



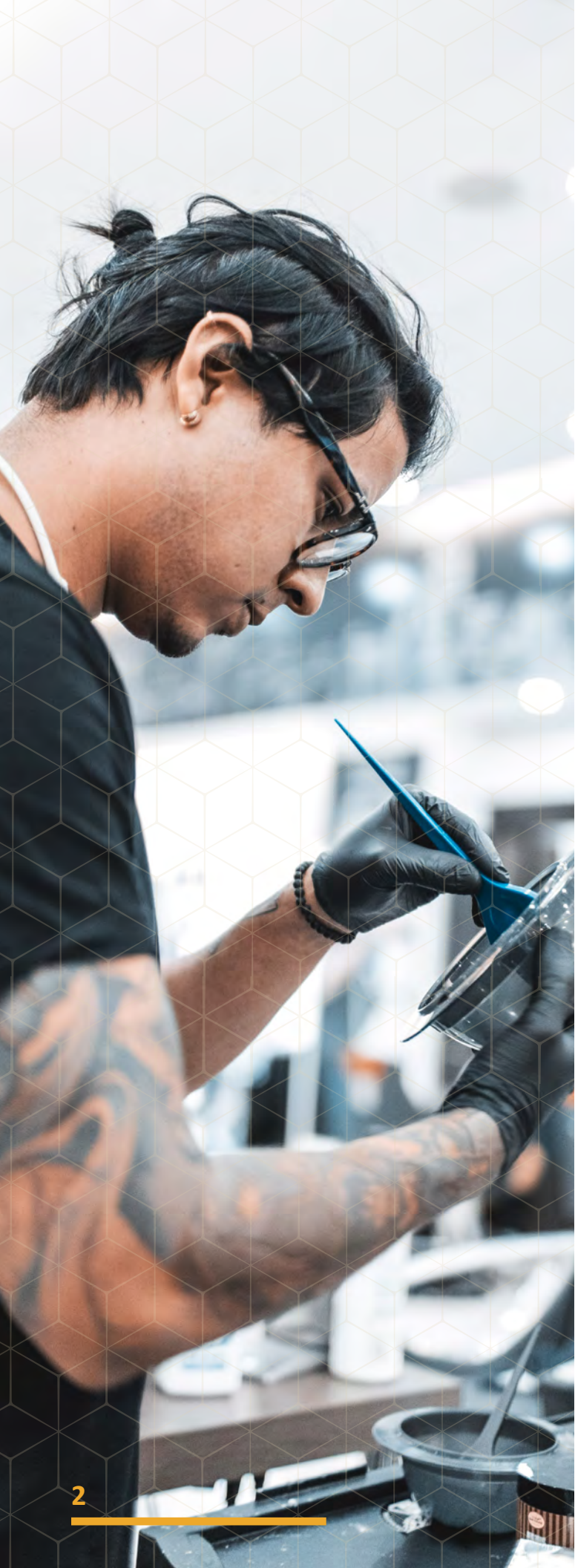
# Health Impact Assessment of Expungement Policy in Kentucky

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DEPARTMENT OF  
**PUBLIC HEALTH  
AND WELLNESS**





# Executive Summary

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A criminal record is a barrier to good health. Basic foundations to health such as employment, housing, and access to food, can be blocked by a minor record acquired decades prior for an acquitted or dismissed charge.<sup>1</sup> Poverty, homelessness or insecure housing resulting from unemployment can exacerbate chronic disease, increase risk for mental health concerns, and create barriers to recovery from substance use disorders.<sup>2</sup> Expunged records help people move from economic instability and the associated poor health outcomes to economic independence, providing for themselves and their families while helping to build the local economy.<sup>3</sup>

Though thousands of Kentuckians are eligible for expungement, barriers remain including costs, access to legal assistance, and knowledge of how to navigate the system. The Louisville Metro Department of Public Health and Wellness (LMPHW) conducted a Health Impact Assessment (HIA) to review the influence that changes to KRS Chapter 431, Kentucky's existing expungement policy, would have on health. Health Impact Assessment, or HIA, is a process to inform decision-makers about the potential health impacts of proposed decisions, including those related to legislation, regulations, programs, plans, and projects in various policy sectors. Utilizing a cross-section of stakeholders to help inform the process, the assessment led to the development of recommendations designed to improve the health outcomes of Kentuckians with expungable records.

## KEY FINDINGS

A criminal record takes a toll on health by restricting access to income, stable housing, nutrition, education, and the ability to support one's family.

### EMPLOYMENT



- Unemployment is correlated with a 54% increase in rates of reported poor or fair health which can manifest as increased risk for stress, high blood pressure, heart disease, and depression.<sup>4</sup>
- Overall, 27% of people who were formerly incarcerated lack employment.<sup>5</sup> However, people of color fare worse with nearly 44% of Black women and 35% of Black men who were previously incarcerated lacking employment.<sup>6</sup>

### HOUSING



- A felony conviction creates a barrier to safe and affordable housing. Those facing unstable housing are seven times more likely to reoffend than those with stable housing.<sup>7</sup>

### FAMILY



- Families with fathers who have been incarcerated are more likely to live in poverty than those who have never experienced the effects of incarceration.<sup>8</sup>
- Kentucky has the highest rate of children who have had an incarcerated parent<sup>9</sup>, and nearly half of all U.S. children have at least one parent with a criminal record.<sup>10</sup> Criminal records that create barriers for parents from accessing employment, housing, and government subsidies, also keep families from advancing economically.

### EDUCATION



- Criminal records create barriers for college admissions<sup>11</sup> and prohibit certain types of financial support for pursuing higher education.<sup>12</sup>

### ACCESS TO HEALTHY FOOD



- Criminal records create economic barriers to food access. Those with drug-related charges are prohibited from accessing benefits through Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF).<sup>13</sup>

### MENTAL HEALTH



- Discrimination is persistent for individuals with criminal justice involvement. Research correlates discrimination with a range of negative outcomes from decreased self-esteem to feelings of loss of control.<sup>14</sup>

### LOCAL ECONOMY



- Nationally it is estimated that loss of employment due to criminal histories costs the U.S. economy the equivalent of 1.5-1.7 million workers and reduced the U.S. GDP by \$57-65 billion in 2008 alone.<sup>15</sup>

Expunged records help people provide for themselves, support their children, live healthier lives, and grow the economy.

## SURVEY DATA

The HIA implemented a survey for individuals seeking expungement. When asked about their reasons for not previously seeking expungement, about 72% of those surveyed reported that a primary barrier is cost. Apart from fiscal constraints, reasons such as not knowing what to do (50%) and being unable to find a lawyer (12%) were mentioned as other significant barriers for trying to get their record expunged.

## RECOMMENDATIONS

Policy recommendations that may reduce health inequities of those seeking expungement include but are not limited to the following:

- Implement comprehensive automatic expungement. This version of the policy would create the greatest access to improved health outcomes for the greatest number of people.
- Implement immediate automatic expungement of all acquitted and dismissed charges.
- Reduce the amount of time that someone must wait before they can apply for expungement.
- Reduce costs across the expungement process.
- Lift the ban on those with drug related crimes to ensure all families have access to nutritional and financial assistance (SNAP and TANF).
- Improve data collection within the Administrative Office of the Courts and Corrections to inform estimates of the population potentially affected by expungement reform.
- Implement a state-wide education campaign to inform Kentuckians of the expungement process as well as changes in expungement eligibility and state license eligibility.

## HIA PARTICIPANTS

LMPHW provided a team of public health practitioners to coordinate the HIA process. Feedback was provided from a wide range of stakeholders on the HIA's scope, assessment criteria, and the final recommendations. The stakeholders included representatives of the following organizations:

ACLU of Kentucky  
The Bail Project  
Centerstone Kentucky  
Goodwill Industries of Kentucky  
Greater Louisville Inc.  
Kentucky Center for Economic Policy  
Kentucky Department of Corrections  
Kentucky Department of Public Advocacy  
Kentuckiana Works  
Kentucky Injury Prevention and Research Center  
Legal Aid Society  
Louisville Family Justice Advocates

Louisville Metro Criminal Justice Commission  
Louisville Metro Housing Authority  
Louisville Metro Department of Corrections  
Louisville Metro Public Defenders  
Louisville Recovery Community Connection  
Louisville Showing Up for Racial Justice  
Louisville Urban League  
Metro United Way  
The Opportunity Network  
People Advocating Recovery  
Renew Recovery  
YMCA of Greater Louisville



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# Introduction

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A criminal record can lead to a life sentence of poverty and poor health. Discrimination and the broad use of background checks across employment, education, and housing systems restrict the options available for people who have had interactions with the criminal justice system.<sup>16</sup> These barriers are experienced by the 1 in 3 Americans that have some type of criminal record.<sup>17</sup> Although felony convictions often carry the greatest stigma, individuals with any criminal record, even for charges that have been dismissed or acquitted, have similar experiences with discrimination.<sup>18</sup> The Health Impact Assessment (HIA) of Expungement Policy in Kentucky, conducted by the Louisville Metro Department of Public Health and Wellness (LMPHW), assessed health impacts associated with one's ability, or lack thereof, to have their criminal record expunged. Health Impact Assessment, or HIA, is a process to inform decision-makers about the potential health impacts of proposed decisions, including those related to legislation, regulations, programs, plans, and projects in diverse policy sectors. A number of criminal justice reforms are being considered by Kentucky's General Assembly as part of the 2020 Legislative Session. This report is intended to inform both current and future efforts to make expungement more accessible through amendments to KRS Chapter 431 as a means to reduce health inequities and improve health outcomes.

