

Collateral Consequences Guide:

A guide for prosecutors to support informed decision-making for Emerging Adults (ages 18-25).

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This guide was created in collaboration with the Philadelphia District Attorney's Office Emerging Adult Initiative, with essential support provided by ADAs Pernell Jackson, Caleb Arnold and Nicole ElMurr.

OVERVIEW

In order to increase public safety and combat economic inequality, systemic racism and mass incarceration, the criminal system must look at Emerging Adults (ages 18-25) differently than older adults. Taking an age-appropriate approach during the prosecutorial process has been shown to increase successful outcomes during this critical stage of brain development. Such an approach requires fully-informed consideration of the consequences Emerging Adults face after they come into contact with the criminal system. This guide was created to provide information about the legal and societal consequences of criminal justice system involvement and support prosecutors in making holistic decisions about the Emerging Adults within it.

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[Collateral Consequences Inventory](#)

[Collateral Consequences Resource Center](#)

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Employment

Overview of 18 P.A. § 9125

Finding and maintaining paid work is a key factor in reducing future criminal activity. Unfortunately, the negative impact on employment of justice system contact follows people from the initial charges until long after they have completed their sentence. Research shows that Emerging Adults and older adults with criminal convictions are discriminated against for having a criminal record, even when their criminal record does not legally preclude them from a job. [Out of Prison & Out of Work \(2018\)](#).

18 P.A. § 9125 governs the use of job applicants' criminal history records by potential employers. Pennsylvania uses a "direct relationship requirement" between the offense(s) in question and the actual job being applied for. The statutory language is vague, stating "[f]elony and misdemeanor convictions *may be considered* by the employer only *to the extent to which they relate* to the applicant's suitability for employment in the position for which [s]he has applied." (18 P.A. § 9125). Pennsylvania courts have routinely interpreted this direct-relationship requirement in favor of employers. [Pennsylvania Restoration of Rights Project](#). See also [El v. Se. Pa. Transp. Auth.](#), 418 F. Supp. 2d 659, 663-64 (E.D. Pa. 2005) (paratransit driver-trainee properly terminated under PA law solely on the basis of a forty-year-old conviction for role in gang-related homicide).

Potential employers also have a significant amount of discretion because courts have held that § 9125 allows them to take adverse action based solely on arrest. See [Cisco v. United Parcel Servs., Inc.](#), 476 A.2d 1340 (Pa. 1984) (the arrest of a delivery driver could negatively affect the reputation of UPS, giving UPS a legitimate reason for discharging the driver, notwithstanding the driver's ultimate acquittal). This discretion may be used against applicants even after they are hired because § 9125 affords no protections for adverse employment actions taken during employment or post-employment. See [Mallette v. U.S. Sec. Associates, Inc.](#), Civil Action No. 07-3642, 2008 WL 4889025 (E.D. Pa. Nov. 12, 2008) (security guard properly dismissed from current position as security guard at children's hospital where serious criminal charges were pending against him).

Pennsylvania also prevents people with specific types of convictions from ever working in particular fields. For example, it limits those with drug-related convictions from becoming official caregivers to those receiving medical marijuana ([35 P.A. P.s. § 10231.502 \(Caregivers\)](#)), and may preclude those with criminal convictions from involvement in a medical marijuana distribution facility or business. See [35 P.A. C.s. § 10231.601, 614 \(Medical Marijuana Orgs.\)](#). For additional information, see [Licensing](#) below.

Background Checks & Private Employers

As of 2019, an estimated 90% of private employers use criminal background checks on prospective employees. [Broken Records Redux \(2019\)](#). Issues arise when these companies do not take steps to ensure their records are actually up-to-date. This results in outdated records that are meant to have been expunged or sealed erroneously finding their way into the hands of employers; once employers have them, the records are held against those applying for jobs. [NELP Wild West \(2015\)](#). This pervasive issue is hidden from applicants because they have no reason to know records have not been updated, and those who know have no recourse if the sealed, expunged, or dismissed charges continue to be part of outdated databases and used against them in employment, housing and other spheres of life.

Related links & sources: CCRC on Section 9125; ACLU PA on Clean Slate; Act 56; Criminal Records Create Cycles of Multigenerational Poverty.

Long-Term Community & Safety Consequences in Employment

The Employment Penalty

In 2018, the unemployment rate for formerly incarcerated people was 27%, which is five times higher than the national average. [PPI "Out of Prison, Out of Work" \(2018\)](#). Approximately 93% of formerly incarcerated working-age people, including Emerging Adults, are employed or seeking employment, demonstrating that this demographic wants to work, despite structural challenges that prevent them from obtaining employment. *Id.* Previous incarceration reduces callbacks from potential employers by 50%. [Pew 2018 Probation & Parole Systems](#). Formerly incarcerated individuals who find themselves on probation have an even harder time in the job market due to reporting and other supervision-related conditions interfering with work schedules. *Id.*

In a study of 1,048 formerly incarcerated people in New York City, only one-third held formal jobs within 15 months after their release. [Coming Home from Jail \(2008\)](#). Nineteen percent of women and 14% of men reported income from illegal activities or assistance from family and friends and overall, their average annual incomes were well below the poverty level. *Id.* At 15 months after their release, 47% of the young men and 39% of the young women were arrested again. *Id.*

Formerly incarcerated individuals earn less over time for doing the same work as individuals with no criminal record. [Economic Benefits of Employing Formerly Incarcerated Individuals in Philadelphia](#). In particular, formerly incarcerated men take home an average of “40% less pay annually, resulting in an average of earnings loss of nearly \$179,000.” [ABA Collateral Consequences Judicial Bench Book \(2018\)](#).

Related links & sources: Prison Policy Initiative "Out of Prison, Out of Work" (2018).

Gender & Race Disparity

There are also racial disparities in these employment outcomes. It is more difficult for formerly incarcerated people of color to obtain employment than formerly incarcerated white people. [Racial Inequality in Earnings After Incarceration](#). Experiments show that compared to those without convictions, the positive employment callback rate for white men with a felony conviction is reduced by half, while for Black male applicants it is reduced by two-thirds. [The Justice System and Young Adults with Substance Use Disorders \(2021\)](#). This discriminatory outcome is even more severe for young adults compared to older adults. *Id.*

Formerly incarcerated Black women seeking employment are discriminated against more than any other group of formerly incarcerated individuals seeking employment in the United States. [PPI "Out of Prison, Out of Work" \(2018\)](#). According to the Prison Policy Initiative, 43.6% of formerly incarcerated Black women are unemployed. By comparison, the unemployment rate for formerly incarcerated Black men is 35.2%, whereas for white women it is 23.2%, and for white men it is 18.4%. *Id.* In contrast, for the general population, the unemployment rate is 7.7% for Black men, 6.4% for Black women, and 4.3% for both white men and women. *Id.* The main factor contributing to this extreme disparity amongst formerly incarcerated Black women is a *negative societal, moral perception of Black women*. [The Press-Enterprise "For black women, finding work after prison has added challenges" \(2017\)](#). Black women are often “viewed almost as inhuman, or disposable, or not of value.” *Id.*

Related links & sources: Prison Policy Initiative 2018 "Out of Prison & Out of Work."

Education

Educational institutions often ask applicants for a detailed criminal history as part of the admission process. A criminal record can make it harder for a formerly incarcerated young adult to access higher education, reducing their ability to obtain noncriminal gainful employment. [Corrections and Education \(2016\)](#). In one survey, researchers found that over 90% of admissions officials “viewed any felony conviction as particularly negative, and over 75% felt the same way about any drug or alcohol offense.” [The Use of Criminal History Records in College Admissions](#).

The benefits of education on future opportunities, income, and pro-social behavior are well documented. See [The effects of education on crime](#) and [Education Pays 2016](#). When education is available, it is shown to increase rates of post-release employment and reduce rates of recidivism. For information on the initiative to “ban the box” in education see [The Daily Pennsylvanian "Pa. lawmakers introduce law to bar colleges from asking for applicants' criminal records" \(Oct. 2020\)](#).

Federal Student Financial Assistance

Individuals convicted of a felony or drug-related offense are disqualified from federal grants, loans, or work assistance for a minimum of one year, depending on offense level and any prior offenses. [20 U.S.C. § 1091\(r\)](#). Students with felony drug convictions are also precluded from receiving the American Opportunity Tax Credit, which would otherwise refund a maximum annual credit of \$2,500 per student. [26 USC 25A\(b\)\(2\)\(D\)](#).

A person convicted of a misdemeanor or felony also may be ineligible for federal loans or loans through the Small Business Association (see [13 CFR § 123.404, § 103.4](#)), federal mortgage assistance ([12 U.S.C.S. § 5220b](#)), and other federal contracts, grants, licenses, and related benefits ([21 U.S.C.S. § 862](#)). Along with the constraints on educational funding for those convicted of felonies or certain misdemeanors, a person convicted of a felony is also barred from enrolling in any state-approved nurse training programs. [36 P.S. Professions and Occupations \(State Licensed\) § 675](#).

Students of color are more likely to need financial aid to access higher education than white students, but due to the increased likelihood of contact with the justice system due to systemic racism, they are more likely than their white peers to be convicted of a drug offense that subjects them to exclusion from federal financial aid “long periods of ineligibility for financial aid.” [The Justice System and Young Adults with Substance Use Disorders \(2021\)](#).

Financial Consequences in the State

As noted above, convictions reduce an individual's access to education, thus decreasing employment opportunities and increasing the chances of future crime because educational institutions can ask for a detailed criminal history as part of their applications. [The Use of Criminal History Records in College Admissions](#). Even if they are able to get past the application process, those convicted of a felony are disqualified from receiving *state* financial assistance in the forms of loans, scholarships or grants for higher education. See [22 Pa. C.s. § 121.6](#). Further, a person convicted of a felony or a “misdemeanor involving moral turpitude,” or one who has been expelled from a college or university, may be denied all forms of *state* financial assistance. Even if a student has not been convicted of a criminal offense, an institution of higher education may expel them for any lawful reason, and bar them from receiving any state financial aid as part of the expulsion. See [24 P.S. Education § 5104.1](#).

