

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/homeward-bound-house-committee-examination-of-incarcerations-collateral-consequences-points-to-need-for-housing-post-release>

Public Facing Advocacy Writing

In late June, the bipartisan House Judiciary Committee Task Force on Over-Criminalization examined the collateral consequences that an expanding federal penal code, the rapid addition of new regulatory crimes and violations, and harsh federal sentencing guidelines can have on the approximately 65 million Americans with a criminal record.

At the center of this hearing was a report released in May by the National Association of Criminal Defense Lawyers (NACDL), an organization representing 40,000 attorneys nationwide and dedicated to advancing justice and ensuring due process for those accused of criminal misconduct. The report, entitled [*Collateral Damage: Americas Failure to Forgive or Forget in the War on Crime*](#), analyzes the consequences of some 45,000 laws, statutes, and regulations that restrict and limit the rights and opportunities of individuals with a criminal record from disenfranchisement to employment discrimination to any number of barriers to successful reentry. This issue is only exacerbated by the widespread use of Internet background checks.

However, the report also recognizes states that have passed sentencing reforms and ban the box protections against employment discrimination. It also describes two efforts to expand access to public housing for formerly incarcerated individuals: the [New York City Housing Authority \(NYCHA\) Family Reentry Pilot Program](#), and the creation of new admissions policies at the [Housing Authority of New Orleans](#), both of which Vera is involved with.

These projects are good examples of how public housing authorities are beginning to rethink their tenant selection policies and the way that they consider criminal history when screening applicants. In a [recent interview](#), HUD Director of Public Housing Supporting Services Ron Ashford praised the NYCHA pilot which also provides case management services to eligible individuals as an example of programs that can help people re-enter society successfully. Praise also came from the *New York Times*, whose editorial board included the NYCHA pilot [in a piece](#) about local efforts to ease the burden of laws and regulations that continue to haunt people with criminal convictions long after their release from custody or supervision.

NACDL's report comes during a time in which the federal and state governments are reconsidering long-held ideas about the purpose of our criminal justice system. The recent retroactive application of sentencing guidelines recommended by the U.S. Sentencing Commission and the work of the Task Force on Over-Criminalization indicate that there are unique opportunities to develop and test evidence-based practices that will help promote successful reentry for formerly incarcerated individuals and thus support and enhance public safety.

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