American Public Opinion about Collateral Consequence Policies

INTRODUCTION

THE POLITICS OF COLLATERAL CONSEQUENCES FOR EX-OFFENDERS

In recent United States history, over 600,000 people exited prison after serving a carceral sentence each year. Most such returning citizens face a host of challenges that impede their ability to successfully reintegrate into the community. Relative to the total U.S. population, the incarcerated population is characterized by disproportionately low levels of educational attainment and high rates of serious physical and mental illness; substance addiction; inconsistent work history or unemployment; and poverty, housing insecurity, and/or homelessness (Mears & Cochran, 2018; Western & Pettit, 2010). Due to these factors, many prisoners struggled to maintain legal employment even prior to their incarceration, but upon release, they face the additional barrier of stigma that further impedes their employability (Pager, 2007; Uggen et al. 2014). Without stable employment that provides a living wage, many returning citizens find themselves trapped in a state of instability and material and emotional hardship that frequently leads them back to crime (Herbert, Morenoff, & Harding, 2015; Middlemass, 2017; Western, 2018).

However, on top of sociological barriers to successful reentry, many offenders also face *legal* barriers. Beginning in the late 1980s and 1990s, the federal and state governments significantly restricted or denied felons’ access to a number of government-provided or subsidized benefits (Clear & Frost, 2014; Middlemass, 2017; Petersilia, 2003). As of 2018, the National Inventory of Collateral Consequences of Conviction database lists a total of 48,229 individual state and federal statutes that “limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities” (see also American Bar Association, 2009; Buckler & Travis, 2003; Christie, 2014; Ewald, 2012; Owens & Smith, 2012). Travis (2002) referred to these collateral consequences as “invisible punishments” because they are not delineated in the sentences imposed upon offenders by a court, but they deny people with criminal records access to the very benefits and programs that are designed to help Americans rise out of poverty and secure gainful employment. Furthermore, the curtailing or denial of government benefits also sends a message to ex-offenders that society does not view them as equal citizens, which may affect their self-confidence and willingness to exercise the political rights that they do retain (Lerman & Weaver, 2014). All told, collateral consequences exacerbate ex-offenders’ social marginality and impede their ability to successfully rejoin the community as law-abiding citizens (Ewald & Uggen, 2012; Hall, Wooten, & Lundgren, 2016; Middlemass, 2017).

Rising rates of crime throughout the latter half of the twentieth century generated significant fear and anger among the mass public and compelled legislators to respond (Enns, 2016; Miller, 2016). They passed the various collateral consequence statutes alongside more traditional enhancements to criminal penalties out of a mixed belief in deterrence and a desire to express moral condemnation toward criminals. Legislators approached criminal justice policymaking in the 1990s with a “zero sum” mentality in which anything that was construed to be the slightest bit positive for offenders was, by definition, bad for crime victims (Simon, 2007). An extension of this mentality was the principle of “least eligibility:” criminals’ lives should not be materially better than the lives of the poorest law-abiding citizen. In this punitive climate, Democrats and Republicans competed with each other to convince voters that they were the party that would inflict the most righteous suffering upon offenders (Clear, 1994).

Education benefits provide an illustrative example of the politics of collateral consequences. Research indicates that people who participate in education programs while incarcerated are significantly less likely to recidivate and be arrested for a new crime once released than inmates who did not participate in any educational programs (Davis et al., 2013; Oakford et al., 2019). In the early 1990s, over 20,000 inmates took college classes in prison with the assistance of Pell grant funding. However, as part of the 1994 Violent Crime Control and Law Enforcement Act, Congress made prisoners ineligible to receive Pell grants; supporters of the legislation argued that “taxpayers lose” when Pell money is given to criminals. In 2016, the Obama Administration launched a small-scale pilot program through a provision of the Second Chance Act to restore inmates’ Pell eligibility in 67 colleges and universities. Early evaluations of the Second Chance Pell Program find that the grants provide benefits for incarcerated individuals and the communities to which they returned (Oakford et al., 2019), but the fate of this federal executive initiative remains uncertain under the Trump Administration (Lewis, 2018). State-level efforts to restore inmates’ access to college classes have been politically-contentious, as well (Kaplan, 2014).

PUBLIC OPINION ABOUT SECOND CHANCES AND COLLATERAL CONSEQUENCES

While crime was highly salient to Americans during the 90s, and survey data reveal that Americans do express support for tough sentences, the full scope of public opinion about crime and punishment is far more nuanced than the “get tough” ethos of the Clinton years made it seem. First, when discussing crime in general, people typically default to thoughts about “worst case” offenders (primarily violent and sex offenders); this drives much of the “punitive impulse.” When people are specifically asked to think about punishments for nonviolent or first-time offenders, most Americans express support for alternatives to incarceration. Second, Americans support punishment to incapacitate offenders, but once offenders are “neutralized” and no longer present an imminent threat to the community, Americans consistently say that the primary purpose of the correctional system should be rehabilitation. Relatedly, many Americans express a belief in “redeemability” and offenders’ right to have a second chance in life (e.g., Cullen, Fisher, & Applegate, 2000; Cullen et al. 2002).

The “invisible punishments” of collateral consequences that affect ex-offenders’ lives long after they have served their sentence seem to be inconsistent with Americans’ belief in rehabilitation and second chances. However, compared to studies of public opinion about punishment, relatively few studies examine public opinion about collateral consequences, and many of those studies focus on felon disenfranchisement (e.g., Chiricos, Padgett, Bratton, Pickett, & Gertz, 2012; Manza, Brooks, & Uggen, 2004; Wilson, Owens, & Davis, 2015) or policies specific to sex offenders (e.g., Comartin, Kernsmith, & Kernsmith 2009; Mancini, 2014; Socia, Dum, & Rydberg, 2017). As Owens and Smith (2012) observed, scholars have devoted less attention to the much broader classes of collateral consequences that deny benefits to offenders convicted of many different types of crimes, but especially those convicted of nonviolent drug offenses (the primary targets of 1990s policies that limited or denied access to food stamps and public housing) (see also Middlemass, 2017; Rade, Desmarais, & Mitchell, 2016).

