departments, district attorney offices, and courts submit arrest and corresponding disposition information to STATE POLICE to be compiled to create records of arrest and prosecution, known as “RAP sheets.” RAP sheets are disseminated from fingerprint submissions made by law enforcement and regulatory (employment and licensing) agencies. Although it may seem that there is limited access to these records, DOJ reports that “today there are over 45,000 agencies authorized to perform background checks.”²¹

The State Police maintains Illinois criminal history information only and may only release conviction information from a name-based data check processed through the Criminal History Information Response Process (CHIRP) system or through electronic fingerprints (LiveScan).²² Individuals have a right to inspect their Statewide Criminal History Transcript (also known as a RAP sheet) that is maintained by the State Police.²³ Individuals may obtain their RAP sheet in 3 ways: (1) directly from the State Police²⁴; (2) from any law enforcement agency in the state; or (3) from any licensed LiveScan vendor²⁵.

Most non-criminal justice entities are only permitted to receive conviction information including the arrest and arraignment charges, the court disposition (or outcome) and sentencing information.²⁶ Arrests that did not lead to conviction (dismissals or acquittals) may not be disseminated to non-criminal justice entities. In fact, effective January 2018, arrest records that end with an acquittal or dismissal may immediately be sealed by petition.²⁷ The State Police is also not supposed to disseminate arrest information to non-criminal justice entities (i.e. most employers) where there is no traceable outcome.²⁸

Like other employers, federal agencies rely on criminal records as part of their review of potential employees. Under Office of Personnel Management (OPM) regulations, federal agencies are required to follow the U.S. Equal Employment Opportunity Commission’s (EEOC) guidance on the factors employers must consider in order to comply with Title VII of the Civil Rights Act (described below). However, it has not always been clear to job seekers how different federal agencies use criminal records for employment purposes. On November 2, 2015,

the federal Administration announced that OPM would take action where it could to modify its rules and delay inquiries into criminal history until later in the hiring process and it did.²⁹ Federal agencies may not inquire about an applicant's criminal or credit history unless and until a conditional offer of employment is extended. Agencies that must determine qualification requirements earlier in the hiring process must request an exception from the OPM that is only granted when the agency demonstrates specific job-related reasons why the agency would need to evaluate an applicant's criminal or adverse credit history before extending a job offer. OPM considers such factors as, but not limited to, the nature of the position being filled and whether a clean criminal history record would be essential to the ability to perform one of the duties of the position.³⁰

Legal Protections for Job-Seekers and Workers in Illinois

While Illinois offers some legal protections against discrimination for justice-involved job seekers, there is no federal anti-discrimination law that explicitly protects people from being unreasonably excluded from employment based on their criminal records alone. The only federal anti-discrimination protection for justice-involved individuals is related to race-based discrimination. The Equal Employment Opportunity Commission (EEOC), the agency charged with enforcing federal anti-discrimination law (Title VII of the Civil Rights Act of 1964) has issued guidance to employers on the use of criminal records in hiring decisions. Its latest guidance, issued in 2012, says that hiring policies that automatically disqualify people with criminal histories may disproportionately affect people of color and therefore violate Title VII.³¹

The EEOC tells employers to assess whether an applicant (or incumbent employee) has a record of rehabilitation, one that indicates there is no foreseeable risk that the person would commit acts harmful to the employer's customers, clients, or workforce. According to the agency's guidance, the following factors should be considered:

- The facts or circumstances surrounding the offense or conduct.
- The number of offenses for which the individual was convicted.
- Age at the time of conviction, or release from prison.
- Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct.
- The length and consistency of employment history before the offense or conduct.
- The length and consistency of employment history after the offense or conduct.
- Rehabilitation efforts after the offense, e.g., education/training.
- References from former employers, particularly from post-offense employment.
- Character references and any other information regarding fitness for the particular position.
- Whether the individual, since the latest offense, has been bonded under a federal, state, or local bonding program.³²

Like other employers, federal agencies when hiring rely on criminal records as part of their review of potential employees. Under Office of Personnel Management (OPM) regulations, federal agencies are required to follow the EEOC's guidance on the factors employers must

consider in order to comply with Title VII of the Civil Rights Act (described above). However, it has not always been clear to job seekers how different federal agencies use criminal records for employment purposes. On November 2, 2015, the federal Administration announced that OPM would take action where it could to modify its rules and delay inquiries into criminal history until later in the hiring process and it did.³³ Federal agencies may not inquire about an applicant's criminal or credit history unless and until a conditional offer of employment is extended. Agencies that must determine qualification requirements earlier in the hiring process must request an exception from the OPM that is only granted when the agency demonstrates specific job-related reasons why the agency would need to evaluate an applicant's criminal or adverse credit history before extending a job offer. OPM considers such factors as, but not limited to, the nature of the position being filled and whether a clean criminal history record would be essential to the ability to perform one of the duties of the position.³⁴

Illinois, on the other hand, has codified employment standards for public and private employers in the state through the Jobs Opportunities for Qualified Applicants Act.

Illinois Employment Laws

In 2013, former Governor Pat Quinn issued an administrative order that removed the criminal record inquiry from state employment applications. This policy has remained in effect. In January 2015, the Job Opportunities for Qualified Applicants Act—Illinois's "ban the box" law—was enacted to prohibit private employers with more than 15 employees from asking about an applicant's criminal record until the first interview, or at the point of making a conditional offer.

The Illinois Department of Labor is responsible for investigating and enforcing violations of this Act, which may be against an employer or an employment agency. There are civil penalties that may be imposed for each violation that range from a written warning, \$500 to up to \$1500 for every 30 days that passes without compliance.

The Illinois's Human Rights Act also prohibits employers from inquiring or using criminal records that have been sealed, expunged or "impounded" in employment decisions. It is deemed a civil rights violation for an employer or employment agency to do so. Further, with few exceptions, expunged or sealed records "may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration."

