

Why GAO Did This Study

In 2015, certain federal, state, and other law enforcement agencies made about 11 million arrests, according to the Department of Justice's Federal Bureau of Investigation. Individuals ultimately convicted of a crime may face federal or state collateral consequences. According to the ABA's NICCC, roughly 46,000 collateral consequences existed in federal and state laws and regulations, as of December 31, 2016. According to the ABA, collateral consequences have been a feature of the justice system since colonial times, but have become more pervasive in the past 20 years.

The Comprehensive Addiction and Recovery Act of 2016 included a provision for GAO to review collateral consequences for individuals with NVDC. This report identifies (1) collateral consequences in federal laws and regulations that can be imposed upon individuals with NVDC, (2) mechanisms that exist to relieve individuals from these collateral consequences, and (3) selected stakeholders' views on actions the federal government could consider to mitigate these collateral consequences.

GAO analyzed NICCC data as of December 31, 2016; reviewed relevant laws, regulations, and federal agency documents; and conducted interviews with ABA staff, selected federal officials, and 14 stakeholders. GAO selected stakeholders with relevant experience, among other factors. Selected stakeholders included leaders of organizations representing judges, victims of crime, and states, among others.

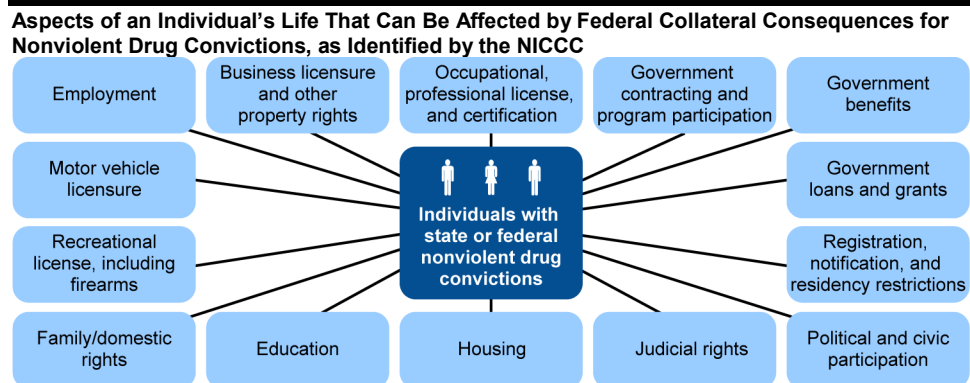
View [GAO-17-691](#). For more information, contact Diana Maurer at (202) 512-8777 or MaurerD@gao.gov.

NONVIOLENT DRUG CONVICTIONS

Stakeholders' Views on Potential Actions to Address Collateral Consequences

What GAO Found

Collateral consequences are the penalties and disadvantages that can be imposed upon an individual with a criminal conviction, in addition to those directly associated with a sentence (such as a fine, prison, or community service). GAO's review of the American Bar Association's (ABA) National Inventory of the Collateral Consequences of Conviction (NICCC) found that, in federal laws and regulations, there are 641 collateral consequences that can be triggered by nonviolent drug convictions (NVDC). For example, individuals with NVDC may be ineligible for certain professional licenses and federal housing assistance. The NICCC data that GAO reviewed indicate that these 641 collateral consequences can limit many aspects of an individual's life, such as employment, business licenses, education, and government benefits. In addition, GAO also found that the NICCC identified that 497 (78 percent) of the 641 collateral consequences can potentially last a lifetime.



Source: GAO analysis of the American Bar Association's National Inventory of the Collateral Consequences of Conviction (NICCC). | GAO-17-691

Of the 641 federal collateral consequences for NVDC, GAO found that the NICCC identified 131 (20 percent) as having a relief mechanism in a related law or regulation that prescribed how an individual could potentially obtain relief from the consequence. For example, individuals may be relieved if they successfully complete a drug rehabilitation program or receive a pardon.

Thirteen of the 14 stakeholders GAO interviewed said the federal government should consider taking action to reduce the severity of (i.e., mitigate) federal collateral consequences for NVDC, such as conducting a comprehensive review of these collateral consequences and implementing a new relief mechanism. Additional mitigation could, according to some stakeholders, help individuals with NVDC obtain employment, housing, or education; and almost all the stakeholders said mitigation could potentially reduce the likelihood of reoffending. At the same time, federal collateral consequences can serve public safety functions and protect government interests. Some stakeholders cautioned that federal action should strike the appropriate balance between preserving collateral consequences that provide a public safety benefit, and addressing consequences that can cause unnecessary burdens and potentially increase the likelihood that individuals with NVDC reoffend.