



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

In Rhode Island

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

This report summarizes Rhode Island state laws, policies and practices, and relevant federal policies that promote or hinder successful re-entry for justice-involved Rhode Island 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 Rhode Island has taken a number of important steps to pass laws and implement policy 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 certain 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, for example, is a major obstacle for individuals in recovery who want to join or re-enter the workforce in some states. 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. Rhode Island has opted out of this provision. Further, individuals convicted of DUI/OUI offenses may be granted—at a judge's discretion—a conditional hardship license.³ Rhode Island also no longer requires individuals with to obtain and carry an SR-22, certificate of financial responsibility.⁴

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.⁵ According to Prison Policy Institute, formerly incarcerated people are unemployed at a rate of over 27% — higher than the total U.S. unemployment rate during any historical period, including the Great Depression.⁶ Recidivism leads to more crime, more victims, and more strain on federal, state and local budgets.

Many Rhode Island laws and policies restrict the ability of justice-involved individuals to work in specific jobs and industries. Rhode Island state law also imposes criminal record restrictions on certain jobs and occupational licenses. The Rhode Island Department of Labor and Training provides links to information about more than 145 different trades and professions regulated by the 12 different occupational licensing agencies in the state.⁷ Licensing eligibility requirements and application processes vary by occupation.

Rhode Island 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.⁸ For example, federal laws:

- Bar many people with certain criminal records from working in the health care industry.⁹ 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.¹⁰ 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,¹¹ finance,¹² and insurance,¹³ 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.

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.¹⁴

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.

Although Rhode Island provides very limited legal protection against discrimination for individuals with criminal records (detailed below), most individuals with certain convictions or charges pending for certain offenses may be presumptively disqualified from working and volunteering in particular positions. Rhode Island does not set any standards regarding the consideration of criminal records by occupational licensing agencies. Therefore, anyone interested in applying for an occupational license must be prepared to disclose their conviction history and should have evidence of their rehabilitation to mitigate the negative impact of the criminal record.

Background record checks through the Bureau of Criminal Identification (BCI) system are sometimes a part of the application process for many jobs and occupational licenses. Rhode Island state laws require background checks for those working or volunteering in:¹⁵

- Public and private schools;¹⁶

- Supervising or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees;¹⁷
- Home nursing-care and home-care.¹⁸

Currently in Rhode Island, there are several occupations forecasted to need skilled workers and employment training and job placement services have been made available through the Real Pathways Rhode Island workforce development initiative: Certified Nursing Assistant, Marine Trades, Culinary, Manufacturing, and Cyber Security.¹⁹ Each of these professions will require a criminal record check and may have restrictions on convictions for specific offenses. There also may be licensing or certification requirements. Amos House and OpenDoors Reentry Program are 2018 grantees in the Real Pathways RI initiative and have been funded to provide discharge planning, support and intervention services, job training, financial planning and coaching to formerly incarcerated individuals.

In addition to state requirements, local jurisdictions may also have criminal record screening requirements for local licenses for taxi drivers, ice cream truck operators, and others. Individuals should verify licensing or certification requirements and be prepared to appeal criminal record denials or apply for a waiver to be clear if their criminal history is an issue.

Background Screens

Nationally, unemployment among justice-involved individuals is as high as 60 percent and may be even higher during recession years.²⁰ 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.²¹ 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.

In Rhode Island, the Bureau of Criminal Identification of the Department of Attorney General (BCI) maintains criminal history information. The BCI may release criminal record information for background screens when authorization is given by the subject of the record. Individuals have a right to inspect their BCI record.²² A BCI report is generated using the person's name and date of birth and is only conducted within the State of Rhode Island. A BCI report will not indicate if someone has an out-of-state criminal record.²³

Those seeking BCI information in order to evaluate current or prospective employees, volunteers, housing rental or leasing applicants, or applicants for professional or occupational licenses must obtain authorization from the subject and the record will include unsealed information about:

- 1) Felony convictions—including violations of domestic violence or harassment prevention orders;
- 2) Misdemeanors;
- 3) Pending criminal charges, including those that have been continued without a finding.