Sealing/Expungements

Justice-involved individuals frequently confront blatant employer biases and fears that keep them from job opportunities. In most cases, decisions about a worker's criminal record and its bearing on his or her suitability for employment are made without regard to the person's individual circumstances or to evidence of rehabilitation. Employers often overlook such emblems of rehabilitation as the amount of time that has passed since the last arrest, other work history, higher educational attainment, and the completion of professional or personal development

programs. Therefore record clearance, the process described by the National Clean Slate Clearinghouse (Clearinghouse) as removing criminal history information from easy public access is crucial to the re-entry process. The Clearinghouse notes that record clearance “may provide people with an opportunity to put their pasts behind them.”³⁵ Sealing and expungement relief are the mechanisms that address criminal record access and dissemination policy in a state.

Expungement of records in Illinois means that criminal records are physically destroyed and/or returned to the subject and stricken from public records.³⁶ While these records do become non-existent throughout the criminal justice system, circuit court files are maintained and impounded. Arrests that resulted in no charges, acquittals, dismissals, or vacated or reversed convictions are eligible for expungement.³⁷ Individuals who have completed a diversion program and received a set aside of their conviction are eligible for expungement. Once the record is expunged it will be maintained by the state police but not disseminated in most situations. Depending upon the classification of the offense there may be a waiting period before the individual can petition the court to have the record expunged. A prior conviction may make an individual ineligible for expungement.

An individual’s conviction record may only be expunged if they have been granted a gubernatorial pardon that authorizes the expungement of the record.³⁸ When a case is expunged pursuant to this section of the law, the records are treated as sealed. A sealed record means the record is physically and electronically maintained by the circuit court clerk, but, the court must remove the person’s name from public records provided through the court index.³⁹ The Bureau of Investigation may only disseminate these records to an arresting authority, the State’s Attorney, and the court hearing a new case.

However, in 2017, the law changed to allow misdemeanor and felony convictions to be sealed upon petition three years after completion of the most recent sentence. There are several ineligible offenses such as DUI, sex crimes, animal crimes, and domestic battery.⁴⁰ Individuals subject to registration will only be eligible for sealing after or until they are removed from a registry for arson, sex offenses, or murder and violence against youth.

Illinois also permits judges to defer adjudication for first-time drug offenses. Once the individual completes the sentence of probation, including all other conditions that must be met, the proceedings are dismissed.⁴¹ The individual does not have a conviction record from the case but the record itself may be used in subsequent criminal proceedings. Additionally, in 2014 the state created Second Chance Probation, which permits persons charged with a minor non-violent drug, fraud or theft felony or non-violent offense to be placed on two years’ probation after which the charges are dismissed. The individual can petition to have the record expunged after 5 years.⁴²

Fair Credit Reporting Act

Commercial background screening companies, also known as consumer reporting agencies (CRAs), and the private-sector employers that use them, are regulated under the Federal Fair

Credit Reporting Act (FCRA). Among other things, this law requires the screening companies and/or employers to:

- Get written permission from the applicant/employee before obtaining a background report.⁴³
- Follow reasonable procedures to ensure accuracy of the information reported about the consumer.⁴⁴
- Provide the applicant or employee with pre-adverse action notice before taking adverse action (e.g., not hiring the person) based on information in the report, which includes giving the applicant or employee a copy of the report and a summary of the consumer's rights under FCRA.⁴⁵

Under FCRA, both employers and consumer reporting agencies can be taken to court if the agency reports inaccurate information in a negligent or willful manner. Also, many states have their own State FCRA laws that may offer additional protections for the subject of the background check. Illinois's law requires that anytime an individual's record is requested from State Police, a copy of the report must be sent to the applicant who is the subject of the search.

Illinois' FCRA law (Illinois Uniform Conviction Information Act), requires that anytime an individual's records is requested from the State Police, a copy of the report must be sent to the applicant who is the subject of the search. The State Police reports only include convictions, unless other information is authorized to be released to the requestor. This means no arrests that did not lead to a conviction will be available.

Certificates: Evidence of Rehabilitation

Although individuals with criminal records may be able to fulfill competency requirements through training, experience, or education, the character component creates a more difficult obstacle. Under many licensing laws, a felony conviction is an automatic disqualification. In other instances, a felony conviction is evidence of the lack of "good moral character" which may also be a disqualifier. No matter how old their conviction record or how qualified they are for the job or license, these individuals are blocked from entering those occupations. Therefore, restoration of civil rights is another critical component of the reintegration process for many individuals convicted of crimes who seek to fully participate in society. Margaret Colgate Love (2008) discusses in detail "the principal avenues to restoration available in U.S. jurisdictions:

1. The executive pardon power;
2. Judicial expungement and sealing of adult felony convictions; and
3. Laws that limit consideration of conviction in employment and licensing."

Illinois's Certificate of Relief from Disabilities and Certificate of Good Conduct are judicial certificates that serve as evidence of rehabilitation for the recipient. The certificates create an enforceable presumption of rehabilitation, particularly for licensing boards. A judge may issue a Certificate of Relief at any point from sentencing or upon satisfactory completion of a sentence.

A Certificate of Relief can serve as evidence of an employer's due care in hiring an employee with a criminal history who may have harmed someone. Illinois also provides some negligent-hiring liability protection for employers that hire justice-involved individuals who have been issued Certificates of Relief from Disabilities.

A person who has been granted a Certificate of Relief may not be denied a license in 27 different professions by reason of conviction or a finding of lack of good moral character because of conviction record. The Certificate of Relief does not preclude licensing boards from considering a conviction record. However licensing boards have to consider eight factors when considering a conviction history:

- (1) the public policy of the state to encourage the licensure and employment of people with conviction histories;
- (2) the specific duties and responsibilities necessarily related to the license sought;
- (3) the bearing, if any, the criminal offense(s) will have on the individual's fitness or ability to perform the job duties and responsibilities;
- (4) the time which has elapsed since the occurrence of the convictions;
- (5) the age of the person at the time the crimes were committed;
- (6) the seriousness of the convictions;
- (7) any evidence of rehabilitation including certificate of relief disabilities; and
- (8) the legitimate interest of the licensing agency in protecting property and the safety and welfare of specific individuals or the general public.

