

Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014

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REPORT SUMMARY

For More Information

The Vera Institute of Justice is an independent nonprofit organization that combines research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

This year marks the 20th anniversary of the 1994 Crime Bill. To examine the legacy of this landmark legislation, the lessons learned, and the path ahead, Vera launched *Justice in Focus: Crime Bill @ 20*, a multimedia initiative featuring interviews with and statements from architects of the bill, criminal justice experts, policymakers, law enforcement officials, and community leaders, which can be found at www.vera.org/crimebill20.

In conjunction with the Crime Bill initiative and to assess current legislative trends, Vera has issued a series of reports on where the states stand on mandatory minimums, drug law reform, and other sentencing and corrections policies and practices. This report is the final in that series.

For more information about this or other publications from Vera's Center on Sentencing and Corrections, contact Ram Subramanian at rsubramanian@vera.org.

Collateral consequences of criminal convictions are legion and present significant and often insurmountable barriers to housing, public benefits, employment, and even certain civil rights (e.g., voting rights) for people with criminal histories well after sentence completion. Lessening the burden of post-punishment penalties has become a matter of significant bipartisan state-level legislative activity in recent years. In this report, Vera's Center on Sentencing and Corrections provides (1) concise summaries of representative legislation, (2) an analysis of the limitations of current reforms, and (3) recommendations for making future efforts sustainable and comprehensive.

NEW APPROACHES

Since 2009, forty-one states and the District of Columbia enacted 155 pieces of legislation to mitigate collateral consequences for people with certain criminal convictions. In reviewing this legislative activity, Vera found that states have pursued one or a combination of seven broad approaches to reform. They created or expanded expungement and sealing remedies; issued certificates of recovery; allowed for offense downgrades; built relief into the criminal justice process; ameliorated employment-related collateral consequences; improved access to information; and addressed discrete collateral consequences.

LIMITATIONS OF REFORM

While efforts to remove or alleviate the impact of collateral consequences may indicate a broader shift in how the criminal justice system views law-breakers, vast numbers of post-punishment penalties remain in place and a closer look at recent legislation suggests that efforts do not go far enough. In particular:

- > Reforms are narrow in scope;
- > Relief mechanisms are not easily accessible;
- > Waiting periods are long in many cases; and
- > New rules restricting third-party use of criminal history are difficult to enforce.

RECOMMENDATIONS

Policymakers interested in promoting safer communities and better outcomes for justice-involved people and their families would do well to pursue sustainable and comprehensive reforms that:

- > Promote the full restoration of rights and status as close as possible to sentence completion;
- > Apply remedies to more people;
- > Make remedies easier to access; and
- > Establish clear standards for, and offer incentives to, third-party decision makers (e.g. landlords, employers, college admissions officers, etc.).

Read the complete report:

www.vera.org/states-rethink-collateral-consequences

MAPPING RELIEF: COLLATERAL CONSEQUENCES REFORM, 2009-2014

