

“Invisible Punishments” and Indiana’s Efforts to Reduce Barriers to Re-Entry
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The collateral consequences that come with a conviction can have far-reaching effects long after the sentence has been served, sometimes unrelated to the crime itself. These “invisible punishments” can affect a person’s housing, employment, visitation and child custody, educational path, social integration, and ultimately, increase their chance of recidivism (“Using the National Inventory of Collateral Consequences of Criminal Conviction Website”, 2018).

In a [The New York Times article](#) published in October of 2018, Indianapolis was recognized as a national leader in expungement efforts for its citizens (Blinder, 2018). Since then, attempts to remove the barriers of criminal convictions and suspended licenses in Indiana have not slowed down. This article will explore the outcomes of the “Second Chance Workshop” held by the Marion County Prosecutors Office, the impact of the Neighborhood Christian Legal Clinic’s “Expungement Help Desk,” and Driver’s License Reinstatement Fee Waiver services provided by the Marion County Public Defender Agency to its clients that extend beyond the scope of traditional public defender representation.

Lastly, this article will briefly discuss the U.S. Department of Justice Bureau of Justice Assistance’s “National Inventory of Collateral Consequences of Conviction (NICCC).” The NICCC database works to inform attorneys, judges, policymakers, and advocates alike of collateral consequences in the law, or “invisible punishments” (“Using the National Inventory of Collateral Consequences of Criminal Conviction Website”, 2018).

Marion County Prosecutor’s Office
Second Chance Workshop

On Tuesday, July 23, 2019, the Marion County Prosecutor’s Office held a “Second Chance Workshop” for those interested in criminal record expungement and restoration of suspended driver’s licenses. The location and time of the event demonstrated an understanding of the community it was designed to serve; the event was held at the Marion County Public Health Department building from 3:00pm-7:00pm.

One side of the room was devoted to suspended driver’s licenses. At the conclusion of the event, 203 traffic tickets were dismissed and 82 traffic tickets were reduced. As a result of making payment of some amount feasible, more than \$10,000 in unpaid traffic ticket revenue is expected to be collected by the county that likely would not have been collected otherwise. Nine noncustodial parents had licenses reinstated that had been suspended for unpaid child support in 15 cases. Hundreds of others who were not able to be served directly were referred to free and local resources on housing, voting rights, and re-entry services.

The other side of the room was devoted to expungement of criminal records. The cases reviewed ranged from a non-violent driving case from 2012 to a felony drug case from 1996. 14 individuals

received consent to seek early expungement of convictions and arrests. 30 individuals received an agreement from the Marion County Prosecutors Office to waive unpaid fines and fees in 61 criminal cases eligible for expungement.

A lengthy waitlist for the event demonstrated a clear need in the community. The Marion County Prosecutor's Office plans to hold more events like this in the near future.

Neighborhood Christian Legal Clinic Expungement Help Desk

The Neighborhood Christian Legal Clinic's Expungement Help Desk is located in Marion County's City County Building. Every Tuesday through Friday from 9:00am to 4:00pm, the Help Desk provides information and services to individuals seeking expungement. While the Help Desk cannot provide legal advice, staff and volunteers work diligently to ensure that individuals who visit have all of the information they need to successfully file for expungement, including assistance with filling out forms and filing with the court. **(You can find an Expungement Help Desk Flyer at the end of the article).**

The Help Desk's already impressive numbers have seen a dramatic spike since the Second Chance Workshop. Specifically, the total number of petitions completed in the month of July alone rose to 207, compared to an average of 151 petitions each month so far this year. In 2018, the Help Desk assisted with a total of 1,363 petitions. This year-to-date, the Help Desk has surpassed last year's number with 1,367 petitions, with 5 months yet to go.

Similarly, the Help Desk saw 2,755 visitors in all of 2018. This year-to-date, 2,517 individuals have visited, showing that the Help Desk is well on its way to surpassing last year's number of visitors. An all-time-high number of individuals (407) were seen by the Help Desk in the month of July. Julie Mennel, the Manager of the Expungement Help Desk, and Makenzie Winger, a NCLC Justice Fellow, attribute this spike in services provided not only to the Second Chance Workshop, but also word-of-mouth among community members.