Non-public filings that are essentially unavailable as public records are the following:

- (1) Juvenile case files per G.L. 1956 § 8-10-21, G.L. 1956 § 14-1-5, G.L. 1956 § 14-5-7(c), G.L. 1956 § 23-4.7-6, and G.L. 1956 § 38-2-2(4)(C);
- (2) Child custody case files per G.L. 1956 § 15-14.1-21 and G.L. 1956 § 38-2-2(4)(C);
- (3) Adoption case files per G.L. 1956 § 8-10-21, G.L. 1956 § 14-1-5, and G.L. 1956 § 38-2-2(4)(C);
- (4) Termination of parental rights case files per G.L. 1956 § 15-7-7(f);
- (5) Mental health certification cases per G.L. 1956 § 40.1-5-26;
- (6) Paternity case files per G.L. 1956 § 15-8-17;
- (7) Sealed cases of acquitted or otherwise exonerated individuals per G.L. 1956 §§ 12-1-12(a) and 12-1-12.1(c);
- (8) Expunged or otherwise sealed case information per G.L. 1956 § 3-8-12; G.L. 1956 § 12-1.3-4(c); G.L. 1956 § 12-10-12;

- (9) Cases initiated under the Insurance Rehabilitation and Liquidation Act per G.L. 1956 § 27-14.3-15;
- (10) Civil violations for possession of one (1) ounce or less of marijuana per G.L. 1956 § 21-28-4.01(c)(ix);
- (11) Complaints for an Order of Protection from Domestic Violence under Title 15, Chapter 15, Domestic Abuse Prevention, when a juvenile is a party in the case per G.L. 1956 § 15-15-3(k)(2) and § 38-2-2(4)(C);
- (12) Complaints for an Order of Protection from Sexual Abuse under Title 11, Chapter 37.2, Sexual Assault Protective Orders, when a juvenile is a party in the case per G.L. 1956 § 11-37.2-1(a) and § 38-2-2(4)(C);
- (13) Complaints for a Civil Protective Order when a juvenile is a party in the case per G.L. 1956 § 8-10-3(g) and § 38-2-2(4)(C);
- (14) Civil marijuana cases per G.L. 1956 § 8-8.2-21 and § 21-28- 4.01(c)(2)(ix); and
- (15) Any other case or portions thereof which have been sealed through an order of the court.²⁴

Legal Protections for Job-Seekers and Workers in Rhode Island

While Rhode Island 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.²⁵

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.²⁶

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.²⁷ 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.²⁸

Rhode Island, on the other hand, has codified employment standards for public and private employers in the state through the Fair Employment Practices Act (FEPA).

Rhode Island Employment Laws

Although finding work with a criminal record remains an uphill battle, state and local laws can help individuals with criminal histories overcome these barriers in Rhode Island.

In 2014, Rhode Island's "ban the box" law went into effect to prohibit public and private employers from asking applicants about arrests and convictions orally or in writing before the first interview. Employers can ask during an interview. The "ban the box" provision amended the state's Fair Employment Practices Act ("FEPA"), which covers any employer in the state employing four or more individuals as well as any person acting in the interest of an employer. The FEPA is enforced by the Rhode Island Commission for Human Rights (Commission) and the director of the labor and training holds the same authority.²⁹ Individuals who want to file a complaint must file a charge with the Commission or the Department of Labor and Training, under the appropriate circumstances, and ask for a right to sue in state court. The FEPA allows for monetary damages and injunctive relief which is when the court prohibits the employer from continuing the act of violating the law. This policy does not apply for jobs in law enforcement,

positions where federal, state or regulations create a mandatory presumptive disqualification from employment as well as jobs that require a standard fidelity bond.