A few studies examined public opinion about collateral consequences that affect ex-offenders’ access to public resources or the barriers to reentry, more broadly. Several qualitative, focus group studies conducted in three different cities found that participants did not typically think much about reentry or returning offenders, but once the topic was raised, most participants readily comprehended the reality of sociological barriers to reentry. Many participants emphasized that ex-offenders need to find a job and housing if they are to stand any chance of successfully desisting from crime, but they were skeptical that current correctional or government programs could adequately meet returning offenders’ needs. Several participants had no knowledge of the existence of legal collateral consequences, and when informed, expressed shock that the government would block ex-offenders’ access to the very programs, supports, and services that would help them get back on their feet. However, while many participants supported extending access to educational and job training programs to ex-offenders, some clarified that the government should only subsidize support up to a high school degree or blue collar jobs; consistent with the principle of “least eligibility,” some participants did not want to subsidize ex-offenders’ access to a college education or prestigious jobs that many law-abiding Americans never achieve. Furthermore, some participants seemed to be more swayed by the argument that establishing adequate reentry support would ultimately benefit society than they were by the argument that such support would benefit the ex-offenders themselves (Brooks, Visher, & Naser, 2006; Heumann, Pinaire, & Clark, 2005; Immerwahr & Johnson, 2002); this finding is consistent with the results of quantitative studies which show that the manner in which criminal justice policies are framed affects expressed public support (Gottlieb, 2017; Wozniak, 2019).

Analyzing data from a nationally-representative survey, Krisberg and Marchionna (2006) reported that over 80% of Americans stated that it is “very” or “somewhat” important for ex-offenders who are reentering society to have access to job training, drug treatment, mental health services, student loans, and public housing. Furthermore, 78% of respondents replied that they “strongly” or “somewhat” support the federal Second Chance Act that funds programs and services for prisoners reentering the community. Similarly, analyzing data from a survey of residents in the New York City and Tri-State region, Gideon and Loveland (2011) reported that 83% of respondents supported the Second Chance Act in general, but a majority of respondents opposed extending Second Chance Act services to sex offenders; support remained very high for drug offenders and moderate for violent offenders who completed rehabilitation.

Analyzing data from a sample of Missouri residents, Brett Garland, Eric Wodahl, and their colleagues found many sentiments that mirrored those expressed by the focus group participants in the studies described above. Sixty to ninety percent of respondents (depending upon the specific question) endorsed community-based support programs for reentering ex-offenders, including training programs for jobs in food services, carpentry, and computer programming and educational programs that lead to a GED or 2-year technical degree. However, the authors also found evidence of least eligibility and “not in my backyard” attitudes. Significantly fewer respondents supported job training for ex-offenders to enter business management, and only about 40 to 49% of respondents said that recently released prisoners should earn as much as a middle-class citizen or have access to educational programs that lead to a 4-year college degree. Respondents also expressed significantly lower support for transitional housing programs that would be sited in “my neighborhood” rather than in “my city,” and only 22% of respondents supported raising taxes to improve reentry programs. Support for transitional housing also varied across type of offender, with drug offenders receiving more support than violent or sex offenders. African Americans and political liberals were significantly more opposed to policies that restrict ex-offenders’ eligibility for housing assistance (Garland, Wodahl, & Cota, 2016; Garland, Wodahl, & Saxon, 2014; Garland, Wodahl, & Schuhmann 2013).

Ouellette, Applegate, and Vuk (2017) found that 74% of South Carolina residents said that job training should be provided to recently released prisoners, but only 14%, 28%, and 33% said that released prisoners should be banned from public housing, access to government assistance, or access to federal education grants, respectively. Similar to the findings of Garland and colleagues, these authors also found that respondents were significantly less willing to pay more in taxes in order to fund reentry services. In multivariate analyses, the authors found that stronger belief in offenders’ redeemability predicted increased support for reentry policies. Most recently, Rade, Desmarais, and Burnette (2018a, 2018b) analyzed data from convenience samples of college students and MTurk workers. They found that respondents who expressed a stronger belief in people’s ability to grow and change also expressed more positive feelings toward ex-offenders; these feelings were, in turn, positively related to participants’ scores on a composite measure of support for several reentry policies. They also found that political liberals and people who had direct contact with an incarcerated person expressed more positive feelings toward ex-offenders and more support for reentry.

In sum, the extant literature indicates that many Americans support reentry programs and policies that will improve ex-offenders’ ability to gain jobs, housing, and access to education, but they are more ambivalent about increasing taxes to pay for said programs. A few studies find that political liberals express more support than political conservatives, as do people who express a stronger belief in people’s ability to reform and change. However, most of the extant studies that examine public opinion about collateral consequences beyond felon disenfranchisement and sex offender restrictions have very limited generalizability, rendering the scope of their findings unclear.

THE PRESENT STUDY

We contribute to this literature by analyzing data from a nationally-representative sample of residents of the United States. First, we measure respondents’ level of support for policies that restrict formerly incarcerated individuals’ eligibility to access public housing, receive supplemental nutrition assistance (i.e., food stamps), or enroll in job training programs. Importantly, the questions are framed as general restrictions imposed upon all people with criminal records, not solely individuals convicted of violent or sex offenses. In light of prior studies’ findings of partisan and demographic divides, we examine whether opinions about these policies significantly differ across party affiliation and race, as well as the extent to which support or opposition is related to personal characteristics theorized to provoke “not in my backyard” attitudes. Second, we assess participants’ support for extending financial aid (i.e., Pell grants) to incarcerated individuals to enable them to enroll in college classes. Based upon prior qualitative findings that the framing of public benefits affects people’s level of support for collateral consequence policies (Brooks, Visher, & Naser, 2006; Heumann, Pinaire, & Clark, 2005; Immerwahr & Johnson, 2002), we embedded an experiment in the survey questionnaire that manipulated whether respondents were told that financial aid would benefit society or benefit individual ex-offenders. Overall, our results indicate that Americans are broadly supportive of policies designed to aid formerly incarcerated people as they reenter the community, but partisan differences remain, and framing matters.