Civil Forfeiture

Involvement with the criminal justice system exposes individuals to the risk of civil forfeiture. Under Pennsylvania law, every person who knowingly contracts for or profits from a crime must forfeit the proceeds of the crime. *See* [42 P.A. C.S. § 5802](#). Money, conveyances, houses, equipment and any item that can be linked to illegal drugs are to be forfeited to the law enforcement agency that seized the items. *Id.* Civil action for damages and profits of crime from a person convicted of that crime can also be claimed in court within three years of the crime by any party who alleges they were injured in the commission of the crime. *Id.*

Pennsylvania law only requires that law enforcement show the property is linked to a crime by a preponderance of the evidence. *See* [Commonwealth v. \\$6,425](#), 880 A.2d 523, 529-30, n.6 (Pa. 2005). Although law enforcement must show a nexus between unlawful activity and the property subject to forfeiture, the crime need not be charged. *Id.* Innocent owners have the burden to prove that they did not participate in, give consent to, or have knowledge of criminal activity allegedly associated with their property, or that the property is not a proceed of a crime. *Id.* The process to reclaim or rebut a civil forfeiture is lengthy, and because it is a civil proceeding, lawyers are not provided to assist. For most people, fighting a forfeiture is too costly and time-consuming. *See* 42 Pa. Cons. Stat. 6802(j); *see also* [Commonwealth v. 2314 Tasker St.](#), 67 A.3d 202, 206 n.9 (Pa. Cmwlth. Ct. 2013). For more, *see* [WHYY "Cash Grab: As Asset Forfeiture Quietly Expands across Pa., Abuses Follow \(Apr. 2019\).](#)

Law enforcement agencies retain 100% of all forfeiture proceeds, although counties must submit annual forfeiture reports to the Office of the Attorney General, which must aggregate the reports and provide them to the Pennsylvania Legislature. [42 Pa. Cons. Stat. 6801\(e\)-\(h\)](#). Forfeiture was “originally presented as a way to cripple large-scale criminal enterprises by diverting their resources,” but now “many police departments use forfeiture to benefit their bottom line.” [ACLU “Asset Forfeiture Abuse.”](#) The forfeitures turned into an “unregulated budget split between the police and DA.” [WHYY “Inside the Philadelphia DAs Side-Hustle.” \(2018\).](#) The money from forfeitures sometimes purchased “new submachine guns” and “custom uniform embroidery.” *Id.*

Law enforcement in the city and suburbs of Philadelphia have been accused of forfeiting property as a significant source of revenue. *See* [WHYY “Inside the Philadelphia DAs Side-Hustle” \(2018\); WHYY “Uptick in Civil Asset Forfeiture” \(Sep. 2019\).](#) A class-action lawsuit against the City of Philadelphia and the Philadelphia District Attorney’s Office regarding asset forfeiture was recently settled in favor of the plaintiffs. [Sourvoelis v. City of Phila.](#), 103 F.Supp.3d 694, (E.D. Pa., May 12, 2015). Sourvoelis and other plaintiffs claimed that the District Attorney’s Office, police department, and other city entities had a “policy and practice of retaining forfeited property and its proceeds for use in funding the D.A.’s Office and the Philadelphia Police Department, including paying the salaries of the prosecutors who manage the civil forfeiture program.” *Id.* The claim further stated that this policy and practice created a “direct financial stake in the outcome of civil forfeiture proceedings.” *Id.* Specifically, the plaintiffs alleged that the D.A.’s Office “forfeited over \$90 million worth of property from 1987 to 2012 through civil forfeiture proceedings, yielding an average of \$5.6 million in forfeiture revenue a year.” *Id.* The court granted the certification of this class, in part against the D.A.’s Office, and a settlement was reached for \$3 million. [Philly Forfeiture Sourvoelis v. City of Philadelphia, et al.](#)

New Jersey, Delaware and Pennsylvania rank among the worst in the nation for civil forfeiture procedures, placing burdens of proof on the citizen rather than law enforcement and offering hefty financial rewards to law enforcement for property seizure. For comparison between states’ laws, *see* [Institute for Justice “Policing for Profit, 3d Ed.” \(Jan. 2020\).](#)

Housing

Stable housing and housing security are known to strongly correlate with reduced recidivism; conversely, homelessness makes one significantly more vulnerable to incarceration. [PPI "Nowhere to Go" \(2018\)](#). People who have been to prison just *once* experience homelessness at a rate 7 times higher than the general public. [Prison Policy Initiative "Out of Work" \(2018\)](#). Those who have been to prison twice suffer a homelessness rate *thirteen* times higher than the general public. *Id.*

Public Housing Authorities Generally

Those in or applying for public housing experience housing-related collateral consequences arising from standards applied by the local Public Housing Authority (PHA) agency. Federal law and the courts give PHA a great deal of discretion, and permit evictions of individuals and households, and permit denials of applications, if *any* member of the household has engaged in drug-related or violent criminal activity “within reasonable time” of the application. [CAP One Strike & You're Out \(2014\)](#). PHAs also may evict based on “other criminal activity” that could “threaten the health, safety, or right to peaceful enjoyment of the premises” by other residents, neighbors, or the owners. *Id.* PHAs can interpret “other criminal activity” broadly, and the definition of “reasonable time” depends on the PHA in question. *Id.*

In [HUD v. Rucker](#), 535 U.S. 125, 133-36 (2002), a PHA was found to have had the right to evict the entire family of a delinquent child, regardless of the location of the delinquent conduct. It is irrelevant whether the tenant knows or should know about the criminal activity in question. The policy intent is to permit no-fault evictions in an effort to provide “decent” and “safe” public housing “free of drugs.” *Id.* at 134.

The Philadelphia Public Housing Authority

According to Philadelphia PHA’s own policy, there is a mandatory denial of housing when “[a]ny household member is currently engaged in the use of illegal drugs or PHA has reasonable cause to believe that any household member’s current use or pattern of use of illegal drugs [or alcohol], may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.” [Philadelphia PHA: 4.19.1 Mandatory Denial](#). The Philadelphia PHA considers “all credible evidence, including but not limited to, and record of arrests or convictions of all household members related” to criminal conduct. [The Philadelphia Public Housing Authority](#).

Pennsylvania’s PHA exercises its discretion to remove a tenant from a single-family dwelling, apartment, multiple dwelling premise, or tenement building for offenses involving controlled substances. Among these are:

- A first conviction under the Controlled Substance Act while in a single-family dwelling or any portion of a multiple dwelling premise or tenement;
- A second violation of the above;
- The seizure of any drugs on the premises by law enforcement. *See* [68 P.S. Section 250.505-A](#).

The following types of offers frequently trigger PHA eviction or family separation:

- *Nolo Contendere* pleas;

- Section 17;
- Section 18;
- Guilty pleas;
- Stipulated trials resulting in conviction;
- Juvenile *nolo contendere* pleas and adjudications.

The following do not trigger negative housing consequences:

- All pre-plea offers;
- Any Rule 546 offers;
- Any pre-plea offers that bring the matter back for a status hearing such as a 546 disposition.

Any no contest or guilty plea for *any* felony offense or any drug possession, drug delivery, or sex offense (felony or misdemeanor) can lead to eviction or forced family separation. [Philadelphia PHA: Criminal Background Screening Criteria for Public Housing Eviction](#). All sex offense convictions, both forcible and non-forcible, are considered “excluding prostitution offenses.” [The Philadelphia Public Housing Authority](#). PHA will look back up to 10 years to screen for a variety of crimes. *Id.* Additionally, there is a five-year look-back period for felony destruction of property convictions and a three-year period for misdemeanor drug offenses. [The Philadelphia Public Housing Authority](#). The discovery of any such convictions within the relevant time period would allow for the eviction of the household. *Id.* The PHA rarely follows proper eviction procedure and instead simply appears with a notice. *Id.*

Related links & sources: [CAP One Strike & You're Out \(2014\)](#); [HUD v. Rucker](#); [US Commission on Civil Rights 2019](#).

Private Landlords

Approximately 32% of the commercial background check industry’s multi-billion-dollar revenue comes from landlords’ inquiries pertaining to prospective tenants. [Broken Records Redux \(2019\)](#). The inaccuracies in the records utilized by the commercial background check industry, along with the processes used, create faulty outcomes that often deny eligible people stable housing. Like Public Housing Authorities, private landlords have wide discretion in denying housing to those with criminal records, especially since they implement their own screening policies which routinely rely on commercial background checks as the source of the information. [PPI No Where to Go \(2018\)](#). Private landlords also have the ability to require credit checks, professional references, or high security deposits that serve to further exclude formerly incarcerated people from finding stable housing. *Id.* While it is possible for a rejected tenant to bring a suit against landlords who impose blanket bans on those with a criminal record, these cases are expensive and are difficult to prove. *Id.* This leaves those who are rejected by landlords with little recourse. See [Your Rights when you're Applying for an Apartment with a Criminal Record](#).

Recent research reveals racial disparities in illegal clauses in rental leases in Philadelphia. [Leases as Forms \(2021\)](#). An example that some real estate law experts have deemed illegal is a “crime-free” clause. [Landlords Putting More Illegal Terms in Leases – Or Are They?](#). Private landlords are more likely to impose leases that allow “eviction based on criminal conduct or drug use,” on Black tenants than on white tenants, suggesting that landlords are choosing leases for tenants based on a “stereotyped projection about their behavior.” *Id.*

Homelessness

In 2013, the National Healthcare for the Homeless Council estimated that 25%-50% of the homeless population in the United States has been incarcerated. [NHCHC "Incarceration and Homelessness: A Revolving Door of Risk" \(2013\)](#). A history of homelessness was found to be 7.5 to 11.3 times more prevalent amongst inmates than in the general population.

