

# Collateral consequences of violence toward human rights

[Sociology](#), [Human Rights](#)



Imagine being released from an institution where every hour of the day is structured, and then suddenly given free reign and expected to fend for yourself. This is happening every day with the prison systems in the US and those convicted of felonies. Even worse, those convicted of felonies have many odds stacked against them such as collateral consequences, societal stigma, housing and job discrimination, lack of education and job history, economic hardship, and more.

Today there are more people incarcerated and within the criminal justice system than ever before. Today, specifically in Wisconsin, any felony charge could be considered a life sentence due to the collateral consequences. Obviously, due to the high recidivism rate, society is doing a poor job reintegrating those with felonies into society; the way these people are treated is inhumane and needs to change. Collateral consequences are indirect civil punishments that happen because of some sort of criminal charge. Some examples of collateral consequences include ineligibility for public assistance in the form of housing, welfare, and student loans, deportation of immigrants, and ineligibility to vote or serve on a jury. Many do not realize that the number of these consequences is often in the thousands depending upon the crime.

The idea of collateral consequences has been around for quite a while; in fact, they date back to ancient Greek times. The 14th amendment of Greek law states that voting rights can be denied “ for participation in rebellion or other crime” (Laird, 2013). Because of recently tougher sentencing laws, the number of people suffering from collateral consequences had steadily

increased. There are a couple options to remove the felony label and therefore some of the collateral consequences, but they are few and far between.

One option is expungement. This option can be expensive, lengthy, and only offered to a select few of those convicted of felonies. Usually one must jump through many hoops to achieve these, and it is difficult to find clear-cut directions to do so. Another option to remove the felony label is to have an executive pardon. Specifically, in Wisconsin, Scott Walker has not given any of these since taking office.

According to Pat Isenberger, social worker and block supervisor at Jackson Correctional Institution, a more common method of removing a felony label in Wisconsin is called a deferred agreement of guilty plea (personal communication, September 17, 2018). In this case, a convicted person needs to complete tasks A, B, and C, depending on what is agreed upon in court, and if they do so their charge can be dropped to a misdemeanor. People transitioning out of prison face enough hardships as they try to build a new life, and collateral consequences create even more of a barrier between them and the community they are trying to reintegrate back into. They are led to feel less invested in society because they're being excluded in their right to vote, ability to serve on a jury, and more. Collateral consequences are a significant part of the reason reintegration is so challenging and recidivism rates are so high.

One of the most controversial collateral consequences is felony disenfranchisement, or loss of the right to vote both in prison and afterwards if someone is labeled a felon. The European Court of Human rights has ruled that a ban on voting from prison violated the European Convention on Human Rights (Hirst v. United Kingdom No. 2 2005); in the US all but two states ban voting from prison and many also ban those labeled as felons from voting after they've been released at least until they have completed parole or probation (Mccahon, 2016). Therefore, another entire country has seen what a violation this is of human rights, but the US, and specifically Wisconsin, has failed to catch on so far.

Why is this continuing to happen in the US? A big part of it is because due to the ideology in the US that those convicted of crimes and specifically felonies are “unworthy”. Corie Bergeron, ex-felon, stated that he did not feel losing his right to vote was justified or connected to his felony charges; he admits that it sent him the message that he was no longer important or valued (personal communication, September 24, 2018). Overall, felony disenfranchisement is an outdated tool used to keep ex-offenders out of the way in the political realm even though there is much we could learn from them and they too should be regarded as valuable human beings.

As the current system stands, individuals are not given the opportunities and resources necessary to successfully reintegrate into society after being released from prison and labeled a “felon”. Because of this, at least 40 percent of these released return to prison within three years; this phenomenon is also called the “revolving door” (Harding, Wyse, Dobson, &

Morenoff, 2014). Many of these individuals already have the odds stacked against them with few economic resources, lack of education, few social bonds, mental and physical health problems, and substance abuse disorders among others. Family support is key when someone who has recently been incarcerated is trying to reintegrate because they potentially provide a place to live, meals to eat, transportation, and a stable base. One issue arises when the family lives in subsidized housing though, because technically speaking someone with a felony record is not supposed to be living there. Because of this, many who were recently in prison end up homeless.

Finding housing is crucial when being released from prison, but it is also very challenging with a felony charge on record. Recently, accessing background checks as a part of applying for housing has become more common. A 2007 study revealed that about 66% of property owners would avoid renting to a person with a criminal record, and even more so if the crime they committed was a felony rather than a misdemeanor. If the person appeared to be participating in some form of rehabilitation, property owners were more willing to give them a chance.

Usually the landlord will have to pay a higher insurance rate if they have so many people with a felony record living in their properties, therefore choices are limited. Oftentimes those with felony records will find housing in disadvantaged neighborhoods, making successful reintegration even more challenging. Corie noted that when he got out of prison he stayed with friends and family for a little bit before he found “less desirable” people to rent from. He says it is getting harder and harder to find somewhere to live

because it seems like there are less private landlords and more big property management companies who won't even look twice at you if you have a criminal record (C. Bergeron, personal communication, September 24, 2018).