A Certificate of Good Conduct also serves as evidence of rehabilitation and lifts bars to employment and other benefits. To receive a Certificate of Good Conduct, a rehabilitation review is held where an eligible offender must satisfy the court that three criteria are met. The 3 criteria are:

- 1.) The applicant has conducted himself or herself in a manner warranting the issuance of a Certificate of Good Conduct for a specified period of time as required by the statute.
 - If the most serious crime of which the individual was convicted is a misdemeanor, the minimum period of good conduct is 1 year.
 - If the most serious crime of which the individual was convicted is a Class 1, 2, 3 or 4 felony, the minimum period of good conduct is 3 years.
- 2.) The relief to be granted by the Certificate of Good Conduct is consistent with the rehabilitation of the applicant.
- 3.) The relief to be granted is consistent with the public interest.

A Certificate of Good Conduct may be issued by the circuit court where the conviction was entered. People with out-of-state convictions or federal convictions are eligible to apply for a Certificate of Relief from Disabilities but not a Certificate of Good Conduct, which is only available to people convicted of crimes in the state. People convicted of certain offenses such as kidnapping, DUI, aggravated domestic battery, or any offense or attempted offense that requires registration under the Sex Offender Registration Act, the Arsonist Registration Act, or the Murder and Violent Offender Against Youth Registration Act are not eligible to apply for a certificate.

HOUSING: OBSTACLES AND CHALLENGES THAT JUSTICE-INVOLVED INDIVIDUALS FACE WHEN SEEKING HOUSING

Over 95% of individuals who are incarcerated in state prisons eventually return to their communities.⁴⁶ Whether they are able to be productive and contributing members of their communities depends in large part on their ability to meet their most basic needs, including having a place to live.

As in the employment context, there is no explicit federal anti-discrimination law that protects justice-involved individuals and their families from being excluded from housing. The only federal anti-discrimination protection for justice-involved individuals is related to race-based discrimination (see Department of Housing and Urban Development (HUD) guidance, below). Further, the majority of states and localities permit criminal record-based restrictions by landlords, unless the restrictions are based on race, color, religion, national origin, sex, disability, or familial status.

Most Public Housing Authorities (PHAs) and many private landlords get criminal record reports as a routine part of tenant screening. Like employers, few PHAs and private landlords are trained on how to review criminal record information, much less obtain relevant information that may signal rehabilitation and the potential of applicants to be good tenants.

These tenant screening reports have dramatic consequences for access to housing. For example, the availability of automated reports has significantly expanded the universe of landlords conducting such checks. In addition, these reports often improperly report information about expunged or sealed records, or contain misleading or inaccurate information that is based on incomplete case disposition records.

Across the country, PHAs and private landlords are able to set their own screening criteria, and many have flat bans against leasing to individuals convicted of a felony or other offense, without any individualized assessment of the risks or threat to safety from housing applicants, and without consideration of evidence of rehabilitation.

Justice-involved individuals in Illinois confront a wide variety of restrictions to housing. Some of the greatest hurdles are federal statutes that apply to public and federally-assisted housing.

These federal laws give the HUD, PHAs and private landlords' broad discretion to deny housing to justice-involved individuals and their families.

Federal housing laws and regulations contain specific housing restrictions for justice-involved individuals, including those with criminal histories related to controlled substances:

- People with convictions for producing methamphetamine in public housing or federally-assisted housing are permanently excluded from living in public or federally-assisted housing.⁴⁷
- Any tenant who has been evicted from public or federally-assisted housing because of drug-related criminal activity is ineligible for public or federally assisted housing for three years.⁴⁸
 - Exceptions: the housing provider has the discretion to shorten the three-year period if the person successfully completes a rehabilitation program approved by the local housing provider, “which shall include a waiver of [ineligibility] if the circumstances leading to the eviction no longer exist.”⁴⁹
- Any household with a member who is currently using illegal drugs or misusing alcohol or drugs in a manner that “may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents” is ineligible for public federally-assisted housing.⁵⁰ They can also be evicted if they are residing in public or federally-assisted housing.⁵¹
 - Exceptions: The PHA or housing owner does have discretion to admit the person or family if they demonstrate that they are not currently using illegal drugs or misusing alcohol and that they have successfully completed drug/alcohol treatment, are otherwise rehabilitated, or are participating in treatment.⁵²
- People who have engaged in drug-related or violent criminal activity within a “reasonable” amount of time in the past are excluded from public housing. There is no current guidance in the law about how much time is considered “reasonable.”
- People who are on a lifetime sex offender registry in any state are permanently excluded.⁵³

HUD regulations have in the past encouraged PHAs to screen out and deny admission to certain applicants with criminal histories. Fortunately, in recent years, HUD has issued guidance to try to rebut these policies. Housing providers are now encouraged to exercise their discretion to accept rather than deny justice-involved individuals.

Opportunities for Housing

There is no federal law that prohibits discrimination in housing based on a criminal record and most landlords rely on consumer reporting agencies for criminal record information and may only receive adverse information (criminal conviction information) that is less than seven years old. (See Fair Credit Reporting Act section above.) Background screening and sealing and expungement relief as discussed in the employment section above are also applicable to housing. Moreover, as noted above, Illinois offers opportunities for certain individuals to receive relief of any collateral consequences of a conviction, whether in housing or employment barriers or any other sanction or disqualification that the court may specify. (See Certificates: Evidence of Rehabilitation section above.)

HUD Guidance

In 2011 and 2012, HUD issued letters to all Public Housing Authority directors and private owners of federally-assisted housing in an effort to highlight their broad discretion to admit most justice-involved individuals into criminal records and their families, and to avoid evicting them if they did not pose an unreasonable risk to the community. In November 2015⁵⁴ and April 2016,⁵⁵ HUD issued guidance that warns PHAs and private landlords that blanket bans that exclude justice-involved individuals from the opportunity to secure housing violates the Fair Housing Act and may make them subject to litigation.