Id. Unsheltered homeless people were found to have had an average of 21 interactions with police in a 6-month period while *sheltered* homeless people experienced an average of only two such interactions. *Id.* Unsheltered homeless people also are nine times more likely to have spent at least one night in jail within the prior 6 months than sheltered homeless people. [CA Policy Lab "Health Conditions Among Unsheltered Adults" \(2019\)](#).

In New York City in 2014, 86% of participants in the city's supportive housing program remained housed two years after participation, while only 40% of the comparison group, who did not receive supportive housing, remained housed. [Frequent Users Service Enhancement: NYC Fuse II Evaluation Report \(2014\)](#). Additionally, those who participated in supportive housing spent an average of 40% less time in jail than those who did not. *Id.*

A "Housing First" policy strategy, especially when paired with prosecutorial discretion, could go a long way towards breaking the cycle of homelessness and incarceration. According to the National Alliance to End Homelessness, "Housing First does not require people experiencing homelessness to address all of their problems, or to graduate through a series of services programs before they can access housing." [National Alliance to End Homelessness "Housing First" \(2016\)](#).

See also: [Urban Institute on the Homelessness & Jail Cycle \(2020\)](#).

Background Checks

Visibility to the Public

The existing records of an arrest or subsequent contact can have longstanding impact. Every member of the general public can attempt to find evidence of an Emerging Adult's criminal record using search engines. Many online sites put up arrest photos and names and some counties have newspapers that report local arrests. One of the main ways these sites make money, beyond advertising revenue, is by charging a fee to remove the image. [New York Times "Mugged by a Mug Shot Online" \(2013\)](#). The fee to have a mugshot removed can be anywhere from \$30 to \$400. *Id.*

In 2020, the USA Today Network found 544 news releases from 2013 to 2020 in Pennsylvania that included mugshots for possession of marijuana and similar offenses. [York Daily Record "They were arrested for having some weed in PA" \(2020\)](#). Of these 544 cases, USA Today Network found that only 53.8% ended in conviction, with virtually no one having served jail-time. *Id.* Fourteen percent of cases had no court records, indicating the cases had likely been expunged or dismissed. *Id.* Articles that include Emerging Adult's arrests may indefinitely exist on the internet.

A review of 272 Pennsylvania cases of individuals with publicly available conviction information revealed that almost none served time in jail or prison. *Id.* Many had their charges expunged or dismissed, or ended up with just a citation, but because online evidence of their criminal contact was not properly expunged or sealed, these individuals had difficulty securing employment. *Id.*

One remedy to enable people with criminal records and their families to move forward is providing accessible record-clearing. A recent empirical study found that within two years of having a criminal record cleared, wages increased by 25% on average, and previously unemployed people were more likely to have found work. [Expungement of Criminal Convictions](#).

Record-clearing also reduces recidivism and ultimately lowers the prison population. [The Effects of Record Clearance on Ex-Offender Recidivism](#).

Related links & sources: [Expunging America's Rap Sheet in the Information Age \(2015\)](#).

Background Checks & Private Employers

As noted above, as of 2019, an estimated 90% of private employers use criminal background checks on prospective employees. [Broken Records Redux \(2019\)](#). Because these companies do not take steps to ensure their records are actually up-to-date, outdated records that are supposed to be expunged or sealed erroneously find their way into the hands of employers and being held against those applying for jobs. [NELP Wild West \(2015\)](#).

Related links & sources: [CCRC on Section 9125](#); [ACLU PA on Clean Slate](#); [Act 56](#); [Criminal Records Create Cycles of Multigenerational Poverty](#).

Immigration

The Immigration and Nationality Act (“INA”), 8 USC ch. 12, governs all immigration-related matters, including grounds for removal. Under the INA, four factors largely determine the collateral consequences of conviction or accusations of criminal activity: (1) the current charge, (2) the defendant’s criminal history, (3) the defendant’s current immigration status, and (4) how and when the defendant entered the country. In addition, a judge can deny relief and order deportation as a matter of discretion, and criminal history is a factor in determining whether removal is warranted.

While the immigration consequences of conviction are imposed by federal law, these consequences are often triggered by local prosecution. In addition to a judicial finding of guilt, any admission of guilt is considered a conviction. Therefore, a guilty plea, rather than the eventual conviction, sentence or eventual outcome of the case, constitutes a conviction. [*In re Roldan-Santoyo*](#), 21 I. & N. Dec. 512, 524, 528 (1999). Additionally, deferred adjudications, terms of imprisonment, conditional dismissals involving a guilty plea that is later vacated, no contest pleas, suspended entries of sentences, and participation in diversion programs that require the entry of a plea of guilt or *nolo contendere* **are all convictions for immigration purposes**. See, e.g., [*Wellington v. Holder*](#), 623 F.3d 115, (2nd Cir. 2010); [*Ballesteros v. Ashcroft*](#), 452 F.3d 1153, 1157-58 (10th Cir. 2006); [*Resendiz-Alcaraz v. Ashcroft*](#), 383 F.3d 1262, 1266-71 (11th Cir. 2004); [*Madriz-Alvarado v. Ashcroft*](#), 383 F.3d 321, 328-31 (5th Cir. 2004). Expunged and sealed convictions are also considered convictions. See [*De Jesus Melendez v. Gonzalez*](#), 503 F.3d 1019, 1024 (9th Cir. 2007).

There are many ways a criminal conviction can impact noncitizens. Some of the most common are ability to travel, change in immigration status, ability to naturalize (either permanently or by creating a 5-year bar), and the ability to petition for other family members. The most severe consequence is removal.

Additionally, there are many deportable offenses and many grounds for removal. The main grounds are discussed below. This area of law is subject to constant litigation and changes often. Changes of law apply to prior convictions, regardless of whether a noncitizen was advised about the safety of a plea at the time of convictions.

Common grounds for removal and inadmissibility:

- CIMT (Crime Involving Moral Turpitude)

Although a “crime involving moral turpitude” is never defined by the INA, it has been defined and explained in case law.. A CIMT is crime that “shock[s] the public conscience as being inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society,” or those that are “intrinsically wrong,” or “accompanied by a vicious motive or corrupt mind.” See *Hamdan v. INS*, 98 F.3d 183, 186 (5th Cir. 1996). Crimes of moral turpitude include intentionally or knowingly committing theft or fraud, Intent to cause or threaten bodily harm, Intent or recklessly cause or threaten *serious* bodily harm, crimes of domestic violence including violating a protection from abuse order, drug trafficking, some child abuse crimes and most sex offenses.

It is important to note grading may not be relevant and a summary conviction can lead to deportation.

- Controlled substances

All drug possession cases are deportable offenses under INA 212 and 237 (grounds for inadmissibility and deportability). In some cases, possessing under 30 grams of marijuana is not deportable, but in other circumstances, depending on a person’s status and length of time in the U.S., it may be a deportable offense. Drug trafficking is also an “Aggravated Felony” (see below)

- Aggravated Felony

Any noncitizen who is convicted of an aggravated felony, at any time after admission, is deportable, and ineligible for most forms of relief from removal. 8 USC 1227(a)(2)(A)(iii). An “aggravated felony” is a common-law term defined by federal courts. Any **Pennsylvania conviction of misdemeanors of the first or second degree, or any ungraded or graded felonies, is considered federal felony convictions** for purposes of immigration law. The primary aggravated felonies are:

- Murder
- Rape
- Sexual abuse of a minor
- Drug trafficking (PWID)
- Firearms trafficking
- Crime of violence (as defined by 18 USC 16(a)) + one year or more sentence of incarceration
- Theft or Burglary + one year of more sentence of incarceration
- Fraud or tax evasion + \$10,000 loss
- Attempt, conspiracy to commit any aggravated felony

Although the federal government largely controls immigration law, prosecutors have implemented local guidance to curb the arrest-to-deportation pipeline. Along with defense counsel, who must advise their client if their plea carries a risk of deportation, prosecutors also have responsibilities. *Padilla v. Kentucky*, 499 U.S. 356 (2010). For an expanded view of a prosecutor’s responsibilities under *Padilla*, see *St. Louis University School of Law, Robert Johnson, "A Prosecutor's Expanded Responsibilities under Padilla."* For a discussion and guidance on this issue from around the country, see *Fair & Just Prosecution on Immigration (2017)*. See also *Fair & Just Prosecution on the Role of the Prosecutor in Immigration (2018)*.

The DAO has instituted policies intended to protect immigrants accused of nonviolent crimes from being deported or facing other immigration-related consequences. Key policies for ADAs include not sharing the defendant’s citizenship/immigration status with anyone outside of the office (including victims and witnesses), and never

communicating with Immigration & Customs Enforcement (ICE). The DAO also has instituted training programs to aid ADAs in minimizing deportation risk through charging or sentencing decisions that could avoid triggering such penalties. For this purpose, the DAO also has an immigration specialist, Caleb Arnold, who provides expertise and offers recommendations for pleas and sentencing to minimize any potential adverse immigration actions. Caleb Arnold Contact Info: caleb.arnold@phila.gov.

For more examples of similar guidance, see:

Alameda County, CA guidelines relating to charging determinations, plea negotiations, post-conviction review, and victim assistance. [Alameda County Immigration Guidelines \(2020\)](#). **Brooklyn, NY** guidelines mandating consideration of immigration status for plea agreements with the help of two inhouse immigration attorneys to lend expertise. [Fair & Just Prosecution "Acting Brooklyn DA Eric Gonzalez Announces New Policy Regarding Handling of Cases against Non-Citizen Defendants" \(Apr. 2017\)](#).