When asked why this work is important to them, Makenzie Winger had the following to say:

"With all the barriers to re-entry, it is no wonder people get caught in the cycle. Criminal records affect people's employment status, visitation rights with their children, higher education opportunities, and housing resources. The Help Desk provides something tangible that can really help people move forward."

Julie Mennel, who has been managing the Help Desk since its inception, shared her thoughts as well:

"People do change. People make mistakes. People grow up in addiction or other difficult circumstances and they're ready to move on. For the large part, the barriers people experience have to do with employment. But it could also be a grandparent trying to get their grandchild out of foster care. For some people, this is the one thing signifying an old way of life. It feels really good to be part of that moving on process for them."

Marion County Public Defender Agency Reinstatement Fee Waiver Petitions

The Marion County Public Defender Agency is working to reduce barriers to driver's license reinstatement. Public Defender clients, both current and former, who are eligible for reinstatement are invited to visit Marion County Traffic court for assistance. Assistance is available Tuesday at 1:30pm or Friday at 8:30am in the very court room where their license may have been suspended to begin with. Individuals are asked to bring documents that assist in preparing a petition for reinstatement waiver. This is a free service provided to PD clients. **(You can find Reinstatement Fee Waiver Requirements at the end of the article).**

Hosea Engram, Operations Manager of Marion County Traffic Court, provided some data regarding this project. In 2019 to-date, 159 reinstatement fee waivers have been completed by the Marion County Public Defender Agency. In 2018, a total of 178 waivers were completed. Three years ago, in 2016, a total of 550 waivers were completed. This decrease, at least in part, could be attributed to the fact that Traffic Violations, located at 8115 East Washington Street are assisting people with waivers when they come in to pay traffic tickets.

It is also of note that there will be a [Traffic Amnesty program in Indiana under legislation authored in 2019 by State Representative Robin Shackelford](#). According to the BMV, more than 100,000 Marion County residents had suspended driver's licenses in the spring of 2019 when the legislation was being considered. You can read more about the Bill on the state's website here: <https://iga.in.gov/legislative/2019/bills/house/1141>.

Department of Justice, Bureau of Justice Assistance National Inventory of Collateral Consequences of Conviction

Collateral consequences, as defined by the NICCC, are "legal and regulatory sanctions and restrictions that limit or prohibit people convicted of crimes from accessing employment, business and occupational licensing, housing, voting, education, and other rights, benefits, and opportunities" (National Inventory of Collateral Consequences About, 2019).

The NICCC goes on to state that some collateral consequences are designed to serve a legitimate public safety function and some are directly related to a particular crime. Some collateral consequences; however, bear no relationship between the crime committed and the restriction put in place. Furthermore, oftentimes, these consequences apply without consideration of the amount of time passed since the conviction or the person's efforts to rehabilitate themselves since the conviction (National Inventory of Collateral Consequences About, 2019).

These consequences are scattered throughout state and federal statutory and regulatory codes and can be difficult to navigate. In 2012, the Criminal Justice Section of the American Bar Association initiated the NICCC. As recently as 2018, the database was reconstructed in order to improve usability for all visitors. The NICCC website allows visitors to search using jurisdiction, consequence type, and/or keywords (National Inventory of Collateral Consequences About, 2019).

To use the NICCC, visit: <https://niccc.csgjusticecenter.org/>

Conclusion

It is crucial that all criminal justice providers understand that collateral consequences not only exist, but directly impact our community members' ability to live productive, successful lives. Further, it is imperative that criminal justice providers continue to work together to reduce barriers to re-entry, regardless of their specific role in the system. When all of our community members can work, pursue education, and obtain housing, we are all stronger. It is my hope that the efforts highlighted in this article are only the beginning of much more to come.

Other Resources

The U.S. Commission on Civil Rights' full report, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, can be accessed via this link and clicking "Report."
<https://niccc.csgjusticecenter.org/2019/06/13/u-s-commission-on-civil-rights-issues-report-recommendations-on-collateral-consequences/>

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