DATA AND METHOD

The survey was fielded in the fall of 2016 as part of an online study of American attitudes in the run-up to the presidential election. The questions were included in a “module” of the 2016 Cooperative Congressional Election Study (CCES), a collaborative effort among more than fifty universities (Ansolabehere and Schaffner, 2017). The survey, fielded by YouGov/Polimetrix, uses a nationally-representative sample and employs a two panel design to examine attitudes before and after the election.[[1]](#footnote-1) In addition to answering hundreds of the study’s “Common Content” questions, respondents were further assigned to specific team modules. Each module included approximately 1,000 respondents; altogether, the CCES consists of more than 50,000 respondents. We wrote several novel items to operationalize this study’s dependent variables, all of which were fielded as part of the pre-election wave of the CCES. Several questions we used to operationalize independent and control variables in our regression analyses were part of the post-election wave.

We present detailed information about the operational definitions of all of our analysis variables in Appendix A. In brief, we analyze the relationships between people’s support for collateral consequence policies and several other ideological beliefs and demographic characteristics that are reliable predictors of people’s attitudes toward criminal justice policies, more broadly. These predictors include respondents’ age, race, gender, education, attention to the news, and prior experience of criminal victimization (or lack, thereof) (Frost, 2010; Payne, Gainey, Triplett, & Danner, 2004). Ideological measures include respondents’ partisan identification and agreement with the tenets of symbolic racism (Brown & Socia, 2017; Unnever & Cullen, 2010). We also identify respondents who may be prone to holding “not in my backyard” concerns that allowing ex-offenders into communities negatively impacts family safety, community integrity, and property values. Following previous studies (Garland, Wodahl, & Saxon, 2017; Leverentz, 2011; Ouellette, Applegate, & Vuk, 2017; Socia, Dum, & Rydberg, 2017; Wozniak, 2018), we do so with dummy variables that identify respondents who have a child or children under 18 years of age, own their home, and/or experienced a change in their household income. Finally, to test whether or not legal and political context affects individuals’ policy beliefs, we include a dummy variable that indicates whether the respondents’ state of residence bans drug offenders from accessing federal supports (Beitsch, 2015). This measure offers insight into how a state’s policy context does or does not shape public opinion on collateral consequence policies.

RESULTS

SUPPORT FOR RESTRICTING ACCESS TO PUBLIC BENEFITS

Figure 1 presents the average level of *support* for policies that bar formerly incarcerated individuals from access to public housing, make them ineligible to receive food stamps (i.e., SNAP), and make them ineligible to participate in job training programs. For ease of interpretation, we rescaled the questions to range between 0 and 1 with higher values indicating stronger support for each restrictive policy.[[2]](#footnote-2) The first column in each panel displays how the overall sample evaluated each policy, while the subsequent three columns present the average support among Democrats, Independents, and Republicans, respectively.

[Figure 1 Here]

Across political identification, respondents’ average support for policies that restrict access to job training programs fell below 0.3 on the response scale, indicating rather strong opposition. Democrats were statistically less likely than Republicans to support job training restrictions, but the substantive difference was quite small. Respondents expressed greater support for the other policies. Average support for restrictions on access to food assistance and public housing was nearly double the average support for restrictions on job training. Even then, though, average support fell below 0.5 on the response scale, indicating ambivalence or weak opposition among the mass public. We also found partisan differences in attitudes about these policies. Democrats were 10% less supportive of food assistance restrictions than Independents and 20% less supportive than Republicans. This trend of monotonically declining support across Republicans to Independents to Democrats was quite similar for public housing restrictions, though the partisan differences were slightly smaller in magnitude. In the end, Figure 1 suggests that partisanship plays a role in understanding public opinion about restrictive reentry policies, but partisan differences of opinion are less extreme than elite rhetoric would suggest, and respondents did not express strong support for any of the policies.

To examine whether factors other than political partisanship influence public opinion about these policies, Table 1 presents a series of regression analyses on the relationship between reentry restrictions and respondent demographic and ideological characteristics. The regressions used generalized linear models and included robust standard errors clustered by state.[[3]](#footnote-3) The substantive results were robust to alternative specifications and parametric forms (additional sensitivity tests can be found in Appendix B).

[Table 1 Here]

First, the regression models offer additional evidence in support of the bivariate results in Figure 1. Partisanship continues to play an important role in understanding support for reentry restrictions, even controlling for other respondent characteristics. Republicans were approximately 9% and 5% more supportive of restrictions on food assistance and public housing, respectively, than respondents with other political affiliations. In contrast, partisan differences in support for job training restrictions were less robust and statistically insignificant. Much of this attenuation to the partisanship variable stems from the addition of the racial resentment covariate. A one-unit increase in resentment accounts for a 9-14% increase in respondent support for all three reentry restrictions. In fact, racial resentment was one of only two factors that were significantly related to public opinion about all three policies; the other consistent predictor was a respondent’s race.

In addition to examining partisanship and racial animus, the models include several variables designed to tap self-interest and other factors that can shape attitudes toward criminal justice policy. For instance, those reporting positive change in their income over the past year were less supportive of restrictions on food assistance and public housing. The variables designed to proxy “NIMBY” attitudes exerted opposite, but less consistent, effects. Respondents with minor children and employed respondents were more likely to support restricting access to public housing, while respondents who owned their home were more likely to support restricting access to food stamps.