To provide additional guidance for refugees, Pennsylvania has created the Refugee Assistance Program. Go to [PA Dep't of Human Services, Supplemental Handbook for Refugee Assistance Program](#).

Licensing

Nearly one and five Americans require a license to work. [Barred from Working](#). The ability to gain lawful employment is one the “best ways to prevent re-offending,” but “strict occupational licensing requirements” make it more difficult for Emerging Adults and older adults to find work. *Id.* Until recently, in Pennsylvania, licensing boards could use unrelated felonies to “deny licenses to otherwise qualified applicants.” *Id.*

In 2020, however, the state enacted legislation that eased the burden for those with criminal convictions to obtain licenses. *Id.* The reforms have banned boards from considering “good moral character” or “crimes of moral turpitude” in granting licenses. [Pennsylvania Department of State Act 53 of 2020](#). Licensing boards may no longer consider records of arrest, any non-conviction outcome, or any juvenile adjudications. *Id.*

Pennsylvania licensing boards now must create a list of felonies directly related to the license and determine whether the applicant has a conviction for one of those offenses. Then, licensing boards must consider if providing a license “pose[s] a substantial risk to the public.” [Barred from Working](#). Those with a related conviction must overcome a presumption that they are “a substantial risk to the public if licensed.” *Id.* In contrast, the licensing board bears the burden to show that a person poses a risk if they have a felony or misdemeanor that is not on the list. *Id.*

Under the new law, convictions subject to clean slate limited access in [2018 Act 56](#) have been added to the list of records that a licensing board may **not** consider in granting an application. [SB 637](#). However, the 2020 reforms do not provide for an administrative appeal and lack procedural protections, forcing denied applicants to seek redress in court. [Barred from Working](#).

Specific examples of statutory collateral consequences related to licensing include the denial of occupational licensing in the healthcare field. In particular, see [63 P.S. § 271.15](#) (denying, suspending, or revoking physician assistant license). Similarly, cosmetology licenses may be impacted by prior convictions, such as misdemeanor theft of services. *Id.* See also, [Pennsylvania Department of State Act 53 of 2020](#).

Prior to the 2020 law, convictions and even arrests would render Emerging Adults unable to obtain licenses. For example, in

2019, anyone with an arrest for Unauthorized Use of an Automobile or other Vehicle (UUA) could have been denied a license based on the arrest alone. Now, only a conviction for UUA could hinder an Emerging Adult from obtaining a license, and would only do so for those applying to be Auctioneer Examiners and Crane Operators. [Pennsylvania Department of State Act 53 of 2020](#).

At this point, it is not clear how well the new law will protect those who want to obtain a license despite past arrests or convictions.

Related links & sources: [Institute for Justice Aug. 2020 Employment Report](#); [Restoration of Rights Project on PA Licensing: SB637; At What Cost?](#); [ABA Collateral Consequences Judicial Bench Book \(2018\)](#).

Public Benefit Programs

Public Assistance and Indigency

The Pennsylvania Superior Court established that individuals are presumed indigent if they receive means-based public assistance, such as SNAP, TANF, or Supplemental Security Assistance (SSI). *See Commonwealth v. Eggers*, 742 A.2d 174, 176 n.1 (Pa. Super. Ct. 1999). An indigent individual's obligations to pay fines, costs or restitution payments must be considered if the individual 1) presents a prima facie case of poverty, and 2) tells the court they cannot pay. *See Commonwealth v. Cannon*, 954 A.2d 1222, 1226 (Pa. Super. Ct. 2008).

The additional costs that result from being sentenced following a criminal conviction or during participation in a diversion program are not to be imposed on those receiving public assistance. Rather, an individual's complete financial status, including qualification for or reliance on public assistance, must be analyzed when determining fines, costs, or restitution amounts and schedules. *See* [ACLU PA "Ability to Pay Guide" \(July 2018\)](#) and [Associated Press "Jailed over Unpaid Fines, Court Costs: Debtors' Prisons?" \(Feb. 2018\)](#).

Public Assistance Eligibility

Emerging Adults and older adults convicted of drug trafficking or related offenses while receiving public assistance are ineligible for continued public assistance unless they are abiding by the terms of their criminal sentence, and participating in or have participated in substance abuse treatment and periodic drug tests for ten years after their conviction. [62 P.S. § 432.24](#). Emerging Adults who fail a drug test under this section, or who fail to comply with addiction assessment and treatment, are suspended from receiving public benefits for six months, and must re-apply for public benefits and submit to subsequent drug tests. *Id.* If convicted of a second drug trafficking or related offense, they are suspended from receiving public benefits for ten years regardless of compliance. [62 P.S. § 432.25](#).

Emerging Adults and older adults convicted of welfare fraud are also prohibited from receiving public assistance benefits. Not only can a conviction result in jail time, but it also comes with mandated restitution payments. [62 P.S. § 481](#). First offenses of fraud under the Cash Assistance Program and the Subsidized Child Care program disqualify the individual for six months, while second offenses bar them for twelve months, and subsequent offenses result in permanent disqualification. *Id.*

Related Links & Info: State guidance to public benefit coordinators: [PA SNAP Handbook \(2012\)](#); [General criminal](#)

history declaration form for reception of benefits at PA Dep't of Human Services Criminal History Inquiry; Application for Benefits, Form 600: PA Dep't of Human Services Form 600; Supplemental Application, Form 600R: PA Dep't of Human Services Form 600R. See ABC27 "PA Charges over 170 with Welfare Fraud" (May 2019); 7 CFR § 272.1; 7 USC § 2020(c)(8); 62 P.S. § 404.

SNAP and Medical Assistance

Applicants must declare their criminal history on forms PA 600 and PA 6004; applicants with criminal history may have to wait an additional 30 days from the date of their application to be approved.

Applicants may be denied food assistance if they are found in violation of the terms of probation or parole or they are convicted of fraudulent misrepresentation to receive multiple SNAP benefits. 62 PS § 432.25. Those convicted of drug offenses while receiving public benefits must comply with strict eligibility programs. 62 PS § 432.25.

Federal law bars states from providing TANF assistance to persons convicted of a felony for possession, use or distribution of illegal drugs, but each state has the ability to opt-out of the ban or modify the period for which the ban applies. 21 USC § 862. While Pennsylvania has opted out of the federal drug felony ban, it has the authority to implement random drug testing for applicants convicted of drug felonies (62 P.S. 432.24). Pennsylvania has implemented limited random drug testing since 2011, but does not currently have a statewide testing program.

Emerging Adults and older adults with a criminal history must complete a PA 1666 when applying for state medical benefits and report the history on their application. PA Department of Human Services SNAP Handbook. Incarcerated individuals are ineligible to apply for any medical benefit program during the period of their incarceration. *Id.* Medical assistance recipients found guilty of committing medical fraud may be ineligible for medical assistance for up to one year. See 55 Pa. Code § 1101.92(b).

***Related links & sources:* PA SNAP Handbook (2016) and PA Dep't of Human Services Forms 600 & 600R**

Temporary Assistance for Needy Families (TANF) and Cash Assistance

Anyone convicted of criminal acts who are applicants for TANF may be denied entry to the program if they:

- Have not satisfied the penalty set by the court, including paying all fines, costs and restitution or have not complied with the approved payment plan;
- Have violated parole or probation, or failed to appear in court; or
- Have been convicted of welfare fraud or fraudulently representing their residence.

See Pennsylvania Human Services Code, 62 PS § 432. To be considered for benefits programs, Emerging Adults or older adults with criminal convictions must have “completed the period of incarceration or extension thereof and paid all fines, costs and restitution.” *Id.*

Federal law bars states from providing TANF assistance to persons convicted of a felony for possession, use or distribution of illegal drugs. 21 USC § 862. However, states have the ability to opt-out of the ban or modify the period for which the ban applies. *Id.* While Pennsylvania has opted out of the federal drug felony ban (62 PS 405.1(i)), the state agency has authority to implement random drug testing for applicants convicted of drug-related felonies (62 P.S. 432.24), and has set up eligibility

criteria and continuing requirements for those convicted of drug trafficking and related offenses. *See, supra*, ‘Public Benefits Eligibility’ or 62 PS § 432.25). In addition, if an individual is convicted of a second or subsequent offense, they are banned from the program for 10 years. 62 PS § 432.25).

TANF reduces recidivism because it is a “critical support” for those reentering society given the employment barriers for Emerging Adults and older adults with criminal convictions. No More Double Punishments (Updated 2021). Formerly incarcerated Emerging Adults and older adults face food insecurity at far higher rates than the general public. *Id.* Therefore, Emerging Adult parents’ incarceration or former incarceration increases financial strain on families. Punishment and Welfare: Paternal Incarceration and Families’ Receipt of Public Assistance (2012)).

Related links & sources: PA SNAP Handbook (2016); Application Forms (see pages 18 & 26); PA Dep’t of Human Services Forms 600 & 600R

Driving Penalties

Driving privileges may be automatically suspended for a variety of infractions, ranging from driving under the influence to falsifying documents. PA DMV ".08 DUI Legislation." Penalties for driving under the influence depend on the level of intoxication and number of previous offenses. *Id.* Out-of-state DUI convictions can also impact suspension period. *Id.*

Driving privileges are suspended for **six months** for the conviction of:

- Operating an unregistered vehicle;
- Highway racing;
- Careless or reckless driving;
- Some accidents involving property damage;
- Driving with a suspended license;

See 75 Pa. C.S.A. Vehicles 1532(b)(1), (2), (4).

Driving privileges are suspended for **one year** from the date of the conviction for:

- Any felony where a car was “essentially involved”;
- Assault by a vehicle while driving under the influence;
- Some accidents involving death or personal injury;
- Dealing, altering, forging, or falsely applying for documents and plates; or
- Fleeing from a police officer.

See 75 Pa. C.S.A. Vehicles 1532(a), (b)(3).

