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LEGISLATIVE SURVEY – ADDICTION RECOVERY/RE-ENTRY POLICIES

ANALYSIS

In late September 2008, the Rhode Island Center For Law And Public Policy mailed 190 surveys to candidates for the General Assembly. Two weeks later, in mid-October, approximately 160 follow-up contacts were conducted via telephone and e-mail.

Twenty-four surveys were returned. That number does not include telephonic conversations with candidates who indicated that because of possible political retribution, they could not respond. Those candidates will not be identified nor will their telephonic contributions be included in the tabulation of results.

Thirty-one candidates for state representative are running unopposed in the November election. Of that number, three unopposed candidates responded to our survey. On the state senate side, only one of the twelve unopposed candidates responded to the survey.

Responses were greater from state senate candidates than from candidates for the state house of representatives. In fact, 18% of members of the current state senate returned surveys. The percentage return from incumbent state senators provides an insight into the thinking of senate members on the issues contained in this survey.

Finally, responses were received from democrats, republicans and independent candidates for the General Assembly. While republican candidates tended to be more reluctant to strongly support the proposals contained in the survey, it was surprising that only a few responses disfavored any of the proposals.

THE SURVEY

The survey consisted of ten policy proposals ranging from ex-offender re-entry to addiction recovery programs. Specifically, the survey queried sentiment relative to expungement and Certificates of Rehabilitation. The expungement question addressed the expansion of this procedure to include multiple misdemeanants. Legislation to that effect was introduced in the last session of the General Assembly. Legislation permitting

Certificates of Rehabilitation was also introduced in the last session. Neither the expungement nor the Certificate of Rehabilitation legislation were voted out of committee and voted on by either chamber of the General Assembly.

One question addressed the issue of ex-offenders ability to obtain professional licenses. There are over twenty statutes that prohibit the issuance of professional licenses to ex-offenders. In the last session of the legislature, no legislation was introduced to systematically address this issue.

Currently, there is no statutory procedure to submit petitions of pardon to the Governor. One survey question gauged the sentiment for establishing such a statutory procedure as is provided in other states.

One question addressed the creation and expansion of vocational and education programs to aid ex-offenders in their attempt to re-enter their communities.

Two questions addressed the expansion of treatment programs to persons suffering from drug and alcohol addiction in both institutionalized and community settings.

One question, complimentary to the previous two questions, inquired about the provision and expansion of recovery support programs to assist former drug and alcohol users to remain clean and sober.

One additional question attempted to gauge support for “good Samaritan” protection for those coming to the aid of persons suffering from a drug overdose.

Finally, one question concerned the possibility of imposing alternative sentences to those convicted of drug possession.

SURVEY RESULTS – GENERAL COMMENTS

The issues raised in this survey are considered politically charged and because of that, legislators often shy away from taking public positions on these issues. That was evident by some of the responses received via telephone.

It is always tricky to read too much into survey responses. Often, surveys ask whether a candidate/officeholder supports or opposes a given proposition. This survey, recognizing that every public policy question is nuanced, provided respondents four options by which they could tailor their responses to more accurately reflect their views on these issues. Many respondents made use of those options and by doing so provided insights into the depth and intensity of support or opposition regarding these issues.

Additionally, we solicited comments from the respondents. Many respondents provided comments, which gave their responses a depth that might otherwise not have been provided.

The results of this survey clearly show that it is possible to develop and enact legislation on a whole range of addiction recovery/re-entry issues. Particularly interesting was the support for expungement of multiple misdemeanants' criminal records. Many ex-offenders committed offenses that were drug or alcohol related. Although in recovery, their records continue to bar their full re-entry into the community. Although the support of this proposal was evenly divided between those strongly supporting and those somewhat supporting this question, the supporters of this question outnumbered the opponents by a factor of nine to one.

There was also strong support for the provision of Certificates of Rehabilitation (CoR) as an alternative to expungement. Used in other states, these CoRs are granted to deserving individuals, on a limited basis, short-term or long-term, to remove various disabilities faced by ex-offenders in the areas of housing and employment.

Nearly all respondents, to one degree or another, supported the creation or expansion of recovery and treatment programs to aid in the recovery of Rhode Islanders suffering from various drug and alcohol addictions. Indeed, respondents supported programs in both institutional and community settings. Moreover, there was strong support for the establishment or expansion of vocational and educational programs to aid persons re-entering the workforce.

