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# REMOVING ROADBLOCKS: CERTIFICATES OF GOOD CONDUCT AND RELIEF FROM DISABILITIES

*by* MICHAEL LORDEN

In 1985, Darrell Langdon was arrested for possessing cocaine; he was 27 years old. Langdon served six months' probation and paid a small fine.<sup>1</sup> At the time of his arrest, Langdon was a boiler room fireman for the Chicago Public Schools ("CPS"). He retained this position until CPS laid him off in 1995.<sup>2</sup> Langdon then worked as a mortgage broker until 2008, when he decided to apply for an open boiler room engineer position with CPS.<sup>3</sup>

CPS told Langdon he had the job. However, days later, CPS learned that his 1985 conviction made Langdon ineligible for the position.<sup>4</sup> Langdon, a single

father, had been sober for twenty years, but ultimately had to take a job that paid much less than the \$37 per hour he would have made with CPS.<sup>5</sup>

There are millions of people living in Illinois who, like Darrell Langdon, have criminal records,<sup>6</sup> and it is likely that most are unaware of an Illinois law that could be used to their advantage. Certificate legislation,<sup>7</sup> a law that can help people with criminal records obtain employment, is an underutilized tool in Illinois for those with criminal records. Advocates are attempting to increase awareness for this legislation because they know all too well that criminal records create roadblocks to employment.

#### THE NEED FOR REMOVING EMPLOYMENT BARS

Criminal records have the potential to significantly impact an individual's life, effectively precluding rehabilitated individuals from living a normal life following a felony conviction.<sup>8</sup> Their records portray them in a negative light without providing insight into that person's rehabilitation and accomplishments post-conviction.<sup>9</sup>

Employee Screen IQ, a third party background screener, reported that about 30% of background checks conducted in 2012 uncovered a criminal conviction.<sup>10</sup> Employee Screen IQ believes its clients consider a number of factors when deciding whether or not to hire someone, including: age and severity of the record, whether the person is a repeat offender, and the relevance of the record to the position.<sup>11</sup>

Todd Belcore, Staff Attorney with the Sargent Shriver National Center on Poverty Law, believes there are several problems with the use of background screening for employment.<sup>12</sup> In particular, Belcore believes that background checks inaccurately measure the character of individuals.<sup>13</sup> In addition, Belcore feels that the screening process can occasionally list convictions for the wrong person.<sup>14</sup>

Moreover, Belcore explains, "Despite the same levels of illegal activity as other populations, African-Americans and Latinos are disproportionately arrested and convicted. Since they are disproportionately getting criminal records, they are affected by the phenomenon of discriminating against individuals because of their criminal records far more acutely."<sup>15</sup>

## THE STATUTE

Certificates of Relief from Disability remove 27 specific bars to occupational licenses, while Certificates of Good Conduct provide a statement from the court that an individual is a law-abiding citizen and deserves to have employment bars removed.<sup>16</sup> Essentially, both certificates are formal acknowledgments by the court that an individual should not be judged by his past mistakes.

There are two general arguments in favor of certificate legislation: recidivism and fairness.<sup>17</sup> In other words, certificates are meant to keep people from sliding back into a life of crime by allowing access to stable employment.<sup>18</sup> Certificates can also relieve the possible unfairness of continuous secondary punishments that can arise from a single criminal conviction.<sup>19</sup>

In 2003, then State Senator Barack Obama introduced certificate legislation, which ultimately went into effect in 2004.<sup>20</sup> Even though certificates have been allowed in Illinois for nearly ten years, however, they are still vastly underutilized compared to other states.<sup>21</sup> In Belcore's experience, while "certificates are somewhat known of in Chicago, very few know of this remedy in Cook County and even fewer know of it in the State."<sup>22</sup> There are 3.9 million people in Illinois with criminal records;<sup>23</sup> yet only 24 certificates were issued in Illinois in 2012.<sup>24</sup>

## EFFORTS TO INCREASE AWARENESS

Beth Johnson, Program Director at Cabrini Green Legal Aid, believes one way to increase awareness of certificates is through the private bar.<sup>25</sup> She states, "Attorneys are the ones that provide options on legal relief and if attorneys aren't aware, that advice is not being provided."<sup>26</sup> To that end, Cabrini Green Legal Aid, the Shriver Center, and the Safer Foundation are having Johnson, Belcore, and others spread the word to the private bar through *pro bono* training.<sup>27</sup> Johnson is also making efforts to educate employers on the benefits of the legislation in order to open the door for other certificate holders down the road.<sup>28</sup> These efforts may ultimately lead to more frequent use of certificates. In New York, for example, the average number of combined certificates issued

was only 261 per year from 1995 until 2005.<sup>29</sup> Between 2007 and 2010 that average jumped to 2,040 per year.<sup>30</sup>

After obtaining Johnson's help at Cabrini Green Legal Aid, Darrell Langdon received a Certificate of Good Conduct, which lifted the barrier that his prior drug arrest had created.<sup>31</sup> Subsequently, CPS agreed to hire Langdon, and he is still currently employed there.<sup>32</sup> With advocates like Belcore and Johnson, it is very likely that more individuals with criminal records, will use certificates to greatly improve their future.