Several demographic variables were related to support for restrictive policies, but their interpretations are less obvious. Women tended to be more punitive when it comes to public housing eligibility. More surprisingly, Asian and Hispanic respondents were more supportive of all three reentry restrictions than were whites. Individuals who attended college expressed less support for food assistance and public housing restrictions, while respondents who are attentive to the news expressed less support for job training and food assistance restrictions. Finally, we found no effect of policy context; respondents who lived in states that bar drug offenders from accessing public benefits did not express significantly different attitudes toward any of the three collateral consequence policies than respondents who live in states with more liberal welfare policies. Though far from conclusive, this null result suggests that constituents are not attentive to the current welfare policies of their state, nor are they pressuring their representatives to address perceived public assistance policy failures.

In the end, though, most of the measures of demographic characteristics and “NIMBY” self-interest were quite inconsistently related to public attitudes toward reentry restrictions. These models suggest that disagreement among Americans about these policies are more closely tied to political partisanship and (especially) racial resentment. The robustness of the racial resentment variable suggests that these policies are racialized in the minds of voters. However, we recognize that these findings are merely cross-sectional and correlational in nature. How crystallized and stable are people’s opinions toward collateral consequence policies? It is to this question that we now turn.

SUPPORT FOR EXTENDING ELIGIBILITY FOR EDUCATIONAL FINANCIAL AID

So far, we have found that voters largely oppose policies that bar individuals from accessing reentry services. While this finding should be encouraging for those looking to roll-back these policies, the survey results offer little insight into the stability of these attitudes. Do voters hold well-formed, crystallized preferences on questions of criminal justice reform, or are these attitudes more malleable? In our second analysis, we employed an experiment addressing the government’s Second Chance Pell program, which allows for a more explicit test of whether the framing around collateral consequence policies alters people’s level of support.

We embedded a novel survey experiment in the 2016 CCES. In the “Control” condition, respondents received the following prompt: “The Department of Education is piloting a program to offer **financial aid to incarcerated individuals** interested in attending college while incarcerated. Do you support this program?”[[4]](#footnote-4) In the two treatment conditions, respondents were provided additional reasoning to support the program. Prior to evaluating the program, respondents in the “Individuals” condition were told: “Supporters argue that the program will **benefit these individuals** by providing them with new skills that will reduce re-incarceration.” Finally, those assigned to the “Society” condition read: “Supporters argue that the program will **benefit society** by decreasing the costs associated with re-incarceration.” Advocates of the Second Chance Pell program promised it would decrease recidivism, which rewards both the individuals involved and society as whole. Yet, select aspects of these program benefits are likely to appeal to different voters. Societal benefits, for instance, may speak more to conservatives with fiscal concerns and may be more effective among those holding higher levels of racial resentment, inasmuch as racial stereotypes about laziness and criminality dovetail with “least eligibility” beliefs that unworthy criminals should not receive a benefit that is inaccessible to any law-abiding people. Appeals along individual grounds, by contrast, may attract progressives and racial liberals who are concerned about the impacts of mass incarceration upon people of color.

Figure 2 presents the experimental results. Overall, respondents were around 8% more supportive of offering inmates financial aid to take college classes when provided additional arguments about the merits of the policy (see Table 2 for exact figures). Both the Individuals and Society frames generated average responses that were statistically significant from the Control group responses. Turning to the partisan results in Figure 3, we see that Democrats were most likely to be swayed by framing. Compared to the Control, Democratic support was 10% higher among both treatment groups. Independents also expressed more support, especially under the Individuals condition (+13%). Finally, we find that Republicans overall expressed much less support for the program and were relatively less persuadable. That said, Republicans exposed to the Society frame were about 7% more supportive than Republicans in the Control.

[Figure 2 Here]

[Figure 3 Here]

In addition to partisan differences, we also consider how other factors, such as race and self-interest, interact with the treatment conditions in moderating support for the Pell program. Mirroring our results in regard to the public benefit restrictions, Figure 4 shows how Pell support differs across respondents’ level of racial resentment. Compared to those with high levels of resentment, we find that individuals categorized as moderate or low in resentment were more supportive of Second Chance Pell grants. Moreover, these latter two groups were also susceptible to the experimental treatment. Both subgroups were inclined to support Second Chance Pell grants at higher rates after reading about benefits to individuals and society. Though the effect sizes are similar to the moderate group, the treatment was not statistically significant among those with high levels of racial resentment.

[Figure 4 Here]

The final subgroup analysis considers the influence of self-interest, which is related to “least eligibility” beliefs. Critics of the Second Chance Pell program argue that many individuals are ineligible to receive federal loans, which makes this policy unfair to law-abiding citizens who must fund their education without the benefit of government subsidy. As a partial test of this logic, Figure 5 presents the results of models in which we interacted treatment with the respondent’s student loan status.[[5]](#footnote-5) Looking at the baseline condition, we find that respondents with loan debt behave much like those who do not have loans and are actually more supportive of the program overall. When it comes to the treatment conditions, however, we find a different story. Those without loans react similarly to both frames. Among those with student loans, by contrast, the difference between the Individuals frame and Control condition are statistically insignificant, while the Society framing is significantly more effective at increasing support (+19%) among this group.

[Figure 5 Here]

DISCUSSION

After decades of “tough on crime” policymaking, legislators at both the federal and (particularly) state level have recently expressed support for criminal justice reforms intended to reduce mass incarceration and facilitate former inmates’ reentry into the community (e.g., Dagan & Teles, 2016; Percival, 2015). However, support for reform is not uniform, and it is clear that politicians’ fear of being labeled “soft on crime” has not entirely disappeared. For example, legislators across the country have almost exclusively designed twenty-first century reforms to apply only to low-level, nonviolent offenders; “Willie Horton-style” fears of releasing a violent offender persist (Beckett, Beach, Knaphus, & Reosti, 2018; Schwartzapfel & Keller, 2015). This dynamic was most recently apparent in Congress’ struggle to pass the First Step Act, the most significant federal criminal justice reform bill in a decade; fears that the act would benefit violent offenders fractured the Republican caucus and nearly derailed the bill (Everett & Johnson, 2018). Previously, New York Governor Cuomo’s proposal to use state money to pay for college classes for prison inmates was met with swift condemnation by Republicans in the state legislature, and three Republican members of the New York delegation to the U.S. House introduced the “Kids Before Cons Act” that would prevent federal funds from being used to pay for inmates’ classes (Kaplan, 2014). Clearly, criminal justice reform efforts remain vulnerable to political backlash.

