

NEVER FULLY FREE



The Scale and Impact of Permanent Punishments
on People with Criminal Records in Illinois

HEARTLAND ALLIANCE | June 2020

TABLE OF CONTENTS

Introduction	3
Living with a record in the time of pandemic	6
A note on language	7
Recommendations.....	8
Quick facts.....	9
The landscape of permanent punishments in Illinois.....	10
The scale and scope of people impacted by permanent punishments in Illinois	12
Permanent punishments for employment in Illinois	15
Permanent punishments for housing in Illinois.....	20
Permanent punishments for education in Illinois.....	23
The consequences of public registries	26
How permanent punishments harm people of color.....	29
Permanent punishments and women.....	35
Criminal records throughout Illinois	41
Looking to the future.....	42
Glossary	48
Appendix 1: Detailed tables.....	50
Appendix 2: Methodological appendix.....	60
Endnotes	66
Report information.....	74

INTRODUCTION



“You have this title just hanging over your head, no matter how you are trying to progress and reinvent yourself and make yourself better.”

-Marketta Sims

Take a moment to imagine the experience of being released from prison: after a difficult and isolating experience, the gates have finally opened and the promise of freedom is before you. After a journey of hundreds of miles to get back home, you settle in to have your first real meal in years. Your thoughts travel to pressing human needs: How will you eat after this? Can you get a good-paying job? Can you go to school? Where can you find a place to live? How will you be involved with your children now?

Little by little, you apply for jobs, go apartment hunting, and sign up to volunteer at your kid’s school. But rejection after rejection piles up from employers that don’t want to hire you because of your background; the slim choices you have for jobs do not provide a living wage or benefits. Landlords slam doors in your face, bringing up the same concerns about your background. And when you sign up to volunteer at your kids’ school, you’re again faced with the question, “have you ever been convicted of a felony?”

Everywhere you turn, doors close for you. To make matters worse, you find out it is legal to discriminate against you because of your record. This isn’t the world of freedom you thought would be waiting for you after you left prison.

Imagine. Imagine that, after you are released, this world of limited freedom persists for two years—then five years, 10 years, 20 years. Decades of being punished, well after serving your sentence. Decades of still not being fully free.

This story is all too common. People with records have been cast away as the irredeemable, the throw-aways, the nobodies. As a society, we ask people involved with the criminal legal system to rebuild their lives, but we pose impossibly high hurdles to doing so. Gains in racial equity made during the Civil Rights era have been undermined by mass incarceration and the long-lasting barriers of having a criminal record. People with records are denied basic human rights. Furthermore, we have codified this secondary status in statute.

This study, the first of its kind in Illinois, brings to light new data that illustrate the number of people who may be living with the stigma and limitations of a criminal record in Illinois. **This new data shows that an estimated 3.3 million adults have been arrested or convicted of a crime in Illinois since the advent of mass incarceration in 1979.**¹ Those are millions of people who will, under current laws, continue to have limited rights, even after their criminal legal system involvement has ended.

A web of 1,189 laws in Illinois punish people with criminal records, often indefinitely.² These punishments deny access to crucial resources and restrict upward mobility. Moreover, because the criminal legal system is disproportionately populated by people of color, there are deep racial inequities in who experiences these lifetime punishments. Of the 1.2 million adults convicted of crimes in Illinois, 34.9% (417,814 people) are Black—a rate over two and half times as high as the percent of Illinois adults who are Black (13.8%).³

The voices of people with records drive this study. Throughout the report, you'll hear people with records talk about their drive to build a better life and the layers of challenges they face. You'll also hear about their persistence and creativity in navigating this maze of constraints. People with records provided input on the research design, the questions we asked, and how we asked them; also, several members of the team who wrote this report have records. It's critical to center the expertise of people who have criminal legal system involvement when seeking to understand the impacts on their lives.

While the narrative of criminal legal system involvement often centers on individuals—the individual's decision to offend, or to redeem oneself—the ripple effects of having a record happen at a massive scale and impact one's children, family, and community.

A world without permanent punishments is a world where people have a fair chance at recovering from past mistakes, where they can build comfortable lives for themselves or their families, and where they can get the education they need

Racial inequity in the criminal legal system

The data throughout this report will demonstrate that people of color are disproportionately impacted by the criminal legal system. These disparities emerge from a context of intentional policy decisions that consigned people of color to a secondary status and inflicted violence upon them, from slavery to Jim Crow laws to restrictions on housing and job opportunities.

At every step along the way, people of color are more likely to enter the criminal legal system and face harsher penalties. For example, Black men in the federal court system receive sentences that are 20 percent longer than White men convicted of comparable crimes. *American Civil Liberties Union (2014, October). Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing Hearing on Reports of Racism in the Justice System of the United States)*

Racial inequities in the criminal legal system continue our nation's legacy of oppression against people of color. For more information, see the resources in the section "Learn More" on p. 44 and our past reports on poverty in Illinois:

[Cycle of Risk: The Intersection of Poverty, Violence, and Trauma in Illinois](#) – section: "Violence, Race & the Role of Our Justice System" p. 21

[Racism's Toll](#) – section: "Policy: A Living Legacy of Inequity Past and Present" p. 14

to advance. It's also a world where employers can hire the right people for the job rather than having their hiring pool limited by baseless stigma, where fewer Illinoisans are living in poverty⁴ and homelessness, and where communities have more resources—financial and human—to build a brighter future.

We hope that this report helps you better understand what it's like to live within this maze of constraints—or, if you have a record, we hope that you see yourself in these stories and statistics, and feel less alone. This report may surprise you, make you angry, and make you sad; most importantly, we hope that you are compelled to act.

Where's the poverty data?

This year's signature publication from Heartland Alliance looks a little different than our loyal readers might be used to. Our Annual Report on Poverty in Illinois has, in the past, combined updates on trends in Illinois poverty with a deep dive on a poverty-related issue. Documenting poverty, its disparate impacts, and structural causes continues to be central to our mission at the Social IMPACT Research Center at Heartland Alliance. However, we want to make sure that we're doing justice to both the poverty updates and spotlights on critical issues, so we've separated them into different research products. We are also discovering, in partnership with our participants, program staff, and community partners, that there is a broad range of issues within our human rights portfolio (including and beyond poverty) that need our attention as researchers. This year, we are focusing on the impact of permanent punishments on people's lives.



If you'd like to see an analysis of poverty, income, and health insurance trends in Illinois, please see [this report](#).

And you can use our interactive dashboards to explore data on poverty and well-being in your [Chicago neighborhood](#) and [Illinois county](#).

LIVING WITH A RECORD IN THE TIME OF PANDEMIC

On March 13th, 2020, President Trump declared a national emergency due to the coronavirus (COVID-19) pandemic. The state of Illinois declared a stay-at-home order a week later on March 21, closing non-essential businesses and directing people to stay home as much as possible. The COVID-19 pandemic has further laid bare the inequities that were already there for people with records.

As the economy shuttered, it went from being difficult for a person with a criminal record to find a job to nearly impossible almost overnight. Even before the pandemic, most jobs that were available to people with records were often low wage and concentrated in the service sector. During the pandemic, many of these workers were deemed “essential.” This means that many people were forced to decide whether they would continue working at jobs that may not pay a living wage and put them at risk of contracting COVID-19, or walk away from a job during one of the largest economic downturns in history.



People with records are at a higher risk of homelessness,⁵ and their housing instability puts them at greater risk for contracting the virus.⁶ The housing shortfall, already a significant barrier for individuals with records seeking housing stability, was highlighted as Governor’s Pritzker’s Disaster Proclamation allowed for early release of over a thousand individuals from prison in response to the virus. Housing instability for people with records continues to be a public health emergency, and the

COVID-19 pandemic has exacerbated this and other preexisting issues. For people who remain in prison, the risk of COVID-19 infection remains substantial. People in prison are forced to live in close confines with many other people and potentially face worse health outcomes due to a higher risk of unknown underlying chronic health conditions.⁷

Moreover, as communities faced a dire shortage of healthcare workers, the devastating impacts of denying employment to people with records become evident. The healthcare industry has strict restrictions against hiring people with certain kinds of records; 75% of the criminal history background checks in Illinois are for educational access to degrees or programs in the public health field (see section on “Education permanent punishments in Illinois”). If those barriers were not in place, perhaps we would be better equipped to fill these critical positions.

A NOTE ON LANGUAGE

Permanent punishments: In the legal community, the laws and regulations that restrict the rights of people with records beyond their involvement with the criminal legal system are referred to as “collateral consequences.” In this report, however, we will be using the term “**permanent punishments**” to describe these consequences for several reasons. First, these laws impact people’s day-to-day lives for a very long time, if not for the rest of their lives. That is, people experience these so-called collateral consequences as punishments that may never end.⁸ Second, the term



“collateral” implies that these laws are simply afterthoughts or even accidental, when, in fact, the laws were intentionally drafted to target people with records. The impact of permanent punishment laws are experienced in a way that is akin to the notion of “civil death” from medieval England, when people who were convicted of felonies lost virtually all civil rights and protection under the law.⁹ This concept of civil death has reemerged in a modern form as millions of people with felony convictions lose rights to parent, cannot serve in some public offices, do not qualify for certain loans, and are able to be legally discriminated against in employment and housing. Until we address this “civil death,” we will not make progress on creating a society that is just and free for all people.

Criminal legal system: In this report, we make the choice to use the term “criminal legal system” in lieu of “criminal justice system.” The phrase “criminal justice” implies that the system works to bring justice to people who come into contact with it. Given the well-documented inequities that occur, from policing to arrest to conviction to sentencing, we cannot say with confidence that the system consistently delivers justice. Instead, we opt to use a value-neutral phrase that describes a system that implements the criminal legal code rather than the loftier ideal of “justice.”

People with records: This report discusses the broad impact of having an arrest or conviction record. Unless otherwise specified, we use the phrase “people with records” to refer to people with arrest records but no convictions as well as people convicted of offenses. A subset of people with convictions have been to prison, but many have not. An individual’s experience with permanent punishments varies substantially depending on the type of record they have and their history of criminal legal system involvement. Most permanent punishment laws apply only to people convicted of offenses, though some do allow consideration of arrest records in the application of restrictions. And arrest records can sometimes appear when potential employers or landlords search an individual’s name online, bringing with it a stigma. However, the vast majority of formal permanent punishments and those with the most severe restrictions apply to people convicted of offenses. Certain offenses, such as drug crimes or violent offenses, face particularly harsh permanent punishments. And a history of incarceration can bring its own challenges on top of a conviction record alone, such as years kept out of the labor market and trauma that poses barriers to reintegration.

RECOMMENDATIONS

The tightly-woven web of laws and regulations restricting rights and opportunities for people with criminal records affect nearly every aspect of a person's life, including impacting the lives of their children, family members, and community. We must remove permanent punishments to expand employment and education opportunity, reduce housing instability, and boost the economy.

While important reform efforts are underway in states across the country, many of them have been focused on the front end of the criminal legal system—addressing cash bail, providing access to legal services, implementing sentencing reform, and improving the conditions of prisons. We have also seen attention focused on addressing the process for people who are leaving incarceration and reentering communities. These are extremely important efforts that advance much-needed reform. Recently, less attention has been focused on addressing the policies that provide barriers to opportunity faced by people with criminal records and the permanent punishments that result, impacting them long after they have exited the system.

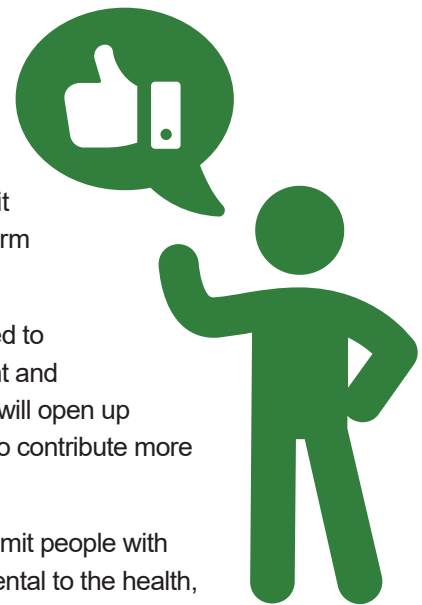
We recommend a bold transformation of the laws and systems in Illinois to provide people who have been involved in the criminal legal system, really for the first time in history, an opportunity to fully participate in society and be free.

Employment: Barriers to employment make up the vast majority of the statutory permanent punishments in Illinois, including laws that prescribe background checks and rules that prevent licensure required for many professions. These barriers keep people in poverty and make it hard to meet basic needs. Their broad reach makes it imperative to reform these policies.

Education: There are fewer permanent punishments on the books related to education, but they are no less limiting and inextricably linked to employment and opportunity. Those, too, will also need to be systematically dismantled. This will open up opportunities for people to get quality jobs with living wages, allowing them to contribute more fully to their family, society, and the economy.

Housing: Finally, although there are fewer permanent punishments that limit people with records from accessing housing, the impact of the policies is horribly detrimental to the health, safety, and stability of people with records. Prioritizing safe and stable housing for people when they are exiting incarceration or any other time prevents homelessness, supports them while transitioning back into their communities or during other times of need, and provides a foundation to be able to engage in education and employment. Without open access to housing, people with records are immediately and truly left behind. These laws must change, and quickly.

This transformation and full undoing of permanent punishments will not happen overnight, and it will not happen with us alone. By working together with partners and communities, by centering and relying on the expertise of people who have been personally impacted, and by providing bold policy solutions, we must begin the process of deep systems change.



QUICK FACTS¹⁰

ARRESTS & CONVICTIONS



3.3 million adults alive today have been **arrested or convicted** of a crime since 1979.¹¹

Of these, **1.2 million adults** have conviction records and **602,201 adults** have felony convictions.



So **1 in 3** adults with records have convictions & **1 in 5** adults with records have felony convictions

627,945 adults, or **19.2%** of all people with an arrest record were **not convicted** of a crime. ▶

Even though they were not convicted, **arrests still appear** on some background checks carrying with it a stigma that could make it difficult to get jobs or housing.

LAW



There are **1,189 unique permanent punishment laws** in Illinois.

982 permanent punishment laws create punishments that **prevent or hinder** access to employment.

These state laws collectively act in **1,260** ways **impacting** people's access to:

- ▶ housing
- ▶ employment
- ▶ education
- ▶ other opportunities

In Illinois...

RACE & GENDER

904,729 women and **2,314,877 men** were **arrested or convicted** of a crime since 1979.



Black women make up 14.5% of all adult women in Illinois, but **over a third** of all women **arrested or convicted** of a crime.

The percent of women with felony convictions who are **Black is 3.1x higher** than the percent of adult women who are **Black**.

Black men are 13.0% of all adult men in Illinois, but **over a quarter** of all men **arrested or convicted** of a crime.

The percent of men with felony convictions who are **Black is 3.4x higher** than the percent of adult men who are **Black**.

Black people make up **13.8%** of Illinois's adult population, but **Black people** make up...



- ▶ **28.9%** of those who **acquired arrest or conviction** records.
- ▶ **34.9%** of people who were **convicted** of crimes.
- ▶ **45.3%** of people who were **convicted of felonies**.

THE LANDSCAPE OF PERMANENT PUNISHMENTS IN ILLINOIS

Key Takeaways

- Permanent punishments are legal penalties that create long-lasting, often permanent, barriers to employment, housing, education, civil engagement, and more for people arrested or convicted of crimes.
- There are 1,189 unique sanctions in the State of Illinois that act in 1,260 ways to impact people's access to housing, employment, education, and other opportunities.

What are permanent punishments?

There are many ways in which a person may come into contact with the criminal legal system. In fact, many people are arrested and never convicted of a crime. Regardless of whether they are found innocent, the mere fact they were arrested is documented and can be accessed by employers, landlords, licensing boards, academic institutions, and other entities that may have decision-making

power. Therefore, mere contact with the criminal legal system, even when it does not lead to a criminal record, is still part of a person's discoverable record.



However, when a person is arrested or convicted of a crime, there are legal penalties that are immediately imposed upon them that have little to do with the crime itself; the American Bar Association has identified those as “collateral consequences.”¹² These penalties do not occur based on the underlying conduct, but are specifically separate limitations placed on a person over and above their arrest, conviction, or sentence. The revocation of legal rights

always extends further than the sentence of jail, prison, or probation. The penalties can, and typically do, last for the remainder of the person's lifetime; therefore, they act as permanent punishments long after they have completed their sentenced punishment.

According to our research, there are 1,189 sanctions in the State of Illinois, written in both compiled statutes and administrative codes, that create long-lasting barriers for people with criminal legal records. These state laws collectively act in 1,260 ways, at times overlapping, and impacting people's access to housing, employment, education, and other opportunities.¹³

Often, criminal legal system reform will look to increase opportunities for expungement in order to remedy the problem of permanent punishments. In 1950, Congress enacted the Federal Youth Corrections Act (FYCA)¹⁴ to allow for some youth to “set aside” their conviction status in order to regain their civil rights. The formation of this law was in part a realization that permanency of a criminal conviction impacted young people's lives far beyond the conviction or resulting incarceration.¹⁵ These

THE LANDSCAPE OF PERMANENT PUNISHMENTS IN ILLINOIS

types of “set aside” reforms are commonly known as expungement or “clean slate” acts today. Those laws are an important area of reform, especially in limiting the recurring trauma that results from being continually identified as someone who was once involved in the criminal legal system. But they do not remove the actual permanent punishments.¹⁶

In 1956, the U.S. Attorney General, and the United States Parole Board and National Council on Crime and Delinquency, called for a total abolition of any law that deprived people convicted of a crime of their civil and political rights.¹⁷ And in 1962, the U.S. Model Penal Code called for a removal of civil disabilities.¹⁸ Those calls were not answered, and though conversations have resurfaced occasionally since then, there has not been widespread action towards deep systemic reform in abolishing permanent punishments.

By not providing an outlet for civil restoration of rights, a person who has contact with the civil legal system or is convicted of a crime is at the mercy of stigma imposed by employers, landlords, school admissions staff, and more. This piling on of civil legal penalties, which result in everyday barriers to opportunity, can be overwhelming and traumatic to navigate, and result in “civil death.”



THE SCALE AND SCOPE OF PEOPLE IMPACTED BY PERMANENT PUNISHMENTS IN ILLINOIS

Key Takeaways

- 3.3 million adults alive today have been arrested or convicted of a crime in Illinois since the advent of mass incarceration in 1979. Of these:
 - 36.7% of all people with records (1.2 million adults) have a conviction record.
 - 18.5% of all people with records (602,201 adults) have a felony conviction record.
- There are substantial racial disparities in the composition of people who have been arrested or convicted of crimes in Illinois.

Permanent punishments deeply restrict people’s civil liberties. In Illinois, millions of people are experiencing those restrictions every day. Our estimates, based on new data on criminal records in Illinois, find that:

3.3 million adults alive today have been arrested or convicted of a crime in Illinois since the advent of mass incarceration in 1979, all of whom are living with permanent punishments every day (or will face them once leaving the criminal legal system).¹⁹

Of these, 1.2 million adults have a conviction record and 602,201 have a felony conviction record.²⁰ That means over one-third of adults with records have a conviction record, and 1 in 5 adults with records have a felony conviction record. The most restrictive, farthest-reaching permanent punishments are targeted at people with conviction records, especially felony conviction records.

627,945 adults, or 19.2% of all people with Illinois records, have acquired an arrest record in Illinois, but were not convicted of a crime.²¹ Even though they were not convicted, arrests still appear on some background checks and websites, carrying with it a stigma that could make it harder to get jobs or housing.