Other Housing Initiatives

Cities and states across the country have used multiple strategies to address homelessness among the justice-involved population. Many of the initiatives have focused on supporting the needs of justice-involved individuals by:

- Removing automatic exclusions for public housing or federally subsidized housing programs.⁵⁶
- Creating a mechanism to mitigate the collateral consequences of conviction that lifts automatic disqualification for housing because of a criminal record.⁵⁷
- Creating local anti-discrimination protections for individuals that have a criminal record including “ban the box” provisions and/or require individualized assessments of housing applications.⁵⁸
- Piloting programs that reunite families and permit previously disqualified individuals with criminal record to return to the household and get a second chance.⁵⁹

For example, in Chicago The Chicago Coordinated Entry System is a new initiative to address homelessness and was set up to help individuals connect with temporary and permanent supportive housing. Residents of supportive housing are linked to intensive case management

and voluntary, life-improving services like health care, workforce development and child welfare.⁶⁰ www.csh.org/chicagoces

Illinois Specific Housing Initiatives

The state of Illinois has several initiatives that focus on connecting justice-involved individuals to transitional and permanent housing. The Illinois Department of Corrections' Parole Division is a Parole Reentry Group (PRG) that is dedicated to helping connect justice-involved individuals with housing and other re-entry services.⁶¹ In their FY2016 budget of \$4,115,743, the PRG was able to place 5,804 parolees in community housing: 3,221 parolees were placed in paid supportive placements for short durations (on average 30-90 days) and 2,583 parolees were placed in shelters.⁶²

The Illinois State Department of Children and Family Services (DCFS) received a three year grant from SAMHSA for the period of 9/30/15-9/29/2018, to address the issue of child neglect by expanding services to custodial parents and children involved with the Cook County's Family Treatment Court (FTC) as well as to effectively address the rising rates of verified abuse and neglect cases that are linked to "substance use and/or co-occurring mental health disorders." The A Safe Haven's (ASH) Family Reunification Program provides interim, permanent supportive and affordable safe housing, intensive case management, recovery support services, individual and group mental health counseling, parenting coaching, medical screenings and job training and employment readiness to create better outcomes for children affected by parental substance abuse and misuse.⁶³

Local communities are truly responsible for creating housing solutions for its residents. In 2014 the Chicago Housing Authority Re-Entry Pilot Program was implemented to provide public housing opportunities to justice-involved individuals. The program was authorized to provide supportive services and house justice-involved individuals by reunifying them with family member who live in public housing or approving them for tenancy in their own apartments. The program is limited to justice-involved individuals with certain categories of offenses and participants must agree to continuous monitoring and follow-up services. As of August, 2017 ten individuals have been housed, and another 31 have been approved for the pilot.⁶⁴ However, the pilot is no longer in operation.

Heartland Alliance offers affordable and supportive housing in 11 diverse neighborhoods in Chicago, Illinois and Milwaukee, Wisconsin. Most of their units are income-restricted but they also have some unrestricted, market-rate units in mixed-income developments. The Supportive Housing Services (SHS) program of Heartland Human Care Services provides case management to formerly homeless or at-risk of homelessness residents living in four Heartland Alliance subsidized apartment buildings. Residents receive case management, employment and career development, financial literacy programs, substance use counseling and housing services. To qualify for Supportive Housing Services, an applicant must be homeless or at risk of homelessness and meet the building entrance criteria. Annually, SHS serves almost 250 single adults across four buildings located on Chicago's near West, West and South sides.

St. Leonard's Ministries offers interim housing and supportive services to justice-involved men and women returning to a Chicago community from Illinois prisons.⁶⁵ They offer residents numerous services including:

- Individual and group psychological counseling and group activities through the Adler School of Psychology;
- Programs to promote the development of life skills;
- On-site intensive out-patient substance abuse treatment;
- Addiction counseling and relapse prevention;
- Assistance in connecting with community supportive services;
- Housing placement assistance (transitional and permanent);
- Education and employment services;
- Social and recreational opportunities.

Since 1994, St. Leonard Ministries' Grace House residential program has provided interim housing, emotional and spiritual support, and professional counseling to women who are exiting the Illinois prison system.

Thresholds is another Chicago-based organization that provides healthcare and housing for persons with mental illnesses in Illinois each year. Its Justice Program provides key transitional services to people with severe mental illness exiting Illinois' Dwight and Dixon prisons and the Cook County Jail. Prior to an individual's release, Thresholds' staff connects program participants to community-based housing, primary physical and mental health care treatment (including medications and medication monitoring), job assessments and placement.⁶⁶

For additional services, providers should visit HUD's website on a regular basis to identify federal and local housing programs that are for special populations, such as justice-involved individuals with histories of mental or substance use disorders, or both. Also, a housing resource guide is available from the University of Illinois Urban-Champaign's Education Justice Project, which includes a housing directory for people exiting prison.⁶⁷

HEALTH: OBSTACLES AND CHALLENGES THAT JUSTICE-INVOLVED INDIVIDUALS FACE WHEN SEEKING MEDICAL, SUBSTANCE USE AND/OR MENTAL HEALTH CARE

Individuals in the U.S. who are incarcerated face greater health challenges than the general population. There are ten times more individuals with mental illness in jails and prisons than in state psychiatric hospitals.⁶⁸ For those incarcerated in county jail, studies have found that 64% have a mental illness and 54% suffer from a substance use disorder.⁶⁹ Forty-three percent of individuals in federal prisons and 39% of those in state prisons have a chronic medical condition, such as hypertension, high cholesterol, diabetes and obesity, which are all risk factors for heart disease.⁷⁰ In comparison to the general population, 90% of individuals who are incarcerated are more likely to suffer or to have suffered a heart attack.⁷¹ These statistics make clear the need to provide health care to justice-involved individuals.