With this context in mind, it was our purpose in this study to assess public opinion about the legal collateral consequences of conviction, a class of policies that deleteriously affect former inmates’ ability to successfully reenter the community and desist from crime yet have not factored into contemporary reform conversations in a meaningful way (Middlemass, 2017; Owens & Smith, 2012).[[6]](#footnote-6) Our findings contain both optimistic and pessimistic evidence for those who seek to advance criminal justice reform. On the positive side, these results clearly indicate that Americans, on average, do not support collateral consequence policies that deny formerly-incarcerated people access to public housing, food assistance, and job training programs. Republicans express more support for these policies than do Democrats or Independents, but even then, the average response among Republicans was ambivalence, not support, toward food assistance and public housing restrictions, and respondents of all political orientations clearly opposed job training program restrictions. Respondents were relatively more ambivalent in regard to restoring Pell grants to inmates so that they may take college classes. Again, support for this proposal was highest among Democrats, but Independents were ambivalent, and Republicans expressed opposition, on average. However, the simple provision of additional information about the benefits of this proposal increased the level of support expressed by both Democrats and Independents, which suggests that many Americans are more open to the idea of funding college classes behind bars than they might seem upon first query.

Overall, our findings replicate those of prior studies (Garland, Wodahl, & Cota, 2016; Garland, Wodahl, & Saxon, 2014; Garland, Wodahl, & Schuhmann 2013; Gideon & Loveland, 2011; Krisberg & Marchionna, 2006; Ouellette, Applegate, & Vuk, 2017; Rade, Desmarais, & Burnette, 2018a, 2018b), and the nationally-representative nature of our sample demonstrates that public opposition to felony restrictions on public assistance programs is not limited to the residents of particular cities, states, or regions. Our results reaffirm a consistent conclusion reached by scholars of public opinion about criminal justice: once offenders have served their sentence and paid their debt to society, Americans do not support policies that further impede former offenders’ ability to rehabilitate themselves and rejoin society as productive, law-abiding citizens. These findings suggest that pro-reform policymakers who wish to restore access to public benefits to formerly-incarcerated individuals would face little public opposition, especially if they emphasize the benefits of those policies to both individuals and society.

On the negative side, our findings also mirror prior studies that highlight the social forces that reinforce the punitive status quo. Other than political partisanship, racial resentment was the most consistent predictor in our analyses. In light of prior findings about the ways in which both the criminal justice system and the welfare state are racialized in the collective American political consciousness, this finding is disheartening, but unsurprising. Just as Gilens (1999) found that white Americans’ association between welfare and anti-black stereotypes undermined whites’ support for direct cash assistance (i.e., welfare) and food stamps, so too did we find that racial resentment was positively related to support for collateral consequence restrictions to public benefits, especially food assistance and public housing benefits. The fact that our respondents expressed more opposition to policies that limit former offenders’ access to job training program restrictions than toward policies that limit their access to food assistance or public housing is, in fact, consistent with the racialization of welfare policy. Gilens (1999) demonstrated that it is specifically the stereotype that blacks are lazy and lack the “Protestant work ethic,” distinct from other racial stereotypes, that undermines white support for welfare. Wacquant (2009) argues that post-1980 neoliberal politics reshaped the criminal justice systems and welfare states in the USA and Europe into two sides of the same coin that serve the same purpose; both employ coercive practices of social control to shape members of the surplus labor population (who are disproportionately people of color in the United States) into compliant laborers in the low-wage, precarious service economy. We believe our findings are consistent with Wacquant’s perspective. Even though formerly incarcerated individuals are disproportionately poor and in need of food and stable housing before they can begin to rebuild their lives outside prison, our respondents most strongly supported a policy to connect former offenders to *job training*, even more so than benefit programs to provide basic necessities. It appears that participation in the labor force remains a prerequisite to public benefits in the minds of Americans (especially Republicans, according to our results), and when people associate former offenders with the racialized stereotype of laziness, their support for public benefit restrictions for felons grows. Our individual-level finding also mirrors that of Christie (2014), who found that states whose citizens collectively score higher on surveys of racial resentment had more extensive collateral consequence statutes.

In our Pell grant experiment, we demonstrated that frames emphasizing the social benefits of granting inmates access to college education increased support for this public benefit among Democratic and Independent respondents. However, numerous studies show that exposure to racialized images or rhetoric decreases whites’ support for welfare policies and increases their support for punitive punishment of criminals (Creighton & Wozniak, 2018; Gilens, 1999; Gilliam & Iyengar, 2000; Peffley & Hurwitz, 2010; White, 2007; Winter, 2008; Wozniak, 2019). The empirical association we discovered between racial resentment and public opinion about collateral consequence policies suggests that efforts to restore former offenders’ access to public benefits could be sabotaged by racialized counter-framing that portrays former offenders as demanding benefits they did not earn and do not deserve. Whether or not racialized framing would push most Americans (especially Democrats and Independents) to express *support* for collateral consequence restrictions on public benefits remains an open, empirical question that would be a fruitful avenue for future research.

LIMITATIONS

There are potential sources of omitted variable bias in our analysis. Most notably, our survey did not measure the degree to which respondents believed in offenders’ redeemability, a variable that significantly affected attitudes toward collateral consequences in previous research (Ouellette, Applegate, & Vuk, 2017; Rade, Desmarais, & Burnette, 2018a, 2018b). Though we did measure and analyze several demographic characteristics that are prone to evoking “NIMBY” concerns, we did not ask respondents whether they would be willing to pay more in taxes in order to fund former offenders’ access to job training programs, food assistance, public housing, or Pell grants. Based upon prior research (Garland, Wodahl, & Cota, 2016; Garland, Wodahl, & Saxon, 2014; Garland, Wodahl, & Schuhmann 2013; Ouellette, Applegate, & Vuk, 2017), we hypothesize that doing so would increase people’s support for the collateral consequence restrictions examined in this study. Finally, we did not specify which type(s) of offenders would be able to access these benefits were the restrictions removed. We hypothesize that Americans would express the most opposition to denying nonviolent offenders access to benefits but the most support for restrictions that deny access to sex offenders (Comartin, Kernsmith, & Kernsmith 2009; Mancini, 2014; Socia, Dum, & Rydberg, 2017). These hypotheses should be tested in future research.

