Introduction

Felons Are Contemporary Outlaws

When I entered the world of reentry, I was looked upon as an outsider with no standing. I was atypical, a stranger, a black woman with a PhD who was interested in getting to know the men and women occupying the select and exclusive space of an organization designed to help returning prisoners. Such establishments offer assistance to both men and women reentering society, and those inhabiting such locations are not unusual, except for one thing; almost everyone has a criminal record, including the majority of staff. I recognized that I was an oddity, so in order not to be prematurely rejected, I knew I had to explain my intentions and prove that I was sincere before I would even have an opportunity to narrate the lives of felons reentering and returning to society. Thus, as an interloper, I had to prove that I was credible before I could gain their assent. To do so, I had to build trust and rapport simultaneously; in the beginning, rapport was tenuous, at best, and there was no trust. Prerequisites to accomplishing these twin aims were to be accessible and affable; so, for twenty-nine months, I showed up to the nonprofit, week in and week out, and was present, visible, and engaged, thereby providing multiple opportunities for individuals to question and challenge me about my motives, to recognize that I was dedicated to learning their truth, and to reason on their own that I was trustworthy. The underlying issue, I discovered, was a deeply entrenched wariness of outsiders: I had to prove that I was not trying to trick anyone into saying something that would attract the attention of the police or parole officers and get someone sent back to prison. Once participants realized I was not the police, the effort spent gaining their trust proved valuable; our interactions became a series of exchanges about what it really meant to be a person with a felony on their “face sheet,” which is also referred to as a rap sheet, “jacket,” or criminal record.1
Each day I interacted with adults convicted of a felony, I walked only a few city blocks from a major transportation hub in the largest city in New Jersey to the nonprofit organization. The few city blocks I navigated represented a gulf of difference between those affected by a felony conviction, including their families and the communities they return to, and the elected officials who pass laws that shape the lives of felons upon their return to society. In order to reveal the lived experiences and narratives of those reentering society as felons, I wanted to discover, learn, and observe reentry experiences in real time. To accomplish this goal, I have based this book on ethnographic fieldwork and in-depth interviews, which put me in the middle of a reentry space where I talked to participants and asked them how they felt and what they thought about while reentering society. My goal was to determine how their lived experiences are shaped by their felony conviction, so I set out to learn in what ways the consequences of a felony conviction reach beyond the traditional boundaries of the criminal justice system, enabling me to theorize how a felony conviction operates as a “social disability.”

I borrow the term “social disability” from disability studies, which examines the social, political, cultural, and economic factors affecting individuals living with a disability, to argue that felons are treated in a manner analogous to the way those with physical disabilities have been treated. The social model of disability contends that disability is socially constructed and seeks to change society to accommodate people living with disabilities. For instance, persons with restricted physical abilities who require a wheelchair to access or navigate public activities and spaces would be hindered in their mobility without curb ramps or other public modifications. Society changed by providing accommodations to enable people living with disabilities to participate on an equal basis with others in a range of activities. For felons, however, there are few, if any, social accommodations. A felony conviction restricts social interactions and hinders felons’ efforts to reintegrate into society because there is no equivalent curb ramp.

The scope of the hostility directed towards felons is represented by this fact: If the criminal justice system did not convict one more person of a felony from this day forward, and socially disabling policies remained in place without change, millions of women and men would still have to figure out how to reenter society essentially on their own.
Participants knew there was no public assistance for people like them: “No one is there for you. You alone.”³

While I was in the field, it quickly became evident that reentering society after a felony conviction is principally the individual’s responsibility, but problems arise before an individual can reenter because one's felony conviction follows one far beyond the criminal court and the prison walls. When felons attempt to reconnect with family, learn how to acclimate to society, try to secure housing, find a job, and complete a host of other important goals, including wrestling with any trauma they may have suffered and accessing health care, the felony conviction hinders them. To reenter the community successfully, individuals must negotiate and accomplish all tasks, without fail, and do so by establishing themselves without social services and public benefits. Yet, the socially disabling consequences of a felony make surmounting all of the necessary steps to reentering society difficult because those who are returning home are more likely to be homeless, without family support, destitute, lacking social capital, poorly educated, jobless, and experiencing food insecurity. If someone on parole fails at a single task, such as not being able to secure a legal job, he or she can be sent back to prison. When the least prepared fail to reenter successfully, society blames the individual and holds him or her accountable for his or her failure while neglecting to consider “tough on crime” policies that use a felony conviction to create modern-day outlaws. Criminals, except for their criminal behavior, are ordinary people who live relatively normal lives,⁴ but, as I will show, once a person is convicted of a felony, the felony changes that person and the law transforms him or her into a contemporary outlaw. This is the case because a felony conviction is a distinctive form of stigma that brands a person and changes his or her social status into an identity infused with extra-legal meaning. A felony conviction marginalizes a person long after existing laws have been changed or he or she has “maxed out.” “Maxing out,” a phrase used by criminologists, practitioners, and participants, describes any prisoner who serves his or her entire prison sentence, is released, and is no longer under the control of the Department of Corrections (DOC).⁵

Each participant wanted to max out, but after a prisoner has been released from prison on parole “with papers”⁶ or “maxes out,” he or she faces an alternative reality because a felony conviction carries with it a
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form of hostility that is rooted in practices and policies separate from the criminal justice system. In order to illustrate society’s hostility towards felons and the need to rewrite policies to remove a felony conviction’s undesirable social meaning, I narrate the lived experiences of felons returning home. As prisoner reentry is connected to a number of interrelated issues, such as history, politics, social mores, culture, and race, I also explore the historical development whereby a felony conviction became a stigma due to its unfavorable social construction, examine how “tough on crime” politics sustains punitive practices, analyze existing policies to show how a felony conviction obstructs reintegration, and describe racial animus and how, in particular, blackness was and continues to be equated to criminality.

Race and its historical, social, and political connection to crime are central to making sense of the enduring power of a felony conviction, its relationship to slavery, and the linking of black skin to criminality. Political and societal investment in a felony conviction reaches back to before the founding of the country, but when slavery became the official policy of the U.S. government, it institutionalized race, and being a slave became equivalent to a criminal life sentence for black people. The pattern of racializing crime continued after the institution of slavery was dismantled, when criminal statutes were rewritten to achieve similarly oppressive results. Race is the paradigm in which laws have been written by national and state legislators during various historical periods; each time, amidst social, political, and economic changes, politicians altered the law and whom it targeted for retribution, and used race to erect specific policies, including Jim Crow, the creation of the inner city, the “War on Drugs,” and the criminal code. “Race is a uniquely divisive characteristic of American social life” and has been used as an enduring justification to create policies negatively targeting the black community. The historical impact of race continues to weigh on present-day issues involving police tactics, the criminal justice system, punishment, and prisoner reentry.

One lingering racialized issue of importance is the “War on Drugs,” which emerged in the 1980s and has been maintained to the present with the support of both Republican and Democratic presidents. When the violence associated with crack cocaine and its open-air drug markets was splashed across national news outlets, an image solidified in