The vast majority of justice-involved individuals also have low-incomes, with a 2013 study finding that without mass incarceration and its collateral consequences, the nation's poverty rate would have dropped by 20% between 1980 and 2004.⁷² Despite this, many justice-involved individuals are not enrolled in Medicaid coverage even though they are eligible. Others are enrolled in Medicaid at the time of their arrest, but once incarcerated, their Medicaid coverage is terminated. This often occurs even when individuals are held for only a few days. The lack of Medicaid coverage upon release makes it difficult, if not impossible, for many people to quickly obtain or regain access to care, including substance use and/or mental health services. Illinois, however, allows for Medicaid suspension for incarcerated individuals; the law also requires enrollment assistance for people who are leaving incarceration in 45 days or less.⁷³

Opportunities for Health Care

The state, through the Illinois Department of Healthcare and Family Services, has done considerable work to ensure that justice-involved individuals are enrolled in Medicaid upon their release and connected to care. The state has recently sought approval from the Centers for Medicare and Medicaid Services (CMS) for a number of demonstration waivers aimed at improving access to M/SUD services and medications, including for justice-involved individuals.⁷⁴

Illinois decision-makers are developing innovative policy and practice solutions to better help the criminal justice and health systems work together to improve health care access for justice-involved people. These innovations have tremendous promise to improve health and criminal justice outcomes and to save the state money.

Over the past number of years, Illinois has done significant work to improve health care access to justice-involved individuals. Illinois's single state agency (SSA) for substance use services, the Division of Alcoholism and Substance Abuse, is a part of the state's Department of Human Services, which administers many federal- and state-financed programs for underserved individuals. A number of these programs, including several funded by SAMHSA, are specifically intended to meet the MH and SUD care needs of justice-involved individuals.⁷⁵ Following passage of the federal Affordable Care Act in 2010, Illinois expanded its Medicaid population to include individuals with incomes at or below 138 percent of the federal poverty line.

Lastly, as Congress has taken action to respond to the nation's opioid crisis, additional federal dollars have been appropriated to the states to improve access to SUD care. Illinois is utilizing a portion of their 21st Century Cures Act funding for expanded outpatient methadone treatment (OMT) and recovery home services; several primary healthcare-based outreach, linkage, medication assisted treatment (MAT), and case management services; Vivitrol injection and linkage services for county jail prisoners and drug court defendants with opioid use disorder; community-based outreach, linkage, and recovery management services; hospital ED-based screening, recovery coaching, and linkage services; Suboxone education, consultation and support for general hospital medical staff; and establishment of an Illinois Opioid Crisis Line.⁷⁶ Although final information about how these dollars will be allocated in future years is not yet

available, it is likely that this infusion of dollars will strengthen access to SUD care, including for justice-involved individuals.

GUIDANCE FOR PRACTITIONERS: IMPROVING ACCESS TO EMPLOYMENT, HOUSING, AND HEALTH CARE, INCLUDING MENTAL HEALTH AND SUBSTANCE USE DISORDER CARE

Generally, there are two essential processes that every justice-involved individual will need to do to prepare to navigate life in the community, and that Drug Court Professionals and other professionals in the field can assist them with:

1. Completing a criminal record review;
2. Gathering evidence of rehabilitation.

Advise clients to get copies of arrest and conviction records. It is critical for job seekers to know exactly what is on their RAP sheet so they can describe their criminal record accurately, when asked. People with criminal histories usually do not know the disposition of certain charges or have forgotten some arrests. Finding out the details will enable them to present their criminal record to employers or housing providers in the most accurate and straightforward way possible. They also may need to correct errors, which are common, before the employer or housing provider sees them.

See the Illinois State Police State Background Checks, available at <http://www.isp.state.il.us/crimhistory/chri.cfm>, for information about how to obtain a copy of a criminal record report either in person or by mail.

Help clients gather evidence of rehabilitation. Useful suggestions for how to do this are in the Legal Action Center's "*How to Gather Evidence of Rehabilitation*," available at <https://lac.org/wp-content/uploads/2016/04/How-to-Gather-Evidence-of-Rehabilitation-3.30.16.pdf>

Refer to Illinois Legal Aid Online Legal Information," available at <https://www.illinoislegalaid.org/legal-information/where-find-your-criminal-records> for information about the rights of workers, including individuals with criminal records when seeking employment. See the Illinois Department of Labor's *Ban the Box Complaint Form* at <https://www2.illinois.gov/idol/laws-rules/fls/pages/ban-the-box-complaint-form.aspx>

Drug court and other professionals in the field can also support and facilitate successful re-entry of justice-involved individuals by working to connect people to services and/or working to promote policies that will facilitate those connections. Examples include:

- Connecting consumers to employment programs that offer enhanced employment interventions that may include pre-vocational training, social skills training, cognitive training, transitional employment, sheltered workshop, supported employment, or individual job placement and retention support.

- Connecting consumers to transitional and/or permanent housing programs that offer shelter and housing support services that help individuals lead healthy lives and manage their independence.
- Checking the federal HUD [website](#) and the Illinois Housing Development Authority [website](#) to identify any special housing programs and funding that are available in Illinois to support justice-involved individuals with mental or substance use disorders, or both.
- Maximizing Medicaid enrollment for individuals at all stages of involvement in the criminal justice system.
- Ensuring coverage of M/SUD services and medications is robust in Medicaid and consistent with the requirements of the federal Mental Health Parity and Addiction Equity Act.
- Working to increase access to coordinated health care (e.g. health homes and other care systems) and emerging health care delivery methods like telehealth that can help ensure individuals receive the treatment and services they need, especially for addiction, mental health, HIV and other chronic conditions. Models of coordinated care already exist that are designed specifically for people with criminal histories, including the Transition’s Clinic model, which:
 - Links with correctional partners to provide continuity of care;
 - Creates easy access to comprehensive primary care;
 - Adopts culturally competent, patient-centered medical services;
 - Involves community health workers with a history of incarceration as part of an integrated medical team; and
 - Has close partnerships with local re-entry organizations to address social determinants of health.⁷⁷
- Identifying and challenging policies and practices that perpetuate disparities in accessing health care (e.g., race, ethnicity, socioeconomic status, age, sex, disability status, sexual orientation, gender identity, and residential location).
- Making the consumer, their family, and a peer support specialist members of the team that plans and evaluates the services—whether for employment, housing, health or mental health care—that are provided to the consumer. This communication supports meaningful and influential partnership and fosters integration and coordination of care resulting in high quality services and better outcomes. There will likely be a reduction in hospital admission rates; improved community engagement; social inclusion; reduced stigma; and a sense of hope for individuals.