Driving privileges are suspended for **three years** for the conviction of homicide by vehicle. 75 Pa. C.S.A. Vehicles 1532(a.1). Driving privileges are suspended for **five years** for repeat convictions of any of the above offenses. 75 Pa. C.S.A. Vehicles 1542. Any suspension must be communicated to the National Driver Registry for interstate licensing communication. 23 C.F.R. 1327.5.

The inability to drive can exacerbate the other negative collateral consequences. The lack of reliable transportation can make it difficult to maintain family and community engagement, as well as employment, which can lead to food and housing instability.

Military Service

Persons convicted of a felony may not serve in the military, absent an exception from the Secretary of Defense. 10 U.S.C. § 504(a) (for military acquisition of criminal records, see 32 C.F.R. § 96.1 et seq.). Any person convicted of espionage, “subversive activities, mutiny, treason, sabotage, or rendering assistance to an enemy of the US,” forfeits all accrued and future veterans’ benefits. 38 USC § 6104(a); 6105(a) & (b). Officers and Warrant Officers in the Pennsylvania National Guard who are convicted of a felony may be discharged and have their commissions revoked. 51 Pa. C.S. § 2309(b)(3).

Military pensions are withheld from anyone who is incarcerated. 8 U.S.C. § 1505. Specifically, if a veteran is incarcerated for more than 60 days for either a felony or misdemeanor, the Veteran’s Administration (VA) will discontinue payments. U.S. Department of Veterans Affairs (last updated 2020). Pension payments can be reinstated upon release if the veteran meets certain eligibility requirements. What Happens to My VA Benefits if I’m Arrested? (2020). However, even if the conviction is overturned on appeal, they will not receive pension benefits that were withheld during incarceration. *Id.* During incarceration, a veteran’s benefits may be allocated to their spouse or children, but only if the family members are able to demonstrate individual need. (U.S. Department of Veterans Affairs, last updated 2020).

Approximately 10% of incarcerated people in U.S. correctional facilities are veterans. Trauma Among Justice-Involved Veterans (2014). Like other vulnerable populations, veterans have higher rates of mental health and substance use issues than the general population. *Id.* In one study focused on male veterans, researchers found that a majority of veterans reported experiencing traumatic events before the age of 18, prior to enlisting. *Id.* This group was disproportionately people of color and more likely to have been in foster care, have a history of using outpatient mental health services, and have had mental health issues related to their military service. *Id.* Because this sub-group frequently confronts the effects of both discrimination and trauma, veterans also are more likely to come into contact with the criminal system as adults and suffer all the subsequent collateral consequences, such as lack of employment, housing, and ongoing mental health issues. *Id.*

Jury Service and Voting

A person convicted of a felony is disqualified from serving on any federal jury. 28 USC § 1865(b)(5). Similarly, a person convicted of a felony is disqualified from jury service in Pennsylvania. 42 Pa.CSA. § 4502(a)(3).

In Pennsylvania, an Emerging Adult or older adult can register and vote if they are in pretrial detention for either a felony or a misdemeanor case, have been convicted of a misdemeanor, are on probation or parole, or are under house arrest. Votes PA. They are not eligible to vote while incarcerated on a felony conviction if they will not be released before the next election. *Id.* Voting is also barred for those in a halfway house or another alternative correctional facility while they are *on prerelease status following a conviction for a felony*. *Id.*

Related links & sources: 2020 Reintegration Report Card; PA Department of State Convicted Felon Voting Brochure.

Victims of Domestic Violence

Emerging Adults and older adults who are on probation generally are confined to their county and may not leave without prior notice to their probation officer. 42 Pa. C.S. § 9763(b)(11). This leaves those who may need to leave their home suddenly at risk of being found guilty of a violation of probation for failing to inform probation of their departure. More generally, economic restraints arising from conviction, probation and imprisonment also can restrict a person's ability to move or establish their own residence. Thus, those on probation face an increased inability to extricate themselves from dangerous living situations.

Family

Adoption & Foster Care

An Emerging Adult or older adult convicted of violent crimes, crimes against children, or related crimes is ineligible to adopt or foster a child. In addition, anyone convicted of drug-related offenses is ineligible to adopt or foster a child within five years of the date of their conviction. See 23 Pa. C.S. § 6344(b), 42 USCS § 671(a)(20)(A)(i).

Parental Rights

A person convicted of a violent crime may have their parental rights terminated, or their child removed from their home. 23 Pa. C.S. § 2511, 42 Pa. C.S. § 6334(b). A person convicted of a felony or misdemeanor may face denial or limitation of custody of a child. 23 Pa. C.S. § 5329(a).

Firearms

At the federal level, a person convicted of a felony may not possess a firearm or ammunition. 18 USC § 992(g). Possession of a firearm or ammunition by a prohibited person is punishable by up to 10 years in prison, or a minimum sentence of 15 years if the person has three or more convictions for a violent or drug trafficking felony. 18 USC § 992(g), (n).

Under Pennsylvania law, a person convicted of any felony or offenses listed under 18 Pa.C.S. § 6105(b) cannot possess a firearm. 18 Pa.C.S. § 6105(a) & (b). Prohibition elapses 15 years after the last enumerated conviction or delinquent adjudication, or upon the person reaching the age of 30, whichever is earlier. *Id.*

Healthcare- Medical Marijuana

Incarcerated individuals are ineligible to apply for any medical benefit program during the period of their incarceration. PA Department of Human Services SNAP Handbook. Medical assistance recipients found guilty of committing Medicaid fraud may be ineligible for medical assistance for up to one year. See 55 Pa. Code § 1101.92(b).

In terms of providing healthcare, Pennsylvania limits those with a history of drug-related convictions from becoming official caregivers to those using medical marijuana (35 PS §10231.502), and may preclude those with criminal convictions from

involvement in marijuana distribution businesses. See 35 P.A. C.S. § 10231.601, 614.

Pennsylvania probation law allows the court to subject parolees to “intensive supervision,” including drug and alcohol testing and treatment (42 P.A. C.S. § 9763(b)(11), (14)). However, Pennsylvania recently ruled against limiting access to medical marijuana for individuals on probation, finding that “judges and/or probation officers should have some substantial reason to believe that a particular use is unlawful under the [Medical Marijuana] Act before haling a probationer into court.” Gass v. 52nd Judicial District 232 A.3d 706 (2020). Although the Court did not explain what “some substantial reason” might be, it determined that judges and probation officials may make “reasonable inquiries” into whether the marijuana use comports with the Act. *Id.* See also ABC27 “Judge: Probationers cannot use Medical Marijuana” (Sep. 2019).

Social & Recreational

Visitation in Prison or Jail

A person seeking to visit a prison inmate who is not a member of the inmate’s immediate family may have to undergo a background investigation before being approved. Based on the results of the investigation, the institution may permit or deny the person’s right to visit. 18 C.F.R. § 540.51.

Gaming and Hunting

A person convicted of a felony, or whose presence or associations are deemed “inimical to the interest of the Commonwealth or of licensed gaming,” may be barred from entering a licensed gaming (gambling, lottery or racing) facility. 58 Pa. C.S. § 511a.3.

Any person found to have shot at another person, regardless of whether that person was hit or injured, will have their hunting privileges denied for a minimum of two years and a maximum of fifteen years per offense. The Gaming Board also may choose to revoke a person’s hunting license for any reason, including criminal conviction of any offense, for up to five years. 34 Pa. C.S. § 2301; 34 Pa. C.S. § 901.

Diversion Consequences

Diversion programs can provide people charged with crimes with the possibility of avoiding a conviction or reducing the length of their sentence if they agree to participate. This can provide relief from overly punitive outcomes in the regular court process so long as the person is found to have successfully completed the program or participated as mandated by the court or prosecutor. For some programs, payments may be required in order to complete the program and obtain a dismissal, withdrawal or *nolle pros* of charges. Currently, many diversion programs are trying new types of programs to reduce the burdens on participants and expand the available options.

Several consequences flow from participation in diversion programs. While a person remains engaged in a diversion program, their arrest remains on their record. This means they are linked to the charges during participation in the diversion program for purposes of any background checks and public court records, without the benefit of expungement or sealing. This also means they are subject to reporting requirements when completing applications, which often impact employment, housing, military service, child custody and education.

Negative consequences also can arise at the time of entry into a diversion program. In order to qualify and enter, participants frequently agree to pay specific fees; any lapse can leave them tied to the diversion program for months or years. Additionally, in order to remain in the program, participants must comply with all conditions outlined by the program. At times, the length of the diversion oversight changes during the program based upon inability to comply, including for inability to pay costs and fees which may not be waived due to indigency. Participants in some programs also risk sanctions and incarceration for failure to meet these conditions, even when they have not been convicted of a crime while in the diversion program.

Sentencing Consequences

Probation and Parole Conditions

Pennsylvania has the second highest percentage of its citizens on probation and parole in the United States (*Probation and Parole in the United States*, 2016, U.S. D.O.J. Bureau of Justice Statistics, NCJ 251148 (April 2018)).

Many people find probation onerous because of the conditions set when they are sentenced to probation. Pennsylvania judges have wide discretion when imposing probation conditions. A court may attach any of the conditions listed in 42 P.A. C.s. § 9763(b), which range from narrow constraints, such as not possessing a firearm or mandates to attend counseling, to vague conditions like “meet[ing] family responsibilities” or doing “other things reasonably related to rehabilitation.” Judges are also able to impose restrictive conditions such as house arrest, inpatient treatment, and electronic monitoring. 42 P.A. C.s. § 9763(b)-(d).

If a person on probation or parole fails to meet a supervisory condition, they may be arrested and charged with a technical violation and required to appear before their sentencing judge. If the court finds that incarceration is “essential to vindicate the authority of the court,” then a judge may revoke probation and sentence the person to a new period of probation or incarceration. 42 Pa. C.S. § 9771(c).