However, individuals with sealed arrest records that did not lead to conviction are not required to disclose those records when applying for a job, occupational license or even when purchasing a firearm or applying for a gun permit. Most employers and licensing boards are barred from considering expunged conviction records or sealed non-convictions including juvenile records, which are automatically sealed from public access. The subject of the record may also deny the existence of an expunged conviction record except if they are applying for jobs involving law enforcement, teaching, early childhood education, and the practice of law.

In addition to state protections one local jurisdiction enacted employment protections. In 2009, Providence instituted its own legal protections for job seekers for public employment and eliminated criminal history questions on job applications for publicly-funded city jobs. Providence implemented an administrative policy where it no longer asks about criminal history on its initial job application. Applicants do not have to authorize a background check until they have been determined to be a finalist for a position. In 2012, Providence also enacted a first source policy that requires any and all businesses in the City of Providence that receives aid in cash or in-kind from the City of Providence to comply with federal equal employment opportunity policies on non-discrimination of candidates with criminal records and to conduct individualized determinations of each applicant.³⁰

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."³¹ Sealing and expungement relief are the mechanisms that address criminal record access and dissemination policy in a state.

Rhode Island has three expungement remedies available to people with criminal records in the state. Individuals may file to have their criminal record expunged if they are a "first offender" and convicted of either a misdemeanor or felony unless the offense was a crime of violence.³² In order for the motion for expungement to be considered if the offense was a felony, the petitioner must have been arrest-free for at least ten years and five years if the offense was a misdemeanor.³³ The individual must apply for the expungement in the court where the case was originally heard. In 2017, expungement eligibility was expanded to allow individuals with only between two and six misdemeanor convictions to apply for expungement of those records after

remaining arrest free for ten years.³⁴ Unauthorized disclosure of expunged records may lead to a civil penalty.³⁵ Domestic violence and DUI convictions may not be expunged.³⁶

A person who pleads nolo contendere does not have a conviction as defined in the law and may be sealed as other non-convictions.³⁷ Additionally, in 2016 the law was changed to allow individuals to request their record be expunged upon completion of a deferred sentence. It may be granted at the discretion of the court. All fines and fees must be paid, there can be no pending charges against the person, and the petitioner must establish good moral character.³⁸

In July 2018, Governor Gina M. Raimondo signed 2018-S 2447, 2018-H 8355 to allow a person with a record for a crime that has been decriminalized to petition the court in which they were convicted for expungement. The court will grant the order without costs provided the individual has completed all conditions of his or her sentence and paid all resulting fines, fees and costs.³⁹ Expungement is available to individuals convicted of possession of an ounce or less of marijuana, which as of April 2013 was decriminalized. This offense is now a civil penalty punishable by a citation of \$150 for the first offense. The fine increases if not paid in a timely manner. If an individual receives three citations within an 18-month period, the individual may be charged with a misdemeanor. Minors under the age of 18 are required to appear before family court and be evaluated for substance misuse disorder in addition to paying the \$150 fine.

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.⁴⁰
- Follow reasonable procedures to ensure accuracy of the information reported about the consumer.⁴¹
- 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.⁴²

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. Rhode Island, however, does not provide additional consumer protections by state law.

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.”

In 2013, the Rhode Island legislature created a Certificate of Recovery and Reentry program. The Parole Board has the authority to issue a certificate to individuals with no more than one “non-violent” felony conviction or any number of misdemeanors. Individuals convicted of a violent offense or gun crime are ineligible.⁴³ Individuals with an in-state or out-of-state felony conviction must wait three years after the completion and compliance of the sentence or one year for a misdemeanors. The certificate will serve as “one determining factor, consistent with concerns for public safety of the person’s ability to obtain employment, professional licenses, housing and other benefits and opportunities.”⁴⁴ It serves as a determination by the Parole Board (the state) that the person receiving it has successfully achieved his or her recovery & re-entry goals. The certificate does not prevent a decision-maker from denying opportunities to people who hold this certificate and the individual does not have any civil liberties provided through the statute. The statute says:

*An individual or entity that denies employment, professional licensing, housing or other benefits or opportunities to a holder of a certificate of recovery & re-entry on the basis of a criminal records check shall not be liable for civil damages or subject to any claim, demand, cause of action, or proceeding of any nature as a result of such denial.*⁴⁵

The certificate has no effect or bearing on someone’s eligibility or quest to obtain an expungement or pardon nor does it protect someone against punishment enhancements if he or she is subsequently convicted of a new crime.⁴⁶

Rhode Island Employment Initiatives

In 2015, Rhode Island’s Governor convened an Overdose Prevention and Intervention Taskforce. The Governor’s office included in the Taskforce membership representatives from the employer and union communities in order to increase employment opportunities for people with histories

of SUD (including justice-involved individuals). In addition, the Governor also recently declared that Rhode Island would join New Hampshire in becoming a recovery-friendly state.

The SSA's office is working with the state Department of Labor to develop enhanced employment services for people with MH and SUD histories, including those who are justice-involved. The Department of Corrections also funds vocational training during incarceration.

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.⁴⁷ 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 Rhode Island 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. Many PHAs have expanded the scope of ineligibility beyond what is mandated in the federal law and regulations.

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.⁴⁸
- 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.⁴⁹
 - 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.”⁵⁰
- 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.⁵¹ They can also be evicted if they are residing in public or federally-assisted housing.⁵²
 - 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.⁵³
- 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.⁵⁴

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.

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 2015⁵⁵ and April 2016,⁵⁶ 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.

Opportunities for Housing

While there is no state or federal law that prohibits discrimination in housing based on a criminal record, a combination of Rhode Island's laws can help protect the rights of prospective tenants. 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, Rhode Island 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.)

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.⁵⁷
- Creating a mechanism to mitigate the collateral consequences of conviction that lifts automatic disqualification for housing because of a criminal record.⁵⁸
- 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.⁵⁹
- Piloting programs that reunite families and permit previously disqualified individuals with criminal record to return to the household and get a second chance.⁶⁰

Local communities are truly responsible for creating housing solutions for its residents. In 2017, the Providence Housing Authority (PHA) made significant changes to its admission policy, which now states the PHA will:

- No longer consider misdemeanors in the application process.

- Institute a 3-step appeals process for new applicants. This includes automatically scheduling an in-person panel before denying an applicant.
- Implement a more tolerant definition of “currently engaged in illegal drug use” by reducing the timeline down to 6 months.
- Not deny applicants based on arrests.
- Have 5-year look-back period on an applicant’s criminal record for applicants with felony records.
- Defer judgement on the applications of those charged with crimes which are awaiting a final judgement or full adjudication in court.
- Allow applicant households to remove any members of the household with records as a condition of eligibility, so that at least one part of the family can move into public housing.⁶¹

In Rhode Island, the organization, OpenDoors operates a mixed-use building with 19 individual units of permanent supportive housing for justice-involved individuals who are a part of their reentry program. The development began operating in 2011. The level of services residents receive is tailored to their needs. This program is operated with full support of the City of Providence for the project, and Section 8 rent subsidy vouchers from the Providence Housing Authority. OpenDoors also operates the 9 Yards program that provides education, employment, housing, behavioral therapy, mentoring, and addiction treatment to high risk men coming out of the Adult Correction Institutions with multiple felonies on their records, low levels of employment and education, and high rates of addiction. The started in 2013, and is now in its 5th year.⁶²

Amos House operates a 90-Day Transitional Housing Program (THP) that emphasizes recovery from addiction. Residents receive a continuum of care and services including crisis intervention, housing support, recovery meetings, intensive case management, job training and development, financial services, legal assistance, and ongoing outreach to other programs. Following successful completion of the 90-Day programs THP residents can choose to move into the Phase Two housing—a more independent set of housing options that still provide intensive case management, groups, and our clean and sober community of twelve residential buildings.