The health inequities faced by individuals who have been incarcerated are well documented.<sup>19 20 21</sup> However, the health impacts associated with those living with a criminal record have not been as well publicized. These individuals face the same economic and social disenfranchisement as those who have been incarcerated, and the impacts extend to their families and communities. Often referred to as collateral consequences, or "invisible" punishments, the impacts of living with a criminal record are anything but invisible or secondary.<sup>22</sup> This report recommends that consideration of one's health is not collateral but rather, the center of one's wellbeing.

There are several root causes to health outcomes, such as income, employment, and housing.<sup>23</sup> However, depending on the way an individual experiences these root causes, it can either provide an advantage (such as higher income) or a disadvantage (such as lower income). While these root causes provide choices to individuals that impact their health, a criminal record restricts the choices that are available to individuals and contributes to health inequities. According to the World Health Organization,<sup>24</sup> health inequities are "differences in health status between different population groups, arising from the social conditions in which people are born, grow, live, work, and age." Inequities are the consequences created when different populations experience different conditions within their communities. A significant factor in these differences are the historical and ongoing discriminatory policies and practices that have determined what resources are experienced in various communities. For example, inequities exist for people of color which is further exacerbated for those who are also disproportionately represented in the criminal justice system.<sup>25</sup> Due to several contributing policies, this population experiences higher rates of arrests compared to those of white people charged with similar crimes.<sup>26</sup> Such patterns of arrest, and the associated background checks, can further disenfranchise communities, depressing economies and further aggravate poor health outcomes associated with limited opportunities. Children of color also end up with disproportionate impacts of poverty and trauma from being separated from a parent.<sup>27</sup>

## HISTORY OF KENTUCKY'S EXPUNGEMENT POLICY

In 2016, the Kentucky General Assembly passed House Bill 40, creating a new process to expunge certain nonviolent Class D felonies. Under the new law, a motion for expungement could be made at least five years after the end of the sentence, probation, or parole for eligible charges. To qualify, applicants could not have current charges pending or have been convicted of any misdemeanors or felonies in the preceding five years. A fee of \$40 was required to obtain a certificate of eligibility and the filing fee for an application to have the judgment vacated was \$500 per felony. An individual was eligible to expunge more than one felony charge only if they occurred as part of the same incident.<sup>28</sup> With the passage of 2019's Senate Bill 57, the list of charges eligible to be expunged expanded to include most Class D felonies, and the fee for filing was reduced to \$250 per felony. The \$40 certificate of eligibility fee remained. Class A, B, and C felonies still cannot be expunged through this process.<sup>29</sup>

Similar recent efforts at expungement policy reform have been implemented in other states and can provide guideposts and lessons for implementing further reforms. A fuller discussion of legislative efforts in other states can be found in the Discussion section.

## CURRENT BARRIERS TO EXPUNGEMENT

The expungement process can be difficult to navigate. Expungement of one's records requires economic capital, time, knowledge of the process and eligibility status, and legal support. The current \$40 application fee for a certificate of eligibility and the \$250 filing fee may still be financially inaccessible for some. Results of this HIA's survey indicated that cost was the primary barrier for not seeking expungement. Another potential barrier for someone seeking expungement is the short window of time for utilizing the certificate of eligibility. Once a certificate of eligibility is obtained, an individual has 30 days to find legal support and apply for expungement before the certificate expires.<sup>30</sup>

*My experience [applying for expungement] was difficult. I paid the \$40 fee to get my records from the state and was not aware that the records were only good for 30 days, so when I went to take action a few weeks after receiving records, the records were no good and I needed to pay the \$40 fee again. I was also told that my records were eligible for expungement; however, I needed to go to the county in which the charges had occurred. I was also told that a paid attorney would be my best option due to the details of my cases. All of this posed many barriers to me moving forward in the process. After tons of phone calls and meetings I decided to not pursue expungement.*

*- Male respondent, age 41*






Expungement clinics are available in some communities across the state to provide free legal assistance and support. However, for those who do not have access to a clinic or who do not meet income qualifications to receive other types of free legal assistance, the process can be difficult to navigate. Results of this HIA's survey also indicated that many individuals were unaware how to go about starting the expungement process, or even if they were eligible.

Additional problems with the current expungement process include inconsistencies across private background check companies.<sup>31</sup> When a person has been arrested for a felony but is then convicted of a misdemeanor, the private record may still show the felony. In seventy-five of the largest counties in the U.S., approximately one third of felony arrests did not result in conviction. A total of 25% of all cases ended with a dismissal.<sup>32</sup> It has been documented that 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges use background checks, so broad access to incorrect records can create barriers in multiple facets on one's life.<sup>33</sup> Having one's record fully expunged would help clear confusion around one's criminal history and provide opportunities for them to be fully engaged in society.

## HIA GOALS

The following goals were identified for the HIA:

-  **1** Inform state expungement policy by drawing attention to the impact one's ability to expunge their criminal record has on their health.
-  **2** Identify equity concerns within associated health outcomes.
-  **3** Identify barriers to expungement across different populations.



# Scoping

There are over 44,000 documented collateral consequences through federal and state laws. These restrictions, including disqualification from public assistance and prohibition of obtaining professional licenses, are attached to a person because of their criminal record and limit their ability to fully participate in society.<sup>34</sup> A criminal record creates a wide range of barriers for maintaining good health. Stakeholders identified three key indicators of health as primary areas of concern for those seeking expungement. As displayed in the flowchart in Figure 1, these include access to employment, access to housing, and family health. Intermediate health outcomes include improved safety, reduction in stress, improved access to physical and mental health care, access to food, education, and involvement in their children's lives. A decrease in chronic disease, decrease in injuries, improved recovery from substance use disorder, better mental health, and increased family connections were all identified as health outcomes associated with a change in expungement policy.