The data on criminal records is highly imperfect. We found that 1.4 million people of the 3.3 million people with records have been arrested, but there is no data on the outcome of the case—it could have been dismissed, or resulted in a conviction, but the result was not recorded in the court data.²² So our estimates above of the number of people with convictions are likely conservative, since some of the people listed as “unknown” may have been convicted of their crime. Another important data limitation is that data that specifies whether people identified as Latino/Hispanic ethnicities were not collected until 2015. For that reason, we omit this ethnic group from our analyses. Since we are basing our estimates of people with

3.3 million adults alive today have been **arrested or convicted** of a crime in Illinois.

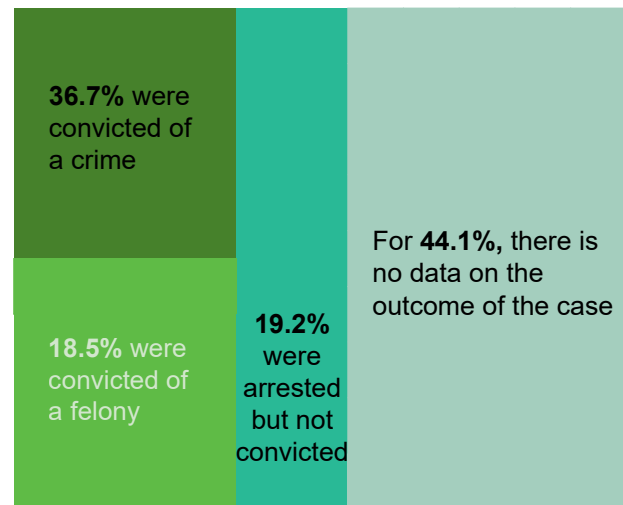
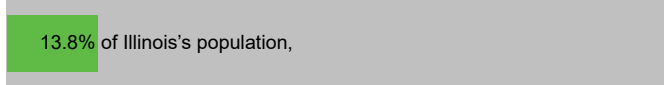


Figure 1

THE SCALE AND SCOPE OF PEOPLE IMPACTED BY PERMANENT PUNISHMENTS IN ILLINOIS

records on 40 years of arrest and conviction data, Latinos would be significantly underrepresented in the estimates if we included that information. Native peoples are also disproportionately impacted by the criminal legal system, but data on that racial group is not available in the criminal record history data.²³ Improving the quality of criminal record data is an essential step to understanding, and working to rectify, racial

Black people make up only...



BUT make up...

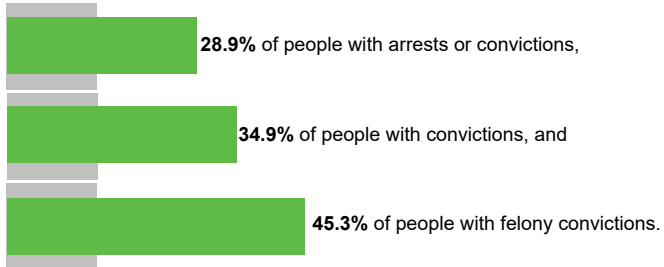


Figure 2

inequity in the criminal legal system. (see Appendix 2: Methodological Appendix for more)

There are substantial racial disparities in the composition of people who have been arrested or convicted of crimes in Illinois.²⁴ Black people make up 13.8% of the Illinois population, but 28.9% of people who acquired arrest or conviction records in Illinois, 34.9% of those who were convicted of crimes in Illinois, and 45.3% of those who were convicted of felonies in Illinois. In contrast, White people are 73.2% of the Illinois population, but just 64.4% of people

who were arrested or convicted in Illinois, 59.1% of people convicted of crimes, and 47.8% of people convicted of felonies in Illinois.²⁵ A greater proportion of Black people with records are experiencing harsher restrictions on their liberties as compared to White people with records, even after they serve out their sentence.

Over 40 years, hundreds of thousands of people were convicted of crimes in Illinois that carry severe permanent punishments. In that time, 365,069 people were convicted of drug crimes in Illinois. People with drug offenses are often barred from housing (notably, public and subsidized housing) or employment. For example, the Housing Opportunity Program Extension Act (HOPE Act) bars people evicted for drug-related activity from receiving housing assistance, and directs public housing authorities to deny housing to people who engage in substance use.²⁶ Similarly, people with “violent” crime convictions often face harsh permanent punishments and are frequently carved out of programs designed to support people with records. In Illinois, 356,204 people have been convicted of crimes against persons, which includes homicide, robbery, battery, and assault, while 112,067 have been convicted of unlawful uses of weapons. Black men are disproportionately represented among convictions of all crimes, but the disparity is most severe among crimes that carry significant permanent punishments. Black men comprise 6.3% of all adults in Illinois, but 54.8% of convictions for unlawful uses of weapons, 34.2% of convictions for crimes against persons, and 39.2% of convictions for drug offenses (see Appendix 1: Detailed Tables for more).²⁷

Black men comprise



of all adults in Illinois but...

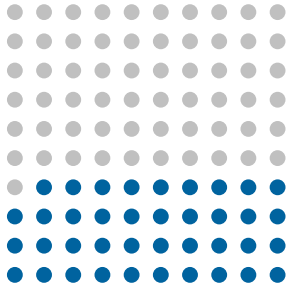
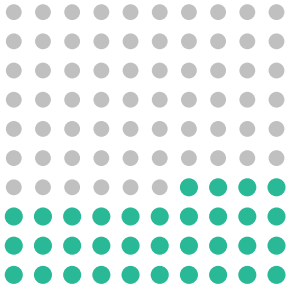
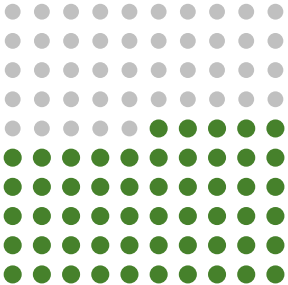


Figure 3

A note on the data

When seeking to understand the impact of criminal records on a community, people often want to know the percent of people in that community with a record. In order to do so, you would need to know who was arrested or convicted in their lifetime, whether they are still living today, and where they currently live. The data we have from the Criminal History Record Information (CHRI) system, provided by the Illinois Criminal Justice Information Authority (ICJIA), tells us the number of people who were arrested or convicted in Illinois from 1979 to mid-2019, but not where they live now or whether they are still alive. We chose 1979 as the cutoff since that is commonly accepted as the beginning of mass incarceration, and a substantial number of people who acquired records during this timeframe are still alive today. We used demographic-specific data on life expectancy to adjust the CHRI data so that the estimates we report here represent living people who still experience the consequences of permanent punishments. However, they may have lived in Illinois and since moved out of state, or may have just been visiting Illinois when they acquired a record here. Conversely, there are likely people living in Illinois now who acquired a record elsewhere and who would not appear in these data. So we cannot use these data to say with certainty the percent of people in Illinois who have a criminal record, though it is likely that many of the people represented in these estimates do still live in Illinois (see Appendix 2: Methodological Appendix for more).

Table 1. People arrested or convicted of crimes in Illinois, 1979 – June 2019, adjusted for life expectancy			
	Number of people	As a percent of total people with arrests and convictions	As a percent of people with convictions
Total people arrested or convicted	3,263,558		
Total people with convictions	1,196,702	36.7%	
Total people with felony convictions	602,201	18.5%	50.3%
Total people with non-felony convictions	594,501	18.2%	49.7%
Total people with arrests, no conviction	627,945	19.2%	
Total people with arrests, unknown outcome	1,438,911	44.1%	

Source: Author’s analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

PERMANENT PUNISHMENTS FOR EMPLOYMENT IN ILLINOIS

Key Takeaways

- The majority of permanent punishment laws in Illinois (982) prevent or hinder access to employment.
- Contrary to the belief that employment permanent punishments advance public safety, employment instability is a predictor of recidivism.
- People with records describe encountering employment barriers from background checks, stigma, years out of the labor market while incarcerated, and restrictions on their activity during probation, parole, or house arrest.



*"I supposed to get a job, a 12-hour shift, making \$14. My background disqualified me... I find my background really stopping me now."
- Jerome Fazir*

The majority of permanent punishment laws in Illinois (982) prevent or hinder access to employment. Unfortunately, 169 of these sanctions require or create discretionary criminal background checks for employment.²⁸ In fact, our research found that in many instances there were several laws requiring criminal background checks in one vocational career field. For example, several sanctions provide for criminal background checks in the health care field.

The effects of permanent punishments on employment outcomes

"It was a lot of situations that were like, 'No. We don't hire people with backgrounds'... It wasn't that I had the opportunity, and then people see what my work ethic is like or... if I had a work ethic; it was just strictly on having a record." -Wendell Robinson

The combined effects of employment-related permanent punishments make it much harder for people with records to find jobs, particularly for people of color:

- **Job applicants with criminal records are much less likely to hear back from employers than applicants without records.** A body of research that involves sending roughly equivalent applications to employers, varying only race and criminal history of the applicant, finds that applicants with criminal records are about half as likely as those without records to hear back from employers.²⁹

- **The penalty of having a criminal record is even larger for Black jobseekers than for White jobseekers.** White applicants are 50 to 70 percent as likely, and Black applicants 35 to 40 percent as likely, to receive callbacks when they report criminal records, even with the same credentials.³⁰
- **White applicants with criminal records receive more callbacks than all Black applicants, even those without criminal records.** 17 percent of White applicants with criminal records heard back from employers, compared to 14 percent of similarly-qualified Black applicants with no criminal record and 5 percent of Black applicants with a criminal record.³¹

“It was repeating cycle, you know, I felt like it was way easier than getting a job.”
– Jerome Fazir

These barriers to getting hired manifest in worse lifetime employment outcomes for people with criminal legal system involvement.³² However, even controlling for presence of a criminal record, Black men experience longer periods of unemployment than White men, suggesting that racial discrimination is an additional barrier atop the challenges posed by a criminal history.³³ Contrary to the belief that employment permanent punishments advance public safety, studies have found that employment instability is a predictor of recidivism³⁴ and that states with harsh employment permanent punishments have higher recidivism rates than states with less harsh laws.³⁵

Perspective on employment barriers from people with records

In our conversations with individuals with records, many described the barriers they faced while searching for employment. The majority of interviewees cited background checks as the biggest reason why employers wouldn't hire them, even if they met or exceeded the job qualifications.

“In plenty of cases because, like, I was at jobs that I know I was qualified for and they used to be mad, like, well I would hire you, but you have a background...and it makes you feel some type of way, especially when you first come home, cause you don't know how to intercept that.” - Marketta Sims

“I just tried to get a job driving, cause I like to drive, and [they] told me I couldn't get the job because of the moving violation on my motor vehicles record. And I'm like, really? Are you freaking kidding me? This is like the perfect job for me. I passed everything ...I had to pay the ticket, get everything settled and then I went back and the job wasn't there anymore.” -Anonymous

“It kinda puts you in a box as far as, you know, employment goes... basically I would say that really the employment part of it is the most drastic part of it.” - Michael Barber

Participants also described the stigmatization they experienced while applying for employment, as well as the total disregard from employers about the type of conviction or the time since the conviction took place.



“Yes, like I said, people say they may not judge, but when you got a criminal history... you be put into this category and they figure that, whether you do a murder, robbery, sold drugs, whatever it was, they think that everyone is the same when actually they don’t know the background, they don’t know the reason. Some people make certain choices and stuff like that. But they never let you get into details or try to explain or whatever. But once they want a partial application and see you been convicted, it’s over with.” – Charlie Sanders

“How do I get back on track if you just exclude me, not on my lack of work ethic, like I’m shiftless; you’re not excluding me based on that. You don’t even know what type of asset I can be to the organization ... and it’s not like these were convictions that were in the past two years... These were convictions that happened over 20 years ago.” – Wendell Robinson

“In some instances, yeah...it’s kind of odd because, like, I only have like one conviction... I think they look at your duration of time...that it’s been, you know, they don’t ask. No, they never asked for how long have you been out or have you served this? Or, that’s nearly 30 years ago.” – Joseph Smith

People with records also describe the emotional toll and frustration that comes with constant rejection from employers.



“[It’s] exhausting...running from one side of the city to faraway places in the suburbs ... It takes a toll...you sit down at the end of the day...[it’s] like you trying to pick up sand or something, take it with you, but like it just goes through your fingers and would make you feel empty.” – Joseph Smith

“I was always able to get in there and get the interviews and ace the interviews and everything. And I always get a call, ‘Petty, your background’ ... and that always in the beginning they used to, you know, set me all the way back into depression.” – Sonovia Petty

“It affected me financially and affected me mentally. And it affected me emotionally because I could have had a job, I could have had health insurance, I could have had steady income to make my life and my children better, to finance a car...and I felt like the chance was taken away from me because of the simple fact that, you know, I had a moving violation on my driver’s record and that really hindered me from moving forward in my life and it made it that much harder.” – Anonymous

For individuals who were mandated to house arrest or were released on probation, the challenge of being unable to physically apply for jobs as well as keep jobs while maintaining their probationary requirements posed additional barriers.

“It’s kinda hard because no one wants to hire a felon, you know. And so by it being that way, either [my partner] has to be gone for over half the day working with some temp agency all the way out in a different city or I have to work... It affects everything because he can’t do a lot of things....Like, even on his ID, it says now, like, he’s labeled that he has federal limits because of him being on probation. He can’t really work. He lost jobs because he’ll have to go in for probation and in lieu of going to work, he would have to go to probation. And then it’s like, oh well you’re on probation, you’re not supposed to be here anyways. Now you lost a job. And if he doesn’t have a job, how can he pay fines, let alone take care of us?” – Anonymous

“I had reached out to a few places because I had, like, some references about jobs and things of that nature. But I was on house arrest for I think three or four months.” – Anthony Chestnut

“I was only with the little time I had, I was only able to try to go to private people, private owned businesses to try to get in immediately, or the applications I could fill in online. People say that they might not judge you because of your criminal history, but I’m doing applications online. I’m calling and checking on my application statuses. I wouldn’t get no calls back. So it was kinda hard.” – Charlie Sanders

Individuals who were incarcerated as juveniles or who served particularly long sentences face unique barriers upon reentry due to their lack of previous job experience. Additionally, the time lapse in employment for young people with records put some behind in saving for retirement, as mentioned by some participants:



“I was 16 when I went to prison, but I was just taught about [a] 401K plan. Like things of that nature, establishing credit, building credit, like I’ve never had... this is my first job.” – Anthony Chestnut

“I just actually completed my first year of work, so I don’t have any retirement plan, none of that. And the gravity of that hit me, like, ‘Dang, what does my retirement look like?’ So now I have to be aggressive with saving, I have to be aggressive with... securing a primary and a secondary source of income. It may be natural to the average person in my age group that has worked 20, 25, 30 years...I have to think about what does retirement look like for me because even though I haven’t worked...at some point in time I would like to enjoy life... Time is not on my side right now; you understand how 401s and IRAs work, you know; time is your friend. But now, it’s not a friend of mine because I don’t have it...and I definitely don’t want to work up until the day that I check out.” – Wendell Robinson

Because individuals have such a difficult time finding employment, even while meeting all the necessary qualifications, many resort to low-wage jobs at temporary employment agencies that do hire people with records, but many of those jobs provide little to no benefits (including retirement benefits).

“So, I will look more and more into, you know, just trying to get jobs that really wasn’t checking backgrounds, but then it wasn’t good paying jobs, you know, and I needed some good paying jobs.” – Sonovia Petty

“It’s easy to get a minimum wage job, somebody will hire you quick because they need the help but to actually try to get into the good job that other people got without background, and try to get it for real. Your criminal history will make it hard because like I say, they categorize you and they judge you.” – Charlie Sanders

For those who are able to find employment, many report leaning on social networks and personal connections to do so.



“I got in a crappy situation and I had really good relationships with Restore Justice and I explained that to the executive director over there and she figured some things out for me and brought me on over there.” – Wendell Robinson

“I’m extremely grateful to my friend, my brother, my coworker Orlando. He’s basically like the only person outside of my family that was really there for me and helped me get my first job at a bakery. At some temp agency. I was working at a bakery doing sanitation. He connected me with that. I’m extremely grateful to another friend, Elena, that was able to create a pathway for me to become an intern at Adler.” – Michael Tafolla

“A young man by the name of Patrick Daniels that worked for, I don’t know if he’s employed by Heartland or READI Chicago, but he’s my coach and my outreach worker... I grew up with him, like he’s a good guy, but I didn’t know that he was as productive as he is. Like, I’m proud of him because I know where he came from... When I came home he had told me ‘I got an opportunity for you, a job opportunity for you’....he asked me if I was interested in hearing it.” – Anthony Chestnut

PERMANENT PUNISHMENTS FOR HOUSING IN ILLINOIS

Key Takeaways

- In Illinois, 40 sanctions apply permanent punishments in the area of housing.
- People with records are commonly denied housing from both private-market landlords and public housing.
- The combination of housing and employment permanent punishments keep many people with records in poverty and put them at risk of homelessness. At the same time, the experience of homelessness puts people at risk of criminal legal system involvement.
- There is little evidence supporting the assumption that housing restrictions protect the well-being of other residents.
- The vast majority of people with records we interviewed had experienced homelessness at some point in their lives.



“I feel like if people have made mistakes in the past, went to jail, came home...and changed their lives and... they living the straight legal life doing the right thing and they’re able to pay the rent and pay the bills... that’s wrong and then very hard to get a good housing in Chicago with a criminal history.”
– Charlie Sanders

In Illinois, 40 sanctions apply permanent punishments in the area of housing.³⁶ These laws can limit the geographical location in which a person can live; they can make people ineligible for housing in shelters, veterans’ homes, and nursing homes; and they can even deny a person’s inheritance through a transfer of property. Several of these sanctions permit landlords to conduct criminal history background checks. These lead to increased stigma and bias and significantly restrict the housing market for individuals and families with criminal legal system involvement.

The effects of permanent punishments on access to housing

People with records are commonly denied housing from both private-market landlords and public housing, with surveys of people with records showing that nearly 80 percent of respondents had been denied housing due to their record.³⁷ This occurs even with minor offenses and offenses that are years old.

In the private rental market, application processes often screen out applications with any record, and even dismissed charges and arrests without convictions can show up on some background checks.³⁸

Federal laws restrict people with certain types of criminal records (notably, drug offenses) from living in public or subsidized housing.³⁹ The regulatory infrastructure for subsidized housing allows public housing authorities significant discretion that can lead to undue burdens on people with records, including long lookback periods, considering arrests without convictions as criminal activity, and inconsistently considering mitigating circumstances.⁴⁰

Given the disproportionate impact of criminal records on people of color, the housing-related permanent punishments contribute to racialized patterns of housing instability, segregation, and homelessness.

Affordable housing is already in short supply, even for those low-income individuals without criminal records.⁴¹ The combination of housing and employment permanent punishments keep many people with records in poverty and put them at risk of homelessness.⁴² At the same time, the experience of homelessness puts people at risk of criminal legal system involvement.⁴³ People experiencing homelessness may incur records by simply trying to survive—many localities criminalize activities like sleeping in public, public urination, and begging in public.⁴⁴ More than half of people experiencing homelessness report having been incarcerated at some point in their lives, with people of color experiencing homelessness having incarceration histories at higher rates than White people experiencing homelessness.⁴⁵

There is little evidence supporting the assumption that housing restrictions protect the well-being of other residents. People with murder convictions are frequently banned from housing, but research finds that people with murder convictions have extremely low recidivism rates.⁴⁶ A large, recent study found that most criminal offenses are not a good predictor of actions that put housing stability at risk, such as rent non-payment, lease violations for behavior, or leaving without notice.⁴⁷ And, at the same time, housing stability is a top factor in reducing recidivism.⁴⁸

Perspective on housing from people with a criminal background

As many as 92% (n=13) of the individuals that we spoke to with a criminal record experienced homelessness within their lifetimes. The main barriers to housing mentioned by participants included background checks and publicly available criminal or felony records. Individuals also mentioned facing discrimination from landlords when applying for housing.