In terms of the length of the sentence, courts are given guidance. In particular, they are instructed to consider the sentencing guidelines adopted by the Pennsylvania Commission on Sentencing when determining the length and parameters of the sentence. 42 Pa. C.S. § 2154, 2154.1. When issuing probation-only sentences, however, Philadelphia courts frequently go beyond the sentence limits they would adhere to for sentences of incarceration.

Emerging Adults and older adults face unique challenges when trying to transition back into their community following incarceration. In one study, researchers focused on juvenile offenders who came of age surrounded by poverty and violence in their neighborhoods and families. Reentry of Emerging Adults. Once released from juvenile correctional facilities, these emerging adults found themselves back in the community with many new responsibilities and no state-sponsored safety nets to help them meet their needs. *Id.* Without alternate means for helping support their families, some of these young people may return to criminal behavior in violation of their supervision and expose themselves to further contact with the system. *Id.*

In the same study, researchers concluded that “stints in juvenile correctional facilities and the associated stigma likely do damage rather than promote resocialization and rehabilitation.” *Id.* Interactions with the criminal system during this critical time of cognitive and social development can severely impede young adult development and increase the likelihood of recidivism. *Id.*

In another study, researchers found that the lack of reentry and rehabilitation programs designed to support formerly incarcerated young people as they reintegrate into society increases exposure to collateral consequences, including “child abuse, family violence, the spread of infectious diseases, homelessness, and community disorganization.” Prisoner Reentry: Public Safety and Reintegration Challenges (2001). When young adults are released from prison, they often have no savings, no entitlement to unemployment benefits, and very few employment prospects. *Id.* Young adults incarcerated during this period of development often leave prison without the knowledge needed to fill out job applications or file social security paperwork. *Id.* As note above in the guide, the study found that a felony record will disqualify employment in licensed or professional occupations, and increase employers’ reluctance to hire. *Id.* As many as 60% of incarcerated people are not employed within one year of their release. *Id.*

Given the difficulties associated with reentering without additional support, parolees often fail to meet the conditions of their parole and are rearrested. *Id.* Parolees are set up for failure, keeping recidivism rates high. *Id.* This cycle from prison to the community and back again, impacts “community cohesion, employment and economic well-being, democratic participation, family stabilization and childhood development, mental and physical health, and homelessness.” *Id.*

Sexual Offender Registration

State and federal laws require that Emerging Adults and older adults convicted of sexual offenses enumerated under sexual offender statutes register with local jurisdictions and keep their registration up-to-date. See 34 USC 20913; 42 P.A. C.s. 9799.13.

PA Code Title 42, Chapter 97, Subchapters H and I, control the registration of sexual offenders in the state. Required registrants must have their name, birth year, address, school/work address, physical description, identifying marks and tattoos, license plate number, photograph, and offense descriptions published on the publicly-available website. Registration is dictated by the “tier” of the offense convicted. Tier I offenses carry a 15-year registration, Tier II offenses require 25 years, and Tier III are lifetime registrations. See <https://www.pameganslaw.state.pa.us/InformationalPages/FAQ> for a summary of relevant offenses. Throughout the registration period, the offender must keep the state informed of changes to relevant information such as changes of address or a new car purchase.

Local law enforcement must provide written notification to nearby residents when a registrant moves to the area. Law enforcement reports must provide appearance, address, offense type, and photograph. Along with neighbors, this information must also be provided to nearby teachers and school officials. See 42 P.A. C.s. 9799.62. Those classified as Sexually Violent Predators or those on probation or parole for sexual offenses may be restricted from residing near schools, parks, and other locations. This decision is typically left to the discretion of the judge as a condition of probation. 42 USCS 16971, 42 P.A. C.s. 9799.25(f), 42 P.A. C.S. 9799.55(d).

“[O]nce community members find out registrants are living in their communities the chances of collateral consequences increase.” CICI Collateral Consequences; Pa. C.S.A. Section 9799.26. Such consequences can include job loss, harassment, and illegal retaliation, including misuse of the registrant information. *Id.* These impact offenders and their families long after a formal sentence is served. *Id.* Notably, there is a duty on the individual to notify the victim of initial registration under Section 9799.19 and adhere to periods of registration under 9799.15(g).

Persons convicted of sexual offenses must abide by the laws of the state to which they move. For an overview of New Jersey sex offender laws, see <https://www.state.nj.us/lps/dcj/megan1.pdf>. For Delaware, see <https://newarkde.gov/388/Synopsis-of-Delawares-Sex-Offender-Law>.

DNA Collection

An Emerging Adult or older adult convicted of a felony, first-degree misdemeanor, or an enumerated second-degree misdemeanor must submit an oral DNA sample upon conviction. [44 Pa. C.S. § 2301, 2301, 2303](#). The sample is included in a state-wide database that may be used for local, state, and federal law enforcement purposes, or humanitarian purposes. *Id.* The statute describes humanitarian purposes as relating to research on human subjects. *Id.*

DNA samples also are taken from those merely *arrested* for federal crimes. [42 U.S.C. § 14135a\(a\)\(1\)\(A\)](#). The sample is kept in the federal system regardless of conviction. Even if the person is not convicted, they must apply in order to obtain expungement of their DNA sample. [42 U.S.C. § 14132\(d\)\(1\)\(A\)](#).

Intersectionality Consequences

Racial Inequities: Black and Latinx People

Many collateral consequences impact people in minority and underrepresented groups at higher rates than in the general population. For example, Black and Latinx people are disproportionately exposed to the collateral consequences of having been incarcerated, with particular difficulty accessing employment and education afterwards. Research shows that Black male applicants with a felony conviction have a more difficult time getting an employment call-back than white male applicants with a felony conviction. [The Justice System Young Adults with Substance Use Disorders \(2021\)](#). This racial disparity is even greater for young adults (see employment section). *Id.*

Another area of inequity leading to more severe consequences in Pennsylvania is the rate of imprisonment. For people who are Black, the rate of incarceration is 1,810 per 100,000, and for people who are Latinx, the rate is 668 per 100,000. In comparison, the rate for white people is 204 per 100,000, which is 1/9th the rate of imprisonment for Black people. [The Sentencing Project “State-by-State Data” \(2020\)](#). Prison populations in the United States as a whole show a similar trend. [Black Imprisonment Rate in the U.S. has Fallen by a Third since 2006 \(2020\)](#).

The exposure to collateral consequences of criminal justice contact begins with police contact. Many studies have illustrated over-policing is an ongoing problem in communities of color. [Another ‘excuse for police bias bites the dust](#). Police are “more likely to search Black motorists after a traffic stop, even though white motorists are far more likely to be in possession of illicit drugs or weapons.” *Id.* Additionally, officers tend to “use more force against black subjects” even though they present less resistance than white subjects. *Id.*

Women

Women’s incarceration rates are increasing compared to men. [PPI “Women and Gender”](#). Research suggests that men and women are similarly subject to some risk factors of incarceration, such as lack of education and employment, but “women have unique life experiences and pathways to crime that may complicate successful reentry.” [Reentering Women: The Impact of Social Ties on Long-Term Recidivism \(2014\)](#).

Formerly incarcerated women also have different needs than formerly incarcerated men. [PPI “Who’s Helping the 1.9 Million](#)

Women Released from Prisons and Jails Each Year?" (2019). Women are more likely to be primary caregivers to children, and might require more support to meet those needs. *Id.* Women also are more likely than men to have histories of trauma and drug use, which can make successful reentry less likely unless there is access to adequate support programs. PPI "Who's Helping the 1.9 Million Women Released from Prisons and Jails Each Year?" (2019). In addition, compared to men, women "have much higher rates of unemployment and homelessness, and are less likely to have a high school education." PPI "Who's Helping the 1.9 Million Women Released from Prisons and Jails Each Year?" (2019); PPI "Out of Prison & Out of Work" (2018); PPI "Nowhere to Go" (2018).

State and federal drug policies and cash bail systems disproportionately impact women because both substance use and poverty are more common among incarcerated women than incarcerated men. PPI "State-Level Studies Identify Causes of the National "Gender Divide" (2018). Incarcerated women also are more likely to have a history of mental illness. *Id.* When formerly incarcerated women reenter the community following incarceration, there are fewer programs designed specifically to help them adjust and reenter communities. PPI "Who's Helping the 1.9 Million Women Released from Prisons and Jails Each Year?" (2019).

Approximately 80% of women incarcerated in the United States are parents. PPI "Jail Will Separate 2.3 Million Mothers from their Children this Year" (2018). Incarceration negatively impacts more than just a parent; for children, having a parent in prison is a significant childhood trauma that can increase an individual's chance of future incarceration. *Id.* Additionally, approximately 150,000 women incarcerated each year are pregnant. PPI "Jail Will Separate 2.3 Million Mothers from their Children this Year" (2018). For them, the access to medical care and ongoing contact with their newborn can be minimal, and being deprived of healthcare and connection as parents can have life-long consequences for everyone in the family.

Black Women

Black women are the most marginalized group of people impacted by policing, supervision, and punishments. From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race, and Social Control (2012). In 2019, Black women were incarcerated at 1.7 times the rate of white women, whereas Latinx women were incarcerated at 1.3 times the rate of white women. The Sentencing Project "Incarcerated Women and Girls" (2020). Formerly incarcerated Black women are also four times more likely to live in a homeless shelter than formerly incarcerated white men and twice as likely as formerly incarcerated Black men. Prison Policy Initiative "Out of Work" (2018). Women of color also are more likely to experience homelessness than any other subgroup. Formerly Incarcerated People Are Nearly 10 Times More Likely to be Homeless.