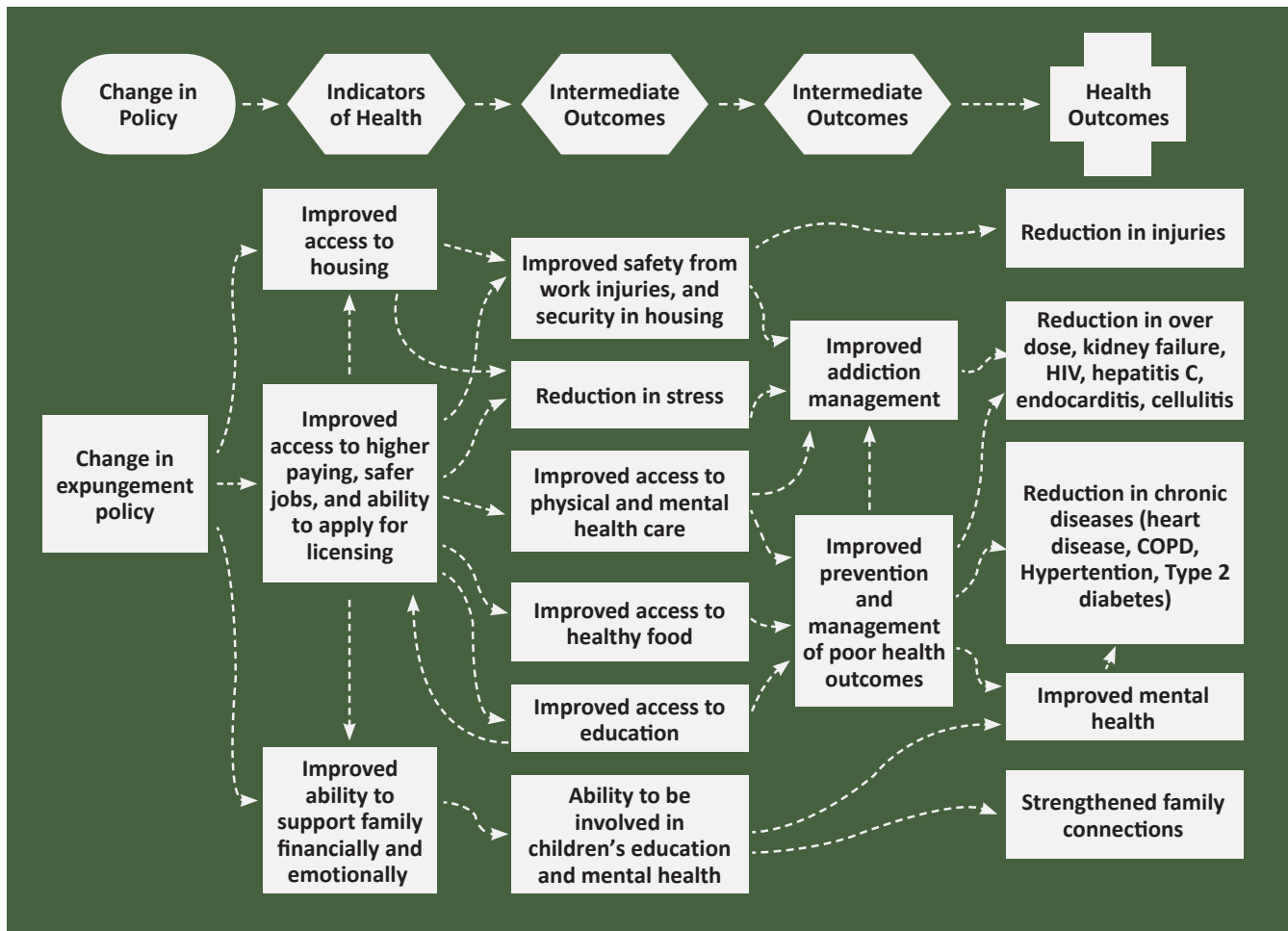


Figure 1: Primary Outcomes of Expungement Policy



Changes in expungement policy not only can impact an individual's health, but also that of their families and local economies. Figure 2 makes the connection between a change in expungement policy and the associated secondary outcomes beyond that of the individual. When someone is able to get their record expunged, they can provide more income for food, housing, and health care. A person who is able to engage in the local economy also brings benefits to others around them. A healthier economy increases the resources available to a community, ultimately improving health.

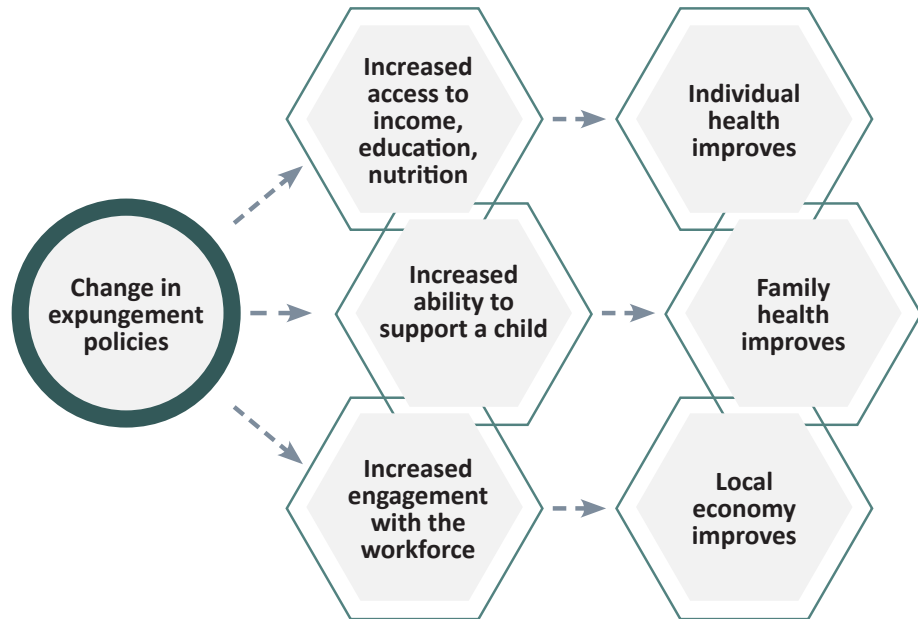


Figure 2: Secondary Outcomes of Expungement Policy

## NOTE ON VOTING RIGHTS AND HEALTH

Stakeholders identified that Kentuckians with a criminal record are currently prohibited from voting. Although there is a relationship between civic engagement and health,<sup>35</sup> the restoration of voting rights is a separate policy. Therefore, it was determined that voting rights would not be included in the scope of this HIA.

## POPULATIONS EVALUATED

Populations evaluated within this HIA include individuals over the age of 18 who have criminal records within the Commonwealth of Kentucky. Vulnerable populations within this group include people with substance use disorders, people of color, people experiencing homelessness, as well as family members and children of those related to a person with a criminal record.

Because racial inequities have been documented across all levels of the criminal justice system, this assessment places emphasis on the impact that expungement has on the health of people of color. Due to overrepresentation of people of color in this system, these individuals are disproportionately impacted by the restrictions a criminal record creates. While overrepresentation in the criminal justice system may imply an overrepresentation in illegal activity, this is a misunderstanding that furthers stigma and discrimination. Instead, the overrepresentation of people of color in the system is a reflection of the historical and ongoing policies that overemphasize policing as a strategy for improved community outcomes while restricting community investment and wealth-building. Long term biases in arrests have also created significant impacts on families and neighborhoods, creating generational poverty.<sup>36</sup>

# Assessment

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## RESEARCH METHODS

Methods of research to assess health impacts of expungement include literature review, as well as surveys (Appendix 1) and interviews of those seeking expungement or who have had their records expunged (Appendix 2). Excerpts from these interviews are found throughout the document. Areas of research covered in the literature review include employment, housing, relationships with families, food access, education, and all related health outcomes. The review also addresses the complexities that mental health and substance use disorders (SUD) have for individuals living with a criminal record. Finally, the review addresses the impact expungement can have on the local economy, acknowledging that a stronger economy supports healthier communities.

## KENTUCKY EXPUNGEMENT DATA

To understand the impacts expungement has in Louisville and across Kentucky, the HIA team requested and received a summary of Kentucky expungement documents filed between January 1, 2016 and December 31, 2018 from the Administrative Office of the Courts (AOC). Sets of data requested included the number of individuals who were eligible for expungement across the Commonwealth, the number of expungement applications received, the number of expungement petitions that were granted and denied, and for the data to be disaggregated by race and gender.

However, due to the dynamic nature of the expungement process and the criminal justice system in general, we were unable to obtain a robust data set and were unable to accurately assess how many Kentuckians are impacted by this policy. This limitation significantly affected our ability to produce sufficient findings. Even with the aggregate data supplied by AOC, it was unclear whether this data represented the total number of expungement applications filed, if each application contained one or multiple criminal cases, and the precise number of individuals who had filed for expungement. The two demographic variables, race and gender, were rendered empirically insignificant due to the above-mentioned factors. As a result of this, we were unable to determine as the experiences by race, age, gender, and other demographic characteristics. Additionally, no other demographic data such as area of residence, employment status, family status, educational background, or annual income was available to the HIA team, preventing a more granular examination. Lastly, because data is only collected on people who proactively petition for expungement, there is virtually no way to calculate the total number of people eligible for expungement under the current law.

Enhancement of data collection and reporting mechanisms is recommended to be able to accurately assess the number of individuals living with a criminal record and impacted by expungement policy.

## SURVEY DATA ANALYSIS

Information was gathered from individuals attending four separate expungement clinics in Fayette (1), Shelby (1), and Jefferson (2) counties. These events were selected through convenient sampling method by the LMPHW Expungement HIA team. Overall, 215 individuals completed the survey. Responses highlight the impacts individuals in Kentucky with a criminal record report experiencing related to their health and wellbeing.

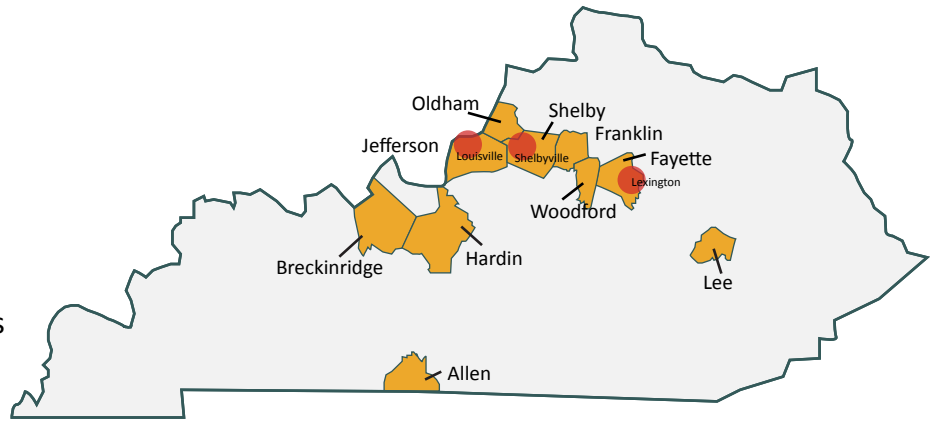


Figure 3: Location of Expungement Clinics and Survey Respondents

Among the 215 respondents completing the survey, 77% were Black, the majority were female (52%), and between ages 35-64 years (63%). Figure 4 includes a full breakdown of survey respondents by race, gender, and age group.