Crossroads Rhode Island owns and operate hundreds of permanent supportive housing units in Rhode Island. It provides housing solutions appropriate for a variety of households, including: single adults; adult couples without children; families with children; formerly homeless seniors (age 50+). They also assist individuals with sex offenses. However, a new Rhode Island law is being challenged that prohibits more than 10% of shelter beds to go to sex offenders. The American Civil Liberties Union and the Rhode Island Homeless Advocacy Project are currently challenging the legality of this law and Crossroads Rhode Island, which oversees the Harrington Hall shelter that is named in the lawsuit is allowed to continue accepting homeless sex offenders without penalty or limitations.⁶³

Crossroads undertakes a Housing First model where the goal is to get a family or individual placed into permanent, stable housing. Crossroads case managers continue to meet with them in their homes on a regular basis to provide intensive case management and help them maintain their housing status, keep them connected to Crossroads' programs and services, and meet other goals, such as gaining employment or education. Its Rapid Re-housing program provides financial assistance and services to individuals and families and is reserved for individuals and families who would be homeless without this assistance.

Service 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.

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.⁶⁴ For those incarcerated in county jail, studies have found that 64% have a mental illness and 54% suffer from a substance use disorder.⁶⁵ 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.⁶⁶ In comparison to the general population, 90% of individuals who are incarcerated are more likely to suffer or to have suffered a heart attack.⁶⁷ 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 2004.⁶⁸ 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. In Rhode Island, however, the state suspends Medicaid during incarceration and works to ensure that eligible justice-involved individuals are enrolled in Medicaid upon their release. Rhode Island utilizes state Department of Human Services' dollars to finance Medicaid screening and enrollment services before individuals are released from incarceration. State dollars and federal SAMHSA dollars are also utilized to help with discharge planning for people with serious mental illness. The state has sought to improve SUD care provided to incarcerated individuals. Rhode Island uses state general revenue dollars and discretionary federal dollars (including grant funds provided through the Bureau of Justice Assistance's Residential Substance Abuse Treatment

program) to fund health care, including SUD treatment and medications, provided during incarceration.

Opportunities for Health Care

Rhode Island 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 states money.

Rhode Island's single state agency (SSA) for substance use services is the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH).⁶⁹ The BHDDH 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.⁷⁰ Although the availability of SUD services and medications can be very limited for people incarcerated in prisons and jails, federal and Rhode Island policies have specifically sought to improve SUD and MH care access for justice-involved individuals in the community.

Over the past number of years, Rhode Island has done significant work to improve health care access to justice-involved individuals. Following passage of the federal Affordable Care Act in 2010, Rhode Island expanded its Medicaid population to include individuals with incomes at or below 138 percent of the federal poverty line. The state, through joint efforts between the Rhode Island Department of Human Services and the Rhode Island Department of Corrections (RIDOC) have done considerable work to ensure that justice-involved individuals are enrolled in Medicaid upon their release and connected to care.

In November 2016 all of the RIDOC facilities were offering expanded Medication Assisted Treatment (MAT) to incarcerated men and women in the form of a full, federally-regulated Opioid Treatment Program. The program offers methadone, buprenorphine, Suboxone, and Vivitrol. The state supports these MAT programs and contracts with the nonprofit provider CODAC Behavioral Healthcare. CODAC provides medical directors, a project coordinator, a program director, three master/licensed assessment clinicians, two MAT clinicians, a discharge planner and peer support specialists. The biggest challenge to this program is educating RIDOC staff about MAT in order address resistance.

RIDOC also provides peer recovery coaching and certification and patients participate in behavior health groups and/or individual therapy. Discharge planners also help individuals find supports for housing, vocational training, transportation, education, legal support and mental health services.⁷¹

In addition, Rhode Island has leveraged its Medicaid program in a number of important ways to improve health care access to justice-involved individuals. In 2016, Rhode Island received CMS (Centers for Medicare and Medicaid Services) approval for a State Plan Amendment that established the state's Medicaid-funded Health Home initiative. Rhode Island's Health Home initiative focuses on improving access to opioid use disorder care, including for justice-involved

individuals. Through this initiative, Centers of Excellence are established to expand and enhance the statewide capacity for medication-assisted treatment (MAT), including for justice-involved individuals. The Centers of Excellence seek to:

- increase the number of admissions into MAT,
- increase the number of clients receiving integrated care and treatment,
- decrease use of illicit opioids, and
- decrease use of prescription opioids in a non-prescribed manner.