CONCLUSION

Twenty-first century criminal justice reform efforts in the USA have focused on sentencing reform and reentry services. Surprisingly, policymakers have yet to seriously reexamine the multitude of collateral consequence statutes that erect additional barriers to former offenders’ likelihood of successful desistance and reentry. By analyzing data from a nationally-representative sample, we find that Americans express low levels of support for collateral consequences policies that deny former offenders’ access to job training programs, food assistance benefits, public housing, or Pell grants. The relationship between racial resentment and attitudes towards these policies raises the possibility that members of the public could be mobilized to support these benefit restrictions, but this would likely require use of racialized frames that could also politically backfire against the politician who employs them. Absent racialized cues, our findings suggest that policymakers would face little public opposition if they worked to repeal collateral consequence statutes. Americans believe in second chances, and they do not support policies that interfere with offenders’ ability to redeem themselves and rebuild their lives as productive citizens.

REFERENCES

American Bar Association, 2009. *Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations*. Washington, DC: American Bar Association.

Ansolabehere, S., Schaffner, B.F., 2017. “Cooperative Congressional Election Study, 2016: Common Content.” https://doi.org/10.7910/DVN/GDF6Z0

Ansolabehere, S., Schaffner, B.F., 2014. Does Survey Mode Still Matter? Findings from a 2010 Multi-Mode Comparison. *Political Analysis* 22, 285–303. <https://doi.org/10.1093/pan/mpt025>

Beckett, K., Beach, L., Knaphus, E., Reosti, A., 2018. US Criminal Justice Policy and Practice in the Twenty-First Century: Toward the End of Mass Incarceration? *Law & Policy* 40, 321–345. <https://doi.org/10.1111/lapo.12113>

Beitsch, Rebecca, 2015. States Rethink Restrictions on Food Stamps, Welfare for Drug Felons. *PEW Charitable Trusts*, 30 July. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/07/30/states-rethink-restrictions-on-food-stamps-welfare-for-drug-felons>

Brooks, L.E., Visher, C.A., Naser, R.L., 2006. *Community Residents’ Perceptions of Prisoner Reentry in Selected Cleveland Neighborhoods*. Washington, DC: Urban Institute.

Brown, E.K., Socia, K.M., 2017. Twenty-First Century Punitiveness: Social Sources of Punitive American Views Reconsidered. *Journal of Quantitative Criminology* 33, 935–959. <https://doi.org/10.1007/s10940-016-9319-4>

Buckler, K.G., Travis, L.F., 2003. Reanalyzing the prevalence and social context of collateral consequence statutes. *Journal of Criminal Justice* 31, 435–453. <https://doi.org/10.1016/S0047-2352(03)00049-7>

Chiricos, T., Padgett, K., Bratton, J., Pickett, J.T. and Gertz, M., 2012. Racial threat and opposition to the re-enfranchisement of ex-felons. *International Journal of Criminology and Sociology*, *1*,13-28.

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. <https://doi.org/10.1111/ssqu.12034>

Clear, T.R., 1994. *Harm in American Penology: Offenders, Victims, and Their Communities*. Albany, NY: SUNY Press.

Clear, T.R., Frost, N.A., 2014. *The Punishment Imperative: The Rise and Failure of Mass Incarceration in America*. New York: NYU Press.

Comartin, E.B., Kernsmith, P.D., Kernsmith, R.M., 2009. Sanctions for Sex Offenders: Fear and Public Policy. *Journal of Offender Rehabilitation* 48, 605–619. <https://doi.org/10.1080/10509670903196066>

Creighton, M.J., Wozniak, K.H., 2018. Are Racial and Educational Inequities in Mass Incarceration Perceived to be a Social Problem? Results from an Experiment. *Social Problems*. Online ahead of print. <https://doi.org/10.1093/socpro/spy017>

Cullen, F.T., Fisher, B.S., Applegate, B.K., 2000. Public Opinion about Punishment and Corrections. *Crime and Justice* 27, 1–79.

Cullen, F.T., Pealer, J.A., Fisher, B.S., Applegate, B.K., Santana, S.A., 2002. Public support for correctional rehabilitation in America: change or consistency?, in: Roberts, J.V., Hough, M. (Eds.), *Changing Attitudes to Punishment: Public Opinion, Crime, and Justice*. Willan Publishing, Portland, OR, pp. 128–147.

Dagan, D., Teles, S., 2016. *Prison Break: Why Conservatives Turned Against Mass Incarceration*. New York: Oxford University Press.

Davis, L.M., Bozick, R., Steele, J.L., Saunders, J., Miles, J.N.V., 2013. *Evaluating the Effectiveness of Correctional Education*. Santa Monica, CA: RAND Corporation.

Enns, P.K., 2016. *Incarceration Nation*. New York: Cambridge University Press.

Everett, B and Johnson, E, 2018. ‘It got a little heated’: GOP infighting almost killed criminal justice reform. *Politico*, 19 Dec. <https://www.politico.com/story/2018/12/19/criminal-justice-reform-republicans-trump-fight-1069171>

Ewald, A.C., 2012. Collateral Consequences in the American States. *Social Science Quarterly* 93, 211–247. <https://doi.org/10.1111/j.1540-6237.2011.00831.x>

Ewald, A.C., Uggen, C., 2012. The Collateral Effects of Imprisonment on Prisoners, their Families, and Communities, in: Petersilia, J., Reitz, K.R. (Eds.), *The Oxford Handbook of Sentencing and Corrections*. Oxford University Press, New York, pp. 83–103.