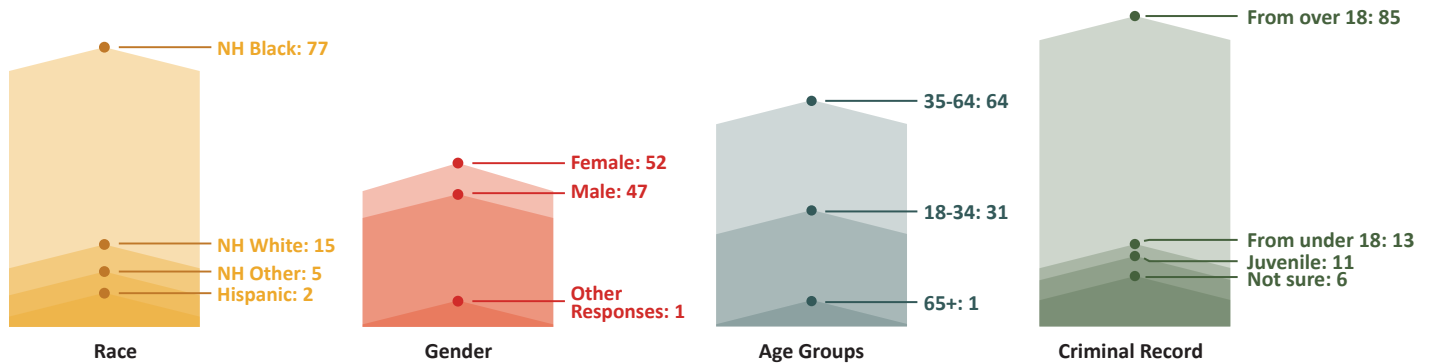


Figure 4: HIA Survey Respondent Demographics by Percentage





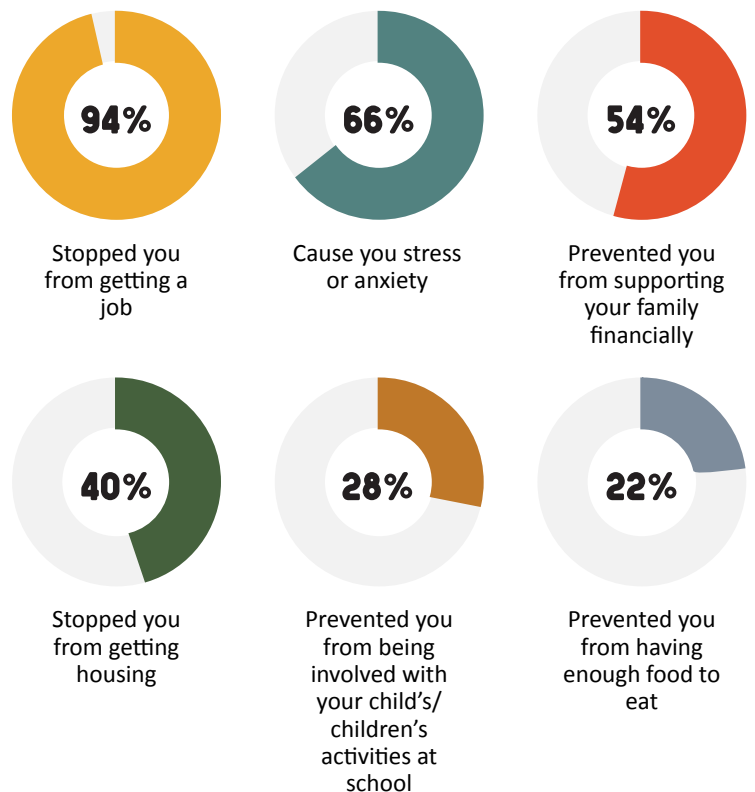
Figure 5 below illustrates the barriers expungement clinic survey participants reported. About 94% identified that their criminal record has stopped them from getting a job.

Given the impacts employment has on financial stability it is not surprising that more than half (54%) of the respondents reported their criminal record has prevented them from supporting their families financially, and 28% of respondents reported their criminal record has prevented them from being involved with their child's/ children's activities at school (28%). Overall, 66% of survey respondents reported their criminal record has caused them stress or anxiety. Looking at other negative impacts and factors that can contribute to poor health outcomes, 40% of the survey participants reported that their criminal record stopped them from attaining stable housing and 22% reported that their criminal record has prevented them from having enough food to eat.

**YOU  
ALWAYS  
FEEL LIKE  
SOMETHING  
IS HOLDING  
YOU DOWN.**

- Male respondent, age 40

**HAS YOUR CRIMINAL RECORD EVER  
(CHECK ALL THAT APPLY):**

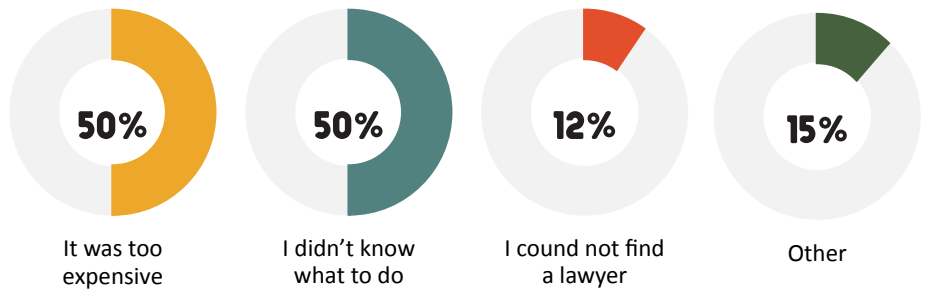


**Figure 5:** Percentage of Survey Respondents Who Reported Barrier Experienced by Having a Criminal Record

Individuals were also asked about their reasons for not seeking expungement (Figure 6). About 72% of individuals reported that they have never tried to get their record expunged due

to the associated cost. Apart from fiscal constraints, reasons such as not knowing what to do (50%) and being unable to find a lawyer (12%) were mentioned as other significant barriers for trying to get their record expunged. Responses in the 'other' category related to not knowing if they were eligible, the process being intimidating and not knowing where to start or receive help, as well as transportation barriers to accessing services.

**WHAT ARE THE REASONS FOR NOT TRYING TO HAVE YOUR CRIMINAL RECORD EXPUNGED?**

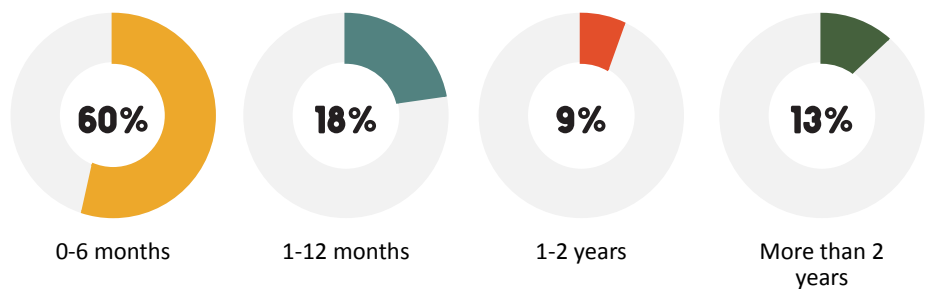


**Figure 6: Reported Reasons for Not Trying to Expunge One's Record**



Of the 215 individuals surveyed, 37% reported having successfully completing the expungement process. While most (60%) of these individuals got their record expunged within 0-6 months, a majority (55%) of respondents found this experience to be either difficult or very difficult. When looking at the length of time respondents reported in Figure 7 it is important to remember that while the expungement process may have only taken 6 months, this was after the five-year mandatory waiting period following their sentence, probation, or parole for eligible charges.

**IF YOU APPLIED FOR EXPUNGEMENT AND WERE SUCCESSFUL, ABOUT HOW LONG DID IT TAKE?**



**Figure 7: Length of Time to Complete Expungement Process**



Expungement clinic participants were also asked about their overall health status before and after arrest and/or incarceration (Figure 8). Among individuals who responded to both questions they reported that their health is poorer now (down from 78% to 66%) than it was before they were involved with the criminal justice system.

