

WHEN DOES PUNISHMENT END? COLLATERAL CONSEQUENCES IN DELAWARE

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Previously published in ACLU of Delaware's Summer Newsletter.

Did you know that, in Delaware, you may not live in public housing if convicted of ticket scalping? That is just one of Delaware's 792 "collateral consequences" that restrict privileges and opportunities based on criminal convictions. Few of these are imposed by a judge, but act to extend punishment.



Collateral consequences significantly increase the barriers that someone with a criminal conviction must overcome as they try to reintegrate into society. Rather than helping people transition from prison, this web of laws makes it more difficult for thousands of Delawareans to rebuild their lives, support their families, and become productive members of their communities. Below are a few examples.



Employment. From bizarre restrictions on various licensure requirements, to "checking the box" on a job application that indicates an individual has a conviction or an arrest on record, finding employment can be extremely difficult for former prisoners. The ability to support oneself and one's family is imperative to a one's successful reintegration.

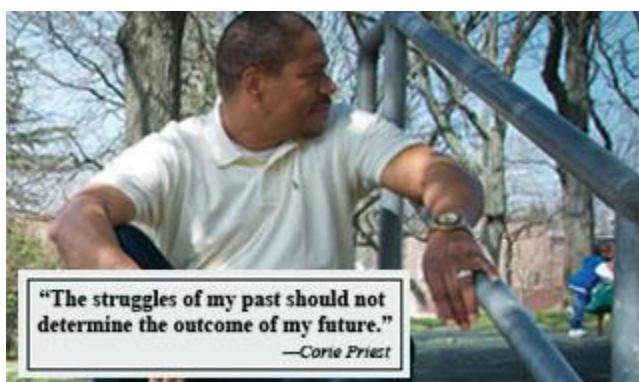
Housing. Apart from shelter being a basic human need, a physical address is often required to apply for a job and to re-establish community ties. Delaware restricts public and subsidized housing from convicted individuals in various ways that make it very difficult for them to find acceptable shelter.

Public Assistance. Federal “War on Drugs” laws often prohibit access to public assistance, but states can opt out of these laws. Delaware opted out of restrictions on food aid, but not federal restrictions on TANF - the principal form of aid available to families in poverty. Because drug laws are among the most disproportionately enforced against people of color (despite roughly equal rates of drug use across racial identities), these policies unfairly target communities of color. Such racial and socioeconomic disparities also come into play as a criminal case plays out, and the collateral consequences continue to pile up. ([More information here.](#))



“I just feel like everything is crashing down on me.”

— Tamara Clark



“The struggles of my past should not determine the outcome of my future.”

—Corrie Priest

Education. Federal law substantially restricts financial aid to students with a drug conviction. State law also limits financial aid and admissions for individuals convicted of a crime. The best path to secure employment and a productive life is education. It's counterproductive to make it harder for those coming out of prison to improve themselves by going back to school.

Voting Rights. Delaware requires that someone convicted of a felony must pay all financial obligations resulting from the sentence – often in the hundreds or thousands of dollars – before his right to vote is restored. Even then, those convicted of certain crimes, such as murder and sexual assault, are permanently barred from voting.



“When I have to mark the box, that’s all they see. Just the box.”

— Eric Sargeant

The ACLU of Delaware recently distributed a publication, [Every Sentence Should Not Equal a Life Sentence: Collateral Consequences Reform in Delaware](#), which explains the issue in more depth and offers recommendations for modest reforms that can help Delaware become more effective at reintegration. The good news is that some of our recommendations are now bills that have been introduced in the General Assembly. We are making progress; recently the Senate approved a bill that will allow former prisoners to register to vote before their financial obligations are paid in full.

Special thanks to [Caspari McCormick](#), who generously provided design and photography.