RESOURCES

See the State of [Illinois General Assembly](#) website for detailed information on Illinois laws and regulations criminal records.

See Illinois Department of [Human Rights](#) website for laws, regulations, and policies about civil rights protections and employment, housing, and other consumer rights.

Contact Illinois's single state agency (SSA) for substance use, Danielle Kirby, Director of the Illinois Department of Human Services, Division of Alcoholism & Substance Abuse, for assistance. Director Kirby can be reached by phone (312) 814-6529 or email (danielle.kirby@illinois.gov cc: brian.pacwa@illinois.gov)

See Treatment Alternatives for Safe Communities (TASC) resource on [diversion programs](#) in Illinois.

See Re-entry Illinois for employment programs that offer enhanced employment interventions that may include prevocational training, social skills training, cognitive training, transitional employment, sheltered workshop, supported employment, or individual place and support, available at <http://www.reentryillinois.net/>.

See the Collateral Consequences Resource Center's Restoration of Rights Project for a state-by-state analysis of the law and practices in each U.S. jurisdiction relating to restoration of rights and status following arrest or conviction, available at <http://ccresourcecenter.org/restoration/>.

See the National Reentry Resource Center, the National Reentry Technical Assistance Center authorized by the Second Chance Act, for an online state and local re-entry directory that helps people identify service providers in their communities and provides extensive information on numerous topics related to re-entry. The NRRC is available at <https://csgjusticecenter.org/nrrc>.

See the [National Clean Slate Clearinghouse](#) provides people with criminal records, legal service providers, and state policymakers with information on juvenile and adult criminal record clearance policies in all U.S. states and territories, available at <https://cleanslateclearinghouse.org/>.

See the Legal Action Center's [State Policy and Practice Innovations: Resources To Connect Health and Justice](#), available at <https://lac.org/wp-content/uploads/2015/03/december-2017-State-Policy-and-Practice-Innovations.pdf> for state-specific resources to improve health and criminal justice outcomes for your clients.

See the Legal Action Center's [State Health Care Information For The Criminal Justice System](#) for Illinois's State profile that contains valuable information about the health system and health insurance options, available at <https://lac.org/resources/state-profiles-healthcare-information-for-criminal-justice-system/illinois/>. Here you can learn about: (1) who the health decision-makers are in your state and how to contact them, (2) which health care services/medications are available to newly eligible Medicaid beneficiaries in your state, (3) which health care providers in your state bill Medicaid, and (3) how to connect with mental health and addiction service providers in the state.

See Legal Action Center's [summary of CMS's 2016 State Health Official letter](#) on facilitating health coverage and access for justice-involved individuals.

See this [Resource Guide](#) produced by the state, A Culture of Coverage for Justice-Involved Adults in Illinois, A Resource Guide for Implementing the Affordable Care Act for Criminal

Justice Personnel in Illinois. This guide outlines work on Medicaid screening and enrollment for justice-involved individuals.

See information about Supportive Release Centers, a program designed by The Health Lab, Treatment Alternatives for Safe Communities (TASC), Heartland Alliance Health (HAH), and the Cook County Sheriff's Office to provide short-term, critical services to individuals who are being released from Cook County Jail, and have high needs.

See the National Association of Counties' (NACo) case study on Addressing Mental Illness and Medical Conditions in County Jails: Cook County, Illinois.

¹ LEANN DURAN., MARTHA PLOTKIN, PHOEBE POTTER., & HENRY ROSEN. (2013). INTEGRATED REENTRY AND EMPLOYMENT STRATEGIES. NEW YORK: THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER.

² 23 U.S.C. §192.

³ SCHMITT, J., & WARNER, K. (2010). EX-OFFENDERS AND THE LABOR MARKET. WASHINGTON, DC: CENTER FOR ECONOMIC AND POLICY RESEARCH.

⁴ 225 ILL. COMP. STAT. ANN. 10/

⁵ AM. BAR ASS'N, THE NATIONAL INVENTORY OF THE COLLATERAL CONSEQUENCES OF CONVICTION (NICCC), the online catalogue of collateral consequences, <https://niccc.csgjusticecenter.org/>

⁶ See, e.g., 42 U.S.C. § 1320a-7(a) (2006); 42 C.F.R. § 1001.101.

⁷ See, e.g., 42 U.S.C. § 1320a-7(a).

⁸ See, e.g., 49 U.S.C. § 44936 (air transportation); 46 U.S.C. § 70105 (port worker TWIC cards).

⁹ See, e.g., 12 U.S.C. § 1829 (FDIC insured banks); 12 U.S.C. § 5104(b) (2) (mortgage lending).

¹⁰ See, e.g., 18 U.S.C. § 1033(e)(1)(A).

¹¹ 20 ILL. COMP. STAT. ANN. 2635/1 et seq.

¹² 225 ILL. COMP. STAT. ANN. 46/

¹³ See, e.g., 12 U.S.C. § 5104(b)(2). More about the SAFE Act is available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/rmra/safe/cmsl

¹⁴ 77 ILL. ADM. CODE 955/ 955.160

¹⁵ 20 ILL. COMP. STAT. ANN. 2105/ 2105 -165.

¹⁶ 20 ILL. COMP. STAT. ANN. 2105/2105-205.

¹⁷ 225 ILL. COMP. STAT. ANN. 46/40.

¹⁸ See COLLATERAL CONSEQUENCES RESOURCE CENTER. ILLINOIS RESTORATION OF RIGHTS, PARDON, EXPUNGEMENT & SEALING, 16, (Dec. 1, 2017), <http://ccresourcecenter.org/state-restoration-profiles/illinois-restoration-of-rights-pardon-expungement-sealing/>

¹⁹ JOHN M. NALLY ET AL., *POST-RELEASE RECIDIVISM AND EMPLOYMENT AMONG DIFFERENT TYPES OF RELEASED OFFENDERS: A 5-YEAR FOLLOW-UP STUDY IN THE US*, 9 (Issue 1) INT'L J. CRIM. JUST. SCI. 24 (2014).