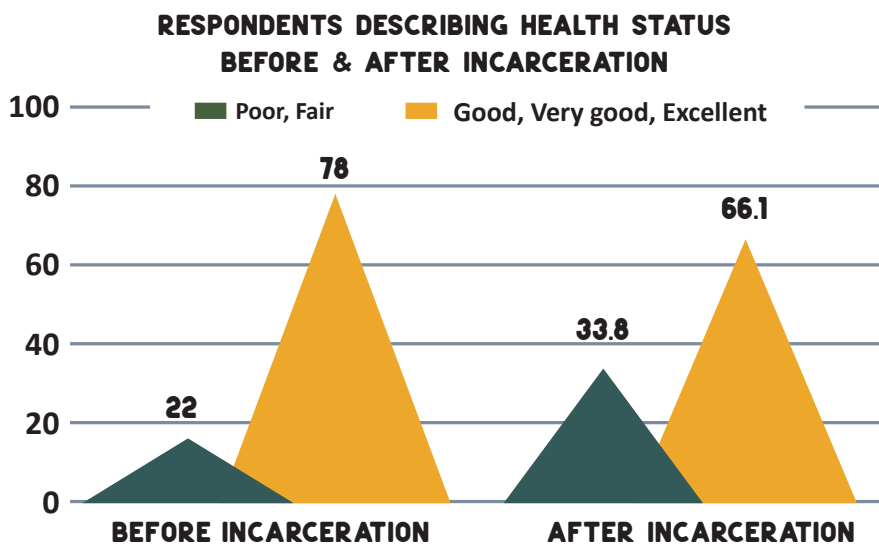


Figure 8: Reported Health Status Before After Arrest/Incarceration Compared to Current Health Status

*“My health [before incarceration] was good. After incarceration it got worst. I started having heart palpitations and blood pressure issues. I haven’t been incarcerated like that since then but even at 42 I and my family are dealing with the impacts of incarceration.”*

- Female respondent, age 42

# Literature Review

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The literature review of this HIA looks at existing documentation on health impacts associated with a criminal record and expungement. Literature review methodology included searches across PubMed, review of citations provided by existing reports related to expungement, and reference of materials referred to the HIA process by stakeholders. This review is not considered exhaustive of all health impacts associated between expungement and health outcomes, but rather serves as a representation of the areas of impact identified by stakeholders through the HIA process.



## EMPLOYMENT

Employment is a strong indicator of health. Those with barriers to employment face gaps in resources for housing, access to healthy food, health care, and support for their family. Results of the HIA survey indicated that the majority (67%) of those seeking expungement were in their prime working years between ages of 35 and 64. The complexities of unemployment can take a physical toll on the body. Research shows a 54% increase in rates of poor or fair health for those that are unemployed. Unemployed individuals are more likely to suffer from increased stress, high blood pressure, heart disease, heart attack, stroke, arthritis, and depression.<sup>37</sup>

As income and wealth increase or decrease, so does health.<sup>38</sup> Employment improves mental health outcomes. Benefits include providing a sense of purpose, intellectual stimulation, and sometimes physical activity that can improve wellbeing.<sup>39</sup> Other aspects of employment that impact health include employee benefits like health insurance and paid sick leave. Health insurance can improve health outcomes through increased access to routine and preventive health care services, which can contribute to more timely diagnosis, reducing chronic illnesses, and

**“**  
**MY CRIMINAL RECORD, ESPECIALLY EARLY ON IN MY CAREER, MADE ME TIMID ABOUT SEEKING OPPORTUNITIES MORE THAN ANYTHING. I FELT AS THOUGH I HAD NO SHOT.**  
**”**

- Male respondent, age 42



premature death.<sup>40</sup> Health insurance can also help with unexpected health care costs.<sup>41</sup> Paid sick leave provides employees time off to care for their own or their family's health, without losing wages or fear of job loss.<sup>42</sup>

The earnings people make over their lifetime can affect how long they live. A study analyzing trends in life expectancy by income group found that from 2001-2014, higher income was associated with more years of life, and that the inequality between the richest 1% and the poorest 1% of individuals was increasing over time.<sup>43</sup>

A criminal record creates a significant barrier for those seeking employment; even a minor offense that had been acquitted decades prior can disqualify a job seeker from consideration.<sup>44</sup> Expungement clinic survey participants from this HIA identified "barriers to employment" as a primary concern for improving life after criminal justice involvement. Along with time spent away from educational opportunities and work experience, those with a record of criminal justice involvement have a very difficult time finding work that is sufficient to support a family.<sup>45</sup>

Research estimates that nearly 27% of people who were formerly incarcerated lack employment, a ratio five times higher than the general population. The intersection of race and gender creates additional bias. The unemployment rate for formerly incarcerated Black



“

**I'VE TRIED TO GET NUMEROUS JOBS BEFORE BUT COULD NOT GET AN INTERVIEW DUE TO MY FELONY RECORD. IT MADE ME STRESS OUT AND GET OVERWHELMED BECAUSE IT'S HARD ONLY HAVING A LIMITED VARIETY OF JOBS. IT'S HARD MAKING A LIVING WITH JUST ONE INCOME SO IT MAKES ME FEEL LIKE I'M NEVER GONNA GET ANYWHERE.**

- Female respondent, age not provided

”

women is nearly 44%. For Black men it is 35%, White women, 23% and White men, 18%.<sup>46</sup> In research by Western and Pettit using Bureau of Justice statistics, past incarceration reduced subsequent wages by 11%, cut annual employment by nine weeks, and reduced yearly earnings by 40%.<sup>47</sup> By the time a formerly incarcerated man reaches age 48, he will have lost an average of \$179,000 in wages.<sup>48</sup>

Studies from other states show that expungement increases employment prospects and earnings. In Michigan, a study found that the first year after an individual's record has been expunged the probability of employment increased by 6.5% and wages rose by about 22%.<sup>49</sup> Similar results were found in a California study that measured a \$6,190 increase in annual income for individuals that had their record expunged, as well as 93% of participants reported feeling confident about their future employment prospects.<sup>50</sup>

Background checks are often the most immediate barrier to employment and can be used to deny employment, housing, and education.<sup>51</sup> Background checks, often commercially managed, can be both biased and/or incorrect. These checks eliminate the opportunity for an initial interview with call backs reduced by at least 50% for White applicants and up to 70% for people of color with similar skillsets.<sup>52</sup> In a survey by Harry and Colleagues, more than 60% of employers said they would not hire someone with a criminal record.<sup>53</sup>

An additional barrier for job seekers includes the requirement of occupational licensure. Occupational licensure is required for a range of fields including health care, teaching, electrical work, cosmetology, construction contracting, and land surveying among others. In a review by the National Consequences of Convictions catalogue, there are roughly 15,000 legal provisions that limit an individual's ability to receive an occupational license if they have a criminal record.<sup>54</sup> Nearly one-quarter of workers need a government-issued license or certification to participate in their occupation. If a job requires a government issued license, certificate, registration, permit, or contract, a criminal record will prevent access to these jobs.<sup>55</sup>

Many second chance employers (employers that hire individuals regardless of their criminal record) historically have not listed themselves as such due to the stigma related to criminal justice involvement. However, with low rates of unemployment, some employers are beginning to reconsider this policy.<sup>56</sup> In 2017, the Fair Chance policy was signed into effect to increase opportunities for those with a felony seeking employment with the State of Kentucky.<sup>57</sup> While organizational efforts to encourage second chance employment are important, these individual transitions are not sufficient to accommodate the thousands of Kentucky job seekers with criminal records.


One study found that fewer than 4% of individuals were rearrested within five years of having their record expunged.<sup>58</sup> Ultimately, employment reduces the chance that someone will return to prison.<sup>59</sup> Employment is considered a "rehabilitative necessity" due to the strong inverse correlation between employment and recidivism.<sup>60</sup>



## HOUSING

Stable, quality housing is a key indicator of health. Where someone lives can affect their safety and sense of wellbeing.<sup>61</sup> Housing quality can impact respiratory health through exposures to mold and dust,<sup>62</sup> as well as impact cognitive development in children resulting from exposure to lead paint.<sup>63</sup> Housing has also been identified as a critical component for management of drug addiction.<sup>64</sup> When an individual has stable housing, they have greater capacity to manage other challenges resulting from addiction. Ultimately, when one is navigating the challenges imposed by a criminal record, they may also experience homelessness. Insufficient income is a strong driver of homelessness.<sup>65</sup>

Federal, state, and private housing policies create barriers to those with a criminal record from finding a safe and healthy place to live. These restrictions can also impact family members, who may be denied housing or evicted if a family member with a criminal record moves in with them.<sup>66</sup> The U.S. Department of Housing and Urban Development's public housing regulations permit those with a criminal record to live at an apartment. However, local housing authorities can create bans on those with criminal records, even if their history would have no impact on the place they are living.<sup>67</sup> Such disruptions break connections with family, friends, schools, and other support networks.<sup>68</sup>



**“I have been denied being able to rent a house due to my background.”**

*- Female respondent, age 35*

Public Housing Authorities (PHAs) can institute more stringent bans than are required by federal law. They often use their own discretion when setting ban lengths and defining what backgrounds and behaviors are permissible at the PHA. As a result, families seeking housing may face inconsistent rules between different PHAs, limiting housing security.<sup>69</sup>