“I remember... getting on the Section 8 low income waiting list [when] my son was first born and they didn’t reach out until he was 20 years old... And then when I did go down there... the location was for, was it Lake Park? ... a nice new development that they have mixed income. But when they found out about my criminal history, they wanted to move me in Altgeld Gardens and I was like, I don’t want to go way out there, in that maze. I’ve been in Altgeld Gardens before... I felt as though they were trying to place me in an area of concentrated poverty instead of a mixed income unit. So, I ended up not taking it and they said, if you don’t take it, you’re going to get put back at the bottom of the list.”

– Colette Payne

“I didn’t even know before I went to prison that they do background checks for an apartment. But I understand it because I want to know who’s living in my building... It’s just unfortunate that me having a history... I can’t live certain places or I can’t even get on a waiting list because I have a background.” – Anthony Chestnut

*“Unless there’s a private landlord, you not going to get a house in the Chicago area. If you got a criminal background, they’re gonna always deny you. Or even if you do slip through the cracks once down the line, they’ll send you a notice saying you’re being evicted because of your background and I feel like just because you have a background... it shouldn’t help people decide if you’re able to live there.”
– Charlie Sanders*

Being barred from public housing because of a past criminal conviction is also a significant barrier, particularly for families with multiple parent households.



“[My partner] can’t even live with me, you know, because of the simple fact that he’s a felon and it just like puts a hold on everything. So now it’s only a one parent home and you know, it’s just a mess because of a decision that he really made to make sure his family was okay.” – Anonymous

“I wanted my own place, but...I was told that I couldn’t be on a waiting list for low income, no Section 8 because I’m an ex-offender. I was told that I couldn’t even get on the waiting list.” – Anthony Chestnut

Individuals often rely upon housing programs as well as their social network such as family and friends to find stable long-term housing.

PERMANENT PUNISHMENTS FOR EDUCATION IN ILLINOIS

Key Takeaways

- In Illinois, 28 sanctions govern education access. There are at least 364 state laws and regulations that restrict occupational licensing for people with a criminal record.
- Formerly incarcerated people have substantially worse education outcomes than people who have not been incarcerated.
- A key barrier to education noted by people with records include not having sufficient financial support to pursue an education, either by being barred from receiving financial aid or needing to keep a job to provide for one's family.



“When I tried to go back to school they told me [that] I no longer qualify for the FASFA because of some reason...I think it was an incident from a while ago... a fight and that I got involved with, it wasn't even my fight.... It just seems like... they are holding everything against you, basically ... Like, why can't I get an education? Just because I made a bad decision that don't mean you should take that from me.” – Anonymous

Of the 1,189 sanctions in Illinois, 28 govern educational access.⁴⁹ These laws enact permanent punishments by creating restrictions to grants and educational and job training opportunities. They also authorize background checks for admission to training programs, colleges, Master's and PhD programs, medical schools, and law schools, creating a chilling effect for people who have criminal legal records to apply to those educational programs. Our research found that 75% of the criminal history background checks in Illinois are for educational access to degrees or programs in the public health field.

The effects of permanent punishments on education outcomes

Compared to the general public, formerly incarcerated people are nearly twice as likely to have no high school diploma or equivalent, and more than half only hold a high school diploma or GED. Less than 4% of formerly incarcerated people hold a college degree, compared to 29% of the U.S. population.⁵⁰

Formerly incarcerated people face barriers to education in the form of federal financial aid restrictions, discriminatory college admission practices, and occupational licensing restrictions that limit the benefits of higher education.

In 1998, with the reauthorization of the Higher Education Act of 1965, Congress enacted a complicated eligibility restriction applicable to students who have prior convictions for possession or sale of controlled substances.⁵¹ Applicants subject to this bar cannot obtain Pell grants or federal student loans, which effectively means denial of higher education for many low-income students.⁵²

Individuals with criminal records also face barriers to licensure in both in federal and state law. Often state laws will empower licensing authorities to deny applicants on the basis of a criminal record. In the state of Illinois, there are at least 364 state laws that restrict occupational licensing for people with a criminal record. The restrictions to occupational licensing severely limit post-education employment opportunities for individuals with a criminal record, and serve as a significant deterrent to pursuing higher education. A recent state law passed in 2017 limited the types of criminal records that can be considered in licensing applications, expanding employment opportunities for people with records (particularly those with juvenile records, sealed/expunged records, or arrests that did not result in a conviction).⁵³

People in prison participating in college education are least likely to recidivate and most likely to be employed after incarceration. Unfortunately, significant barriers to higher education exist for those with criminal backgrounds, both during their involvement with the criminal justice system and once returned to their communities.⁵⁴

Perspective on education from people with a criminal background

The main barriers identified by participants in terms of education include being barred from obtaining state licensure in a given profession, despite having the credentials.

“I took college in prison, but I didn’t know I can’t get my license because I’m an ex offender... there’s certain stuff that you can’t do because you committed a crime.” – Anthony Chestnut

“It’s very hard because like, it’s a lot of schools that want me, but I feel like if I go for...my bachelor’s and my addiction studies, I know I’m not going to be able to take my state license. So why should I put all my work and my effort towards doing all this when I’m going to get smacked in my face? Like, well, you have [a] background, you know what I’m saying? And I put in all this work and I feel defeated once again.” – Marketta Sims

Not having sufficient financial support to pursue an education, either by being barred from receiving financial aid or needing to keep a job to provide for one’s family, was also described as a barrier.

“It’s a barrier...starting school so late in age and trying to keep a job so you can keep an apartment and finish school. That’s why I haven’t finished yet... just trying to figure that out.” – Colette Payne

“I am still interested in school, but right now, I don’t know. I don’t know if I will be able to, like, work and take online classes because I’m the type of individual that I don’t want to put too much on my plate...If I’m going to school, I’m going to commit to school, but I don’t want to be overwhelmed because I know right now just balance your work and household.” – Anthony Chestnut



Over half of participants said they wanted to go back to school to pursue higher education, and mentioned wanting degrees related to business management, marketing, architecture, design, fashion, IT, and math or science.

“I definitely want to go back to school for fashion...I don’t know if I’m too old, but I love, always loved, architecture. Like I always wanted to design, to build my own, cause I’m very good with drawing. I’ve been drawing all my life...I just don’t know if I’m going to have time to get around to it. But I’m definitely interested in going back to school.” – Anthony Chestnut

“I just been wanting to get my associates degree in IT and become a help desk... that’s all I’ve been wanting to do for the longest. And it just seems like it’s impossible now because of my background and also having children and being with someone who doesn’t have a good background. You know, it’s like we both we’re just kinda like in a rut.” – Anonymous

“I got my GED, but I actually want to go back to school. I love math. I want to get a major in science or math to do something better. I don’t want to just be able to say, I got up and worked a minimum wage job and just survive day by day. I actually want...to better myself, better my son, to be a better role model for my brothers, my siblings, stuff like that.” – Charlie Sanders

“I would love to get something in management because if I do plan on being an owner-operator [of my own business]...I would definitely want to get some form of degrees in management.” – Wendell Robinson

And while many individuals took advantage of the educational resources that were available while incarcerated, some alluded to the disconnect that exists between the educational and licensure programs available in prison and the existing laws that prohibit people with records from practicing in whatever field they trained in.



“The thing is that sometimes the community colleges ... that are within the prison, they kind of undermine us because...they have automotive programs where they actually licensed you, to come out, be a technician, things of that nature...but they don’t do that for all of the classes or trades that they offer. Out here there’s a disconnect...I spoke to someone about that recently...like certain jobs I tried for...like a subsidiary of Ford motor company... [I applied] through a temp agency...AC took one look at my background [and] despite how long it’s been, they told me I couldn’t [have it].” – Joseph Smith

THE CONSEQUENCES OF PUBLIC REGISTRIES

Key Takeaways

- Registry laws, and the state and local laws related to them, impose a number of restrictions and requirements, including a duty to register regularly with law enforcement and other officials, restrictions on where you can live, and publication of personal information.
- Illinois has created three public registries: 1) the Sex Offense Registry, 2) the Murder and Violent Offense Against Youth Registry, and 3) the Methamphetamine Manufacturer Database.
- People on registries often experience housing instability, homelessness, difficulty finding employment, social stigma, and harassment.
- There is little evidence that registries are effective at improving public safety, and in fact may make things worse by interrupting positive forces that can help reduce the risk of criminal behavior.

Among the permanent punishments with the most far-ranging effects on individuals re-entering our community are registries. Registry laws, and the state and local laws related to them, impose a number of restrictions and requirements, including:

- a) a duty to register with law enforcement and other officials regularly, including informing law enforcement about travel, job or housing changes, and enrolling in school;
- b) an individual's personal information being publicized;
- c) residency and related restrictions which may limit where certain registrants may live or be present (such as no residency within 500 feet of a park or daycare); and
- d) other permanent punishments, such as employment or licensing restrictions.

This quagmire of federal and state law and local ordinances are often confusing, difficult to navigate, and limit opportunity. The result is that people experience housing instability, homelessness, difficulty finding employment, social stigma, and harassment.^{55, 56}

Like many with a criminal record, people required to register are frequently barred from many types of jobs and certain occupational licenses under Illinois law.⁵⁷ Even when these legal barriers are not present, the social stigma related to a history of sexual or violent offenses can mean denied applications and lost jobs.⁵⁸ And while most Illinois convictions are eligible to be sealed after a three-year waiting period—a significant step in reducing stigma in hiring—people are not eligible to seal their records while they are on the Sex Offense or Murder and Violent Offense Against Youth Registry.⁵⁹



THE CONSEQUENCES OF PUBLIC REGISTRIES

Restrictions on housing can be particularly severe—for example, housing banishment laws prohibit individuals with sex offense convictions from living within 500 feet of a school, daycare, park, or similar



location. Depending on the community, these rules can restrict housing availability so much that individuals are forced into homelessness or forced to live away from family, employment, or their community.⁶⁰ When housing is available, many landlords conduct background checks and are unwilling to rent to people with sex or violent offenses in their history. Even housing assistance is out of reach—federal law prohibits housing authorities and many owners of federally subsidized housing from renting to people on the sex offense registry.⁶¹

Social isolation is a pervasive problem for people on the registry. Public notification, social stigma, and fear means that many people on the registry experience harassment and ostracization.⁶² Indeed, these consequences can extend beyond the individual and to the friends and families of people on the registry, and can often lead to the loss of social ties and community.⁶³ Likewise, the same restrictions

that prevent individuals from being present in certain public spaces can lead to the inability for some to participate fully in religious or community activities, limiting social and civic interaction.

Taken together, these consequences result in a morass of devastating barriers that prevent people on registries from moving forward.

Registries and Public Safety

Prior to the mid-1990s, only a handful of states, including Illinois, had established crime registries. The widespread use of registries began in the mid-1990s, with 1994's Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which provided states with baseline standards to register individuals convicted of sex offenses, and 1996's Megan's Law, which required a registry to be public when necessary to protect the public. Both of these laws were in response to high-profile cases involving children.⁶⁴ Since that time, sex offense registries have expanded significantly and apply to a broad array of offenses against adults and children, and federal and state laws continue to expand. Registries for other crimes have also significantly expanded.⁶⁵

While registry laws were created to increase public safety and reduce the risk that a person who has been previously convicted of a crime will commit that crime again, there is little evidence that they are effective.⁶⁶ Indeed, while the public sex offense registry ostensibly warns the public about unknown people with sex offense convictions, the vast majority of sex offenses are committed by people that the victim knows.⁶⁷ This "stranger danger" framework does not align with the realities of who commits sexual crimes or the related data regarding recidivism.⁶⁸

In 2016, Illinois created the Sex Offenses & Sex Offender Registration Task Force, comprised of decision-makers and experts to examine the data and research regarding registries and people with sex offense convictions, and make to recommendations to the General Assembly. After over a year of work, the Task Force concluded that sex offense registries and notification laws do not reduce recidivism, nor do they affect the sexual crime rate.⁶⁹

Evidence also suggests that the consequences of registry laws, residency restrictions, and public notification interrupt positive forces that can help reduce the risk of criminal behavior, like employment,

housing, and social interaction. The result may be that registries and related laws are actually making things worse.⁷⁰ In fact, the mother of Jacob Wetterling, whose kidnapping inspired the 1994 federal law, has indicated that the expansion of public registries and related laws has gone too far.⁷¹

Registries represent some of the harshest permanent punishments suffered by people with a criminal record, despite little efficacy, and highlight the risks of systems that exclude people rather than support their reentry into the community.

Public Registries in Illinois

Illinois has created three public registries: 1) the Sex Offense Registry,⁷² 2) the Murder and Violent Offense Against Youth Registry,⁷³ and 3) the Methamphetamine Manufacturer Database.⁷⁴ Illinois also provides for an arson registry,⁷⁵ but it is not publicly available. Subject to some special rules, individuals with juvenile records are also required to register.⁷⁶

Sex Offense Registry: Illinois State Police maintain a Sex Offense Registry and an online public website that publishes photos, address information, and the relevant conviction information of people on the registry. There are approximately 32,000 people currently on Illinois's Sex Offense Registry.⁷⁷ Depending on the nature of the underlying conviction, they are required to register for 10 years or for life. Generally, registration is annual. Those individuals experiencing homelessness, however, are required to register weekly. Registrants are also required to immediately report changes in address, employment or enrollment in school.



Murder and Violence Against Youth Registry: Illinois State Police maintain a Murder and Violence Against Youth Registry and an online public website that publishes photos, address information, and relevant conviction information of the people on the registry. In 2019, there were approximately 8,000 registrants, the majority of whom had been convicted of First-Degree Murder or Attempted First Degree Murder. Most individuals are required to register for 10 years after release from confinement, but those who have been convicted of murdering someone under the age of 17 must register for life. Generally, registration is annual. Those individuals experiencing homelessness, however, are required to register weekly.

Methamphetamine Manufacturer Database: Illinois created a Methamphetamine Manufacturer Database, maintained by the Illinois State Police. The database includes the name and date of birth of individuals convicted of methamphetamine manufacturing, as well as the specific offense and the date and county of conviction. Individuals are not required to register with law enforcement routinely.

Juvenile Registration: In Illinois, juveniles who have been adjudicated delinquent of an offense that would have otherwise qualified for the Sex Offense Registry if they had been an adult are required to register. A similar rule applies for adjudications for convictions that would otherwise qualify for the Murder and Violence Against Youth Registry law. Juveniles required to register with the Sex Offense Registry may petition to be removed from the registry after a waiting period of 2 or 5 years, depending on the nature of the underlying adjudication.

HOW PERMANENT PUNISHMENTS HARM PEOPLE OF COLOR

Key Takeaways

- People of color—namely, Black and Brown people—experience disproportionately harsh outcomes at every step of the criminal legal system, from arrests to conviction to sentencing.
- An estimated 941,830 Black adults have been arrested or convicted of a crime in Illinois since 1979. While Black people represent 13.8% of the adult population in Illinois, they represent 28.9% of the people arrested or convicted of crimes in Illinois.
 - 45.3% of people with felony convictions in Illinois since 1979 were Black. Many of the deepest, most limiting permanent punishments are associated with felony convictions.
- An estimated 14% of Black adults in Illinois were currently or formerly incarcerated as of 2010, compared to 3% of adults overall. Illinois has the third highest percentage of Black adults who are formerly incarcerated in the nation
- When Black and Brown people finish their criminal legal system involvement, they are doubly stigmatized due to their race and their criminal backgrounds.
- People of color with records who we interviewed described the criminal legal system as a system full of injustices with laws in place to control them rather than protect its residents.



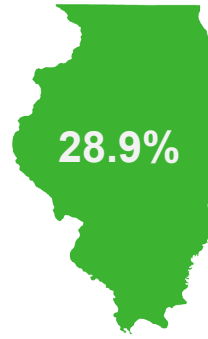
“[It’s] a system that’s kind of rigged to really, really entrap you in it.”
– Wendell Robinson

People of color—namely, Black and Brown people—experience disproportionately harsh outcomes at every step of the criminal legal system, from arrests to conviction to sentencing.⁷⁸ It follows that the effects of permanent punishments are concentrated in Black and Brown communities, curtailing many of their personal liberties and economic opportunities.

Our research found that an estimated 941,830 Black adults have been arrested or convicted of a crime in Illinois since 1979. While Black people represent 13.8% of the adult population in Illinois, they represent 28.9% of the people arrested or convicted of crimes in Illinois.⁷⁹ National studies estimate that half of Black men will be arrested before age 23.⁸⁰

Even more concerning, 45.3% of people with felony convictions in Illinois since 1979 were Black.⁸¹ Many of the deepest, most limiting permanent punishments are associated with felony convictions.⁸²

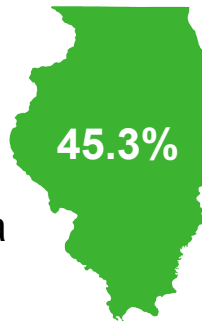
An estimated 14% of Black adults in Illinois were currently or formerly incarcerated as of 2010, compared to 3% of adults overall. Illinois has the third highest percentage of Black adults who are formerly incarcerated in the nation.⁸³ Nationwide, Black people have become increasingly over-represented among the prison population.⁸⁴ An incarceration history can compound the effects of permanent punishments—for example, in addition to facing statutory barriers to employment, years of missing work experience while incarcerated can make it even harder to find a job.



Nearly one third of people arrested or convicted of crimes in Illinois are Black even though they only represent 13.8% of the adult population.

Figure 4

941,830 Black adults have been arrested or convicted of a crime and



almost half of people with felony convictions were Black since 1979.

The criminal records data in Illinois has very limited information on Latinos, so we omit that ethnic group from our analysis (see “Appendix 2: Methodological Appendix” for more). However, this does not mean that Latinos are not impacted by criminal legal system involvement. In Illinois, 12.8% of people in prison in 2018 identified as Hispanic/Latino.⁸⁵

Figure 5

“[Police will] plant stuff on you and just try to put you into the system to gain control over, like, African Americans, [particularly] men. Like because we can be strong at times, you know, and we’re the main people in poverty for some reason...It’s like they want to be able to control us so we won’t be able to reach our highest potential... they want it to be a cycle.”

– Anonymous

Table 2. People arrested or convicted of crimes in Illinois, 1979 – June 2019, by race, adjusted for life expectancy

	Number	As a percent of total
White people with arrest or conviction records	2,102,529	64.4%
Black people with arrest or conviction records	941,830	28.9%
Total arrest or conviction records	3,263,558	-
White people with convictions	706,861	59.1%
Black people with convictions	417,814	34.9%
Total convictions	1,196,702	-
White people with felony convictions	287,565	47.8%
Black people with felony convictions	272,744	45.3%
Total felony convictions	602,201	-
White people with non-felony convictions	419,296	70.5%
Black people with non-felony convictions	145,071	24.4%
Total non-felony convictions	594,501	-
White people with arrests, no conviction	416,540	66.3%
Black people with arrests, no conviction	177,496	28.3%
Total arrests, no conviction	627,945	-
White people with arrests, unknown outcome	979,128	68.0%
Black people with arrests, unknown outcome	346,520	24.1%
Total arrests, unknown outcome	1,438,911	-

Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

When Black and Brown people finish their criminal legal system involvement, they are doubly stigmatized due to their race and their criminal backgrounds. This can make finding employment extremely difficult due to both statutory barriers for people with records as well as hiring discrimination against people of color. Study after study shows people with criminal records have harder times finding jobs than people without criminal records. But research also consistently finds that racial discrimination is as large a barrier as criminal background—White men with criminal records receive about as many job offers as Black men WITHOUT criminal records.⁸⁶

Racism itself can influence the infrastructure of permanent punishments in a state. States with higher levels of racist attitudes, larger Black populations, and lower levels of Black representation among the legislature have higher levels of permanent punishments.⁸⁷

Perspective on systemic injustices in the criminal legal system from individuals with criminal records

All of the interviewees that were part of our research were people of color. When asked about their experiences with the criminal justice system, almost all described it as a system full of injustices with laws in place to control them rather than protect its residents.