²⁰ SOCIETY FOR HUMAN RESOURCE MANAGEMENT, *SHRM SURVEY FINDINGS: BACKGROUND CHECKING—THE USE OF CRIMINAL BACKGROUND CHECKS IN HIRING DECISIONS 2* (2012).

²¹ STATE OF CALIFORNIA DEP'T OF JUSTICE. FINGERPRINT BACKGROUND CHECKS, <https://oag.ca.gov/fingerprints>

²² See ILLINOIS STATE POLICE. CRIMINAL HISTORY BACKGROUND CHECKS,

<http://www.isp.state.il.us/crimhistory/chri.cfm>

²³ 20 ILL. COMP. STAT. ANN. 2630/7.

²⁴ See ILLINOIS DEPARTMENT OF STATE. CRIMINAL HISTORY BACKGROUND CHECKS,

<http://www.isp.state.il.us/crimhistory/chri.cfm>.

²⁵ See ILLINOIS DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION. FINGERPRINT VENDORS LIST,

<https://www.idfpr.com/LicenseLookUp/fingerprintlist.asp>

²⁶ ILLINOIS STATE POLICE DIVISION OF ADMINISTRATION BUREAU OF IDENTIFICATION. GUIDE TO UNDERSTANDING CRIMINAL HISTORY RECORD CHECK INFORMATION, 39 <http://www.isp.state.il.us/docs/5-727.pdf>

²⁷ 20 ILL. COMP. STAT. ANN. 2630/5.2(g).

²⁸ *Id.*

²⁹ See PRESS RELEASE, THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY, FACT SHEET: PRESIDENT OBAMA ANNOUNCES NEW ACTIONS TO PROMOTE REHABILITATION AND REINTEGRATION FOR THE FORMERLY-

INCARCERATED, (Nov. 2, 2015), <https://www.whitehouse.gov/the-press-office/2015/11/02/fact-sheet-president-obama-announces-new-actions-promote-rehabilitation>. The Office of Personnel Management issued its proposed rule for implementing “ban the box” on May 2, 2016. See U.S. Office of Personnel Management, Recruitment, Selection, and Placement (General) and Suitability, (May 2, 2016), <https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-10063.pdf>

³⁰ 5 CFR § 330.1300.

³¹ See U.S. EQUAL EMP’T OPPORTUNITY COMM’N, EEOC ENFORCEMENT GUIDANCE, No 915.002, (2012), http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

³² *Id.*, at 18.

³³ See PRESS RELEASE, THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY, FACT SHEET: PRESIDENT OBAMA ANNOUNCES NEW ACTIONS TO PROMOTE REHABILITATION AND REINTEGRATION FOR THE FORMERLY- INCARCERATED, (Nov. 2, 2015), <https://www.whitehouse.gov/the-press-office/2015/11/02/fact-sheet-president-obama-announces-new-actions-promote-rehabilitation>. The Office of Personnel Management issued its proposed rule for implementing “ban the box” on May 2, 2016. See U.S. Office of Personnel Management, Recruitment, Selection, and Placement (General) and Suitability, (May 2, 2016), <https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-10063.pdf>

³⁴ 5 CFR § 330.1300.

³⁵ See CLEAN SLATE CLEARING HOUSE at <https://cleanslateclearinghouse.org/>

³⁶ 20 ILL. COMP. STAT. ANN. 2630/5.2(a)(1)(E)

³⁷ 20 ILL. COMP. STAT. ANN. 2630/5.2(b)(1).

³⁸ 20 ILL. COMP. STAT. ANN. 2630/5.2(e).

³⁹ 20 ILL. COMP. STAT. ANN. 2630/5.2(a)(1)(K).

⁴⁰ 20 ILL. COMP. STAT. ANN. 2630/5.2(c)(3)(C).

⁴¹ 720 ILL. COMP. STAT. ANN. 570/410.

⁴² 730 ILL. COMP. STAT. ANN. 5/5-6-3.4

⁴³ 15 U.S.C. § 1681b (b)(2)(A)(ii).

⁴⁴ 15 U.S.C. § 1681e (b).

⁴⁵ 15 U.S. C § 1681(m).

⁴⁶ See TIMOTHY HUGHES AND DORIS JAMES WILSON, RE-ENTRY TRENDS IN THE UNITED STATES: INMATES RETURNING TO THE COMMUNITY AFTER SERVING TIME IN PRISON. U.S. BUREAU OF JUSTICE STATISTICS (2002) 1, <http://www.bjs.gov/content/pub/pdf/re-entry.pdf>

⁴⁷ 42 U.S.C. § 1437n(f).

⁴⁸ 42 U.S.C. § 13661.

⁴⁹ 42 U.S.C. § 13661(a).

⁵⁰ 42 U.S.C. § 13661(b)(1).

⁵¹ 42 U.S.C. § 13662(a).

⁵² 42 U.S.C. § 13661(b)(2); 13662(b).

⁵³ 24 C.F.R. § 960.24; 24 C.F.R. § 982.553(a)(2)(1).

⁵⁴ See U.S. DEP’T HOUSING AND URBAN DEV., *GUIDANCE FOR PUBLIC HOUSING AGENCIES (PHAS) AND OWNERS OF FEDERALLY-ASSISTED HOUSING ON EXCLUDING THE USE OF ARREST RECORDS IN HOUSING DECISIONS*, 2015. Notice PIH 2015-19, <https://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>.

⁵⁵ See U.S. DEP’T. OF HOUSING AND URBAN DEV., *OFFICE OF GENERAL COUNSEL GUIDANCE ON APPLICATION OF FAIR HOUSING ACT STANDARDS TO THE USE OF CRIMINAL RECORDS BY PROVIDERS OF HOUSING AND REAL ESTATE-RELATED TRANSACTIONS*, (2016)

https://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHASStandCR.pdf.