Lack of housing can also make it harder to acquire a job. Without a permanent address, job seekers often face biases from potential employers. Homelessness is often associated with addiction and a criminal record, creating a red flag for employers without full explanation of a person's background.<sup>70</sup> Unstable housing can also contribute to recidivism. A New York study found that a person without safe and affordable housing was seven times more likely to reoffend.<sup>71</sup>

Drug related charges are the primary barrier to housing for those with a criminal record. High crime rates in public housing in the 1980s led to the passing of the Anti-Drug Abuse Act of 1988. This act created a one strike eviction policy, allowing a person to be evicted for “(A) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents; or (B) Any drug-related criminal activity on or off the premises.” This policy also excludes anyone with a conviction from obtaining public housing.<sup>72</sup> The Housing Opportunity Program Extension Act of 1996 and the Quality Housing and Work Responsibility Act of 1998 enacted further barriers to public housing for those with a criminal record and their families. While these policies were intended to reduce crime, they ultimately had the opposite effect. Drug-related crimes in communities persisted. In turn, families were separated, and associated hunger, poverty, evictions, and homelessness increased due to economic loss. Differentiation in the classifications of drugs being sold led to higher convictions of people of color, further increasing the burden on this population.<sup>73</sup>

***I applied for an apartment and got turned down. I have two daughters and we were homeless for a while.***

*- Female respondent, age not provided*

## **LOANS FOR HOUSING**

There are currently no federal laws requiring a background check to receive a home loan. A bank, however, can make its own decisions regarding who it lends money to. Even if a bank does not require a background check, questions regarding employment and housing may uncover gaps in this history related to incarceration. Accessing criminal justice system involvement is available through a wide variety of public and private sites, where information can be misleading and/or inaccurate (arrested, but not convicted) and/or happened a long time ago (more than seven years).<sup>74</sup>





## **RATES OF HOUSING INSECURITY FOR THOSE WITH PRIOR CRIMINAL JUSTICE INVOLVEMENT**

Most landlords will not rent to individuals with an arrest or criminal history.<sup>75</sup> Formerly incarcerated people are almost ten times more likely to be homeless than the general population with 200 per 10,000 experiencing homelessness compared to 21 per 10,000 of those with no history of criminal justice system involvement. Rates of homelessness among people with criminal justice involvement are higher for people of color, women, people who have recently been released from prison, and those who have been incarcerated more than once. Within the category of housing instability, women find shelter at higher rates than men. Those who are left sleeping outside ultimately face higher risk of re-arrest due to laws against sleeping in public places, panhandling, and public urination. The penalties resulting from living outside therefor can create a revolving door of incarceration and homelessness.<sup>76</sup>

## **FAMILY HEALTH**

A history of criminal justice system involvement creates hardships not only on the individual with the record, but also for their family, children, and dependents. Parents with a criminal record are unable to visit or volunteer at their child's school, attend field trips, and coach sports. Obstacles including limited access to employment, housing, and government subsidies, as well as having to pay legal fees, keep families from advancing economically. At 13%, Kentucky has the highest rate of children who have had an incarcerated parent.<sup>77</sup> Reducing the number of parents with a criminal record would reduce the number of children experiencing the associated health impacts of long-term poverty.

Poverty creates a range of barriers for children. Children in poor families are about seven times as likely to be in poor or fair health as children in families with incomes at or above 400% of the federal poverty level (FPL).<sup>78</sup> Those experiencing poverty are more likely to enter school behind their peers, score lower on achievement tests, work less and earn less as adults, and have worse health outcomes.<sup>79</sup> This situation can create generational poverty as children starting with fewer resources often incur barriers to their own development.<sup>80</sup>

The majority of women (80%) incarcerated across the U.S. are mothers.<sup>81</sup> Parents who are trying to regain their footing after a period of incarceration for drug related charges are faced with additional restrictions for public assistance. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 includes a lifetime ban on receiving federal public assistance—through the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF)—for individuals with felony drug convictions.<sup>82</sup> Families that cannot access benefits as a result of their criminal record face extended hardships that can have long term impacts on a child's

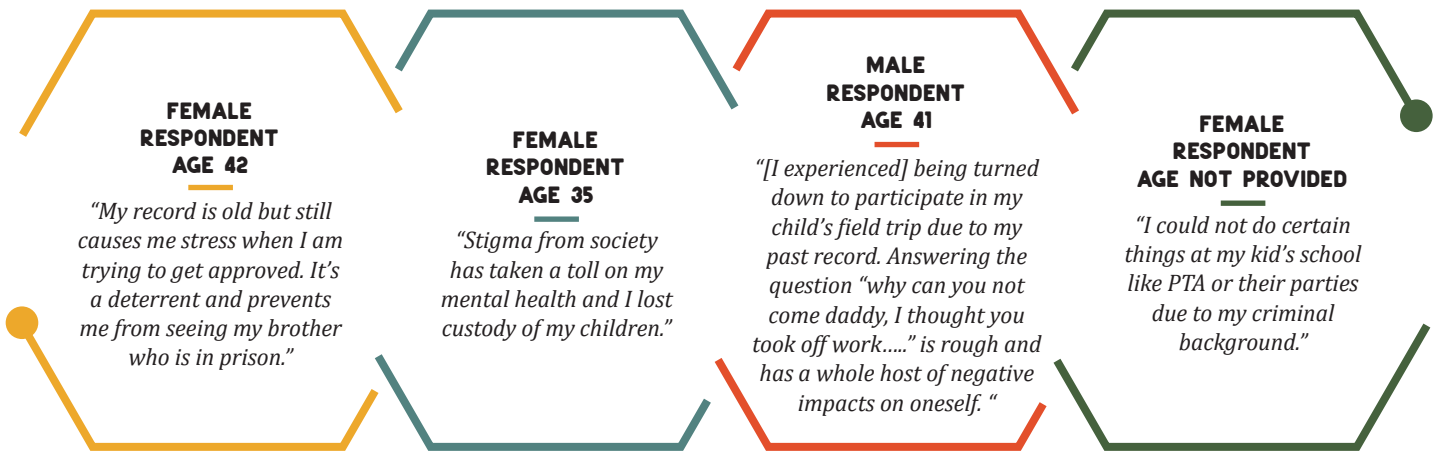
development. Women are affected by this policy at higher rates than men, with women having higher rates of drug offenses than other types of crimes.<sup>83</sup> Having sufficient funds to support a household has a significant impact on the wellbeing of the family.

Sufficient income at an early age plays a critical role for helping boost upward economic mobility later in life. Research by Duncan and colleagues found that boosting the income of a family with limited means by just \$3,000 between their child's prenatal year and age 5 leads to a 17% average increase in the child's annual earnings later in life.<sup>84</sup>

Adverse childhood experiences (ACEs) are stressful events in a child's life that can create long-term impacts on health.<sup>85</sup> Research by Lee et al. found an association between incarceration of a parent and poor health outcomes in children include depression, post-traumatic stress disorder, anxiety, cholesterol, asthma, migraines, and increased risk of HIV/AIDS.<sup>86</sup> While incarceration of a parent is considered an ACE, the adverse experience can be mitigated if support structures are in place. Further, reducing additional ACEs common among children living in poverty can help improve the long-term health outcomes of a child.<sup>87</sup> If not mitigated, poverty creates toxic stress, releasing hormones that degrade the brain and body. This can affect development leading to learning and behavior impairments as well as physical and mental illness later in life.<sup>88 89 90 91</sup> Children in lower-income households also tend to develop vocabulary at a slower rate than their higher-income peers, and they ultimately have more limited language skills, affecting school performance.<sup>92</sup>

Families with a parent who has a criminal record are more likely to live in poverty than those who have never been involved with the criminal justice system.<sup>93</sup> As racial bias can have an impact on who is arrested, Black men are more likely to be arrested and spend time incarcerated. Children of color are therefore more likely to have to navigate life with a parent with a criminal record.<sup>94 95</sup>

Housing instability related to a criminal record, can also have a major impact on a child. Reunification is often very difficult if a parent does not have a safe place to live. If a parent can find stable housing, it helps bolster child wellbeing and reduces the likelihood of recidivism.<sup>96</sup>





## FOOD ACCESS AND NUTRITION

Having a criminal record can create food insecurity. Limited financial resources caused by underemployment can lead families to make difficult decisions between food and other basic needs. Results of the HIA's survey found that 22% of individuals seeking expungement had faced challenges having sufficient amounts of food.