“We have to look at history. Look at where we’ve been as a society, how certain laws were created, the principles that our country were founded on...slavery...it’s like still a form of slavery and systems of control. Look at restrictive covenant, red lining. It’s still the same system, just a different name.” – Colette Payne

*“You see down there as young Black men and the older Black men too, not just young but Black men, Puerto Ricans. It’s just a... revolving door thing, you know, and then you can very well get caught up in that revolving door or you know, it can go around so fast. It can sling you out of it and you’d be fortunate that it’s kicked you out of it and you stay out of it. Cause you get caught up in that revolving door. You look around, your life would be over. You’ll be an old man with DOCs on and it, and it happens all the time....DOCs is just the clothing that you wear when you’re in custody. They belong to the Department of Corrections, just like you do for that time. You’re their property.”
– Michael Barber*

“I just like thought if I haven’t done anything, I know the system is not gonna convict me. But then I ended up getting convicted for two offenses...We have a system that’s in play that works if you have certain resources. If you don’t, if you lack resources, I really don’t think the system works.” – Wendell Robinson



Individuals also talked about the unfair treatment and violent practices they experienced during interactions with law enforcement, often feeling personally targeted by police, and the ripple effect that criminal legal system involvement has on their families and communities.

“We have the tendency of, you know, being Black men... to have this phobia that exists... When you see the police...when the police see you...[There] have been times when, you know, just riding down the street... policemen who look at you, you look at him and next thing you know, he’ll whip around and you know, for no reason... That’s happened to me, you know, a few times in my lifetime... It’s the reality of living on the South Side of Chicago. It’s the reality of being, you know, a Black man.”

– Michael Barber

“I can remember the police officers putting drugs on me just because I was hanging in the neighborhood, locking me up, giving me drug cases and I didn’t even have a record...I was actually in the County plotting and trying to figure out how could I get back at the system for locking me up for nothing... It’s really [a] failure cause...I think people should be punished for when they do something, not get punished for when you don’t do nothing.” - Leola



“They cuffed me to a bench and mind you, I’m in a dress, flip flops, I’m all in this police courtroom. What’s going on? And I peek out and then I hear it basically...I’m hearing them congratulate her on basically racking up on tickets on me when they supposed to be all fighting crime and doing stuff to make the neighborhood a better place when instead they want to get easy clout, off of parking tickets.... [I’m] trying to take my kids out the neighborhood and to the park to have a nice time on a summer day. And it just, it felt horrible because she didn’t have to bring me into the police station. She didn’t have to do any of that. She could’ve gave me a ticket...but instead she brought me in.”

– Anonymous

“I’m not going to say that the criminal justice system is corrupt, but it’s kind of unfair because certain situations, where I really, I was really trying to get out of a situation from making the wrong decisions, and I still got pulled in, not because of the choice I made, but the police were looking at me as a stereotype because I’m in this area or in this neighborhood. They figure that I’m a part of the thing that’s going on...I was targeted like I said it, but it was cause I was in a certain area at the time.”

– Charlie Sanders



A distrust in law enforcement and in the criminal legal system was also highlighted in our conversations, with many participants referring to the justice system as a business, designed to be cyclical, with no real pathways designed to lead to better outcomes for people with records.

“And it’s just crazy because it’s a cycle and I feel like it’s put in place for it to be a cycle and not to be broken. Like why? I don’t know. I guess everyone needs a job. If there was no crime ,well, we wouldn’t need police officers. If there was no fires, we wouldn’t need firefighters. You know, if people wasn’t sick, we wouldn’t need doctor[s]. If people wasn’t dumb, we wouldn’t need teachers.” – Anonymous

“We were job security and I’ve heard that said, like, working commissary when... you got to do an inventory count. What’s been sold, how much money has been generated... and that was one turning point for me because I said I don’t want to be job security for them and if I continue to come back to prison, that’s what I’m going to be.” – Colette Payne

“Some people I’ve seen get out and then return one, two, three months later, you know, or two, three years later. I know that there are people...who want us to go back, you know, because without us going back, they don’t have a job... If we all refuse to stop doing things that lead us to prison, they wouldn’t dare be out of a job. So that’s, that’s kinda how I look at it.” – Joseph Smith

“If they gonna say they trying to get us back into society, be true about it cause you’re not trying to make us back by society. They trying to make you go back to jail... they try and make them money. They business...they traffic and trading bodies, basically.” – Marketta Sims

For more information on experiences with barriers to employment, housing, and education, please see the sections on “Permanent punishments for employment in Illinois”, “Permanent punishments for housing in Illinois”, and “Permanent punishments for education in Illinois.”



PERMANENT PUNISHMENTS AND WOMEN

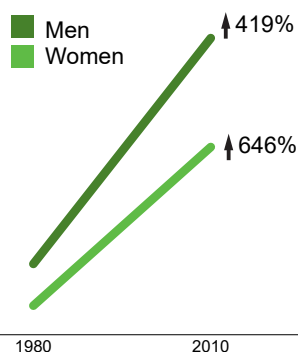
Key Takeaways

- The vast majority of people involved with the criminal legal system identify as male. However, the fastest-growing prison population is women-identified.
- Black men are 13.0% of all adult men in Illinois, but 26.5% of all men arrested or convicted in Illinois. The racial disparity is even starker for Black women than for Black men—Black women make up 14.5% of all adult women in Illinois, but 34.3% of all women arrested or convicted of a crime in Illinois.
- Women often end up involved with the criminal legal system for different reasons than men (such as surviving poverty and substance use), and permanent punishments may therefore have a uniquely gendered impact on women.
- Women with records who we interviewed cited background checks as a barrier to finding employment and achieving financial stability for themselves and their families. They also discussed experiences of cycling in and out of the system and the difficulty of managing substance use disorders while stuck in that cycle.

“I realized since I’ve been coming to groups like Above and Beyond and trauma groups and talking to a therapist and keeping in contact with my psychologist and my sponsors, that it can get better. It don’t go away. Trauma, mental illness don’t go away, but taking your meds and not putting drugs on top of, it get better.” - Leola



The vast majority of people involved with the criminal legal system identify as male—70.9% of people arrested or convicted in Illinois since 1979 are men. However, the fastest-growing prison population is women-identified.⁸⁸ Given the prevalence of males in the criminal legal system, less programmatic and research attention has been paid to the effects of permanent punishments on women. What we do know indicates that women often end up involved with the criminal legal system for different reasons than men,⁸⁹ and permanent punishments may therefore have a uniquely gendered impact on women.



The **fastest-growing** prison population is **women-identified**—increasing by **646%** from 1980 to 2010.

Figure 6

We found that 904,729 women and 2,314,877 men were arrested or convicted of a crime since 1979 in Illinois. In the US, 13% of men have a felony conviction record.⁹⁰ Racial disparities are evident as well: Black men are 13.0% of all adult men in Illinois, but 26.5% of all men arrested or convicted in Illinois. The racial disparity is even starker for Black women than for Black men—Black women make up 14.5% of

PERMANENT PUNISHMENTS AND WOMEN

all adult women in Illinois, but 34.3% of all women arrested or convicted of a crime in Illinois.⁹¹

There are an estimated 110,149 women and 482,712 men with felony convictions in Illinois. Similar patterns of racial disparity hold true within felony convictions: in Illinois, Black women comprise 45.5% of women (3.1 times higher than their proportion of all adult women), and Black men make up 44.7% of men (3.4 times higher than their proportion of all adult men), with felony convictions.⁹² Nationwide, 33% of Black men have felony convictions.⁹³ This means that the most severe permanent punishments are concentrated among people of color. The forces that precipitate criminal legal system involvement for women of color cannot be disentangled from the systemic racism and segregation that have concentrated women of color in neighborhoods with limited economic opportunities and disinvestment.⁹⁴

Black men and women make up a higher proportion of those with arrests and convictions than their proportion of all adults in Illinois.

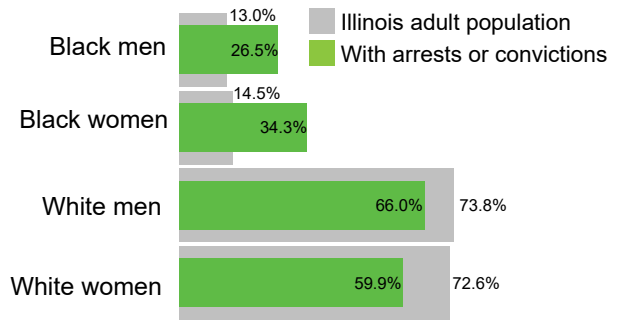


Figure 7

Table 3. People with arrests or convictions in Illinois, 1979 – June 2019, by sex and race, adjusted for life expectancy

	Number	As a percent of total arrest or conviction records	As a percent of sex
Total arrest or conviction records	3,263,558		
Total arrest or conviction records, men	2,314,877	70.9%	
Total, White men	1,528,921	46.8%	66.0%
Total, Black men	612,730	18.8%	26.5%
Total arrest or conviction records, women	904,729	27.7%	
Total, White women	541,893	16.6%	59.9%
Total, Black women	310,160	9.5%	34.3%

Source: Author’s analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

Women are more likely than men to get involved with the criminal legal system for crimes related to surviving poverty conditions, such as property crimes.⁹⁵ Of all people convicted of property crimes in Illinois, 23.9% were women, which is the highest proportion of women represented among all crime types reported here; of those women convicted of property crimes, 40.3% were Black (which is 2.8 times higher than the percent of adult women who are Black) (see Appendix 1, table A13).⁹⁶ Women have lower incomes prior to entering prison than men do, and women of color have lower pre-prison incomes than White women.⁹⁷

A **disproportionate** number of **women** nationwide are **incarcerated for drug offenses**.

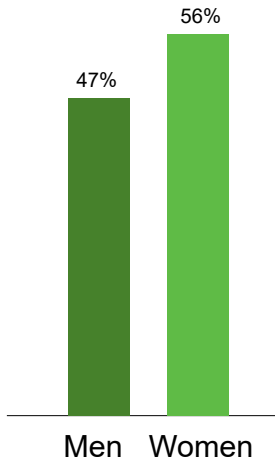


Figure 8

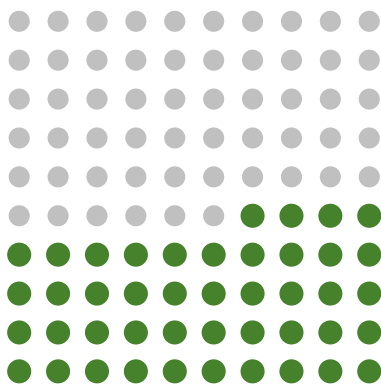
Drug convictions, alongside property crimes, account for a disproportionate percentage of convictions for women—in particular, women of color.⁹⁸ In Illinois, 136,125 women were arrested or convicted for drug offenses, 43.0% percent of whom are Black women (compared to 14.5% of all adult women) (see Appendix 1, table A13).⁹⁹ The War on Drugs prompted a surge in the number of women with criminal legal system involvement,¹⁰⁰ particularly women of color; in the first decade after the passage of the Anti-Drug Abuse Act of 1986, the number of women in prison in the US rose by 88 percent.¹⁰¹ The War on Drugs also precipitated growth in child welfare system involvement; with growing numbers of incarcerated mothers and declining safety net supports, foster care caseloads more than doubled between 1985 and 2000.¹⁰² Forty-four percent of incarcerated Latinas and 39 percent of incarcerated Black women have drug convictions, compared to 23 percent of incarcerated White women.¹⁰³ People with substance-related records are more likely to recidivate and face worse

outcomes for housing stability and employment

than non-substance users with records,¹⁰⁴ indicating that the large number of women with substance-related records need additional support after their criminal legal system involvement. The high rate of drug convictions among women means that women disproportionately bear the impact of permanent punishments tied to drug records.

Upon ending criminal legal system involvement, women face unique barriers. Women are more likely than men to be primary caregivers for children.¹⁰⁵ When women with criminal legal system involvement face barriers to self-sufficiency that often also means barriers to caring for their families.¹⁰⁶ These barriers include employment challenges.

Low-income women are overrepresented in sectors that are wary of hiring people with criminal records, such as the service industry, healthcare, social services, child care, and



44% of incarcerated **Latinas** have drug convictions compared to **23%** incarcerated **White** women with drug convictions.

Figure 10

education.¹⁰⁷ Women have worse employment outcomes than men in the time period after leaving prison, including lower wages, lower employment rates, and higher underemployment rates.¹⁰⁸ And poor physical and mental health, experienced by over three-quarters of women who went to prison, can compound with a criminal record to make it even harder to get a job.¹⁰⁹

A criminal record makes it harder or impossible to access safety net supports designed to assist single mothers, such as Temporary Assistance for Needy Families—180,000 women nationwide are subject to lifetime bans on TANF.¹¹⁰ In Illinois, people with felony drug convictions face restrictions on TANF access, though not lifetime bans.¹¹¹ Illinois also does not have lifetime bans on food assistance (SNAP) for people with felony drug convictions.¹¹² Women may be discouraged from applying for TANF and other safety net programs due to fear of stigma during the application process.¹¹³

Black women make up a **smaller proportion** of Illinois female population but a **larger share** of women arrested or convicted for drug offenses.

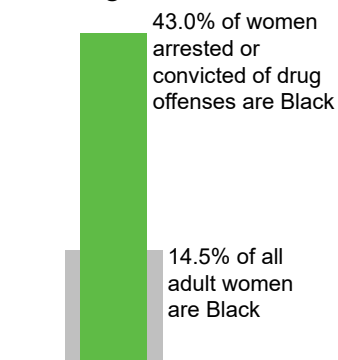


Figure 9

Perspectives from women with criminal records

All of the women we talked to as part of this research are mothers. When reflecting on their experiences reintegrating into society after being incarcerated, some talked about their roles in caring for others, and cited background checks as a barrier to finding employment and achieving financial stability for themselves and their families.

“I still wanted to work because that was what was in me. And I knew, and I had kids that needed me and was counting on me to provide... so I knew I couldn’t go back out there selling no drugs because the police knew me and they would get me... And I can’t go back to jail. My anxiety is too bad. It still was hard to find work because jobs that didn’t require background checks were jobs that didn’t pay well. This continues to be a challenge for people who have been in jail and are looking for work.” – Sonovia Petty



*“I mean it was several times where I went to look for work... got the job there, aced the interview. They knew I had a criminal history. They just didn’t know how extensive it was because I disclosed that information on the application...the process was so long. So, it was like a week of going back and forth, filling out paperwork, going through metal detectors, talking to folks, and then the waiting on my background check to come back, taking the urinalysis to make sure, you know, I don’t use drugs, all of that, passed that....The lady really wants me, but she can’t have me work in housekeeping because of the theft and forgery....They didn’t even want me. And I was like, I don’t know what the hell I’m gonna do right now. I just don’t know.”
– Colette Payne*

Women with histories of substance use talked about their experiences cycling in and out of the criminal justice system, with some entering the system as juveniles. They also talked about the expectations that were placed upon them to use the criminal legal system to manage their addiction and be self-reliant to get better.

“I remember my mom asking the judge, ‘What can be done to save my child?’ ... There was nothing available for a poor person who didn’t have the means, the money to pay for something to support me... I did six months... I came home, back to the same environment. No plan given, like prison isn’t a place for rehabilitation.... And at that time they would give you like a hundred dollars gate money and a ticket. And I remember with that hundred dollars, a few of us who were traveling home on the train took the money and went and got high. So that cycle of addiction and crime continued.” – Colette Payne

“I started going to prison at the age of 17. I turned 18 in the County all way up to 40 something. Look at me now. You got to want to change. You got to put some work in. You got to change your ways and hang with the people that’s winners and stop hanging with losers...What if, when I had to get through probation, did that, and I went back on the block? Well, I chose to hang over here and keep coming over here to make some new friends, meet some new people, do something different and... it gets better. It’d be kinda rough here. Like, rocky in the beginning, but it gets better...Work on going to a mental hospital, and seeing my therapist, seeing my psychologist, then going to meetings, coming over here...” - Leola



Women faced a variety of hurdles when ending their criminal legal system involvement: a lack of support for successful reintegration into society, a lack of communication between the systems they were expected to navigate post-release, and financial barriers to be able to access those systems.

“Leaving the prison system, you got parole, you got AA or NA, if you have to do that, if that’s one of your stipulations... anger management or parenting or like, those are multiple systems and none of them communicate which each other and they make it so hard for a person to succeed. [A]nd even not having any money and having to pay the assessment fee to be assessed for outpatient treatment. Like, how am I going to maneuver that, ask for help? Because I didn’t always ask for help...and fear[ed] that I would be judged or looked at as weak, even if I felt that I wanted to use. Like in the past, if I failed, I would just keep it inside and wouldn’t tell anybody, even though I had somewhat the support of AA and NA, because what I realized, even in that system, you still have folks who are sick. You’re sick and suffering, so to speak, and who haven’t healed.” – Colette Payne

“[W]hen you get out of that, if you get gate money, it ain’t nothing to get you from A to B or C. So now I, how do I reach out to get to A to B to C? First of all, because I don’t even have the money order you [gave me] to utilize cause somebody might not want to drive me...And that’s a lot of pressure for a person that just came home cause you don’t even have the right tools to establish everything that you need.” – Marketta Sims

Almost all of the women talked about focusing on their own personal growth since exiting the justice system, with many attributing their roles as caregivers as a motivator for staying out of trouble, and focusing on their mental and emotional health.



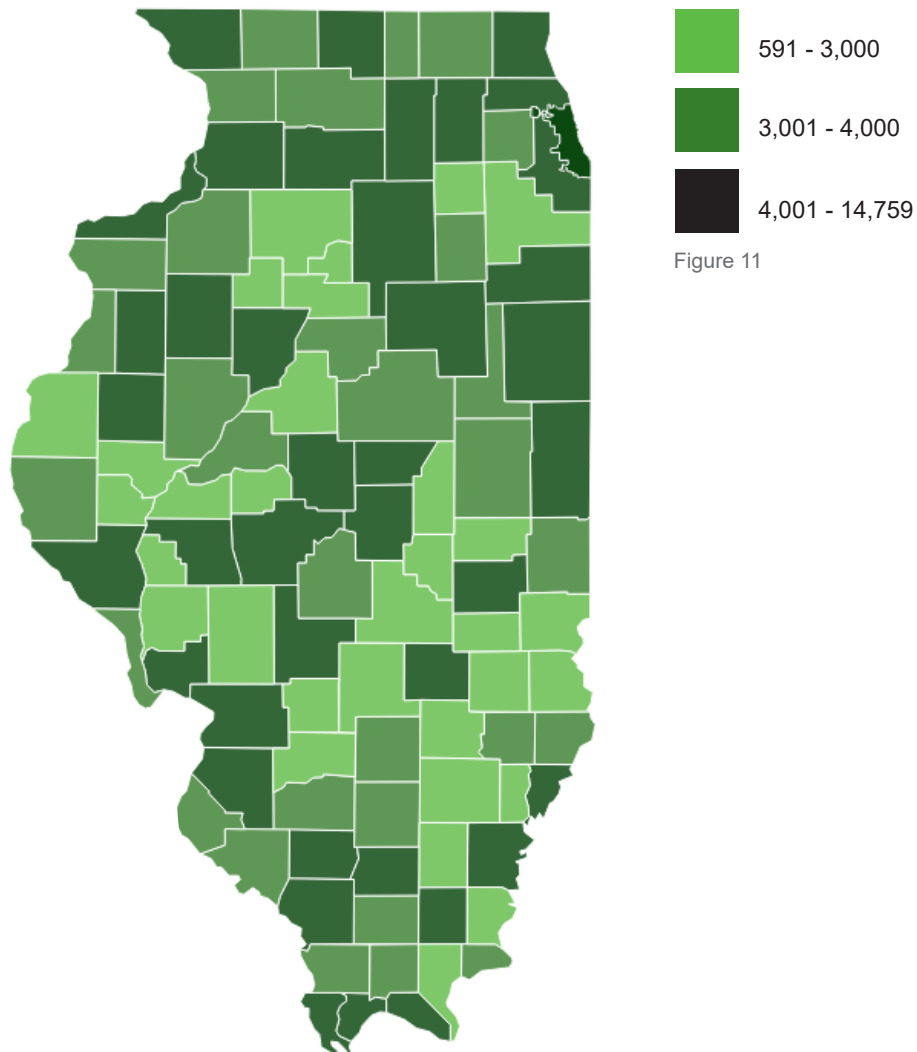
“[S]o much has happened in the last decade, found myself going to prison in 2010 here’s 2020. I buried my mom. When I came home, she had figured out what was going wrong with her and she had dementia and leukemia, so I helped take care of her, took her into my home....dementia is like, ooh, so strong that the person who’s caring for that person with dementia has to most definitely take care of themselves as well. Because it’s really hard... I had to advocate for her to get her services so each of us can get at least some form of relief when it comes to time out for ourselves. But it was hard, and I know had I started back using drugs or have gone back to prison, I wouldn’t have been there to help her. But I’m also grateful for that time that we had together. I have so many memories.” – Colette Payne

“I had to heal myself and do what was best for me and take time for Marketta because if I didn’t, I would not be here, sitting before you, doing the things that I’ve done and accomplished...” – Marketta Sims

CRIMINAL RECORDS THROUGHOUT ILLINOIS

People with criminal records are often thought to be an urban phenomenon—and it's true that, in Illinois, the vast majority of people with records acquired them in Cook County, where Chicago is located. However, our data show that people are acquiring records throughout the state. No matter your community, there are people being denied employment, housing, and education because of their criminal backgrounds.