Justice-involved individuals are included in Rhode Island's Health Home initiative. When people in Rhode Island who have been receiving MAT during their incarceration are released, they continue their care on an outpatient basis at the Centers of Excellence.⁷²

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. Rhode Island is utilizing a portion of their State Targeted Response to the Opioid Crisis Grant funding for psychiatric services provided at the state's Medicaid-funded Centers of Excellence and for recovery housing.⁷³ 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. These innovations have tremendous promise to improve health and criminal justice outcomes and to save states money.

In Providence, the Center for Prisoner Health and Human Rights, Lifespan Hospital System, the City of Providence, and the RI Department of Corrections are developing a Transitions Clinic Program that specifically targets the needs of people returning to the community from jails and prisons.⁷⁴ The Transitions Clinic Program model provides:

- Linkages with correctional partners to provide continuity of care;
- Easy access to comprehensive primary care;
- Culturally competent, patient-centered medical services;
- Community health workers with a history of incarceration as part of an integrated medical team; and
- Close partnerships with local re-entry organizations to address social determinants of health.⁷⁵

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 Rhode Island Public Defender: *Expungement and Sealing of Criminal Records Resource Guide*, available at <http://www.ripd.org/expungement-sealingcriminalrecords.html>.

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 the Rhode Island Commission for Human Rights, *How to File a Charge* for information that could help your client challenge an employment denial due to having a criminal record.

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](#) to identify any special housing programs and funding that are available in Rhode Island 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.⁷⁶
- 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 Rhode Island General Assembly [website](#) for detailed information on Rhode Island laws, policies, and case law about criminal records.

See the State of Rhode Island Attorney General’s *State Background Checks*, available at <http://www.riag.ri.gov/BCI/index.php>, for information about how to obtain a copy of a criminal record report either in person or by mail.

See the Rhode Island Commission for Human Rights, the agency that enforces the Fair Employment Practices Act, for more information about what employers can and cannot ask applicants, *Pre-employment Inquiry Guideline s*, available at <http://www.richr.ri.gov/pei.pdf>.

Contact Rhode Island’s single state agency (SSA) for substance use, Rebecca Boss, Director of the Division of Behavioral Healthcare Services. Director Boss can be reached by phone (401-462-3291) or email (rebecca.boss@bhddh.ri.gov; cc: charles.williams@bhddh.ri.gov, connie.cirelli@bhddh.ri.gov, and rena.crespo@bhddh.ri.gov).

See the ACLU of Rhode Island’s guidebook *Your Rights to Workplace Privacy in Rhode Island*, available at <http://riaclu.org/documents/YourRightstoWorkplacePrivacyinRhodeIsland.pdf> (October 2011). This guidebook provides information about the rights of workers, including individuals with criminal records when seeking employment.

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, 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 Rhode Island'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/rhode-island/>. 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 The National Academy for State Health Policy's webpage, which outlines what Rhode Island does to connect justice-involved individuals to coverage and care, available at <https://nashp.org/rhode-island-state-strategies-to-enroll-justice-involved-individuals-in-health-coverage/>

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 R.I. GEN. LAWS § 31-27-2.8.

⁴ See STATE OF RHODE ISLAND DIVISION OF MOTOR VEHICLES, ELIMINATION OF SR-22, (July 18, 2018), available at <http://www.dmv.ri.gov/adjudication/insurance/index.php>

⁵ SCHMITT, J., & WARNER, K. (2010). *EX-OFFENDERS AND THE LABOR MARKET*. WASHINGTON, DC: CENTER FOR ECONOMIC AND POLICY RESEARCH.