Good nutrition is critical for a wide range of health concerns. For pregnant mothers, a lack of proper nutrition can affect gestational weight gain and pregnancy complications,<sup>97</sup> lead to low birth weight,<sup>98</sup> as well as maternal depression.<sup>99</sup> Poor nutrition can also lead to anemia,<sup>100</sup> as well as impact a child's early emotional development.<sup>101</sup>

Research indicates that not having enough food to eat can affect a child's success in kindergarten.<sup>102</sup> School age children who are food insecure may experience more weight gain, and reductions in academic performance and social skills.<sup>103</sup> Adolescents are also more likely to have mental health problems when there is food insecurity in the home.<sup>104</sup> They may also have anemia<sup>105</sup>, experience less physical activity,<sup>106</sup> and experience depression, and suicidal ideation.<sup>107</sup>

Adults experiencing food insecurity are at higher risk of developing a range of chronic diseases<sup>108</sup> including kidney disease,<sup>109</sup> depression,<sup>110</sup> cardiovascular disease,<sup>111</sup> and suicidal ideation.<sup>112</sup>

While a criminal record creates economic barriers to food access, those with drug related charges face additional barriers. One in five incarcerated people is locked up for a drug offense.<sup>113</sup> As previously discussed, a drug related charge eliminates one's ability to apply for both SNAP and TANF. According to the Kentucky Department of Community Based Services (DCBS), drug felony convictions disqualified 1,757 people from SNAP assistance from January 2018 through April of 2019.<sup>114</sup> SNAP provides important benefits to help participants purchase nutritious foods. Without access to SNAP, individuals with drug related charges, who are already facing other obstacles to good health, are at risk for hunger and malnutrition. While states can opt out of this ban, Kentucky has not.<sup>115</sup> The ban on SNAP and TANF can be waived if the individual attends or has completed rehabilitation. However, rehab may be inaccessible to those raising families or who have limited resources to pay for the treatment.

The federal ban on receipt of SNAP and TANF for individuals with felony drug convictions disproportionately impacts people of color.<sup>116</sup>



## **EDUCATION**

Education is a key indicator of health, influencing the type of work a person does, the conditions in which a person works, and the income resulting from that work.<sup>117</sup> Research by Cutler and Lleras-Muney found an association between levels of education and health outcomes including rates of obesity, smoking, and illegal drug use. Higher levels of education increase life expectancy, reduce certain mental health concerns, and have been observed to reduce the risk of heart disease and diabetes. Individuals with an additional four years of education beyond high school also report more positive health behaviors and have a lower probability of reporting being in fair or poor health.<sup>118</sup>



People with more education are more likely to learn about healthy behaviors. Educated patients may be better able to understand their health needs, follow instructions, advocate for themselves and their families, and communicate more effectively with health care providers.<sup>119</sup>

Job applicants with more education are more likely to be employed and land a job that provides health-promoting benefits such as health insurance and paid leave.<sup>120</sup> Conversely, people with less education have fewer employment choices and are more likely to work in high-risk occupations (more physically demanding or with exposure to toxins) with few benefits.<sup>121</sup> Educated adults also tend to have larger social networks. These connections bring access to financial, psychological, and emotional resources that may help reduce hardship and stress, and improve health.<sup>122</sup>



## **COLLEGES MAKE DECISIONS BASED ON CRIMINAL RECORDS**

Nationwide surveys indicate that the majority of colleges use background checks during the admissions process. The Common Application used extensively by U.S. systems of higher education for the admissions process, asks about both misdemeanor and felony convictions, as well as guilty adjudications in the juvenile system.<sup>123</sup> Those that check the box may have to pay for a full national background check. For the colleges that do the checks, the majority do not have trained staff who can properly interpret what a conviction might mean.<sup>124 125</sup>

## **STUDENT LOAN ELIGIBILITY**

A criminal record prohibits access to certain types of financial support for higher education. In Kentucky, a person with a felony conviction cannot access funds from the Go Higher Grant Program (KHEA), or the Commonwealth Merit Scholarship Program. This supplemental award is designated for nonpublic high school students, including GED students. An individual may also not be able to apply for an authority insured student loan in Kentucky if they have a state or federal offense related to the distribution or possession of controlled substances.<sup>126</sup> This disproportionately impacts applicants of color. People of color are more likely to be arrested, convicted, and/or incarcerated than White students despite the fact that they use and deal drugs at about the same rates.<sup>127</sup> They are also more likely to need federal financial aid to attend college.<sup>128</sup>



## **EDUCATION REDUCES RECIDIVISM**

Research shows that education can reduce the likelihood of returning to prison within three years by over 40%.<sup>129</sup> An Open Society Institute study found participation in higher education lowered recidivism to 15%, 13% and under 1% for people who earned an associate's, bachelors, and master's degree, respectively. In contrast, the general recidivism rate hovers around 63% nationally.<sup>130</sup>

## **HIGHER EDUCATION LEADS TO HIGHER PAY**

According to the U.S. Census Bureau, median income for someone who has not completed high school is \$21,738, while it is \$29,815 for someone who has. The median income for someone who has completed a bachelor's degree on the other hand is \$52,019. The U.S. Census Bureau reports that the lifetime earnings for people with a high school diploma are \$1.2 million, compared to \$2.1 million for people who obtain a bachelor's degree.<sup>131</sup>

# Mental Health Concerns and Substance Use Disorder Compound Interactions with the Criminal Justice System

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*"Every day it's been stressful when I'm trying to maintain a living or be active in my kid's activities and I can't. That causes me terrible stress and anxiety and eventually depression."*

- Female respondent, age not provided



In Kentucky, it is estimated that around 25% of incarcerated individuals receive services for their mental illness.<sup>132</sup> This may be an underestimate, as many county and city jails do not keep data on those with mental health disorders unless a problem arises from the individual. Individuals living with a criminal record in Kentucky interviewed as a part of this HIA report experiencing stress and anxiety, and some even mentioned these feelings leading to thoughts of alcohol or drug use.

Once released, the inability to find steady employment and financial stability can exacerbate anxiety and depression. Those suffering from addiction face additional stigma and challenges to create stability in their lives. Discrimination is persistent for individuals with criminal justice involvement and correlates with a range of negative health outcomes from decreased self-esteem to a feeling of loss of control.<sup>133</sup> A 2009 study conducted by Pascoe and Richman determined that perceived discrimination is associated with a 16% decrease in mental health outcomes including depression, post-traumatic stress disorder, feeling distressed, and other key indicators related to personal perceived well-being such as satisfaction with life, perceived stress and anger, and self-esteem.<sup>134</sup> Expungement of a record has the potential to reduce discrimination related to an individual's criminal justice involvement, improving opportunities and mental health outcomes.

Individuals in state and federal prisons have histories of addiction at more than seven times the rate of the general public.<sup>135</sup> Fewer than half receive treatment while incarcerated<sup>136</sup> and more than half relapse within months of release.<sup>137</sup> Drug overdose is the leading cause of death in the first year following incarceration, with those possessing histories of addiction experiencing an elevated risk.<sup>138</sup> Among individuals who are conditionally-released (i.e., those on parole, supervision, or other restricted release), those with substance use disorders are more likely to have an average household income less than half that of their non-substance involved counterparts.<sup>139</sup> Expungement of a criminal record can reduce the barriers that are required to address substance use: secure housing, employment, and food.

## LOCAL ECONOMY

Healthy economies lead to healthier populations.<sup>140</sup> Healthier individuals are more productive, learn more in school, and, because they live longer, are more likely to accumulate money that can be passed on to other family members.<sup>141</sup> On the other hand, communities with greater income inequality can experience a loss of social connectedness, as well as decreases in trust, social support, and a sense of community for all residents.<sup>142</sup>

When communities with a large number of individuals with criminal records are underemployed, local economies are impacted. Fewer people pay taxes and more people turn to unemployment insurance and social services.<sup>143</sup> Unemployment is also a driving force behind the deficit in the federal budget. Nationally it is estimated that loss of employment due to criminal histories cost the US economy the equivalent of 1.5-1.7 million workers and reduced the US GDP by \$57-65 billion in 2008 alone.<sup>144</sup> If not for mass incarceration and the barriers associated with having a criminal record, it is estimated that the nation's poverty rate would have dropped by 20% between 1980 and 2004.<sup>145</sup>

As mentioned earlier in the report, the majority of HIA survey respondents were between the ages of 35-64 years (63%). These are some of the prime working years and limitations on their full participation in the workforce extend to employers and revenue declines for state and local government. Strong expungement policies help individuals get back to work. A study by Bucknor and Barber found that individuals who were able to get their record expunged experienced increased wages, generated increased income taxes, and reduced expenditures on government assistance programs.<sup>146</sup>

As previously discussed, employment is a key component for reducing recidivism.<sup>147</sup> Studies show that employing individuals with criminal records help reduce crime, improve public safety, as well as reduce costs to victims and taxpayers.<sup>148 149 150</sup> Research has shown that local jurisdictions have the potential for a significant cost savings on the court costs of expungement cases when automatic expungement is implemented. This cost savings includes the hourly costs of the bailiff, district attorney, public defender, court recorder, legal processing clerk, judge, and any other employee working on expungement cases. In Santa Clara County in California, this total cost savings was estimated to be \$10,000 annually.<sup>151</sup> However, the actual amount saved will vary depending on the individual jurisdiction salary and court composition.