People arrested or convicted of a crime in Illinois from 1979 – mid-2019, by county, per 10,000 people (adjusted for life expectancy)



LOOKING TO THE FUTURE

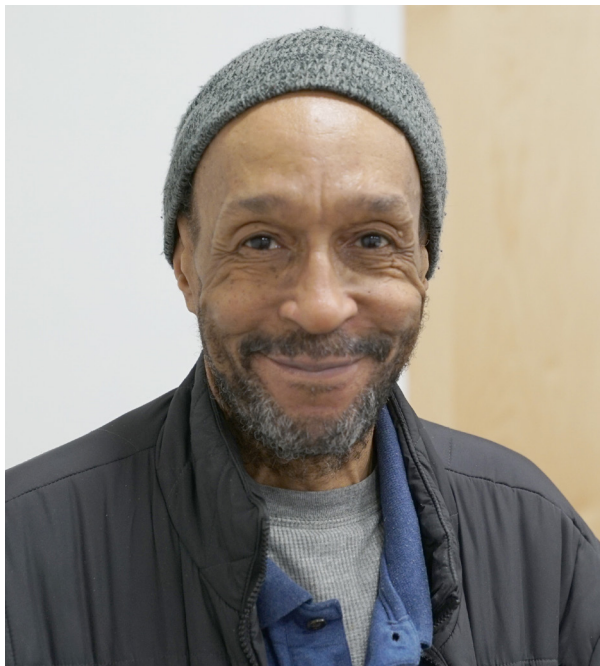
People with records spoke to us about their hopes and dreams for the future, reflecting universal desires for stability and security for themselves, their families, and their communities:

“[My hope for the future is] to see my own personal success and growth...I want to acquire...enough resources to live comfortably in my twilight years.”

– Wendell Robinson

“Believe it or not, I actually want a doctorate degree to be honest, but I’m just going off small. A few years from now...[I] plan on having at least a bachelor’s and then further down the line. I just gonna go day by day, do whatever I’ve got to do to obtain more...I actually want to be my own business, be a better role model for my son and my siblings. I’ve got two baby brothers and they look up to me... so I would be a better role model for them and paint a different picture.” – Charlie Sanders

“I want stability, you know, I want to be happy. I want to be financially secure. I want my family to be happy. That’s what’s important to me. I want to live a productive life...Being as honest as I can be, I just want to continue to grow, be happy and be productive.” – Anthony Chestnut



“My hope for the future is to actually really get back in school, further my education and for my own well-being, not so much as to try to go and start a career or nothing like that. But for my own well-being... I feel the need to know more about whatever.”

– Michael Barber

“I just want [my family] to be able to be financially stable with a house that [my partner and I] can live in and raise our children together in a non-poverty environment so our children can grow up and be happy and be thankful and be fruitful. And be nontoxic to the world, you know, put something back in positive into the environment, you know. You don’t always have to be a nuisance or anything like that. Just do something positive. Be a positive impact, you know, and bring honor.” – Anonymous

“I hope and pray that by time, my future aspects come into play. That I will be a full-grown advisor over my own type of treatment center or...some type of clinic where I can help people coming from out of incarceration that probably need their mental wellbeing from being addicted cause you have so many addictions...I want to start like emotional anonymous and emotional awareness classes because people need to get in tune, because your emotions play a lot in how cases evolve...and [try] to get to the root of issues of what truly is going on within that person instead of [giving] them about 50 medicines and mess them up even more.” – Marketta Sims



What can I do?

If the information in this report has inspired you to want to do something about inequities in the criminal legal system, we suggest that you:

- **Learn about how permanent punishments affect your community.** Explore our [interactive data tool](#) to understand the scope of people with records in your community.
- **Seek out local community groups** working on criminal legal system reform and get involved.
- **Reflect upon and critically examine your own beliefs** about people with records and what opportunities and rights they should have after their criminal legal system involvement.
- **Lift up your concerns and data about the impact on your community** to elected officials.
- **Sign up for our [mailing list](#)** to learn about opportunities to take action on criminal legal system reform.

“My goals and hopes for the future...to cut the prison population in half in any way we can. My plans for the future are just to see my grandbabies grow, and hope that they don’t have to experience a lot of this ugliness that I see. My hopes are that folks who have the power to change some of these laws, rules, regulations have some empathy and give folks some grace and mercy. And just know that...people don’t grow up saying, ‘I want to be on drugs. I want to go to jail’. Like, we have hopes and dreams like everyone else, but it’s the laws and rules and regulations that they’ve created... they may think that they’re good... but in turn is hurting people, in particular Black and Brown people.”

– Colette Payne



Learn more

Explore this (by no means exhaustive) essential reading (and watching, and listening) list to learn more about permanent punishments and the impact of the criminal legal system:

- *New Jim Crow*, Michelle Alexander
- Are Prisons Obsolete? Angela Davis
- “70 Million” podcast, by Mitzi Miller
- *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*, Devah Pager
- “Ear Hustle” podcast, produced by Nigel Poor, Rahsaan “New York” Thomas, Antwan Williams, and Earlonne Woods
- *Mass Incarceration: The Whole Pie 2019*, Prison Policy Initiative
- *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*, Danielle Sered
- *Just Mercy*, Bryan Stevenson (see the movie, too!)
- *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. Commission on Civil Rights
- *Homeward: Life in the Year after Prison*, Bruce Western
- *Invisible Men: Mass Incarceration and the Myth of Black Progress*, Becky Pettit

They also reflected on the changes they feel need to happen in order to give people with records an opportunity to be fully free:



“I hope that people will realize that incarceration is not the answer. We keep hitting everything with a hammer. No matter how small or big the problem is. We need more tools. You know, people need to be put in better conditions to talk about housing, healthcare, education, employment. We’re talking about opportunity. Like what are realistic opportunities for people to succeed.”

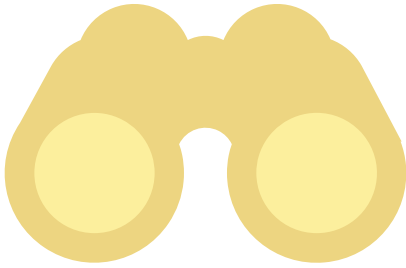
– Michael Tafolla

“I feel like they should have like some type of job training or something... for felons or something when they come out just so they could make sure they qualified and get back into the workforce... Like you shouldn’t just give hope or give up hope on them or...turn a blind eye to them. You should give them resources so they won’t resort back to the same thing and get another felony.” – Anonymous

“I believe that...each part of the system has to come together, you know, and figure out a plan of how we’re going to help folks succeed. Some people, you know, a lot of times...need somebody to hold [them] by the hand and say ‘...I’m going to help you do this. I’m going to walk with you. I’m going to walk alongside you. Don’t be discouraged. Don’t let them discourage you’. But when you’re by yourself, you get so discouraged because you get so much pushback as to what you’re deserving of, that you fall back in[to] the same lifestyle.” – Colette Payne

“They needed to bring back parole board hearings because I feel nobody should have to serve all that time...[People with records] need a resource center...just for reformative justice where they can come straight to this center and is made just for them so they can get their IDs, their Social Security, their birth certificate. Because these are the things that [are] bare necessities that they need through life...So I think a center should be formed.” – Marketta Sims





And when asked what it would take for people to look past a person's criminal record, their message focused on keeping an open mind, and leaning in with empathy and compassion.

“We [are] all equipped with a sixth sense, and I often rely on it when I deal with people. [I]t was something that allowed me to...stay afloat through my ordeal. I’ve encountered people where it’s like, ‘This person ain’t right.’ I don’t know why, but it may come out later on, as to why they weren’t right. But it’s that sixth sense and I think as people we should just become open-minded... try and engage someone that ha[s] a criminal record.” – Wendell Robinson

“If you sit down and see who I am, if you talk to me, if you ask about me, you will know that I’m not your greatest fear. I’m actually an asset. I do so much ... I started a network two months after I got out to help people that I still do now. I work 12 hour days almost every day, Monday to Friday, work on the weekends and I won’t get paid for most of the stuff that I do and I’m not looking for the line. I’m not looking for fame [or] looking for people to praise me... I’m a good person. I’m not going to rob you. I’m not going to stick you up and I’m not going to burn your house down. I’m not going to do anything stupid...and I’m only one story.” – Michael Tafolla

“Look more at the person as far as who they are and what their experiences speak to. I would say for them to stop worrying about their bottom line. But I know that’s like...impossible. But yeah, look to the person and their experience... Because it’s a lot of people think that prison doesn’t have anything to offer or ex-convict doesn’t have anything to offer.” – Joseph Smith

“Maybe if they was able to see the person for themselves and not pre-judge a person, they should be able to look past all that. And give that person a chance to give themself a chance.” -Anonymous





“I would say interact with people. You know, you can look at someone and say oh this is a horrible person or you have this type of crime, get to know someone... don’t just judge someone off of their past, you know, and not to go somewhere else, I have a cousin that just came home that did 21 years for a crime that he did not commit...I feel like you have to get to know somebody or, or deal with them to attempt to get to know them because if you just look at someone and judge them based off of a conviction or a crime, I feel like that’s a disservice. You know, people make mistakes and I feel like people are entitled second chances because I’m an advocate for that... Like we make judgments, we place judgments on people without knowing or without getting to know them.” – Anthony Chestnut

“Try to first literally see the person for who they are...Quit trying to put a label on people. Quit trying to put people in a box. People are human. People make mistakes, stuff happens to the best of us. You could be having a life today and it can be gone tomorrow just like that because of somebody putting a judgment over you.” – Marketta Sims

“[G]ive them a hug and say it’s going to be okay. [Ask them] ‘how you doing today’?... And pray for ‘em. Never give up praying for ‘em.” – Leola



Like most people, people with records want a chance to reach their full human potential, to move on from past mistakes and work towards a brighter future. Permanent punishments make it much harder for people with records to do that, adding hurdles and speed bumps to their paths long after their sentences have been served, probationary periods have ended, or arrest charges have been dismissed. It’s time to reconsider whether there is a better way to welcome people with records back into society and offer them a chance at full, authentic freedom.

GLOSSARY

Anti-Drug Abuse Act of 1986: The Anti-Drug Abuse Act of 1986 was a law of the War on Drugs passed by U.S. Congress. Among other things, the Act changed the system of federal supervised release from a rehabilitative system into a punitive system. The 1986 Act also prohibited controlled substance analogs, or drugs which are chemically similar to other illegal substances.

Civil death: In medieval England, when people who were convicted of felonies, they lost virtually all civil rights and protection under the law.¹¹⁴ This concept is known as 'civil death' and has reemerged in a modern form as millions of people with felony convictions lose rights to parent, cannot serve in some public offices, do not qualify for certain loans, and are able to be legally discriminated against in employment and housing.

Civil legal penalties: A civil legal penalty is a financial penalty imposed by a government agency as restitution for wrongdoing. The wrongdoing is typically defined by a codification of legislation, regulations, and decrees. Civil penalty, in itself, will not carry jail time or other legal penalties.

Civil liberties: Civil liberties refers to the state of being subject only to laws established for the good of the community, especially with regard to freedom of action and speech; civil liberties are individual rights protected by law from unjust government or other interference.

Collateral consequences: Collateral consequences are legal disabilities imposed by law as a result of a criminal conviction regardless of whether a convicted individual serves any time incarcerated. These penalties do not occur based on the underlying conduct, but are specifically separate limitations placed on a person over and above their arrest, conviction, or sentence.

Collateral sanctions: Collateral sanctions are legal penalties, disabilities, or disadvantages that are imposed on a person automatically upon that person's conviction for a felony, misdemeanor or other offense, even if it is not included in the sentence.

Conviction: A conviction is a formal declaration that someone is guilty of a criminal offense, made by the verdict of a jury or the decision of a judge in a court of law.

Conviction records: Conviction records are criminal records that are maintained by law enforcement agencies for the purposes of documenting criminal histories on individuals. The information contained in a conviction record might differ between agencies, but generally documents the reason for arrest, date of arrest, what the conviction was for, the date of the conviction, and the sentence imposed. Conviction record information is maintained in local, state, and federal databases.

Criminal History Record Information (CHRI) system: The Criminal History Record Information (CHRI) system is the system maintaining records which includes individual identifiers and describes an individual's arrests and subsequent dispositions. Criminal history records do not include intelligence or investigative data or sociological data such as drug use history. All data in CHRI systems are usually backed by fingerprints of the record subjects to provide positive identification (see Appendix 2 for more).

Criminal legal system: Criminal legal system is a value-neutral phrase that describes a system that implements the criminal legal code rather than the loftier ideal of "justice" in the phrase 'criminal justice system'. The criminal legal system refers to the system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses.

Expungement: An expungement is a court-ordered process in which the legal record of an arrest or a criminal conviction is "sealed", or erased in the eyes of the law. Expungement laws are an important area of reform, especially in limiting the recurring trauma that results from being continually identified as someone who was once involved in the criminal legal system.

Federal Youth Corrections Act (FYCA): The Federal Youth Corrections Act (FYCA) was passed in 1950 to improve the administration of criminal justice by providing a system for the treatment and rehabilitation of federal youth offenders. The act allowed for some youth to "set aside" their conviction status in order to regain their civil rights. The formation of this law was in part a realization that permanency of a criminal conviction impacted young people's lives far beyond the conviction or resulting incarceration.¹¹⁵

Housing Opportunity Program Extension Act (HOPE Act): The Housing Opportunity Program Extension Act (HOPE Act) bars people evicted for drug-related activity from receiving housing assistance, and directs public housing authorities to deny housing to people who engage in substance use.¹¹⁶

Illinois Criminal Justice Information Authority (ICJIA): The Illinois Criminal Justice Information Authority is a state agency with key leaders from the justice system and the public that works on identifying critical issues facing the criminal justice system in Illinois.

Jim Crow laws: Jim Crow laws are a collection of state and local statutes that legalized racial segregation. The laws, which existed for about 100 years, from the post-Civil War era until 1968, were meant to marginalize African Americans by denying them the right to vote, hold jobs, get an education or other opportunities.

Mass incarceration: Mass incarceration refers to the unique ways the U.S. has locked up a vast population in federal and state prisons, as well as local jails. Despite making up close to 5% of the global population, the U.S. has nearly 25% of the world's prison population. Since 1970, the U.S. incarcerated population has increased by 700%- 2.3 million people in jail and prison today, far outpacing population growth and crime.¹¹⁷

Offense: The term 'offense' refers to a breach of law; a crime. An offense may consist of a felony or a misdemeanor.

People with records: We use the phrase 'people with records' to refer to people with arrest records but no convictions as well as people convicted of offenses. A subset of people with convictions have been to prison, but many have not. An individual's experience with permanent punishments varies substantially depending on the type of record they have and their history of criminal legal system involvement.

Permanent punishments: Permanent punishments are legal penalties that create long-lasting, often permanent, barriers to employment, housing, education, civil engagement, and more for people arrested or convicted of crimes.

Racial equity: Racial equity means that ideal situation in which society's systems and markets perform equally well for different racial and ethnic groups. It means that our educational systems work as well for Black Americans as they do for Whites, that our justice systems works equally well, that our health systems work equally well.

Reentry: Reentry is a broad term used to refer to issues related to the transition of offenders from prison to community supervision.

Registry: Registry laws, and the state and local laws related to them, impose a number of restrictions and requirements, including a duty to register regularly with law enforcement and other officials, restrictions on where you can live, and publication of personal information. Illinois has created three public registries: 1) the Sex Offense Registry, 2) the Murder and Violent Offense Against Youth Registry, and 3) the Methamphetamine Manufacturer Database.

Sentence: A sentence refers to the jail or prison time ordered after conviction. Sentences includes all fines, community services, restitution or other punishment, or terms of probation.

Supplemental Nutrition Assistance Program (SNAP): Formerly called Food Stamps, SNAP provides low income families with supplemental income to buy food.

Temporary Assistance for Needy Families (TANF): The TANF program, which is time limited, assists families with children when the parents or other responsible relatives cannot provide for the family's basic needs.

Trauma: Trauma in this report refers to psychological trauma, which includes a set of negative psychological or emotional effects that occur as a result of a distressing event. Symptoms of trauma may include denial, seeming stunned or dazed, hyperarousal/sensitivity to threats and aggression, perceiving that the world is a dangerous place, dependency, hyperactivity, and irrationality.

War on Drugs: 'War on Drugs' is a phrase used to refer to the effort in the United States since the 1970s to combat illegal drug use by greatly increasing penalties, enforcement, and incarceration for drug offenders.