⁵⁶ THE CORPORATION FOR SUPPORTIVE HOUSING HAS THE FUSE (FREQUENT USERS SERVICES ENHANCEMENT) INITIATIVE IN MULTIPLE CITIES TO HELP COMMUNITIES “TO IDENTIFY AND ENGAGE HIGH UTILIZERS OF PUBLIC SYSTEMS AND PLACE THEM INTO SUPPORTIVE HOUSING TO BREAK THE CYCLE OF REPEATED USE OF COSTLY CRISIS SERVICES AND INVOLVEMENT IN SHELTERS AND THE CRIMINAL JUSTICE SYSTEM.” SEE CSH, *NYC FUSE EVALUATION: DECREASING COSTS AND ENDING HOMELESSNESS*, (Mar. 5, 2014), <http://www.csh.org/2014/03/nyc-fuse-evaluation-decreasing-costs-and-ending-homelessness/#sthash.8sBV4i83.dpuf>.

⁵⁷ North Carolina created a Certificate of Relief (CoR) that could be granted to individuals with certain conviction records to use to eliminate collateral consequences of convictions such as mandatory restrictions or disqualifications. The CoR eliminates automatic disqualification for employment, licensing, housing or other restrictions and serves as

evidence of rehabilitation. The law also bars any civil action alleging “lack of due care” or negligence for employers who hire or landlords who lease to individuals who have a certificate. *See* North Carolina General Statutes – Chapter 15A Art. 6,

http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/byarticle/chapter_15a/article_6.pdf.

⁵⁸ San Francisco passed an anti-discrimination law and banned housing providers from asking about criminal history before first determining if applicant qualifies for housing on all other criteria. *See* SAN FRANCISCO BOARD OF SUPERVISORS, POLICE, ADMINISTRATIVE CODES – CONSIDERING CRIMINAL HISTORY IN EMPLOYMENT AND HOUSING DECISIONS, (Feb. 2, 2014), <http://www.jacksonlewis.com/sites/default/files/media/pnc/5/media.2595.pdf>; or CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION, SAN FRANCISCO POLICE CODE, http://sf-hrc.org/sites/default/files/Rules%20of%20Procedure%20FINAL_0.pdf.

⁵⁹ Several large Public Housing Authorities have modified their policies to reunite formerly incarcerated individuals with their families living in public housing. For example, the New York City Housing Authority (NYCHA) has implemented the Family Re-entry Pilot Program that allows people returning from prison or jail to reunite with their families who live in NYCHA apartment. For more information, *see* VERA INST. OF JUSTICE, NYCHA FAMILY REENTRY PILOT, <https://www.vera.org/projects/nycha-family-reentry-pilot-reuniting-families-in-new-york-city-public-housing>.

⁶⁰ *See* CHICAGO COORDINATED ENTRY SYSTEM, <https://www.csh.org/chicagoces>

⁶¹ *See* Illinois Department of Corrections, Parole Reentry Group, <https://www2.illinois.gov/idoc/parole/Pages/ParoleReentryGroup.aspx>

⁶² *Id.*

⁶³ *See* SAMHSA summary of Illinois’s FY 2017 discretionary dollars, <https://www.samhsa.gov/grants-awards-by-state/IL/discretionary/2017/details>

⁶⁴ MADELEINE HAMLIN, CITY LAB (AUG 10, 2017). *IN CHICAGO, ANOTHER PUBLIC HOUSING EXPERIMENT: PRISONER REENTRY* <https://www.citylab.com/equity/2017/08/in-chicago-another-public-housing-experiment-prisoner-reentry/535947/>

⁶⁵ *See* ST. LEONARD’S MINISTRIES, <http://slministries.org/>

⁶⁶ *See* THRESHOLDS, <http://www.thresholds.org/>

⁶⁷ *See* ILLINOIS URBANA-CHAMPAIGN’S EDUCATION PROJECT, www.educationjustice.net

⁶⁸ DAHLIA LITHWICK, *PRISONS HAVE BECOME AMERICA’S NEW ASYLUMS*, SLATE (Jan. 5th, 2016), http://www.slate.com/articles/news_and_politics/jurisprudence/2016/01/prisons_have_become_warehouses_for_the_mentally_ill.html

⁶⁹ NATIONAL ASSOCIATION OF COUNTIES (JULY 12, 2016). HEALTH CARE COVERAGE AND COUNTY JAILS: SUSPENSION VS. TERMINATION, http://www.naco.org/sites/default/files/documents/Suspension-termination_2015.pdf

⁷⁰ ANDREW WILPER, STEFFIE WOOLHANDLER, MARK ALMBERG, *U.S. PRISONERS SICKER THAN BELIEVED AND HAVE POOR ACCESS TO CARE*, PHYSICIANS FOR A NATIONAL HEALTH PROGRAM (Jan. 15, 2009, 4:00 PM), http://www.pnhp.org/news/2009/january/us_prisoners_sicke.php

⁷¹ *Id.*

⁷² ROBERT DEFINA AND LANCE HANNON, *THE IMPACT OF MASS INCARCERATION ON POVERTY*, 59 CRIME AND DELINQUENCY 4 (2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1348049

⁷³ 305 ILL. COMP. STAT. ANN. 5/.

⁷⁴ *See* CMS approval of Illinois’s 1115 waiver <https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/il/il-behave-health-transform-ca.pdf>

⁷⁵ *See* SAMHSA summary of Illinois’s FY 2017 discretionary dollars, <https://www.samhsa.gov/grants-awards-by-state/IL/discretionary/2017/details>

⁷⁶ *See* SAMHSA TI-17-014: State Targeted Response to the Opioid Crisis Grants (Opioid STR) Individual Grant Awards, 16 <https://www.samhsa.gov/sites/default/files/grants/pdf/other/ti-17-014-opioid-str-abstracts.pdf> and HHS funding announcement, <https://www.hhs.gov/about/news/2018/04/18/hhs-provides-states-second-installment-grant-awards-combat-opioid-crisis.html>

⁷⁷ *See* TRANSITION CLINIC NETWORK, <http://transitionsclinic.org/>.