Frost, N.A., 2010. Beyond public opinion polls: Punitive public sentiment and criminal justice policy. *Sociology Compass* 4, 156–168.

Garland, B., Wodahl, E., Cota, L., 2016. Measuring Public Support for Prisoner Reentry Options. *International Journal of Offender Therapy and Comparative Criminology*, 60, 1406–1424. <https://doi.org/10.1177/0306624X15578438>

Garland, B., Wodahl, E., Saxon, C., 2017. What Influences Public Support of Transitional Housing Facilities for Offenders During Reentry? *Criminal Justice Policy Review* 28, 18–40. https://doi.org/10.1177/0887403414564866

Garland, B., Wodahl, E., Schuhmann, R., 2013. Value Conflict and Public Opinion Toward Prisoner Reentry Initiatives. *Criminal Justice Policy Review* 24, 27–48. <https://doi.org/10.1177/0887403411424081>

Gideon, L. and Loveland, N., 2011. Public attitudes toward rehabilitation and reintegration: How supportive are people of getting-tough-on-crime policies and the Second Chance Act, in Gideon, L. and Sung, H. (Eds.)., *Rethinking corrections: Rehabilitation, reentry, & reintegration.* Sage, Thousand Oaks, CA, pp.19-34.

Gilens, M., 1999. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*. Chicago, IL: University of Chicago Press.

Gilliam, F.D., Valentino, N.A., Beckmann, M.N., 2002. Where You Live and What You Watch: The Impact of Racial Proximity and Local Television News on Attitudes about Race and Crime. *Political Research Quarterly* 55, 755–780. <https://doi.org/10.1177/106591290205500402>

Gottlieb, A., 2017. The Effect of Message Frames on Public Attitudes Toward Criminal Justice Reform for Nonviolent Offenses. *Crime & Delinquency* 63, 636–656. <https://doi.org/10.1177/0011128716687758>

Hall, T.L., Wooten, N.R., Lundgren, L.M., 2016. Postincarceration policies and prisoner reentry: Implications for policies and programs aimed at reducing recidivism and poverty. *Journal of Poverty* 20, 56–72. <https://doi.org/10.1080/10875549.2015.1094761>

Herbert, C.W., Morenoff, J.D., Harding, D.J., 2015. Homelessness and Housing Insecurity among Former Prisoners. *RSF* 1, 44–79.

Heumann, M., Pinaire, B.K. and Clark, T., 2005. Beyond the Sentence: Public Perceptions of Collateral Consequences for Felony Offenders. *Criminal Law Bulletin*, *41*(1), 24-46.

Immerwahr, J., Johnson, J., 2002. The Revolving Door: Exploring Public Attitudes toward Prisoner Reentry. Washington, DC: Urban Institute.

Kaplan, T. 2014. Cuomo drops plan to use state money to pay for college classes for inmates. *New York Times*, 2 April, A23. <https://nyti.ms/1jCKPaa>

Krisberg, B. and Marchionna, S. 2006. *Attitudes of US Voters toward Prisoner Rehabilitation and Reentry Politics*. Washington, DC: National Council on Crime and Delinquency.

Lerman, A.E., Weaver, V.M., 2014. *Arresting Citizenship: The Democratic Consequences of American Crime Control*. Chicago: University of Chicago Press.

Leverentz, A., 2011. Neighborhood context of attitudes toward crime and reentry. *Punishment and Society* 13, 64–92.

Lewis, N. 2018. The Uncertain Fate of College in Prison. *The Marshall Project*, 28 March. <https://www.themarshallproject.org/2018/03/28/the-uncertain-fate-of-college-in-prison>

Mancini, C., 2014. Examining Factors That Predict Public Concern About the Collateral Consequences of Sex Crime Policy. *Criminal Justice Policy Review* 25, 450–475. <https://doi.org/10.1177/0887403412473475>

Manza, J., Brooks, C., Uggen, C., 2004. Public Attitudes toward Felon Disenfranchisement in the United States. *Public Opinion Quarterly* 68, 275–286. <https://doi.org/10.1093/poq/nfh015>

Mears, D.P., Cochran, J.C., 2018. Who Goes to Prison? in: Wooldredge, J., Smith, P. (Eds.), *The Oxford Handbook of Prisons and Imprisonment*. Oxford University Press, New York, pp. 29–52.

Middlemass, K., 2017. *Convicted and Condemned: The Politics and Policies of Prisoner Reentry*. New York: NYU Press.

Miller, L.L., 2016. *The Myth of Mob Rule: Violent Crime and Democratic Politics*. New York: Oxford University Press.

Oakford, P., Brumfield, C., Goldvale, C., Tatum, L., diZerega, M., Patrick, F. 2019. *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison.* New York: Vera Institute of Justice. <https://www.vera.org/publications/investing-in-futures-education-in-prison>

Ouellette, H.M., Applegate, B.K., Vuk, M., 2017. The Public’s Stance on Prisoner Reentry: Policy Support and Personal Acceptance. *American Journal of Criminal Justice* 42, 768–789. https://doi.org/10.1007/s12103-016-9382-2

Owens, M.L., Smith, A.R., 2012. “Deviants” and Democracy: Punitive Policy Designs and the Social Rights of Felons as Citizens. *American Politics Research* 40, 531–567. <https://doi.org/10.1177/1532673X11432880>

Pager, D., 2008. *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago, IL: University of Chicago Press.

Payne, B.K., Gainey, R.R., Triplett, R.A., Danner, M.J.E., 2004. What drives punitive beliefs? demographic characteristics and justifications for sentencing. *Journal of Criminal Justice* 32, 195–206.

Peffley, M., Hurwitz, J., 2010. *Justice in America: The Separate Realities of Blacks and Whites*. New York: Cambridge University Press.

