

Christopher Uggen and Mike Vuolo. 2006. "Getting the Truth about Consequences." *Amici: Newsletter of the Sociology of Law Section of the American Sociological Association* 13:6-8.

Anyone who spends time with those who have *done* time soon hears two types of questions: (1) "*when do I stop being a felon?*" and, (2) "*what did my crime have to do with X?*" in which X refers to some restriction imposed upon felons but not other adult citizens. One study puts the number of former felons in the United States at 11.7 million (Uggen, Manza, and Thompson 2006), many of whom never entered prison gates. Though they are "off-paper" and no longer under correctional supervision, they remain stigmatized in both a formal and informal sense. Depending upon where they live, many cannot vote, see their children, work in their chosen occupations, obtain Pell grants for school, possess firearms, reside in public housing, serve on juries, run for office, receive public assistance, public housing, or student financial aid, or enjoy other of the taken-for-granted rights and responsibilities of citizenship.

The concomitant penalties resulting from felony convictions are called *collateral consequences* or *civil disabilities*. Such sanctions are not imposed by judges at sentencing, but are instead governed by a sociolegal spider's web of constitutional and statutory law, executive orders, administrative rules, and local practice. We here consider collateral consequences through the lens of some classic and emerging questions in the sociology of law and related fields.

**Rulemaking.** Such sanctions are often taken for granted, as part of the dusty legal furniture surrounding criminal punishment. Yet the imposition of collateral restrictions is ultimately a social choice and a productive research setting for studying the dynamics of rulemaking. With the exception of certain federally mandated sanctions, such as student financial aid restrictions for drug felons, collateral sanctions differ *dramatically* across space and time. For example, Maine and Vermont currently permit prisoners to vote while Florida and Virginia disenfranchise former prisoners and felony probationers for life. Though all states restrict some felons from some occupations, the specific exclusions vary dramatically across the states. In many cases, however, this variation has yet to be described or modeled, with little sociological attention to the rulemaking process that drives their passage and persistence.

**Criminology.** Do collateral sanctions reduce crime and recidivism? While restricting felons' firearms rights likely enhances public safety, it is difficult to see how prohibiting them from working as barbers meets the same standard. Indeed, to the extent that sanctions impede successful reintegration, they could compromise public safety. For individuals, they represent barriers to reentry and reintegration (Mauer and Chesney-Lind 2002; Travis 2005). For families, the inability to receive public assistance or reside in public housing directly impacts felons' children, while occupational restrictions and disenfranchisement likely bring wide-ranging and indirect intergenerational effects. We do not yet know which collateral consequences bring a net gain and which bring a net loss to public safety, although some sanctions appear to be linked to more crime, not less (Manza and Uggen 2006).

**Broader Impacts.** For larger communities, collateral consequences can affect labor markets, democratic institutions, and civic life more generally. Had former felons been allowed to participate in the 2000 presidential election, for example, candidate Al Gore would almost certainly have been elected president (Manza and Uggen 2006). How might bans on employment, housing, and jury service exert similar effects on important institutions?

**Inequalities.** As imprisonment has become a more common life event for less-educated African-American males (Pettit and Western 2004), collateral

consequences strike communities of color with particular force. In fact, power appears to motivate passage of some sanctions, particularly the dilution or suppression of African-American social and political power. More generally, collateral sanctions may operate as an interconnected system of disadvantage that amplifies existing disparities (Wheelock 2005).

***Lawyers and the Bar.*** Perhaps the greatest need for researchers is a detailed cataloguing of these sanctions, such as the specific occupations prohibited in each jurisdiction. Many in the American Bar Association are beginning to ask whether public defenders and other attorneys have a duty to inform their clients about the consequences of such sanctions. During plea negotiations, courtroom actors focus on whether and where the client will do time. Nevertheless, collateral consequences are sometimes even more consequential for defendants, sometimes resulting in deportation, termination of parental rights, or the termination of a valued career. There is currently no comprehensive list of, say, prohibited occupations, which attorneys could reference or provide to clients.

***Deviance and Stigma.*** Given their broad range and tendency to go unnoticed, the number of ex-felons subject to each sanction is unknown. Yet information technology has today rendered the stigma of felony conviction -- and even simple arrest -- increasingly public. Some states list photos, maps, and home addresses of sex offenders and other felons. Vigilantes have employed such information to hunt down former felons. Michael Mullen, who confessed to killing two former sex offenders, detailed his method in a hand-written note to the *Seattle Times*:

*"The State of Washington like many states now lists sexual deviants on the Net. And on most of these sites it shares with us what sexual crimes these men have been caught for ... We cannot tell the public so-and-so is 'likely' going to hurt another child, and here is his address then expect us to sit back and wait to see what child is next."*

Registries now target methamphetamine makers and garden-variety felons as well as sex offenders. The erosion of privacy rights in the internet age is a much broader issue, linked to a highly charged political debate about the extent and nature of punishment. Although life course criminology has shown us that almost every delinquent ultimately desists from crime (Laub and Sampson 2003), sociolegal research on collateral sanctions could show us whether, when, and how they might stop being felons.

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