APPENDIX 1: DETAILED TABLES

Source for all tables: Author’s analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

Table A1. People arrested or convicted of crimes in Illinois, 1979 – June 2019, by race, adjusted for life expectancy		
	Number	As a percent of total
White people with records	2,102,529	64.4%
Black people with records	941,830	28.9%
Total people with arrest or conviction records	3,263,558	
White people with convictions	706,861	59.1%
Black people with convictions	417,814	34.9%
Total people with convictions	1,196,702	
White people with felony convictions	287,565	47.8%
Black people with felony convictions	272,744	45.3%
Total people with felony convictions	602,201	
White people with non-felony convictions	419,296	70.5%
Black people with non-felony convictions	145,071	24.4%
Total people with non-felony convictions	594,501	
White people with arrests, no conviction	416,540	66.3%
Black people with arrests, no conviction	177,496	28.3%
Total people with arrests, no conviction	627,945	
White people with arrests, unknown outcome	979,128	68.0%
Black people with arrests, unknown outcome	346,520	24.1%
Total people with arrests, unknown outcome	1,438,911	

APPENDIX 1: DETAILED TABLES

Table A2. People with arrests or convictions in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with arrest or conviction records	As a percent of racial group
Total arrest or conviction records	3,263,558		
Total arrest or conviction records, white people	2,102,529	64.4%	
Total, white men	1,528,921	46.8%	72.7%
Total, white women	541,893	16.6%	25.8%
Total arrest or conviction records, black people	941,830	28.9%	
Total, black men	612,730	18.8%	65.1%
Total, black women	310,160	9.5%	32.9%

Table A3. People with convictions in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with convictions	As a percent of racial group
Total people with convictions	1,196,702		
Total white people with conviction records	706,861	59.1%	
Total, white men	543,027	45.4%	76.8%
Total, white women	152,235	12.7%	21.5%
Total black people with conviction records	417,814	34.9%	
Total, black men	310,247	25.9%	74.3%
Total, black women	97,164	8.1%	23.3%

Table A4. People with felony convictions as the highest offense in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with felony convictions	As a percent of racial group
Total people with felony convictions	602,201		
Total white people with felony conviction records	287,565	47.8%	
Total, white men	228,537	38.0%	79.5%
Total, white women	54,494	9.0%	19.0%
Total black people with felony conviction records	272,744	45.3%	
Total, black men	215,597	35.8%	79.0%
Total, black women	50,168	8.3%	18.4%

APPENDIX 1: DETAILED TABLES

Table A5. People with non-felony convictions as the highest offense in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with non-felony convictions	As a percent of racial group
Total people with non-felony convictions	594,501		
Total white people with non-felony conviction records	419,296	70.5%	
Total, white men	314,489	52.9%	75.0%
Total, white women	97,741	16.4%	23.3%
Total black people with non-felony conviction records	145,071	24.4%	
Total, black men	94,650	15.9%	65.2%
Total, black women	46,995	7.9%	32.4%

Table A6. People with arrests or convictions in Illinois, 1979 – June 2019, by sex and race, adjusted for life expectancy

	Number	As a percent of total arrest or conviction records	As a percent of sex
Total arrest or conviction records	3,263,558		
Total arrest or conviction records, men	2,314,877	70.9%	
Total, white men	1,528,921	46.8%	66.0%
Total, black men	612,730	18.8%	26.5%
Total arrest or conviction records, women	904,729	27.7%	
Total, white women	541,893	16.6%	59.9%
Total, black women	310,160	9.5%	34.3%

Table A7. People with convictions in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with convictions	As a percent of sex
Total people with convictions	1,196,702		
Total men with conviction records	916,611	76.6%	
Total, white men	543,027	45.4%	59.2%
Total, black men	310,247	25.9%	33.8%
Total women with conviction records	261,480	21.9%	
Total, white women	152,235	12.7%	58.2%
Total, black women	97,164	8.1%	37.2%

APPENDIX 1: DETAILED TABLES

Table A8. People with felony convictions as the highest offense in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with felony convictions	As a percent of sex
Total people with felony convictions	602,201		
Total men with felony conviction records	482,712	80.2%	
Total, white men	228,537	38.0%	47.3%
Total, black men	215,597	35.8%	44.7%
Total women with felony conviction records	110,149	18.3%	
Total, white women	54,494	9.0%	49.5%
Total, black women	50,168	8.3%	45.5%

Table A9. People with non-felony convictions as the highest offense in Illinois, 1979 – June 2019, by race and sex, adjusted for life expectancy

	Number	As a percent of total people with non-felony convictions	As a percent of sex
Total people with non-felony convictions	594,501		
Total men with non-felony conviction records	433,900	73.0%	
Total, white men	314,489	52.9%	72.5%
Total, black men	94,650	15.9%	21.8%
Total women with non-felony conviction records	151,331	25.5%	
Total, white women	97,741	16.4%	64.6%
Total, black women	46,995	7.9%	31.1%

APPENDIX 1: DETAILED TABLES

Table A10. People convicted of crimes in Illinois 1979 - June 2019, by type, race, and sex; adjusted for life expectancy

	Total people convicted	White men convicted	Black men convicted	White women convicted	Black women convicted
Crimes Against Persons (non sex offense)*	356,204	160,917 45.2%	121,733 34.2%	27,119 7.6%	22,988 6.5%
Sex Offense (must register if convicted)	60,306	30,007 49.8%	14,346 23.8%	4,561 7.6%	7,795 12.9%
Property Offense (excludes arson)	510,404	216,279 42.4%	144,338 28.3%	72,661 14.2%	49,120 9.6%
Unlawful Use of Weapons	112,067	35,332 31.5%	61,410 54.8%	1,759 1.6%	3,904 3.5%
Arson	5,741	3,104 54.1%	1,442 25.1%	413 7.2%	445 7.8%
Drug offense	365,069	137,944 37.8%	143,087 39.2%	33,301 9.1%	27,020 7.4%
Other crimes against persons**	381,342	207,005 54.3%	77,615 20.4%	47,897 12.6%	24,328 6.4%
All other offenses	286,365	153,060 53.4%	61,230 21.4%	35,304 12.3%	17,380 6.1%

*Includes: Homicide, Robbery, Battery, Domestic Battery, Assault, Kidnapping

**Includes: Disorderly conduct, Intimidation, DUI, Interference with public officials, Harms to children

Table A11. People arrested but not convicted in Illinois 1979 - June 2019, by type, sex, and race, adjusted for life expectancy

	Total people arrested	White men arrested	Black men arrested	White women arrested	Black women arrested
Crimes Against Persons (non sex offense)*	203,615	91,541 45.0%	38,152 18.7%	29,202 14.3%	30,489 15.0%
Sex Offense (must register if convicted)	15,548	8,642 55.6%	3,063 19.7%	1,290 8.3%	1,124 7.2%
Property Offense (excludes arson)	173,355	65,042 37.5%	28,235 16.3%	37,266 21.5%	32,815 18.9%
Unlawful Use of Weapons	31,359	11,744 37.5%	11,784 37.6%	1,325 4.2%	3,696 11.8%
Arson	536	315 58.7%	75 14.0%	78 14.5%	52 9.6%
Drug offense	100,672	44,986 44.7%	21,453 21.3%	15,274 15.2%	12,265 12.2%
Other crimes against persons**	179,137	99,408 55.5%	16,135 9.0%	39,623 22.1%	12,608 7.0%
All other offenses	147,249	71,296 48.4%	17,597 12.0%	32,271 21.9%	14,576 9.9%

*Includes: Homicide, Robbery, Battery, Domestic Battery, Assault, Kidnapping

**Includes: Disorderly conduct, Intimidation, DUI, Interference with public officials, Harms to children

APPENDIX 1: DETAILED TABLES

Table A12. People arrested with unknown outcome in Illinois 1979 - June 2019, by type, race, and sex, adjusted for life expectancy

	Total people arrested with unknown outcome	White men arrested with unknown outcome	Black men arrested with unknown outcome	White women arrested with unknown outcome	Black women arrested with unknown outcome
Crimes Against Persons (non sex offense)*	385,006	174,649 45.4%	81,479 21.2%	49,720 12.9%	41,673 10.8%
Sex Offense (must register if convicted)	44,452	22,347 50.3%	8,643 19.4%	4,191 9.4%	4,845 10.9%
Property Offense (excludes arson)	421,831	165,875 39.3%	79,046 18.7%	87,035 20.6%	56,967 13.5%
Unlawful Use of Weapons	63,688	26,288 41.3%	23,933 37.6%	2,379 3.7%	4,846 7.6%
Arson	1,577	842 53.4%	331 21.0%	170 10.8%	122 7.8%
Drug offense	229,170	100,667 43.9%	57,520 25.1%	29,042 12.7%	19,223 8.4%
Other crimes against persons**	477,571	269,796 56.5%	57,932 12.1%	74,472 15.6%	30,347 6.4%
All other offenses	712,077	355,978 50.0%	96,738 13.6%	122,291 17.2%	55,556 7.8%

*Includes: Homicide, Robbery, Battery, Domestic Battery, Assault, Kidnapping

**Includes: Disorderly conduct, Intimidation, DUI, Interference with public officials, Harms to children

APPENDIX 1: DETAILED TABLES

Table A13. People arrested or convicted in Illinois 1979 - June 2019, by type, adjusted for life expectancy

	Total people arrested or convicted	White men arrested or convicted	Black Men arrested or convicted	White Women arrested or convicted	Black women arrested or convicted
Crimes Against Persons (non sex offense)*	944,826	427,106 45.2%	241,364 25.5%	106,041 11.2%	95,149 10.1%
Sex Offense (must register if convicted)	120,305	60,996 50.7%	26,053 21.7%	10,042 8.3%	13,764 11.4%
Property Offense (excludes arson)	1,105,590	447,196 40.4%	251,619 22.8%	196,962 17.8%	138,902 12.6%
Unlawful Use of Weapons	207,114	73,364 35.4%	97,127 46.9%	5,462 2.6%	12,446 6.0%
Arson	7,854	4,261 54.3%	1,848 23.5%	660 8.4%	619 7.9%
Drug offense	694,912	283,596 40.8%	222,060 32.0%	77,617 11.2%	58,508 8.4%
Other crimes against persons**	1,038,050	576,210 55.5%	151,683 14.6%	161,992 15.6%	67,283 6.5%
All other offenses	1,145,691	580,334 50.7%	175,565 15.3%	189,866 16.6%	87,512 7.6%

*Includes: Homicide, Robbery, Battery, Domestic Battery, Assault, Kidnapping

**Includes: Disorderly conduct, Intimidation, DUI, Interference with public officials, Harms to children

APPENDIX 1: DETAILED TABLES

Table A14. People arrested or convicted of a crime in Illinois from 1979 – mid-2019, by county (adjusted for life expectancy)

County	Total people convicted of a crime	Total people arrested but not convicted	Total people arrested with unknown outcome	Total people with arrest or conviction records
ADAMS	8,630	3,121	4,260	16,011
ALEXANDER	925	182	3,592	4,699
BOND	2,006	276	870	3,152
BOONE	8,026	2,601	4,519	15,146
BROWN	764	214	578	1,556
BUREAU	4,118	970	2,952	8,040
CALHOUN	521	332	348	1,201
CARROLL	2,629	697	1,319	4,646
CASS	1,514	224	631	2,369
CHAMPAIGN	27,355	7,346	26,188	60,889
CHRISTIAN	3,537	797	4,601	8,934
CLARK	2,476	432	852	3,760
CLAY	1,966	233	794	2,992
CLINTON	3,939	615	2,868	7,423
COLES	10,171	3,169	6,491	19,831
Cook Chicago	263,602	380,267	1,057,370	1,701,239
Cook Suburbs	177,587	183,674	885,034	1,246,295
CRAWFORD	2,694	699	1,204	4,597
CUMBERLAND	838	306	874	2,018
DEKALB	10,537	8,096	21,824	40,457
DEWITT	2,842	943	1,853	5,638
DOUGLAS	1,842	482	1,118	3,442
DUPAGE	83,160	41,556	162,329	287,045
EDGAR	3,015	552	820	4,387
EDWARDS	564	185	299	1,048
EFFINGHAM	7,760	3,618	8,085	19,464
FAYETTE	2,366	697	2,240	5,303
FORD	1,454	635	1,555	3,644
FRANKLIN	4,958	1,502	6,384	12,844
FULTON	4,851	1,195	4,792	10,837
GALLATIN	270	65	255	590
GREENE	1,257	560	1,183	3,000
GRUNDY	5,648	3,343	6,416	15,408
HAMILTON	496	96	353	945
HANCOCK	2,039	652	1,544	4,235
HARDIN	498	222	359	1,079

APPENDIX 1: DETAILED TABLES

Table A14. People arrested or convicted of a crime in Illinois from 1979 – mid-2019, by county (adjusted for life expectancy)

HENDERSON	1,265	298	675	2,238
HENRY	7,014	1,595	4,083	12,692
IROQUOIS	3,604	1,342	5,150	10,096
JACKSON	7,795	4,704	14,275	26,774
JASPER	528	304	546	1,378
JEFFERSON	4,602	1,563	5,742	11,907
JERSEY	3,292	1,773	3,267	8,332
JO DAVIESS	2,496	2,579	2,567	7,641
JOHNSON	1,883	497	1,339	3,719
KANE	40,362	21,850	138,066	200,277
KANKAKEE	11,004	4,429	30,193	45,627
KENDALL	4,426	3,499	13,522	21,447
KNOX	7,795	2,522	8,866	19,184
LAKE	46,886	38,938	157,419	243,243
LASALLE	14,715	5,398	19,436	39,548
LAWRENCE	2,193	745	1,349	4,288
LEE	4,971	2,259	4,791	12,022
LIVINGSTON	8,902	2,354	7,463	18,719
LOGAN	4,500	1,236	4,529	10,265
MACON	16,854	4,897	18,527	40,277
MACOUPIN	3,929	717	2,662	7,308
MADISON	28,422	13,339	74,766	116,527
MARION	4,726	808	5,728	11,263
MARSHALL	950	658	1,146	2,753
MASON	2,536	441	1,318	4,295
MASSAC	2,264	1,133	4,363	7,761
MCDONOUGH	5,362	3,161	11,044	19,568
MCHENRY	21,013	20,529	43,865	85,406
MCLEAN	22,863	17,929	13,159	53,951
MENARD	1,328	168	895	2,391
MERCER	1,973	825	2,269	5,068
MONROE	2,334	2,057	5,227	9,618
MONTGOMERY	5,300	1,388	4,376	11,065
MORGAN	4,771	1,096	6,720	12,587
MOULTRIE	1,149	252	488	1,888
OGLE	5,639	2,137	7,776	15,551
PEORIA	21,189	4,770	53,447	79,406
PERRY	3,707	1,778	4,279	9,765
PIATT	1,140	571	983	2,694

APPENDIX 1: DETAILED TABLES

Table A14. People arrested or convicted of a crime in Illinois from 1979 – mid-2019, by county (adjusted for life expectancy)

County	Total people convicted of a crime	Total people arrested but not convicted	Total people arrested with unknown outcome	Total people with arrest or conviction records
PIKE	2,045	1,005	2,371	5,421
POPE	379	147	252	778
PULASKI	1,272	1,248	4,188	6,708
PUTNAM	323	176	482	980
RANDOLPH	4,068	1,161	3,143	8,371
RICHLAND	1,799	1,096	1,667	4,562
ROCK ISLAND	22,010	9,007	30,447	61,464
SALINE	3,434	1,443	3,226	8,103
SANGAMON	22,062	7,909	78,221	108,192
SCHUYLER	719	165	591	1,475
SCOTT	56	29	155	240
SHELBY	1,892	548	1,955	4,395
ST. CLAIR	17,216	12,400	56,329	85,945
STARK	346	129	371	846
STEPHENSON	6,573	1,917	5,705	14,195
TAZEWELL	10,826	2,961	17,884	31,671
UNION	1,493	1,119	2,300	4,913
VERMILION	8,645	3,156	27,884	39,686
WABASH	2,218	611	2,258	5,087
WARREN	2,378	1,175	3,175	6,728
WASHINGTON	1,102	696	1,708	3,507
WAYNE	983	843	1,105	2,931
WHITE	2,957	1,461	4,001	8,418
WHITESIDE	9,524	2,598	8,405	20,527
WILL	26,929	19,063	76,122	122,114
WILLIAMSON	3,560	2,737	12,163	18,461
WINNEBAGO	35,728	16,787	57,028	109,543
WOODFORD	3,112	1,610	5,339	10,061

Data note: totaling all counties will not match statewide totals reported elsewhere in the report, since an individual may have been arrested or convicted in multiple counties and appear multiple times throughout this table. Statewide totals elsewhere in the report reflect deduplicated counts of individuals, regardless of the number of times or locations they were arrested or convicted.

APPENDIX 2: METHODOLOGICAL APPENDIX

Criminal record data

The data on criminal records was provided by the Illinois Criminal Justice Information Authority (ICJIA), from the Criminal History Record Information (CHRI) system. Illinois CHRI is the state's central repository for criminal history record information and contains data that are required by law to be reported by local police departments to state police. This data includes basic information collected at the arrest of adults for certain misdemeanors and all felonies, and juveniles treated as adults, and to varying degrees is supplemented by other agencies involved with the criminal legal system (e.g., courts and state's attorneys) who record data to the CHRI system. This supplemental data allows for a limited ability to understand charges filed after an arrest and some ability to understand court dispositions and sentences connected to an arrest:

"Illinois law defines criminal history as data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, information, pretrial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges and the nature of any disposition arising there from, including sentencing, court or correctional supervision, rehabilitation and release. This means criminal history systems must contain identification and event level data. In Illinois' system, police agencies are required to report arrests using arrest fingerprint cards, state's attorneys must report filing 1-2 decisions, circuit court clerks must report disposition and sentencing data, and county jails and Illinois Department of Corrections must report custodial information."¹¹⁸

ICJIA provided to IMPACT aggregate CHRI data for the state of Illinois, reflecting de-duplicated counts of individuals convicted of crimes, arrested for crimes but not convicted, or arrested for crimes with unknown outcomes in Illinois from 1979 to June 2019. We requested this time period because criminal records can trigger permanent punishments long after the offense has been committed, 1979 is commonly cited as the beginning of the mass incarceration boom, and many of the people arrested during this time frame are likely to still be alive today. The ICJIA tables disaggregated counts of individuals by felony and non-felony convictions (for convictions), crime type, race, year of birth, gender, and county of arrest or conviction. For the county tables, an individual was reported each time they were arrested or convicted in a county, so totaling data for all counties would not result in a de-duplicated count of individuals; for example, if an individual was arrested in DuPage and Lake Counties, they would appear twice in the table—once in each county's cell. Similarly, if an individual was arrested or convicted of multiple types of crimes, they would appear multiple times in the crime type tables; for example, if someone was convicted of a property offense and a drug crime, they would appear twice in the table—once in each crime type's column. A person is categorized by their highest offense; if a person was convicted of three misdemeanors and one felony, they would fall under the "felony conviction" category. ICJIA suppressed counts of individuals in categories with less than 10 individuals for privacy reasons.

Crime types included:

- Crimes Against Persons (non sex offense) (Includes: Homicide, Robbery, Battery, Domestic Battery, Assault, Kidnapping)
- Sex Offense (must register if convicted)

- Property Offense (excludes arson)
- Unlawful Use of Weapons
- Arson
- Drug offense
- Other crimes against persons (Includes: Disorderly conduct, Intimidation, DUI, Interference with public officials, Harms to children)
- All other offenses

Data limitations

As noted in the main body of the report, a large proportion (44%) of the individuals in our data request were categorized as arrested with unknown outcome. This means that there was a failure in the data submission to the CHRI system at some point in the process—either the reporting agency did not report updates to the system, or the biometric information (fingerprints) and/or Document Control Number used to connect information to an arrest event were corrupted in some way. This limitation is particularly salient to understanding the estimates of people with convictions. Convictions often carry the harshest permanent punishments, and it is likely that some of the people listed as arrested with unknown outcome were, in fact, convicted of crimes. The estimates presented of people convicted of crimes, and people arrested but not convicted, are undercounts due to data incompleteness. However, the overall count of people with arrest or conviction records (regardless of disposition) should be an accurate estimate.

The option to list an individual as “Hispanic” in CHRI was created in 2015. Since our data request goes back to 1979, reporting data on Latinos/Hispanics with arrests or convictions would produce a substantial undercount. Because of this data limitation, we do not report estimates of Latinos/Hispanics in this report.

For the demographic variables, such as gender and race, some individuals are missing information, and therefore the counts by demographic group may not add up to the statewide totals.

CHRI data does not track whether arrested or convicted individuals lived in Illinois at the time of arrest or conviction, whether they still live here today, or whether they are still alive. IMPACT developed a methodology to adjust the CHRI estimates for life expectancy based on the age distribution of the CHRI data (see below). However, we could not adjust for people who are out-of-state residents. An unknown number of individuals in this data may not live in Illinois; conversely, there may be individuals who live in Illinois and acquired an arrest or conviction record in another state. This latter group is not reflected in our estimated totals, but still experience the impacts of permanent punishments. While movement across state lines creates some uncertainty in our estimates, it is, at least, bi-directional uncertainty—that is, some people in the estimated counts may not experience Illinois’s permanent punishments because they moved out of state, while some people NOT in the estimated counts may experience Illinois’s permanent punishments because they were arrested elsewhere and moved here.