There is an "employment prison penalty" that particularly affects Black women to a staggering degree. PPI "Out of Prison, Out of Work" (2018). Out of all formerly incarcerated subgroups in the United States, Black women have the lowest chance of finding employment following incarceration. *Id.* According to the Prison Policy Initiative, 43.6% of formerly incarcerated Black women are unemployed. *Id.* In contrast, the unemployment rate for formerly incarcerated Black men is 35.2%, while for white women it is 23.2%, and for white men it is 18.4%. *Id.* Not surprisingly, for the general population, the unemployment rate is significantly lower and at 7.7% for black men, 6.4% for black women, and 4.3% for both white men and women. *Id.* Notably, Black women who have been incarcerated are unemployed at a rate that is 7 times higher than other Black women. *Id.*

Just as with employment-related collateral consequences, Black women face the biggest hurdle in finding housing after a conviction. The Press-Enterprise "For black women, finding work after prison has added challenges" (2017). Formerly incarcerated Black women are **four times** more likely to be living in a homeless shelter than formerly incarcerated white men

and **twice** as likely as formerly incarcerated black men. *Id.*

While the impacts of incarceration on pregnant women and mothers are severe, they are “particularly burdensome” for poor Black mothers given the “punitive governance that perpetuates social inequality.” Prison, Foster Care, and the Systemic Punishment of Black Mothers (2012). Poor Black mothers are over-policed at higher rates than other groups. *Id.* And, as noted above, incarcerated pregnant people often do not receive adequate medical care or nutrition. PPI “Prisons neglect pregnant women in their healthcare policies” (2019). Risk factors such as drug use, poor nutrition, and sexually transmitted infections, also increase incarcerated pregnant women’s likelihood of high-risk pregnancies. *Id.* Other prison conditions, such as the use of restraints and improper or unsanitary conditions also damage the health of those who are pregnant. *Id.*

The main factor contributing to this extreme disparity amongst formerly incarcerated Black women is a negative societal and moral perception of Black women. The Press-Enterprise “For black women, finding work after prison has added challenges” (2017). Black women are often “viewed almost as inhuman, or disposable, or not of value.” *Id.* People’s perceptions of Black women also add to the difficulties in finding reliable work. *Id.* There is a belief that Black women, who have had to grapple with a multitude of negative stereotypes, including the Ronald Reagan-era ‘welfare queen,’ need to find particular types of work in order for state agents to believe they have been morally rehabilitated. *Id.*

LGBTQ+ Inequities

Queer individuals are “three times more likely to experience incarceration than the general population.” The Lavender Scare in Homonormative Times (2020). And LGBTQ+ people are disproportionately exposed to the collateral consequences of incarceration because they are disproportionately incarcerated. A Multisite, Longitudinal Study of Risk Factors for Incarceration and Impact on Mental Health and Substance Use Among Young Transgender Women in the USA (2018). One reason is that least 40% of homeless youth identify as LGBTQ+, and homeless individuals are more likely to come into contact with police. PPI “LGBTQ Youth are at Greater Risk of Homelessness and Incarceration (2019).”

Studies show that not only are LGBTQ+ youth incarcerated at higher rates than their peers, but that they also are subject to higher rates of police surveillance and receive harsher punishments than their non-queer peers. Queering Smart Decarceration (2019). In addition, LGBTQ+ youth are more likely to have experienced trauma than other youth, which results in an increased likelihood of incarceration. Experiencing Trauma and Crime by Gender and Sexual Orientation among Youth (2021).

One national study found that LGBTQ+ youth do not engage in higher rates of criminal behavior than their heterosexual counterparts, but they do “experience more criminal punishment.” The Lavender Scare in Homonormative Times (2020). Individuals at the intersection of these identities, for example poor LGBTQ+ people of color, are especially vulnerable to discrimination within the criminal justice system. *Id.*

Transgender people, especially transgender people of color, face even higher rates of incarceration due to what some experts call a “discrimination-to-incarceration pipeline.” This term describes how “bias and discrimination in housing, employment, education, and policing” leads to more incarceration of transgender people for “poverty-related offenses, like theft and survival sex-work.” Abuse and Neglect of Transgender People in Prisons and Jails (2020). One in six transgender people experience incarceration while almost half of all Black transgender people experience incarceration. The Lavender Scare in Homonormative Times (2020).

With respect to LGBTQ+ individuals facing harsher treatment while incarcerated, researchers have found that officials place gay and transgender people in solitary confinement solely because of their sexual orientation or gender identity. *Id.*

Historically, prison officials have “justified using solitary confinement to supposedly prevent sex in prisons.” *Id.* “Transgender women are almost uniformly placed in men’s facilities where they face unconscionable levels of violence.” Abuse and Neglect of Transgender People in Prisons and Jails (2020). According to the Department of Justice, “40 percent of incarcerated transgender people have been sexually assaulted, which is more than ten times the general prison population rate.” *Id.* Incarcerated transgender people are also routinely denied medical care while in prison. *Id.* For all these reasons, transgender women are found to be more susceptible to mental health and substance use problems after incarceration than other subgroups. A Multisite, Longitudinal Study of Risk Factors for Incarceration and Impact on Mental Health and Substance Use Among Young Transgender Women in the USA (2018).

Long-term Consequences

Health Impacts

Incarceration is strongly associated with poor health outcomes, even when controlled for other prior and current stressful life experiences. Chronic Medical Conditions in U.S. Adults with Incarceration History (2019). Because the chronic stress of living inside a correctional facility contributes to negative health outcomes, the prevalence of various infectious diseases and health conditions is significantly higher in prison. *Id.* Some of these include hepatitis B and C, HIV/AIDS, and other STDs, as well as chronic medical conditions such as cancer, hypertension, and arthritis. *Id.* These increased health risks are due to poor conditions such as overcrowding, poor hygiene, poor nutrition, lack of exercise, and poor ventilation inside of carceral facilities. *Id.* Incarcerated people also lack access to quality healthcare while incarcerated, either due to sub-par services in the facility, or denial of adequate medical attention even when it exists.

Inequalities in health outcomes can persist after a person’s release. Chronic Medical Conditions in U.S. Adults with Incarceration History (2019). Individuals with health problems during incarceration often experience a disruption in medical care upon release due to lack of health insurance and access to community-based care. *Id.* Having a criminal record creates difficulties in securing a stable, and legal, source of income and housing, adding even more life stressors for the individual. *Id.*

“In addition, racial minorities may face a greater level of life stress due to a combination of racial discrimination and social stigma due to incarceration history, which may have significant negative implications for health.” *Id.* Hispanic people in particular may be at higher risks for having diabetes, hypertension, anemia, and AIDS/HIV than their non-Hispanic white counterparts. *Id.* Emerging Adults and older adults with health problems during incarceration suffer more acutely from disruptions in medical care upon release due to the lack of insurance and access to providers. *Id.*

Incarceration is closely associated with fast food consumption which leads to higher blood pressure and higher risks for diabetes. Incarceration and Post-Release Health Behavior (2014). Formerly incarcerated people consume more fast food and are more likely to smoke than their similarly situated peers. *Id.* Researchers suggest that these behavioral disparities are related to increased financial difficulties and decreased social standing following release. *Id.* Between 2011–2012, an estimated 40% of persons with criminal justice contact reported having a current chronic condition, to include cancer, high blood pressure, strokes, diabetes, heart-related problems, kidney-related problems, arthritis, asthma, and cirrhosis of the liver. Criminal Justice Contact, Stressors, and Obesity-Related Health Problems Among Black Adults in the USA (2018).

Unhealthy habits are more prevalent in individuals from poorer communities. Incarceration and Post-Release Health

Behavior (2014). Emerging Adults and older adults, upon release, face so many barriers to financial stability, such as difficulties obtaining loans and housing, that they suffer exacerbated negative health outcomes. They lack of stability and means makes it difficult to maintain a healthy lifestyle. *Id.* This includes the ability to purchase healthier foods, since healthier food choices may be further away and more expensive. *Id.*

Through incarceration, many stressors are added onto an Emerging Adult as they try to reach milestones of development. *Id.* These include the loss of liberty and control, isolation, and the need to make drastic behavioral adjustments to survive their time in jail. *Id.* These stressors extend to release from jail. *Id.* Emerging Adults have to secure identification, a place to live, and a reliable source of income. *Id.* Once released, they may be prohibited from political participation and denied parental rights, and may struggle with social acceptance. *Id.* These stressors can lead to depression. *Id.*

Black people are disproportionately exposed to social determinants of poorer health and the criminal justice system, which worsens health conditions. For example, formerly incarcerated Black Emerging Adults are more likely than their similarly situated peers to experience obesity-related health problems. Criminal Justice Contact, Stressors, and Obesity-Related Health Problems Among Black Adults in the USA (2018). Exposure to jail or prison consistently worsens health conditions for Black men because they are most likely to come into contact with the criminal system and also have disproportionate rates of pre-existing conditions such as diabetes and asthma. *Id.*

A significant number of incarcerated people experience mental health issues; some studies report between 15% and 26% of formerly incarcerated people are diagnosed with some form of mental health problem. Examining the Role of Familial Support During Prison and After Release on Post-Incarceration Mental Health (2014). Large numbers of individuals are returning to the society, families, neighborhoods, and the criminal justice system is not prepared for or capable of handling the mental health needs of these individuals. *Id.* While in prison, individuals are unable to form and keep the types of supportive relationships that facilitate mental wellbeing, often leading to high levels of stress and depression. *Id.* In addition, carceral facilities often lack the proper health care services to meet the needs of individuals with mental health issues, leading to worse mental health outcomes. *Id.*

Trauma

The number of adverse childhood experiences (ACEs) a person is exposed to determines the Emerging Adult's or older adult's risk for a wide range of health problems. ACEs Connection "Pipeline to Prison May Start with Childhood Trauma" (2016). These include heart disease, chronic bronchitis or emphysema, diabetes, severe obesity, substance abuse, suicide attempts, cancers of all kinds, and early death. *Id.* In particular, the more ACEs an Emerging Adult has, the higher their risk for experiencing a chronic disease and having a shorter than average lifespan. *Id.*