There was strong support for alternative sentencing procedures for persons convicted of drug possession.

While it is possible to overstate these results, it seems safe to conclude that there is a core of support among candidates for the General Assembly around legislation that will address these issues. While the creation and expansion of recovery programs is as much a function of financing as anything else, the issues addressing the criminal procedure issues, particularly the expungement and Certificates of Rehabilitation issues, enjoy broad support and are not likely to cost the state money in their implementation.

This is RICLAPP's first survey on these issues. Far from complete, it provides a guide to future conversations with respondents who will be elected to the legislature next month. RICLAPP will distribute these results to all interested parties in the hope that the information developed by these surveys can be useful in advancing an agenda that will benefit all Rhode Islanders and result in more cost-effective policies and programs.

THE SURVEY – BREAKDOWN OF QUESTIONS

Each respondent had a choice of four responses: strongly support; somewhat support; somewhat oppose; and strongly oppose. Each respondent was invited to give

his/her comments in order to elaborate on an individual response.

Not all respondents answered all questions. For example, Senator Lanzi wrote a lengthy letter broadly addressing some of the issues contained in the survey and specifically addressing other issues. Only her specific responses to specific questions in the survey were included. Another example was Senator Gibbs, who submitted a survey stating that she generally supported the issues addressed by the survey but would like to review any specific legislation prior to making any definite commitment. Her responses were included as “somewhat support”.

Question one addressed the removal of licensing barriers to Rhode Islanders in recovery. A large majority of respondents strongly supported this initiative while 17% somewhat opposed this measure. Neither Senator Lanzi nor Paiva Weed expressed any opinion on this matter. Representative Dennigan stated that she needed explicit legislation before she could respond. State representative candidate Little stated that his support depended on the scope of any legislation. State senate candidate Demings stated that he would limit licensing only to first time offenders and senate candidate DeVall stated that he would need more information before rendering an opinion. House candidate Vitkevich offered no opinion on this question.

Question two addressed Certificates of Rehabilitation. All those who responded were either strongly or somewhat supportive. Senators Lanzi and Walaska offered no opinion on this question. Once again, Representative Dennigan wanted to review a specific proposal before offering her opinion. State representative candidate Little was unfamiliar with Certificates of Rehabilitation and offered no opinion.

Question three addressed expanding expungement to multiple misdemeanants. Forty-five percent of respondents strongly favored this proposal, forty-five percent somewhat supported this proposal, and ten percent were somewhat opposed to this proposal. State representative candidate Little and state representative Dennigan wanted to see specific legislation before committing to a position. State representative candidate Demings generally supported this question for applicants who sought expungement after five years from the date of their last convictions. Senator Paiva Weed stated that she had supported this issue in the past but reserved judgment on this question until she could review specific legislation.

Question four addressed a statutory procedure for submitting Petitions for Pardon to the Governor. All respondents either strongly or somewhat supported this proposal. Senator Paiva Weed wanted to review a specific proposal and offered no opinion. Senator Lanzi offered no opinion. House and senate candidates Vitkevich and Demings respectively focused on the circumstances of the Petition for Pardon. Senate candidate Demings offered no opinion on this question.

Question five addressed addiction treatment to Rhode Islanders in a community setting. All respondents either strongly supported or somewhat supported this issue. Senator Lanzi offered no opinion.

Question six addressed addiction treatment to institutionalized Rhode Islanders. Again, all respondents supported this proposal. Senator Lanzi did not specifically respond to this issue. Representative Almeida commented that the Adult Correctional Institution did a poor job in providing addiction treatment programs.

Question seven tried to gauge support for recovery programs for former drug and alcohol abusers. Ninety-six percent of respondents supported this proposal, with four percent somewhat opposed to this proposal. Senator Lanzi offered no opinion on this issue.

Question eight addressed vocational and educational programs for ex-offenders re-entering the workforce. All respondents favored this proposal with those strongly supportive three times more likely to support it than those somewhat supportive. Senators Walaska and Lanzi had no opinion on this question.

Question nine addressed alternative sentencing for persons convicted of drug possession. All respondents supported this proposal. House candidate Bedrosian's support of this issue was predicated on dealers being excluded from eligibility for alternative sentencing.

Question ten addressed good Samaritan protection with the greatest number of respondents strongly supporting this proposal. Senator Lanzi offered no opinion on this question.