⁶ Couloute, L. & Kopf, D. (2018), *OUT OF PRISON & OUT OF WORK: UNEMPLOYMENT AMONG FORMERLY INCARCERATED PEOPLE* PRISON POLICY INSTITUTE, <https://www.prisonpolicy.org/reports/outofwork.html>

⁷ See RHODE ISLAND DEPARTMENT OF LABOR AND TRAINING, LABOR MARKET INFORMATION, RHODE ISLAND LICENSED OCCUPATION, <http://www.dlt.ri.gov/lmi/jobseeker/license.htm>

⁸ See AM. BAR ASS'N, THE NATIONAL INVENTORY OF THE COLLATERAL CONSEQUENCES OF CONVICTION (NICCC), <https://niccc.csgjusticecenter.org/>

⁹ See, e.g., 42 U.S.C. § 1320a-7(a) (2006); 42 C.F.R. § 1001.101.

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- ¹⁰ See, e.g., 42 U.S.C. § 1320a-7(a).
- ¹¹ See, e.g., 49 U.S.C. § 44936 (air transportation); 46 U.S.C. § 70105 (port worker TWIC cards).
- ¹² See, e.g., 12 U.S.C. § 1829 (FDIC insured banks); 12 U.S.C. § 5104(b) (2) (mortgage lending).
- ¹³ See, e.g., 18 U.S.C. § 1033(e)(1)(A).
- ¹⁴ 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
- ¹⁵ R.I. GEN. LAWS § 16-2-18.4 (West 2013).
- ¹⁶ R.I. GEN. LAWS § 16-2-18.1 (West 2014).
- ¹⁷ R.I. GEN. LAWS § 16-48.1-5 (West 2012).
- ¹⁸ R.I. GEN. LAWS § 23-17-34 (West 2013).
- ¹⁹ See
- ²⁰ 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).
- ²¹ SOCIETY FOR HUMAN RESOURCE MANAGEMENT, *SHRM SURVEY FINDINGS: BACKGROUND CHECKING—THE USE OF CRIMINAL BACKGROUND CHECKS IN HIRING DECISIONS* 2 (2012).
- ²² R.I. GEN. LAW § 38-2-3 (g) (West 2015).
- ²³ See STATE OF RHODE ISLAND ATTORNEY GENERAL, STATE BACKGROUND CHECKS, <http://www.riag.ri.gov/homeboxes/BackgroundChecks.php>
- ²⁴ RHODE ISLAND JUDICIARY RULES OF PRACTICE GOVERNING PUBLIC ACCESS TO ELECTRONIC CASE INFORMATION, <https://www.courts.ri.gov/efiling/PDF/Supreme-Rules-PublicAccess.pdf>
- ²⁵ 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
- ²⁶ *Id.*, at 18.
- ²⁷ 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>
- ²⁸ 5 CFR § 330.1300.
- ²⁹ R.I. GEN. LAWS § 28-6.14-1 (West 2017).
- ³⁰ ORD. 2012, CH. 2012-27, § 1, ADOPTED JUNE 7, 2012, https://library.municode.com/ri/providence/codes/code_of_ordinances?nodeId=PTIICOOR_CH21REFI_ARTIII_1-2_FIURAG
- ³¹ See CLEAN SLATE CLEARING HOUSE at <https://cleanslateclearinghouse.org/>
- ³² R.I. GEN. LAWS § 12-1.3-2 (West 2017).
- ³³ *Id.*
- ³⁴ RI GEN. LAWS § 12-1.3-2(b) (West 2017).
- ³⁵ RI GEN. LAWS § 12-1.3-4(d) (West 2017).
- ³⁶ *Id.*
- ³⁷ RI GEN. LAWS §§12-18-3;12-1-12.1(a) (West 2014).
- ³⁸ RI GEN. LAWS § 12-19-19 (West 2017).
- ³⁹ Expungement of Criminal Records, 2018 -- H 8355, <http://webserver.rilin.state.ri.us/BillText/BillText18/HouseText18/H8355.pdf>
- ⁴⁰ 15 U.S.C. § 1681b (b)(2)(A)(ii).
- ⁴¹ 15 U.S.C. § 1681e (b).
- ⁴² 15 U.S. C § 1681(m).
- ⁴³ RI GEN. LAWS § § 13-8.2-2 (4) (West 2016).
- ⁴⁴ RI GEN. LAWS §13-8.2-4 (West 2016).
- ⁴⁵ RI GEN. LAWS § 13-8.2-8 (West 2013).
- ⁴⁶ RI GEN. LAWS § 13-8.2-6 (West 2016).