It is difficult for an individual to reintegrate and be a positive, productive member of society without a safe place to live. Lack of housing options is one of the biggest problems for those leaving prison or even years later with the felony label still attached. Making it even more difficult, in some prisons such as the one in Milwaukee, the person may be required to go back to their residing county after being released. For some people, this is no big deal because this is where their support system is. For others, this can be very detrimental. It can be easy to fall back into hanging out with the same people and doing the same things that resulted in the felony charge in the first place. When asked about behaviors that are difficult to un-learn when transitioning from prison to the outside world, Pat stated that many individuals tend to continue to hang out with people who make bad decisions; peers are a lot of the driving force and this is who are comfortable with and used to spending time with (P. Isenberger, personal communication, September 2018). When those in prison are released to their same county of residence, the temptation to hang out with the same people is high and therefore contributes to recidivism. Right now, within the state of Wisconsin, things seem to be getting worse rather than better for those within the criminal justice system.

The current climate in Wisconsin regarding those with felonies and reintegration is very different even from that in Minnesota. In Wisconsin the

individual does not receive the treatment that they need; treatment for mental health or substance abuse in Minnesota is completely funded but this is not so in Wisconsin. Even though the population number in Minnesota and Wisconsin is relatively similar, Minnesota has considerably less people in prison than Wisconsin but many more on probation. Mary Kelly, drug court coordinator for Pierce County, reports that five years ago, the majority of her cases were deferred agreement of guilty pleas, and this was a big incentive for people to do the program; in the past four years she has had zero DAGP's and she attributes this partly to the change in district attorney as well as the political climate (personal communication, September 18, 2018). Ultimately there needs to be a shift in power at the state level and political ideologies before many changes can be made; other states such as Minnesota has some great programs in place that Wisconsin can learn from and better serve the community.

At a policy level, policymakers need to look at the extensive list of collateral consequences and reevaluate them. At the very least, if they feel some of them need to stay, a good start would be removal of ineligibility to vote and for public assistance. This would allow those affected to feel more invested, included, valued, and a part of society. It would also be beneficial for defense attorneys to review the most relevant and common collateral consequences with their clients before entering court or a plea deal. Utilizing drug court and mental health courts more often in conjunction with DAGP's is a great option for people to get help from a system that is already in place and gives them a chance to make changes in their life before automatically labeling them a

felon and sending them to prison without any rehabilitation. Mary suggested routine risk assessments to see if each person is a candidate for a DAGP, which would be a great option as well (M. Kelly, personal communication, September 18, 2018).

The system we are in is so quick to slap a felony label on someone and put them in jail or prison, and I think we need to move towards a more rehabilitative system. There is an organization in Menomonie, WI called Grassroots Wellness which is peer-run and supported by a grant to help people reintegrate into society, find resources, enjoy sober and positive entertainment, and offers overall support.

I think that more organizations like this in Wisconsin would help the reintegration process go smoother and it would be a good place for people to find collective resources rather than trying to go find them themselves or depending on their overworked probation officer. Adding more probation officers would be great as well because, for example, in Pierce County there are only four probation officers for the entire county. Their caseloads are huge and they are unable to give the individual time and attention that each of their clients deserves.

The issue of housing would also need to be addressed in order to improve the reintegration system. More funding for halfway houses would be one option. Currently halfway houses are often full or difficult to get into. Giving more options for a transitional place to go after being incarcerated is a gentler way of transitioning into society rather than throwing them out on



the streets and expecting them to figure it out on their own with limited resources. Also, offering some sort of monetary incentive or somehow reducing insurance rates for property owners who provide housing for felons.

A big part of the housing situation is felony stigma. People are often afraid of those with criminal charges and don't want them to be living by them or their families. Community education and unity surrounding those with felonies and the hardships they face could be helpful; this is not something people usually openly talk about. Reintegrating those with felonies into society is an uphill battle due to ideologies that date back to ancient Greek times that those who commit crimes are automatically "unworthy". We alienate them through taking away their rights, making it difficult to find jobs or housing, and offering minimal resources despite the many obstacles they face. What people often forget is that these are still human beings with basic human rights.

Some states are better at offering resources than others, and Wisconsin is overall not very good at it. Some ideas offered require funding which is often difficult to come by, but some simple and inexpensive shifts can be made in order to make the process and reintegration smoother and start to chip away at the stigma surrounding those with felonies. Opening up more conversation, supporting community resources or fundraising events for organizations such as Grassroots, and emphasizing the compassion we should be giving these people rather than fear, is just one small step in transitioning the deeply engrained ideology from "unworthy" to "worthy".