Traumatic experiences are linked to higher rates of self-harm, suicidal tendencies, mental health problems, depression, low self-esteem, insomnia, panic, and nightmares during incarceration. The Frequencies and Disparities of Adverse Childhood Experiences in the U.S. (2019). ACEs also are correlated with an increase in behaviors that are punishable by law, and Emerging Adults and older adults with adverse childhood experiences and trauma are more likely to be incarcerated. *Id.* Although exposure to childhood adversity is not unique to people who live in poverty, some researchers find that the resulting behavioral problems for children of color, especially those who live in poor urban areas, are strikingly different compared to white and more affluent children. *Id.* Children of color are more likely than their white counterparts to experience ACEs or the negative consequences of ACEs, thus they are more likely to interact with the criminal justice system, which in turn result in increased traumas and exacerbated inequalities. *Id.*

Nationwide, young people of color have far higher incarceration rates than their white counterparts. Pipeline to Prison May

Start with Childhood Trauma (2016). Black youth are 4.6 times more likely to be incarcerated, Native American youth are 3.3 times more likely, and Latinx youth are 1.7 times more likely, according to 2013 data from the U.S. Justice Department. *Id.* Experts recommend approaches to the criminal system that are “trauma responsive” to break this cycle of disparity. The goal of such programs is to reduce, rather than contribute to, the trauma of young people who interact with the system. *Id.*

In addition, one well-recognized childhood ACE is having a parent that is incarcerated. Roadmap for Resilience (2020). Having a parent who has been or is incarcerated increases the risk that a child will develop “toxic stress.” *Id.* The symptoms of toxic stress, such as “impairment of impulse control or mental health disturbances,” increase a child’s own likelihood of incarceration. *Id.* The result is a reinforcing cycle of intergenerational trauma and incarceration. *Id.* According to California Surgeon General Dr. Nadine Burke Harris, “the justice system plays an essential role in primary, secondary, and tertiary prevention of ACEs and toxic stress” and must be a key partner in a public health response. *Id.*

Many young adults and Emerging Adults may end up incarcerated due to high levels of family conflict, which is associated with earlier and more frequent offending. A Developmental Perspective on Reentry (2018). Conflict within the family has significant bearing on adolescent development. *Id.* In addition to delinquency, family conflict can increase aggression, antisocial behavior, depression, and low self-esteem. *Id.* Family conflict also is the primary contributor of delinquent peer associations. *Id.* During the reentry process, increases in family conflict and peer delinquency are associated with “higher levels of criminal offending and polysubstance abuse.” *Id.* In addition, young adults with higher rates of family conflict before release, report increases in family conflict after release. *Id.* Absent intervention, young adults and Emerging Adults exposed to family conflict are less likely to be able to successfully re-enter their communities. *Id.*

Substance Use and Cognitive Development

Emerging adults “are at the epicenter of both the current drug epidemic and mass incarceration crisis.” The Justice System and Young Adults with Substance Use Disorders (2021). Human brains continue developing well into a person’s 20’s. *Id.* During this developmental stage, Emerging Adults are more likely to engage in risky and experimental behavior, including drug use, which in turn increases their risk of involvement with the criminal system. *Id.* Without criminal justice system intervention, most Emerging Adults mature out of this risky, and at times criminal, behavior. *Id.* However, when Emerging Adults interact with the criminal system during this formative time, these interactions can impede their development out of this cognitive stage and can lead to ongoing criminal behavior. *Id.*

Emerging Adults are often severely punished for delinquency and substance use, which are “both normal behaviors during these developmental periods.” A Developmental Perspective on Reentry (2018). Many of these young people are placed in residential facilities with the intention that detention, rather than access to normal systems of cognitive development, will solve the issue and improve their path. *Id.* However, moving from residential facilities back to their communities actually poses added challenges for young adults. *Id.* Eighty-five percent of young people placed in residential facilities “will be reincarcerated within 5 years.” *Id.* Experts recommend that prosecutors divert Emerging Adults with substance use disorder from the criminal justice system and into effective health care programs. The Justice System and Young Adults with Substance Use Disorders (2021).

Without proper healthcare, the risk to formerly incarcerated young people with substance use disorder is extraordinarily high. Research shows that the leading cause of death for formerly incarcerated individuals is drug overdose. The Justice System and Young Adults with Substance Use Disorders (2021). One study found “that the risk of death from drug overdose of individuals recently released from prison was 129 times higher than the general adult population.” *Id.* This risk is significantly higher for formerly incarcerated Emerging Adults than it is for older adults. *Id.*

Poverty

In 2019, 49% of those arrested more than once within the prior year had individual incomes of \$10,000 or less. PPI "Repeat Arrests" (2019). Moreover, those arrested more than once were found to be four times more likely to face unemployment than those with no arrests. *Id.* Eighty-five percent of people who found themselves arrested three or more times over the course of a year had individual incomes of less than \$20,000. *Id.*

In April 2020, almost half of all children in the United States had at least one parent with a criminal record. Center for American Progress, "Criminal Records Create Cycles of Multigenerational Poverty" Apr. 2020. Of the approximately 35 million children with parents with criminal records, 5.1 million experienced the adverse childhood experience of having had a parent incarcerated while growing up. *Id.* "Second-generation prisoners, or adults who had a parent incarcerated, experience more adversities in life, exposure to violence, and social and emotional difficulties that lead to worse outcomes for individual well-being." *Id.* The impacts of having a criminal record and incarceration "do not disappear after one generation . . . they linger and pose residual consequences that reproduce disadvantage for their children's children and beyond." *Id.* An Emerging Adult or older adults' experiences with childhood poverty as a result of having a parent with a criminal record often lead to continued poverty during their adult lives and that of their children. *Id.*

Individuals with Disabilities

The United States has not invested in a community alternative for people with disabilities. Disabled Behind Bars (2016). Three times as many people with mental health diagnoses are held in prisons as in state mental hospitals. *Id.* While incarcerated, Emerging Adults with disabilities "are often deprived of necessary medical care, as well as needed supports, services, and accommodations." *Id.* In addition, poor conditions in carceral facilities often exacerbate existing conditions and lead to new physical and mental health conditions that did not exist before incarceration. *Id.*

Because carceral facilities lack appropriate accommodations, people with disabilities are often held in solitary confinement for their own protection. *Id.* Even short periods of solitary confinement can have severe harmful impacts, especially on those with mental health conditions. *Id.* Emerging Adults with disabilities already face obstacles obtaining employment, housing, and other measures of economic security. *Id.* A criminal record adds another significant obstacle to obtaining these things. Additionally, reentry programs often lack accommodations and resources designed to help meet the needs of reemerging people with disabilities. *Id.*

Ongoing Impacts of the COVID-19 Pandemic

COVID-19 rates are much higher inside of carceral institutions. Vaccination Plus Decarceration--Stopping Covid-19 in Jails and Prisons (2021). Incarcerated people are 5.5 times more likely to be infected with the virus than others and are three times more likely to die from the virus. *Id.* Because there are people constantly coming in and out of these facilities, "they operate as epidemiologic pumps." *Id.* On average, 55% of the jail population is turned over each week in the United States. *Id.* Carceral facilities lead to extremely high rates of COVID-19 among incarcerated people and staff and they also spread the virus in surrounding communities and exacerbate the racial disparities already seen in COVID-19 cases and deaths. *Id.* Although vaccinations provide hope, vaccination efforts alone will not be enough to stop carceral outbreaks.

To protect incarcerated people, staff, and the public health of communities, experts recommend decreasing incarceration

efforts. *Id.* Recommended methods include: “large-scale releases of people who pose no public safety risk, increased use of home confinement, ending of pretrial detention for persons held because they cannot afford cash bail, and non-carceral management of people arrested for alleged offenses that do not suggest ongoing threats to public safety.” *Id.* Releasing people from carceral communities and decreasing incarceration efforts would better protect the both the individual and the public. *Id.*

In terms of ongoing social impacts, the COVID-19 pandemic will increase the youth disconnection rate, undoing a decade of progress. *A Decade Undone (2020)*. The disconnection rate is measured by the number of young people who are neither working nor in school. *Id.* Disconnected youth are disproportionately from low-income communities of color, communities especially vulnerable to COVID-19. *Id.* This means those already most likely to experience disconnection are most likely to experience the further disconnecting impacts of the pandemic, resulting in exacerbated inequalities. *Id.*

Disconnected youth and Emerging Adults are more likely than the rest of the population to come into contact with the criminal justice system. *Id.* Places with the highest youth disconnection rates are: (1) disproportionately places where incarcerated people come from, like low-income, low-opportunity neighborhoods, and (2) places where people are disproportionately imprisoned. *Id.* Parts of Philadelphia (East) have one of the highest youth disconnection rates in the country at 31.8%. *Id.* In contrast, the youth disconnection rate in Center City, Philadelphia is 7.3%. *Id.*

Along with devastating health and social impacts, early evidence suggests that the economic fallout of the Covid-19 pandemic will exacerbate the racial inequalities in the employment rate of young people who have a criminal conviction. *The Justice System and Young Adults with Substance Use Disorders (2021)*.

Ultimately, the lasting effects of Covid-19 on Emerging Adults are not fully known at this time. However, given the collateral consequences Emerging Adults face and the disproportionate effects Covid-19 has on intersectional communities, it is likely this pandemic will have long-lasting and deeply felt disparate impact on the Emerging Adult population.

OUR MISSION

The Stoneleigh Foundation seeks to improve life outcomes for Greater Philadelphia's most vulnerable youth by advancing change in the systems that serve them, including juvenile justice, child welfare, education, and health. To meet our mission, we award fellowships to exceptional individuals who work within and alongside these systems to catalyze change.



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