Percival, G.L., 2015. *Smart on Crime : The Struggle to Build a Better American Penal System*. Boca Raton, FL: CRC Press. <https://doi.org/10.1201/b18693>

Petersilia, J., 2003. *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press.

Rade, C.B., Desmarais, S.L., Burnett, J.L. 2018a. Implicit Theories of Criminal Behavior: Fostering Public Support for Ex-offender Community Reentry. *Applied Psychology in Criminal Justice*, 14(1), 14-36.

Rade, C.B., Desmarais, S.L., Burnette, J.L., 2018b. An Integrative Theoretical Model of Public Support for Ex-Offender Reentry. *International Journal of Offender Therapy and Comparative Criminology* 62, 2131–2152. <https://doi.org/10.1177/0306624X17714110>

Rade, C.B., Desmarais, S.L., Mitchell, R.E., 2016. A Meta-Analysis of Public Attitudes Toward Ex-Offenders. *Criminal Justice and Behavior* 43, 1260–1280. <https://doi.org/10.1177/0093854816655837>

Schwartzapfel, B. and Keller, B. 2015. Willie Horton Revisited. *The Marshall Project*, 13 May. <https://www.themarshallproject.org/2015/05/13/willie-horton-revisited>

Simon, J., 2007. *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press.

Socia, K.M., Dum, C.P., Rydberg, J., 2017. Turning a Blind Eye: Public Support of Emergency Housing Policies for Sex Offenders. *Sexual Abuse*. Online ahead of print. DOI: 1079063217720925. <https://doi.org/10.1177/1079063217720925>

Travis, J., 2002. Invisible Punishment: An Instrument of Social Exclusion, in: Mauer, M., Chesney-Lind, M. (Eds.), *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. The New Press, New York, pp. 15–36.

Uggen, C., Vuolo, M., Lageson, S., Ruhland, E., Whitham, H.K., 2014. The Edge of Stigma: An Experimental Audit of the Effects of Low-Level Criminal Records on Employment. *Criminology* 52, 627–654. https://doi.org/10.1111/1745-9125.12051

Unnever, J.D., Cullen, F.T., 2010. The social sources of Americans’ punitiveness: A test of three competing models. *Criminology* 48, 99–129.

Wacquant, L., 2009. Punishing the Poor: The Neoliberal Government of Social Insecurity. Durham, NC: Duke University Press.

White, I.K., 2007. When Race Matters and When It Doesn’t: Racial Group Differences in Response to Racial Cues. *American Political Science Review* 101, 339–354. <https://doi.org/10.1017/S0003055407070177>

Wilson, D.C., Owens, M.L., Davis, D.W., 2015. How Racial Attitudes and Ideology Affect Political Rights for Felons. *Du Bois Review*, 12, 73–93. <https://doi.org/10.1017/S1742058X14000332>

Winter, N.J.G., 2008. *Dangerous Frames: How Ideas about Race and Gender Shape Public Opinion*. Chicago, IL: University of Chicago Press.

Western, B., 2006. *Punishment and Inequality in America*. New York: Russell Sage Foundation.

Western, B., Pettit, B., 2010. Incarceration & social inequality. *Daedalus* 139, 8–19. <https://doi.org/10.1162/DAED_a_00019>

Wozniak, K.H., 2018. An Analysis of Black–White Racial Differences in Public Support for Nonviolent Sentencing Reform. *Race and Justice.* Online ahead of print. <https://doi.org/10.1177/2153368718768388>

Wozniak, KH. 2019. The Effect of Exposure to Racialized Cues on White and Black Public Support for Justice Reinvestment. *Justice Quarterly*. Online ahead of print. DOI: 10.1080/07418825.2018.1486448

Table 1. The Effects of Political Partisanship, Racial Resentment, and Demographic Characteristics on Support for Collateral Consequence Restrictions

Table 2. Results of Pell Grant Experiment across Political Partisanship, Racial Resentment, and Student Loan Status



Figure 1. Support for Eligibility Restrictions on Job Training, Food Assistance, and Public Housing.



Figure 2. Pell Grant Experiment, Full Sample Results



Figure 3. Pell Grant Experiment Results across Political Partisanship



Figure 4. Pell Grant Experiment Results across Levels of Racial Resentment



Figure 5. Pell Grant Experiment Results across Student Loan Status



Appendix A. Variable Operationalizations for Reentry Analyses.



Appendix B1. Supplemental Regression Analyses – Survey Weights Included.



Appendix B2. Supplemental Regression Analyses – Income Included.



1. Ansolabehere and Schaffner (2014) found that the YouGov/Polimetrix sample produced sample statistics that were quite comparable to those from a random digit dial telephone survey, with the notable exceptions that the YouGov respondents possessed higher levels of political knowledge and were more likely to contribute to political campaigns. [↑](#footnote-ref-1)
2. The transformation from a 1-5 scale to a 0-1 allows for interpretations in terms of percentage difference between columns. This does not, however, equate to a percent for or against the policy. [↑](#footnote-ref-2)
3. The dependent variables are again rescaled from 1-5 to 0-1. [↑](#footnote-ref-3)
4. As with the reentry items, respondents evaluated the Pell Grant program from “Strongly Support” to “Strongly Oppose.” Again, for ease of interpretation, we have rescaled this five-point variable to range between 0-1 with higher values indicating greater support for the policy. The emphasis in the text is original to the survey instrument. [↑](#footnote-ref-4)
5. This is a rather coarse measure as many in the No Student Loans category may have paid off their loans and thus would evaluate the policy similarly to those with loans. Moreover, this group also contains those who did not attend college and could have benefitted from the program. Altogether, these factors likely bias against us finding a self-interest effect, rendering our estimates conservative in nature. [↑](#footnote-ref-5)
6. Felon disenfranchisement, a policy we do not examine in this paper, is the exception to this trend, given recent actions to restore the voting rights of formerly incarcerated people in Virginia and Florida. [↑](#footnote-ref-6)