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- ⁴⁷ 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>
- ⁴⁸ 42 U.S.C. §1437n(f).
- ⁴⁹ 42 U.S.C. § 13661.
- ⁵⁰ 42 U.S.C. § 13661(a).
- ⁵¹ 42 U.S.C. § 13661(b)(1).
- ⁵² 42 U.S.C. § 13662(a).
- ⁵³ 42 U.S.C. § 13661(b)(2); 13662(b).
- ⁵⁴ 24 C.F.R. § 960.24; 24 C.F.R. § 982.553(a)(2)(1).
- ⁵⁵ 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>.
- ⁵⁶ 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.
- ⁵⁷ 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>.
- ⁵⁸ 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
- ⁵⁹ 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
- ⁶⁰ 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>.
- ⁶¹ PROVIDENCE HOUSING AUTHORITY FY2017 ANNUAL REPORT, 12, <http://pha-providence.com/wordpress/wp-content/uploads/2018/03/FY-2017-Annual-Report.pdf>
- ⁶² See OPEN DOORS 9 YARDS, <http://opendoorsri.org/9yards>
- ⁶³ Uprise Rhode Island. (2018, January 16). Update on ACLU “Harrington Hall” lawsuit: State law remains on hold [BLOG POST]. RETRIEVED FROM <https://upriseri.com/news/homelessness/2018-01-16-aclu-rsors/>
- ⁶⁴ 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
- ⁶⁵ 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

⁶⁶ 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

⁶⁷ *Id.*

⁶⁸ 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

⁶⁹ See Department of Behavioral Healthcare, Developmental Disabilities and Hospitals online resource, <http://www.bhddh.ri.gov/index.php>

⁷⁰ See SAMHSA summary of Rhode Island's FY 2017 discretionary dollars, <https://www.samhsa.gov/grants-awards-by-state/RI/discretionary/2017/details>

⁷¹ BECKMAN, N., BLISKA, H., SCHAEFFER, E. J. (February 22, 2018). "MEDICATION ASSISTED TREATMENT PROGRAMS IN VERMONT STATE CORRECTIONAL FACILITIES: EVALUATING H.468 THROUGH A STATE BY STATE COMPARISON". THE CLASS OF 1964 POLICY RESEARCH SHOP. DARTMOUTH COLLEGE, <https://legislature.vermont.gov/assets/Documents/2018/WorkGroups/Senate%20Institutions/Bills/H.874/H.874~John%20Rodgers~Medication%20Assisted%20Treatment%20Programs%20in%20Vermont%20State%20Correctional%20Facilities%20Study~3-21-2018.pdf>

⁷² See Centers for Medicare and Medicaid Services Approval of Rhode Island State Plan Amendment (SPA) No. 16-006, <https://www.medicare.gov/State-resource-center/Medicare-State-Plan-Amendments/Downloads/RI/RI-16-006.pdf>

⁷³ See SAMHSA TI-17-014: STATE TARGETED RESPONSE TO THE OPIOID CRISIS GRANTS (OPIOID STR) INDIVIDUAL GRANT AWARDS, <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>

⁷⁴ SEE THE CENTER FOR PRISONER HEALTH AND HUMAN RIGHTS (FEB. 2018), CENTER IN FOCUS,

⁷⁵ See TRANSITION CLINIC NETWORK, <http://transitionsclinic.org/>.

⁷⁶ *Id.*