Analysis methods for adjusting for death rates

Since our data request includes people arrested or convicted over a 40-year period, some number of the people in the data will have died. We use life tables from the Centers for Disease Control, which report how many people born in a certain year are likely to be alive at the time of reporting, to estimate how many people in the sample are estimated to be alive today. The CDC publishes life tables for different race, sex, and race-sex combinations; we used the appropriate life table for each demographic group (for statewide totals, we used the overall life table; for estimates of White people with records, we used the White life table; for estimates of Black women with records, we used the Black women life table). However, given data limitations, we had to make adjustments to standard life table procedures.

The life tables report how many people survive to a particular year of age per 100,000 individuals. We subtracted that figure from 100,000 to get the number of people expected to be dead by that year of age. Since people involved with the criminal legal system may be exposed to factors that increase mortality at a young age, such as violence and poverty-related poor health conditions, we multiplied the expected number of deaths by a constant (1.46) used by prior criminal legal system researchers to account for higher death rate of people with felonies.¹¹⁹ While not everyone in our sample has been convicted of a felony, we use this constant throughout in order to be conservative. From there, we calculate the percent of people of each year of age expected to be alive, adjusted for the felony death rate constant.

However, ICJIA reported the distribution of ages in the sample aggregated into large categories of people born before 1919, people born from 1919 through 1959, people born 1960 to 1994, and people born after 1994. We could not directly apply the year-by-year percentages of people expected to be alive to the CHRI data because of the lack of granularity of the age data.

In order to work around this, we applied a weighted average approach to average the percentages of people expected to be alive within each ICJIA age bracket. We used the age distribution of the Illinois prison population (which is available by each year of age in the Illinois Department of Corrections annual report) as a proxy for the age distribution within each ICJIA age bracket. We first added up the number of people in prison age 17 to 24, 25 to 59, and 60 to 99 to match ICJIA age brackets.

For each year of age in the prison data, we multiplied the felony-adjusted mortality rate for that age by the proportion of people in the ICJIA age bucket who are that age. For example, for 17 year olds:

$$\text{Weight} = \frac{(\# \text{ of prisoners who are } 17)}{(\# \text{ of prisoners age } 17 - 24)}$$

Weighted mortality rate within 17 – 24 age bucket = Mortality rate of 17 year olds, felony-adjusted * Weight

We then conducted that calculation for each year of age in the ICJIA age buckets, and added each year of age's proportion together to get the weighted average mortality rate for that age bucket. That is, we added together the weighted mortality rates for people age 17, 18, 19, 20, 21, 22, 23, and 24 to get the total weighted average mortality rate for people in the 17 – 24 year old age bucket.

We then reduced the number of people in the CHRI data in each age bucket by the percent of people expected to be dead in each age bucket (for example, 1.8% for 17 – 24 year olds).

For each group for which we had age distribution data from ICJIA (county, race, gender, and overall), we used the above weighted average method for discounting by death rates. For crime types, we did not have age distribution data, so we simply applied the total average mortality rate to the data.

Participant Interviews

This research was approved by the Heartland Alliance Institutional Review Board (HA IRB). Participant recruitment was done via word-of-mouth, flyer distribution at Heartland Alliance centers, community organizations, and email. The primary goal of participant interviews was to understand the firsthand experience of people with criminal records and how it impacts their lives.

A total of 58 individuals were screened via phone and 13 were selected for interviews. Selection criteria for interviewees were adults (18+) with direct or indirect criminal legal system involvement. Interviews took place in January and February of 2020 at the Social IMPACT Research Center or a location that was convenient for interviewees.

Interviews ranged between 30-90 minutes in length and were audio and video recorded when consent was given by the participant. The interview questions were focused on participant’s personal background, experience with the criminal legal system, experience with exiting the criminal legal system, effects on employment, housing, education, mental health and trauma, and family relationships. A full list of interview questions are in the table below.

<p>Participant Background</p> <p>1. Can you tell me a little about yourself? Where did you grow up?</p> <p>2. Do you have a family? Who’s in your close family?</p>
<p>Experience with the criminal legal system</p> <p>3. What was your experience like with the criminal justice system? That is, your experiences with the police, court system, jails or prisons, or probation or parole.</p> <p>a. How long has it been since you were last involved with the criminal justice system?</p>
<p>Exiting the criminal legal system</p> <p>4. If they went to prison or jail) As you were getting ready to leave jail or prison, did you receive any support to prepare for your next steps? If so, what was it like?</p> <p>a. If not, what support do you wish you would have had?</p> <p>5. Can you tell me a little about what your life has been like since you were involved with the criminal justice system?</p> <p>a. Where there any surprises or things that you didn’t expect to deal with since your involvement with the criminal justice system? Did you have any support or help in navigating those surprises?</p> <p>6. What have your goals and interests been recently? What were they before you were involved with the criminal justice system? Have they changed since then?</p>
<p>Employment effects</p> <p>7. Have you worked, or looked for a job, since being involved with the criminal justice system?</p> <p>8. Do you believe that having a criminal record has affected your ability to get a job? If so, how?</p> <p>a. Can you give an example where having a criminal record affected your ability to get a job?</p> <p>9. What’s your job situation like now? Are you happy with it? If not, what would you change?</p>
<p>Housing effects</p> <p>10. Do you believe that having a criminal record has affected your ability to find a place to live? If so, how?</p> <p>a. Can you give an example where having a criminal record affected your ability to get housing?</p> <p>11. What is your housing situation like now? Are you happy with it? If not, what would you change?</p>
<p>Mental health/trauma effects</p> <p>12. Do you believe that your experience with the criminal justice system affected how you see the world? How you cope with stress?</p> <p>13. Has your experience with the criminal justice system affected you physically? Emotionally? If so, how?</p>
<p>Education effects</p> <p>14. Have you been to school, or tried to go to school, since being involved with the criminal justice system?</p> <p>15. Do you believe that having a criminal record has affected your ability to get an education? If so, how?</p> <p>a. Can you give an example where having a criminal record affected your ability to go to school?</p> <p>16. Are you happy with your current educational background? If not, what are your educational goals?</p>
<p>Family effects</p> <p>17. Do you think your experience with the criminal justice system has affected your family and friends?</p> <p>a. How would you describe your relationships with your family and friends since your criminal justice system involvement?</p> <p>If previous questions surfaced issues with employment/housing/education/mental health, ask one question for each of the following...</p> <p>18. We just discussed your challenges with [xxx]. Did those challenges affect your family and friends? If so, how?</p>
<p>Anything else</p> <p>19. What is your hope for the future?</p> <p>20. What do you think it will take for people to see past criminal records?</p> <p>21. Has your criminal record affected your life in any way that we haven’t discussed?</p> <p>a. Anything else you want to tell me?</p>

Qualitative Analysis

Recorded audio of the interviews was transcribed by TEMI, a speech to text transcription software, and then checked for accuracy by a member of the research staff. Transcripts were coded using Dedoose. A codebook was developed for qualitative analysis using root codes for overarching themes such as housing, education, and employment effects. Transcripts were coded by four members of the research staff and a final review of the codes and codebook to assess interrater reliability was done by one member of the research staff.

Thematic analysis of the interview transcripts was done using Excel. The framework method of analysis for qualitative research was used as a guide to find themes among topics discussed across interview participants. Themes or topics most frequently discussed across participants were highlighted in the report.

Participant Demographics

The mean age of interview participants was 43 (range: 25 – 67) (n=13). The majority of participants were male (54%), and 77% were parents. The vast majority of participants were African Americans (92%) with the remainder being Hispanic/Latino. The average time in custody, as reported by participants, was 11 years (range: 8 hours – 34 years). Almost all participants (92%) reported previously experiencing homelessness.

Estimates of Collateral Consequences Laws for the State of Illinois

All estimates for the number of collateral consequences for the state of Illinois were made using data from the National Inventory of Collateral Consequences of Conviction.¹²⁰

The following downloaded data fields were used for this analysis: ‘Citation’, ‘URL’, ‘Title’, ‘Type’, ‘Keywords’, ‘Number of Consequences’, ‘Relevant Subsections’, ‘Related Statues’, ‘Discretion’, ‘Duration’, ‘Notes’, ‘Current Through’, ‘Offenses’, and ‘Jurisdiction’. Custom fields were created for the following categories: ‘Housing’, ‘Employment’, ‘Education’, and ‘Other’. We used Excel formulas to search for keywords in the appropriate reference columns and subcategorized the raw data into these new categories when keyword criteria for each new category was met.

After this initial data treatment, we completed a round of “spot checks” to test the accuracy of the initial keyword coding and, where necessary, improve the fidelity of the data. This “spot checking” consisted of four major components: 1. Ensuring the right punishments were included; 2. Ensuring the wrong punishments were excluded; 3. Flagging any punishments that required more specialized review, and; 4. Identifying and color coding other possible categories that emerged from patterns in the data. First, in order to make sure that nothing had been included in the new columns that should not have been, we turned on each filter, one-by-one, and read the “Title” column for each included row to determine if it made sense for that permanent punishment to be categorized in this way. If it did not make sense, it was removed from the category. If there was ever any doubt, at this stage, about whether a punishment belonged in a certain category or not, it was flagged for further review. Then, in order to ensure that we had not missed any permanent punishments that should have been included in each of our new columns, we would turn “off” the filter for the column of interest and attempt to find punishments that should have been included in the column by doing text searches for related words that had not been used to generate the column initially. For example, when testing the “Licensing” column, we used the words “deny,” “revoke,” and “suspend” to search for rows that might have been missed by the initial keyword search. When suitable punishments were found, they were re-categorized accordingly.

To validate the refined data, each ILCS was reviewed for accuracy. Collateral sanctions were removed in the following categories (1) repealed by a public act since the last data collection point; (2) indemnification clauses, and (3) deemed a direct sanction and not a collateral sanction. The data to be removed was reviewed by an outside consultant to verify validity of the removal of data. In review, it was discovered some collateral sanctions referenced additional ILCS not originally included but deemed to be a relevant valid collateral sanction. These revised statuses were added to the data count.

To summarize data in Excel, dummy variables were created and assigned binary numeric values (1=yes, 0=no) for each of the custom fields/categories (housing, employment, education, or other). The sum for each of these categories are reported in this publication.

ENDNOTES

¹ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

² Heartland Alliance analysis of data from the National Inventory of the Collateral Consequences of Conviction (NICCC).

³ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates. The criminal record data on Latinos is highly limited and is not reported in this study. See Appendix 2 for more.

⁴ DeFina, R.H. and Hannon, L. (2009). The Impact of Mass Incarceration on Poverty. *Crime and Delinquency*, 59(4) 562-586. doi: 10.1177/0011128708328864

⁵ U.S. Commission on Civil Rights. (2019). *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>; Harding, D. J., Morenoff, J. D., & Herbert, C. W. (2013). Home is Hard to Find: Neighborhoods, Institutions, and the Residential Trajectories of Returning Prisoners. *The Annals of the American Academy of Political and Social Science*, 647(1), 214–236. <https://doi.org/10.1177/0002716213477070>

⁶ The U.S. Department of Housing and Urban Development. (2020). *Preventing & Managing the Spread of Infectious Disease for People Experiencing Homelessness*.

⁷ National Guideline Centre (UK). (2016). *Physical Health of People in Prison: Assessment, Diagnosis and Management of Physical Health Problems*. National Institute for Health and Care Excellence (UK).

⁸ See the stories from people with records throughout this report for examples of this experience.

⁹ Chin, G. J. (2011). The New Civil Death: Rethinking Punishment in the Era of Mass Conviction. *University of Pennsylvania Law Review*, 160, 1789-1833. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1067&context=penn_law_review

¹⁰ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA), and data from the National Inventory of the Collateral Consequences of Conviction (NICCC).

¹¹ The 3.3 million adults arrested or convicted in Illinois do not necessarily live in Illinois; see Appendix 2: Methodological Appendix for more detail.

¹² American Bar Association. (2018). *Collateral Consequences of Criminal Convictions: Judicial Bench Book*. Washington, DC: National Criminal Justice Reference Service. <https://www.ncjrs.gov/pdffiles1/nij/grants/251583.pdf>

¹³ Our analysis of the permanent punishment laws and regulations categorized their impacts on employment, housing, and education-related legal rights. Some laws restrict legal rights on more than one of these domains, which is how 1,189 laws act in 1,260 ways.

¹⁴ Zacharias, F. C. (1981). The Uses and Abuses of Convictions Set Aside under the Federal Youth Corrections Act. *Duke Law Journal*, 1981(3), 477. doi: 10.2307/1372256

¹⁵ Zacharias, F. C. (1981). The Uses and Abuses of Convictions Set Aside under the Federal Youth Corrections Act. *Duke Law Journal*, 1981(3), 477. doi: 10.2307/1372256

¹⁶ Zacharias, F. C. (1981). The Uses and Abuses of Convictions Set Aside under the Federal Youth Corrections Act. *Duke Law Journal*, 1981(3), 486. doi: 10.2307/1372256

ENDNOTES

- ¹⁷ Colgate, M. (2010, March 14). Starting Over with a Clean Slate: In Praise of a Forgotten Section of the Model Penal Code. Retrieved from <http://pardonlaw.com/wp-content/uploads/pardonlawimport/cleanslatefinalPP4.pdf>
- ¹⁸ Failure to pay traffic fines, penalties, or court costs, Public Act 094-0618, 625 ILCS 5/6-306.6 (2006). <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=094-0618&GA=94>
- ¹⁹ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).
- ²⁰ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).
- ²¹ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).
- ²² Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).
- ²³ Deflem, M. (2014). Punishment and incarceration: a global perspective. Bingley, United Kingdom: Emerald Publishing.
- ²⁴ For illustrative purposes, we compare to the racial demographics of Illinois's current population, though this is an imperfect comparison since people who acquired records in Illinois may no longer live in the state, or may have never lived in Illinois to begin with.
- ²⁵ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates.
- ²⁶ McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.
- ²⁷ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates.
- ²⁸ Heartland Alliance analysis of data from the National Inventory of the Collateral Consequences of Conviction (NICCC).
- ²⁹ Pager, D. (2017). The Mark of a Criminal Record. *Race, Law and Society*, 169–207. doi: 10.4324/9781315245423-9; Pager, D., Western, B., & Sugie, N. (2009). Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records. *The Annals of the American Academy of Political and Social Science*, 623(1), 195–213. <https://doi.org/10.1177/0002716208330793>
- ³⁰ Pager, D. (2017). The Mark of a Criminal Record. *Race, Law and Society*, 169–207. doi: 10.4324/9781315245423-9; Pager, D., Western, B., & Sugie, N. (2009). Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records. *The Annals of the American Academy of Political and Social Science*, 623(1), 195–213. <https://doi.org/10.1177/0002716208330793>
- ³¹ Pager, D. (2017). The Mark of a Criminal Record. *Race, Law and Society*, 169–207. doi: 10.4324/9781315245423-9
- ³² Boatner, J. (2019). Population with Criminal Records and Racial Disparity in Labor Markets. *IZA Journal of Labor Policy*, 9(1). doi: 10.2478/izajolp-2019-0002
- ³³ Boatner, J. (2019). Population with Criminal Records and Racial Disparity in Labor Markets. *IZA Journal of Labor Policy*, 9(1). doi: 10.2478/izajolp-2019-0002
- ³⁴ Bell, S. D. (2014). The Long Shadow: Decreasing Barriers to Employment, Housing, And Civic Participation for People With Criminal Records Will Improve Public Safety And Strengthen The Economy. *Western State Law Review*, 42(1), 1-24.
- ³⁵ Slivinski, S. (2016). Turning Shackles into Bootstraps Why Occupational Licensing Reform Is the Missing Piece of Criminal Justice Reform. Center for the Study of Economic Liberty at Arizona State University. <https://research.wpcarey.asu.edu/economic-liberty/wp-content/uploads/2016/11/CSEL-Policy-Report-2016-01-Turning-Shackles-into-Bootstraps.pdf>

- ³⁶ Heartland Alliance analysis of data from the National Inventory of the Collateral Consequences of Conviction (NICCC).
- ³⁷ Tuttle, S. and Rynell, A., (2019, April). Win-Win: Equipping Housing Providers to Open Doors to Housing for People with Criminal Records. Heartland Alliance. <https://www.issuelab.org/resources/35116/35116.pdf>
- ³⁸ Tuttle, S. and Rynell, A., (2019, April). Win-Win: Equipping Housing Providers to Open Doors to Housing for People with Criminal Records. Heartland Alliance. <https://www.issuelab.org/resources/35116/35116.pdf>
- ³⁹ U.S. Commission on Civil Rights. (2019). Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>; Harding, D. J., Morenoff, J. D., & Herbert, C. W. (2013). Home is Hard to Find: Neighborhoods, Institutions, and the Residential Trajectories of Returning Prisoners. The Annals of the American Academy of Political and Social Science, 647(1), 214–236. <https://doi.org/10.1177/0002716213477070>
- ⁴⁰ Tran-Leung, M. C. (2015). When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing. Sargent Shriver National Center on Poverty Law.
- ⁴¹ National Low Income Housing Coalition. (2020, March). The Gap: A Shortage of Affordable Homes. https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2020.pdf
- ⁴² U.S. Commission on Civil Rights. (2019). Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>; Harding, D. J., Morenoff, J. D., & Herbert, C. W. (2013). Home is Hard to Find: Neighborhoods, Institutions, and the Residential Trajectories of Returning Prisoners. The Annals of the American Academy of Political and Social Science, 647(1), 214–236. <https://doi.org/10.1177/0002716213477070>
- ⁴³ Metraux, S., Roman, C., & Cho, R. (2007). Incarceration and Homelessness (pp. 9-11, 9-23, 9-24). Office of Policy Development and Research. Retrieved from <https://www.huduser.gov/publications/pdf/p9.pdf>; National Law Center on Homelessness & Poverty. (2014). No Safe Place: The Criminalization of Homelessness in U.S. Cities (pp. 7-8). National Law Center on Homelessness & Poverty. https://www.nlchp.org/documents/No_Safe_Place.
- ⁴⁴ National Law Center on Homelessness & Poverty. (2014). No Safe Place: The Criminalization of Homelessness in U.S. Cities (pp. 7-8). National Law Center on Homelessness & Poverty. https://www.nlchp.org/documents/No_Safe_Place; Vallas, R., & Dietrich, S. (2014). One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records. Center for American Progress. <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>.
- ⁴⁵ U.S. Commission on Civil Rights. (2019). Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>.
- ⁴⁶ Brodheim, M. (2011). Paroled Killers Rarely Re-Offend. Retrieved 1 June 2020, from <https://www.prisonlegalnews.org/news/2011/jul/15/paroled-killers-rarely-re-offend/>
- ⁴⁷ Warren, C. (2019). Success in Housing: How Much Does Criminal Background Matter? Saint Paul, Minnesota: Wilder Research. https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccessCriminalBackground_Report_1-19.pdf
- ⁴⁸ Bell, S. D. (2014). The Long Shadow: Decreasing Barriers to Employment, Housing, And Civic Participation for People With Criminal Records Will Improve Public Safety And Strengthen The Economy. Western State Law Review, 42(1), 1-24.
- ⁴⁹ Heartland Alliance analysis of data from the National Inventory of the Collateral Consequences of Conviction (NICCC).
- ⁵⁰ Couloute, L. (2018). Getting Back on Course: Educational Exclusion and Attainment Among Formerly Incarcerated People. Retrieved 7 May 2020, from <https://www.prisonpolicy.org/reports/education.html>.
- ⁵¹ American Civil Liberties Union & Coalition for Higher Education Act Reform (n.d.). Facts about the HEA Drug Provision. Retrieved 1 June 2020, from https://www.aclu-wa.org/sites/default/files/media-legacy/attachments/HEA%20drug%20provision%20facts_0.pdf