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#### NOTES

1 Dawn Turner Trice, *CPS: Good Conduct Certificate not Good Enough*, CHICAGO TRIBUNE, Jul. 29, 2010, [http://articles.chicagotribune.com/2010-07-29/news/ct-met-trice-cps-0728-2010-0728\\_1\\_cps-boiler-room-second-chance](http://articles.chicagotribune.com/2010-07-29/news/ct-met-trice-cps-0728-2010-0728_1_cps-boiler-room-second-chance).

2 *Id.*

3 *Id.*

4 *Id.* ("The Illinois School Code prohibits a list of ex-offenders from working in public schools, including people with criminal records for sex offenses and other violent crimes. But the list also includes people convicted of lesser crimes, such as Langdon.")

5 *Id.*

6 *Id.*

7 *See*, 730 ILCS § 5/5-5.5-15 and 730 ILCS 5/5-5.5-25.

8 Interview with Todd Belcore, Staff Attorney, Sargent Shriver National Center on Poverty Law, in Chicago, Il. (Mar. 17, 2013).

9 *Id.*

10 EMPLOYEE SCREEN IQ, SURVEY REPORT 2013: EMPLOYMENT SCREENING PRACTICES & TRENDS 7 (2013).

11 *Id.* at 8.

12 Interview with Todd Belcore, *supra* note 10.

13 *Id.*

14 *Id.*

15 *Id.*

16 Interview with Todd Belcore, *supra* note 10; 730 ILCS § 5/5-5.5-15; 730 ILCS 5/5-5.5-25.

17 *See generally*, Joy Radice, *Administering Justice: Removing Statutory Barriers to Reentry*, 83 U. Colo. L. Rev. 715, (2012); *See also*, Margaret Howard Love, *Paying Their Debt to Society: Forgiveness, Redemption, and the Uniform Collateral Consequences of Conviction Act*, 54 How. L.J. 753, (2011); Interview with Todd Belcore, *supra* note 9.

18 *Id.*

19 Interview with Todd Belcore, *supra* note 10.

20 Interview with Todd Belcore, *supra* note 10; SAFER FOUNDATION, CERTIFICATES OF RELIEF FROM DISABILITIES IMPLEMENTATION AND TRACKING: FULL REPORT 5 (2006).

- 21 Interview with Beth Johnson, *supra* note 8; Radice, *supra* note 18 at 776 (Only 24 certificates were issued in Illinois in 2012 compared to 1,621 in New York in 2010).
- 22 Interview with Todd Belcore, *supra* note 10.
- 23 Interview with Beth Johnson, *supra* note 8.
- 24 *Id.*
- 25 *Id.*
- 26 *Id.*
- 27 *See, e.g.*, Illinois Legal Aid Online, *Certificates of Good Conduct and Relief from Disability*, (Jun. 6, 2012), [http://www.illinoislegaladvocate.org/index.cfm?fuseaction=home.dsp\\_content&contentID=8406](http://www.illinoislegaladvocate.org/index.cfm?fuseaction=home.dsp_content&contentID=8406). This webinar on the Illinois Legal Advocate website is a training for private practice attorneys that wish to help people petition the court for a certificate. The in-person seminar was conducted by Beth Johnson of Cabrini Green Legal Aid, Todd Belcore of the Shriver Center, and Anthony Lowery of the Safer Foundation.
- 28 Interview with Beth Johnson, *supra* note 8.
- 29 Radice, *supra* note 18 at 776.
- 30 *Id.*
- 31 Dawn Turner Trice, *CPS Reverses Itself, Gives Job Candidate a 2nd Chance*, CHICAGO TRIBUNE, Sep. 26, 2010, [http://articles.chicagotribune.com/2010-09-26/news/ct-met-trice-langdon-0926-20100926\\_1\\_cps-for-four-years-darrell-langdon-cps-spokeswoman-monique-bond](http://articles.chicagotribune.com/2010-09-26/news/ct-met-trice-langdon-0926-20100926_1_cps-for-four-years-darrell-langdon-cps-spokeswoman-monique-bond).
- 32 *Id.*; Interview with Beth Johnson, Program Director, Cabrini Green Legal Aid, in Chicago, IL (Mar. 28, 2013).