

COLLATERAL CONSEQUENCES OF JUSTICE INVOLVEMENT

Topic

Collateral consequences are hindrances resulting from a criminal arrest or conviction, regardless of whether a convicted individual is ever incarcerated. These hindrances can be imposed by law, or can result from private discrimination, for instance, on the basis of a criminal record. To understand why these consequences exist and what needs to happen to improve outcomes for justice-involved people, it is important to consider the purposes and goals of criminal justice policy. Every society has an interest in keeping its populations safe, but public policy must reflect a commitment to liberty and opportunity for all groups. The collateral consequences of justice involvement involve both statutory barriers (e.g., limitations on voting, on professional licensure, on housing assistance and public benefits) and de facto consequences that although not recognized by law are very real, such as barriers to employment, economic and geographic mobility, healthcare, education, community participation, and other aspects of a positive life. Research has shown that justice interactions can impact people's family structures, social networks, mental health, and mortality. More than 70 million Americans have criminal records, which serve as a major barrier to work, housing, and economic security. These are barriers to rehabilitation and reentry for people who have experienced justice involvement, because access to good work, education, and active community participation are predictors of reentry success.

Relevance of Topic to System-Involved Youth with Disabilities

Many of the collateral consequences of justice involvement are more profound for people with disabilities. In fact, there are ways that justice interaction can itself *be disabling*. For example, disruptions in educational support and continuity might create larger educational gaps than might have otherwise existed. Another example is that many young people with justice involvement develop distrust of systems, which can affect their willingness to participate in educational, healthcare, and vocational services (to name only a few). Separate from any public interest in identifying and responding to crime, policy reform must target both systemic and private barriers to community integration and reentry, because doing otherwise puts the future prosperity and freedom of justice-involved youth with disabilities at risk and creates fundamental failures in the public policy goals of rehabilitation and safety (for *all* members of society).

Recommendations for Creating Systems Change

- Efforts like “Ban the Box” and criminal records assistance and education, such as that offered by Cornell University’s [Criminal Justice and Employment Initiative](#), can help limit private discrimination in employment and housing.
- Access to good work, a livable wage, and safe housing are key attributes, not only of successful reentry, but of happiness and security in life. Probation and parole agencies should ensure that existing policies and practices do not unduly hinder job searches (e.g., through unnecessarily restrictive or burdensome scheduling, geography, reporting).
- States should work to remove policies that extend punishment beyond the criminal-legal system and into other life domains that allow people to participate politically, socially, economically, and elsewhere, so that *reentry really means reentry*.

- Expansion of restorative practices in schools, parole and probation reforms can help clarify supervision processes and person-centered planning around employment and other reentry objectives.

Learn More

- Cornell ILR's [Criminal Justice and Employment Initiative](#)
- [Community Service Society](#)
- [Collateral Consequences Resource Center](#)
- [Legal Action Center](#)

Presenter Information

Timothy McNutt is Director of Cornell ILR's Criminal Justice and Employment Initiative. Tim uses his experience working in the criminal legal system to assist J-I individuals in reducing barriers to reentry and improving employment outcomes. A major focus of his work is the use of criminal records as a screening device for employment, the impact of employment on reducing recidivism, employer attitudes toward hiring people with criminal records, and the collateral consequences of incarceration. Prior to joining Cornell, Tim served as an Assistant Attorney General at the NYS Attorney General's office, and an Assistant District Attorney at the Nassau County District Attorney's Office.

Matthew Saleh is Co-PI for the Y-ReCONNECTS initiative and a research associate at the Yang-Tan Institute on Employment and Disability. Matt's research focuses on career pathways for youth with disabilities and barriers to employment, such as justice involvement. Matt teaches Cornell undergraduate courses in the disability studies and a course in the Government Department on mass incarceration in the United States. Matt is a project lead for the Yang-Tan Institute's work related to systems involved and systems impacted youth and adults with disabilities.