ENDNOTES

- ⁵² Hirsch, A., Dietrich, S., Landau, R., Schneider, P., Ackelsberg, I., Bernstein-Baker, J., & Hohenstein, J. (2002). *Every Door Closed: Barriers Facing Parents with Criminal Records*. Washington, D.C. and Philadelphia, PA: Community Legal Services, Inc. and the Center for Law and Social Policy. Retrieved from https://static.prisonpolicy.org/scans/Every_Door_Closed.pdf
- ⁵³ Qualifications for Licensure, IL PA 100-286, § 225 ILCS 443/45 (2018). <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=022504430K45>
- ⁵⁴ Sokoloff, N., & Schenck-Fontaine, A. (2016). College Programs in Prison And Upon Reentry For Men And Women: A Literature Review. *Contemporary Justice Review*, 20(1), 95-114. doi: 10.1080/10282580.2016.1262772
- ⁵⁵ Frenzel, E., Bowen, K., Spraitz, J., Bowers, J., & Phaneuf, S. (2014). Understanding Collateral Consequences of Registry Laws: An Examination Of The Perceptions Of Sex Offender Registrants. *Justice Policy Journal*, 11(2). Retrieved from http://www.cjci.org/uploads/cjci/documents/frenzel_et_al_collateral_consequences_final_formatted.pdf
- ⁵⁶ Human Rights Watch. (2007, September 11). No Easy Answers: Sex Offender Laws in the US. Retrieved 2 June 2020, from <https://www.hrw.org/report/2007/09/11/no-easy-answers/sex-offender-laws-us>
- ⁵⁷ Heartland Alliance's analysis of data from the National Inventory of the Collateral Consequences of Conviction (NICCC).
- ⁵⁸ Frenzel, E., Bowen, K., Spraitz, J., Bowers, J., & Phaneuf, S. (2014). Understanding Collateral Consequences of Registry Laws: An Examination Of The Perceptions Of Sex Offender Registrants. *Justice Policy Journal*, 11(2). Retrieved from http://www.cjci.org/uploads/cjci/documents/frenzel_et_al_collateral_consequences_final_formatted.pdf
- ⁵⁹ Expungement, sealing, and immediate sealing, IL PA 100-201, § 20 ILCS 2630/5.2 (2017). <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=002026300K5.2>
- ⁶⁰ Levenson, J. (2016). Hidden Challenges: Sex Offenders Legislated into Homelessness. *Journal of Social Work*, 18(3), 348-363. doi: 10.1177/1468017316654811
- ⁶¹ Tuttle, S. and Rynell, A., (2019, April). Win-Win: Equipping Housing Providers to Open Doors to Housing for People with Criminal Records. Heartland Alliance. <https://www.issueab.org/resources/35116/35116.pdf>
- ⁶² Frenzel, E., Bowen, K., Spraitz, J., Bowers, J., & Phaneuf, S. (2014). Understanding Collateral Consequences of Registry Laws: An Examination of The Perceptions of Sex Offender Registrants. *Justice Policy Journal*, 11(2). Retrieved from http://www.cjci.org/uploads/cjci/documents/frenzel_et_al_collateral_consequences_final_formatted.pdf
- ⁶³ Prescott, J. (2012). Do Sex Offender Registries Make Us Less Safe? *Regulation*, 35(2), 48-55. Retrieved from <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1078&context=articles>.
- ⁶⁴ Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. (2020, March 24). Legislative History of Federal Sex Offender Registration and Notification. Retrieved 2 June 2020, from <https://www.smart.gov/legislation.htm>
- ⁶⁵ Logan, W. A. (2009). *Knowledge as Power: Criminal Registration And Community Notification Laws In America*. Stanford, CA: Stanford Law Books. .
- ⁶⁶ Agan, A. (2011). Sex Offender Registries: Fear without Function? *The Journal of Law & Economics*, 54(1), 207-239. doi:10.1086/658483c
- ⁶⁷ Snyder, H. N., & United States. (2000). *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics: A Statistical Report using data from the National Incident-Based Reporting System*. U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/saycrle.pdf>
- ⁶⁸ Sandler, J., Freeman, N., & Socia, K. (2008). Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law. *Psychology, Public Policy, and Law*. 14. 284-302. doi:10.1037/a0013881.

ENDNOTES

- ⁶⁹ Sex Offender Registration Task Force. (2017). Sex Offenses and Sex Offender Registration Task Force Final Report. State of Illinois. Retrieved from http://www.icjia.state.il.us/assets/articles/SOTF_report_final_12292017.pdf
- ⁷⁰ Sex Offender Registration Task Force (2017). Sex Offenses and Sex Offender Registration Task Force Final Report. State of Illinois. Retrieved from http://www.icjia.state.il.us/assets/articles/SOTF_report_final_12292017.pdf; Prescott, J. (2012). Do Sex Offender Registries Make Us Less Safe? *Regulation*, 35(2), 48-55. Retrieved from <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1078&context=articles>; Baran, M. & Vogel, J. (2016, October 4). Sex-Offender Registries: How the Wetterling Abduction Changed the Country. *APM Reports*. <https://www.apmreports.org/story/2016/10/04/sex-offender-registries-wetterling-abduction>
- ⁷¹ Sex Offender Registration Task Force (2017). Sex Offenses and Sex Offender Registration Task Force Final Report. State of Illinois. Retrieved from http://www.icjia.state.il.us/assets/articles/SOTF_report_final_12292017.pdf; Prescott, J. (2012). Do Sex Offender Registries Make Us Less Safe? *Regulation*, 35(2), 48-55. Retrieved from <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1078&context=articles>; Baran, M. & Vogel, J. (2016, October 4). Sex-Offender Registries: How the Wetterling Abduction Changed the Country. *APM Reports*. <https://www.apmreports.org/story/2016/10/04/sex-offender-registries-wetterling-abduction>
- ⁷² Duty to register, IL PA 101-571, §730 ILCS 150 et. seq. (2019). <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073001500K3>
- ⁷³ Duty to register, IL PA 101-571, §730 ILCS 154 et. seq. (2019). <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=073001540K10>
- ⁷⁴ Methamphetamine Manufacturer Registry Act, IL PA 94-831, §730 ILCS 180 et. seq. (2006). <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2797&ChapterID=55>
- ⁷⁵ Arsonist Registration Act, IL PA 93-949, §730 ILCS 148 et. seq. (2005). <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2621&ChapterID=55>
- ⁷⁶ Frazier, C.E. (2015). The Illinois Juvenile Collateral Consequence Checklist. Children and Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law. <http://www.law.northwestern.edu/legalclinic/cfjc/documents/IllinoisCollateralConsequencesChecklist.pdf>
- ⁷⁷ Illinois sex offender registration information website. (n.d.). Retrieved from <https://www.isp.state.il.us/sor/sor.cfm?CFID=173243839&CFTOKEN=4cdfd4231b25f754-75C11D53-9FBA-C3A9-33CE41439DD6C035&jsessionid=ec3032b3d986fae7fc194b323b4375217295>
- ⁷⁸ U.S. Commission on Civil Rights. (2019). Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>; Harding, D. J., Morenoff, J. D., & Herbert, C. W. (2013). Home is Hard to Find: Neighborhoods, Institutions, and the Residential Trajectories of Returning Prisoners. *The Annals of the American Academy of Political and Social Science*, 647(1), 214–236. <https://doi.org/10.1177/0002716213477070>
- ⁷⁹ Author’s analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and American Community Survey 2018 1-year estimates.
- ⁸⁰ Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818. doi:10.1007/s13524-017-0611-1
- ⁸¹ Author’s analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).
- ⁸² Data was not collected for Latinos before 2015, so we have not included estimates of the number of Latinos in Illinois with criminal records.
- ⁸³ Author’s analysis of supplemental data tables from Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818. doi:10.1007/s13524-017-0611-1
- ⁸⁴ Schmitt, J. and Warner, K. (2011). Ex-Offenders and The Labor Market. *WorkingUSA*, 14: 87-109. doi:10.1111/j.1743-4580.2011.00322.x

ENDNOTES

- ⁸⁵ Illinois Department of Corrections. (2018). Illinois Department of Corrections (IDOC) Fiscal Year 2018 Report. Illinois Department of Corrections. <https://www2.illinois.gov/idoc/reportsandstatistics/Documents/FY18%20Annual%20Report%20FINAL.pdf>
- ⁸⁶ Holzer, H.J. (2007). Collateral Costs: The Effects of Incarceration on the Employment and Earnings of Young Workers. IZA Institute of Labor Economics Discussion Paper No. 3118. <https://ssrn.com/abstract=1031709>
- ⁸⁷ Christie, N.V. (2014), Racial Neutrality by Any Other Name: An Examination of Collateral Consequence Policies in the United States. *Social Science Quarterly*, 95, 541-562. doi:10.1111/ssqu.12034
- ⁸⁸ U.S. Commission on Civil Rights. (2019). Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>
- ⁸⁹ McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.
- ⁹⁰ Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818. doi:10.1007/s13524-017-0611-1
- ⁹¹ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates.
- ⁹² Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates. See Appendix 1: detailed tables for more.
- ⁹³ Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The Growth, Scope, and Spatial Distribution of People with Felony Records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818. doi:10.1007/s13524-017-0611-1
- ⁹⁴ Lipsitz, G. (2012). In an Avalanche Every Snowflake Pleads Not Guilty: The Collateral Consequences of Mass Incarceration and Impediments to Women's Fair Housing Rights. *UCLA Law Review*. Retrieved from <https://www.uclalawreview.org/pdf/59-6-8.pdf>; Crenshaw, K.W. (2012). From Private Violence to Mass Incarceration: Thinking Intersectionality About Women, Race, and Social Control. *UCLA Law Review*. Retrieved from <https://www.uclalawreview.org/pdf/59-6-1.pdf>
- ⁹⁵ McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.
- ⁹⁶ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates.
- ⁹⁷ Buitrago, K. (2019, March). The Gender Disadvantage: Why Inequity Persists. Heartland Alliance. Available at www.heartlandalliance.org/neverfullyfree.
- ⁹⁸ Bloom, B., Owen, B., & Covington, S. (2003, June). Gender-Responsive Strategies Research, Practice And Guiding Principles For Women Offenders. U.S. Department of Justice, National Institute of Corrections.
- ⁹⁹ Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and U.S. Census Bureau's American Community Survey 2018 1-year estimates.
- ¹⁰⁰ Lennox, M.L. (2011, April) Neutralizing the Gendered Collateral Consequences of the War on Drugs. *New York University Law Review*, 86(1); McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.
- ¹⁰¹ Lipsitz, G. (2012). In an Avalanche Every Snowflake Pleads Not Guilty: The Collateral Consequences of Mass Incarceration and Impediments to Women's Fair Housing Rights. *UCLA Law Review*. Retrieved from

ENDNOTES

<https://www.uclalawreview.org/pdf/59-6-8.pdf>; Crenshaw, K.W. (2012). From Private Violence to Mass Incarceration: Thinking Intersectionality About Women, Race, and Social Control. *UCLA Law Review*. Retrieved from <https://www.uclalawreview.org/pdf/59-6-1.pdf>

¹⁰² Swann, C., & Sylvester, M.S. (2006). The Foster Care Crisis: What Caused Caseloads to Grow? *Demography*, 43(2), 309-335. Retrieved June 2, 2020, from www.jstor.org/stable/4137200

¹⁰³ Lipsitz, G. (2012). In an Avalanche Every Snowflake Pleads Not Guilty: The Collateral Consequences of Mass Incarceration and Impediments to Women's Fair Housing Rights. *UCLA Law Review*. Retrieved from <https://www.uclalawreview.org/pdf/59-6-8.pdf>; Crenshaw, K.W. (2012). From Private Violence to Mass Incarceration: Thinking Intersectionality About Women, Race, and Social Control. *UCLA Law Review*. Retrieved from <https://www.uclalawreview.org/pdf/59-6-1.pdf>

¹⁰⁴ Johnson, A. (2017). Challenging Criminal Records in Hiring under the Americans with Disabilities Act Notes. *Columbia Human Rights Law Review*, 48(3) 213-256. Retrieved June 2, 2020, from <http://hrlr.law.columbia.edu/files/2018/01/AmandaJohnsonChallengingC.pdf>

¹⁰⁵ Glaze, L. & Maruschak, L. (2010). Parents in Prison and Their Minor Children. Bureau of Justice Statistics Special Report. U.S Department of Justice Office of Justice Programs. Retrieved from <https://www.bjs.gov/content/pub/pdf/pptmc.pdf>

¹⁰⁶ U.S. Commission on Civil Rights. (2019). Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>

¹⁰⁷ Holzer, H.J., Raphael, S., Stoll, M.A. (2003). Employer demand for ex-offenders: Recent evidence from Los Angeles. Washington, DC: The Urban Institute; McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.

¹⁰⁸ Sheely, A., & Kneipp, S. M. (2015). The Effects of Collateral Consequences of Criminal Involvement on Employment, Use of Temporary Assistance for Needy Families, and Health. *Women & health*, 55(5), 548–565. <https://doi.org/10.1080/03630242.2015.1022814>

¹⁰⁹ Mallik-Kane, K., Visser, C. (2008). Health and Prisoner Reentry: How Physical, Mental, And Substance Abuse Conditions Shape the Process Of Reintegration. Washington, DC: Urban Institute; McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.

¹¹⁰ Vallas, R., & Dietrich, S. (2014). One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records. Center for American Progress. Retrieved from <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>

¹¹¹ Illinois Department of Human Services. (n.d).WAG 03-23-03: Convicted of Drug-Related Felony other than Class X or Class 1 (Cash). Retrieved June 02, 2020, from <http://www.dhs.state.il.us/page.aspx?item=14732>

¹¹² Thompson, D. (2019). No More Double Punishments: Lifting the Ban on SNAP and TANF for People with Prior Felony Drug Convictions (Policy Brief 19-3). CLASP. Retrieved from <https://www.clasp.org/sites/default/files/publications/2019/04/2019.03.15%20No%20More%20Double%20Punishments.pdf>

¹¹³ Brown, M. & Bloom, B. (2009). Reentry and Renegotiating Motherhood: Maternal Identity and Success on Parole. *Crime & Delinquency*, 55(2), 313–36. doi: 10.1177/0011128708330627; Brown, S. G., & Barbosa, G. (2001). Nothing Is Going to Stop Me Now: Obstacles Perceived by Low-Income Women as They Become Self-Sufficient. *Public health nursing (Boston, Mass.)*, 18(5), 364–372. <https://doi-org.proxy.cc.uic.edu/10.1046/j.1525-1446.2001.00364.x>.

¹¹⁴ Chin, G. J. (2011). The New Civil Death: Rethinking Punishment in The Era Of Mass Conviction. *University of Pennsylvania Law Review*, 160, 1789-1833. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1067&context=penn_law_review

¹¹⁵ Zacharias, F. C. (1981). The Uses and Abuses of Convictions Set Aside Under the Federal Youth Corrections Act. *Duke Law Journal*, 1981(3), 477. doi: 10.2307/1372256

ENDNOTES

¹¹⁶ McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.

¹¹⁷ American Civil Liberties Union. (n.d.). Mass Incarceration. Retrieved June 02, 2020, from <https://www.aclu.org/issues/smart-justice/mass-incarceration>

¹¹⁸ Illinois State Police Bureau of Identification. (2010). Criminal History Record Information User's Manual. Joliet, IL: Authority of the State of Illinois. Retrieved from <https://www.isp.state.il.us/docs/5-336e.pdf>

¹¹⁹ Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The Growth, Scope, and Spatial Distribution of People with Felony Records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818. doi:10.1007/s13524-017-0611-1; Methodological Appendix.

¹²⁰ National Inventory of the Collateral Consequences of Conviction (NICCC). Retrieved 2 June 2020, from <https://niccc.csgjusticecenter.org/database>

Figure 1: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

Figure 2: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and American Community Survey 2018 1-year estimates.

Figure 3: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and American Community Survey 2018 1-year estimates.

Figure 4: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and American Community Survey 2018 1-year estimates.

Figure 5: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA).

Figure 6: Source: U.S. Commission on Civil Rights. (2019). *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*. <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>.

Figure 7: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and American Community Survey 2018 1-year estimates.

Figure 8: Source: McConnell, T. (2017). The War on Women: Collateral Consequences of Female Incarceration. *Lewis & Clark Law Review* 21, 2017(2), 491-524.

Figure 9: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA) and American Community Survey 2018 1-year estimates.

Figure 10: Source: Lipsitz, G. (2012). In an Avalanche Every Snowflake Pleads Not Guilty: The Collateral Consequences of Mass Incarceration and Impediments to Women's Fair Housing Rights. *UCLA Law Review*. Retrieved from <https://www.uclalawreview.org/pdf/59-6-8.pdf>.

Figure 11: Source: Author's analysis of Illinois Criminal History Record Information from 1979 – mid-2019, provided by the Illinois Criminal Justice Information Authority (ICJIA). Displayed is the rate per 10,000 people age 16 and older. We display the rate per 10,000 adults for illustrative purposes and to attempt to adjust for population density, but this is an imperfect comparison since people who acquired records in Illinois may no longer live in the county they were arrested/convicted in, or may have never lived in that county to begin with. In one county, more people were arrested or convicted in that county than the current adult population.

REPORT INFORMATION

Project team:

Katie Buitrago, William Burr*, Amber Cason Crossen, Sandra Escobar-Schulz, Michael Falk, Suniya Farooqui, Yoojin Kim*, Carlton Mayers, Elesha Nightingale, Katie Pelech, Rachel Ruttenberg, Amy Rynell*, Samantha Tuttle*, Quintin Williams, Melissa Young

*Former Heartland Alliance staff

Report design:

Thanks to Amber Cason Crossen and Jordan Razowsky, who laid out the report and who lent their creative thinking and ideas to many aspects of the report.

Report authors:

Katie Buitrago, Sandra Escobar-Schulz

Extended uses:

The Social IMPACT Research Center encourages the use of this report. Reproductions in whole or in part are allowable without permission provided appropriate references are given.

Suggested citation:

Buitrago, K. & Escobar-Schulz, S. (2020, June). *Never Fully Free: The Scale and Impact of Permanent Punishments on People with Criminal Records in Illinois*. Heartland Alliance. Available at www.heartlandalliance.org/neverfullyfree.

Our thanks to the many people who generously gave their time to review and react to the early drafts of this report, including Amber Cason Crossen, Jody Blaylock, Evelyn Diaz, Barbara Hoffman, Mailee Garcia, Rachel Ruttenberg, Quintin Williams, and Melissa Young.

Thank you to Christine Devitt and Justin Escamilla of the Illinois Criminal Justice Information Authority for their assistance accessing and interpreting the criminal history data. Thanks to Max Kapustin of the University of Chicago for his feedback on our estimation methodology.

Our deepest gratitude goes to the people with records who chose to share their stories with us. Thank you for your courage and openness. We also thank the Restoring Rights and Opportunities Coalition of Illinois (RROC) for their insight on the research design and data collection methods, and their assistance recruiting interview participants.

We gratefully acknowledge Art for Justice Fund, a sponsored project of Rockefeller Philanthropy Advisors, for their support of our criminal legal system research, communications, and systems change efforts.

NEVER
FULLY
FREE

The Scale and Impact
of Permanent
Punishments on
People with
Criminal Records
in Illinois

HEARTLAND ALLIANCE | June 2020

208 S. LaSalle, 13th Floor | Chicago, Illinois 60604 | 312-870-4945
www.socialimpactresearchcenter.org | www.heartlandalliance.org/neverfullyfree
research@heartlandalliance.org

**SOCIAL IMPACT
RESEARCH CENTER**

A **HEARTLAND ALLIANCE** PROGRAM