# Recommendations

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Based on a comprehensive analysis of the research cited in this report and feedback from stakeholders working with the criminal justice system, the following recommendations are made to reduce health inequities of those with a criminal record seeking expungement. Recommendations are provided that would increase the number of individuals with access to expungement, decrease wait times, decrease costs, and simplify the process as a means to restore opportunities for better health.

**1** Implement immediate automatic expungement of all acquitted and dismissed charges.

Automatic expungement places individuals immediately back into the position they were before they had to deal with the criminal charges, allowing them to find employment, housing, and income to support their families. Automatic expungement of acquitted and dismissed charges also eliminates confusion for those who did not know they had a criminal record due to the fact that they were not convicted of a crime. Expungement of dismissed cases should include those both “with” and “without” prejudice. It also prevents individuals from having to explain unfounded charges that show up during background checks.

**2** Improve data collection and reporting mechanisms within the Administrative Office of the Courts and Corrections to inform estimates of the population affected by expungement policy and potential reforms. Improve data collection around youth impacted by families seeking expungement.

When considering amendments to a policy, it is important to understand how many people will be affected by that policy. Throughout the HIA process, researchers were unable to find data on specific populations of individuals that were eligible for expungement. Improved data collection would help inform the types of resources required to support individuals such as those needing mental health services and/or treatment for addiction, measures that would help reduce recidivism and improve opportunities for expungement.

Data on the number of children with a parent eligible for expungement is limited. Knowing which individuals have children can help reduce the long-term impact of poverty on second generations.



- 3 Increase awareness related to the expungement process, including changes in expungement eligibility and an individual's rights under the law, as well as resources for pursuing expungement.

Survey respondents indicated that they had not previously sought expungement because they did not know how to begin the process. Increasing knowledge would help make the expungement process more accessible, ultimately improving the health outcomes of those with an expungable record.

- 4 Implement automatic expungement for all people eligible for expungement under current law.

Automatic expungement eliminates an individual's need to apply for the expungement process, creating the most immediate and expansive restoration of rights and access to a healthier lifestyle. This could potentially reduce administrative and financial burden on the criminal justice system.

- 5 Reduce the amount of time that someone has to wait before they can apply for expungement.

When someone is waiting for expungement and they are unable to find work with meaningful pay, their risk of recidivism increases.

Shortening the time requirement required prior to expungement would be better for children. Trauma experienced by both having a parent in prison as well as that experienced once they are out (trying to find work and get out of poverty), can have long term impacts on children.

- 6 Reduce costs across the expungement process.

The expungement process is expensive, creating additional barriers for those who are already facing economic hardships resulting from not being able to get a job. Reducing costs would increase access to expungement and the associated health benefits.

- 7 Ensure that the fee waiver remains available for destitute individuals.

Those who are destitute and homeless often cannot afford expungement fees. The fee waiver should remain in place in order to ensure that all have access to expungement and the associated health benefits of those with cleared criminal records.



**8** Update tracking of expungement eligibility to be automatic, eliminating requirements for certificates.

Application for certificates to determine expungement eligibility creates an additional cost and time barrier for those seeking expungement. An updated system may also address current concerns such as expungement orders disappearing from the online system and inaccurate certificates. A system that automatically tracks one's eligibility for expungement and lets them know that they are eligible for expungement would increase the number of individuals aware of their eligibility status.

**9** Lift the ban on those with drug related crimes to ensure that all families have access to nutritional and financial assistance (SNAP and TANF).

SNAP and TANF benefits can help provide temporary assistance to help lift families out of poverty, an economic status that increases the risk of a wide range of health concerns for both the individual with a record and their family.

**10** Create expungement policies that support a two-generation, family-based approach.

Expungement of one's criminal record may help improve relationships with one's children. Expungement creates increased opportunities for financial support as well as for custody of children. A two-generation approach helps break the cycle of disease and poverty for both parents and children.<sup>152</sup>

**11** Ensure a process by which expunged records are removed from private collectors' databases of criminal records.

Requiring that private databases be updated ensures that those with expunged records regain all of their rights as well as the associated health benefits from improved quality of life.

Each of these modifications would create an incremental expansion of the number of people eligible to partake of the increased opportunities for employment, housing, and improved wellbeing that an expunged record offers.

# Discussion

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A criminal record can create extensive barriers for health, reducing access to employment, housing, healthy food, education, and support for family. The expungement process, though technically available to thousands of Kentuckians, remains complicated and unaffordable for many. Amendments to KRS Chapter 431 that increase expungement opportunities are important for the promotion of individual, family, and community health.

Implementing automatic expungement for those with acquitted or dismissed charges would improve the health and wellbeing of many Kentuckians who are unjustly living with a criminal record. A policy establishing full automatic expungement once an individual has completed their sentence would create the greatest impact, reducing time, expense, and legal barriers to a clear record.

Because people of color are disproportionately affected by the criminal justice system, they are left facing the challenges that a criminal record creates in greater numbers. This disparity creates a burden on families, compounding the risks and impacts of long-term poverty. Addressing these inequities through increased access to expungement is critical to achieve health equity, a measure that ensures that everyone has the resources to live their healthiest life.

Examples of bills from other states can serve as guideposts for the development of improved expungement policy in Kentucky. In 2018, Pennsylvania became the first state to institute automatic sealing of records with their Senate Bill 529. The process requires a 60-day waiting period of non-convictions and a 10-year conviction-free waiting period for convictions, but will be retroactive for all misdemeanors punishable by imprisonment of less than two years. This bill is expected to seal over 30 million criminal records. An analysis of the automatic process estimates that the cost per expungement will drop to about five cents.<sup>153</sup>

In 2019, Utah enacted House Bill 431, a “clean slate” law providing for automatic expungement of many non-conviction, infraction, and misdemeanor criminal records beginning May 1, 2020.<sup>154</sup> The law will apply retroactively, and individuals must be crime-free for a specified period based on the charge being expunged. California followed soon after Utah with Assembly Bill 1076, also passed in 2019. This bill will take place January 1, 2021 and is expected to seal at least 8 million misdemeanor and non-violent records.<sup>155</sup> Michigan<sup>156</sup> and Colorado<sup>157</sup> are both considering similar bills.

Kentuckians seeking expungement have articulated the impacts that a criminal record has had on their health. Records have created barriers to employment and housing, have led to an inability to support one’s family, and have limited access to quality food. Carrying a criminal record creates stress, anxiety and stigma. Long term unemployment and poverty can make managing a substance use disorder more challenging and can also lead to recidivism. Proactive measures to improve expungement access will help alleviate these concerns. This ultimately helps individuals improve their lives while working towards health equity across the Commonwealth.



# Appendices

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## APPENDIX 1: EXPUNGEMENT PARTICIPANT SURVEY QUESTIONS

1. How familiar are you with getting your criminal record expunged?

- Not familiar
- A little familiar
- Moderately familiar
- Very familiar

2. Have you ever tried to have your criminal justice record expunged?

- Yes
- No
  - a. If yes, how difficult was the process?
    - Very difficult
    - Difficult
    - Neither difficult nor easy
    - Easy

If yes, what motivated you?

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b. If no, what are the reasons for not trying? Please check all that apply:

- It was too expensive
- I could not find a lawyer
- I was not interested
- Transportation was a barrier
- I didn't know what to do
- It takes too much time
- Other, please explain

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3. If you applied for expungement and were successful, about how long did it take?

- 0-6 months
- 7-12 months
- 1-2 years
- More than 2 years

4. Has your criminal record ever (please check all that apply):

- Stopped you from getting a job?
- Stopped you from getting housing?
- Stopped you from getting healthcare?
- Prevented you having enough food to eat?
- Caused stress or anxiety?
- Prevented you from supporting your family financially?
- Prevented you from being involved with your child's/children's activities at school?
- Other, please specify \_\_\_\_\_

5. Do you have access to health insurance (Passport, Medicaid, employer provided, etc.)?

- Yes
- No

6. How would you describe your health before arrest and/or incarceration?

- Poor
- Fair
- Good
- Very good
- Excellent

7. How would you describe your health now?

- Poor
- Fair
- Good
- Very good
- Excellent

## APPENDIX 2: INTERVIEW QUESTIONS

Date \_\_\_\_\_

Interviewer \_\_\_\_\_

Interview participant code: \_\_\_\_\_

1. Describe your experience of trying to get your criminal record expunged.

2. Describe a situation where your criminal record has kept you from one of the following. What impact did it have on your health and well-being?

3. Describe a situation where your criminal record has done one of the following. What impact did that have on your health and well-being?

4. How would you describe your health before incarceration?

5. How is your health now? What things have influenced how your health is now?

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