


Combating misinformation in the ex-felon population: The role probation and parole agencies can play to facilitate civic reintegration in the United States

David S. McCahon

University of California Riverside, USA

Probation Journal
2016, Vol. 63(1) 9–22
© The Author(s) 2015
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0264550515620690
prb.sagepub.com


Abstract

In-depth interviews conducted with recently released ex-felony offenders and months of participant observation, revealed that felon disenfranchisement laws and other exclusionary practices, cause ex-felons to wrongly believe they are without rights and benefits they retain in most US states, including the right to vote. Ex-felony offenders interviewed unknowingly exaggerated rights restrictions they faced post-conviction and often demonstrated that they were unable to decipher myth from truth, regarding their remaining rights. To mitigate misperceptions held by ex-felons, that alienate them from civil society, probation and parole agencies can facilitate civic reintegration through civic re-education.

Keywords

civic engagement, felon, felon disenfranchisement, felon rehabilitation, felon voting, offender rights, probation, parole

Corresponding Author:

David S. McCahon, Research Fellow at the Presley Center for Crime and Justice Studies, University of California Riverside – Political Science, 900 University Avenue, Riverside, California 92521, USA.
Email: dmcca003@ucr.edu

Introduction

As compared to European nations, the United States (US) maintains restrictive criminal offender disenfranchisement laws. The practice of banning criminal offenders from voting while incarcerated is not limited to the US; however, the practice of barring ex-felony offenders from voting post-incarceration is a practice unique to the US. To further illustrate this policy contrast, while the European Court of Human Rights has ruled that a blanket ban on voting from prison violates the European Convention on Human Rights (*Hirst v. United Kingdom No.2* 2005) all but two US states maintain a complete ban on felon voting from prison and most US states ban ex-felons from voting even after they have been released from jail or prison. The US is exceptional in that it maintains both the highest incarceration rate (Walmsley, 2014) and the largest population of individuals disenfranchised in the world (Uggen et al., 2012).

US state constitutions upon ratification contained provisions excluding the right of suffrage from those who committed 'infamous crimes'. Since the US Supreme Court ruled in *Green v. US* (1958) an 'infamous crime' has been defined as any crime that results in a sentence of one year or more. The Green ruling lead US states to recognize all felony offenses as 'infamous crimes'. Although felon disenfranchisement laws exist in most US states, many have been modified to allow ex-felons to regain the right to vote after they have completed all aspects of their criminal sentence, including parole and probation. Forty-eight states prohibit offenders who are incarcerated from voting, 31 states prohibit voting for parolees and probationers, seven states maintain disenfranchisement laws for ex-felons after incarceration but allow ex-felons to apply for restoration of voting rights, and four deny ex-felons from voting even after they have completed all aspects of their sentence (The Sentencing Project, 2014).

Though felon disenfranchisement laws have existed for centuries, offender exclusion legislation passed by Congress has further stigmatized ex-felons in the US. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), signed by President Clinton, bans drug felons from receiving welfare benefits, including food stamps, though states are able to opt out of this requirement. Beyond being excluded from voting and receiving welfare benefits, state and federal laws also exclude ex-felons from owning a gun, possessing ammunition, serving on juries, and serving in the US military (Boucai, 2007; Kalt, 2003). These exclusionary laws, like felon disenfranchisement laws, send a strong message to ex-felons that they are excluded from society and no longer maintain the rights and benefits of citizenship.

Although some ex-felons in the US are prohibited from voting due to felon disenfranchisement laws, millions of other ex-felons remain eligible to vote but fail to do so (Burch 2007, 2011; Haselswerdt, 2009; Hjalmarsson and Lopez, 2010; Weaver and Lerman, 2010). Scholarship has highlighted negative interactions with law enforcement agents (Weaver and Lerman, 2010), and detrimental effects of incarceration as factors negatively impacting ex-offender political participation (Lerman, 2013). The pressure to conform, and the minimization of individuality that

occurs in prison may explain why imprisonment tends to create apathetic non-voters, as opposed to active citizens that choose to exercise their political voice (Behan, 2014).

An alternative explanation, yet to be explored, is that misinformation held by ex-felony offenders also negatively impacts civic engagement post-incarceration. In this article, I pose the following research questions: how do ex-felony offenders in the US interpret their right to vote after completing their sentences? And, what role does misinformation play in ex-felon civic reintegration? After conducting months of participant observation and semi-structured interviews with recently released ex-felony offenders, I argue that misinformation stemming from a history of felon exclusion in the US causes many ex-felons to fail to participate in civic activities such as voting. I additionally argue that parole and probation agencies are uniquely positioned to dispel common myths held by ex-felons about felon exclusion laws. I suggest that by providing accurate, accessible information to ex-felons regarding their civil rights, parole and probation officials can help facilitate the social reintegration process.

Collateral consequences

When a defendant is accused of a crime and found guilty by a judge or jury, the defendant is issued a sentence as punishment for the crime. The sentence may take various forms but always involves some form of punishment, which may vary from a small fine to imprisonment. These types of punishments are a direct consequence of violating criminal law. Punishment for felony offenders in the U.S, however, does not cease after they have served their sentence. Felony offenders then suffer from collateral consequences. Collateral consequences are not criminal punishments, rather they are civil punishments that ex-felony offenders face after they serve their criminal sentence (Pinard, 2006).

Upon entering a plea, defendants are often unaware of the collateral consequences that accompany a felony conviction. Alexander (2012) has found that overworked public defenders rarely inform defendants of collateral consequences they may encounter post-conviction. Further, judges are not required to inform defendants of post-conviction collateral consequences; judges are only required to inform defendants of the direct consequences they face as a result of violating the criminal law (Chin, 2012). Inmates interviewed as part of this research project indicated that they learned about collateral consequences while they were incarcerated from acquaintances that provided them with inaccurate information. Other scholarship has indicated probation and parole officers as common sources of misinformation for ex-offenders seeking an understanding of their post-conviction rights (Allen, 2011; Ewald, 2005).

Contact with the criminal justice system, civic engagement and crime

Research by social scientists has showed that when ex-felons are released from custody and retain their voting rights, they rarely exercise them. This even holds true

for ex-felons that prior to their conviction consistently voted (Burch 2007, 2011; Haselswerdt, 2009). Haselswerdt (2009) observed rates of registration and voter turnout in both general and closed primary elections for a cohort of 660 ex-felons released from parole in Erie County New York in 2004. Haselswerdt observed that while prior to their conviction approximately 36 per cent of this cohort was registered to vote, post conviction only 13 per cent had reregistered to vote in either 2004 or 2005 and only 5 per cent of this cohort voted in either election. After matching data on millions of convicted offenders to voter registration records and turnout, Burch (2007, 2011) found that fewer than 10 per cent of individuals convicted of a crime and still serving some part of their sentence voted in the 2004 general election. In 2008, even with minority voter turnout peaking and overall voter turnout reaching a level it had not reached in 40 years, Burch found that ex-felon voter turnout was just 22 per cent which was much lower than the overall voter turnout rate in the US for that same year of 61.6 per cent (Burch, 2011).

The negative impact of contact with the criminal justice system on civic engagement is not limited to the activity of voting. Weaver and Lerman's (2010) study indicated that individuals who have frequent contact with the criminal justice system are less likely to trust government, vote and participate in community groups. They conclude that punitive interactions with law enforcement agents cause ex-offenders to develop negative orientations towards government, which translates into ex-offenders demonstrating depressed levels of civic engagement.

Empirical research also demonstrates that a link exists between civic engagement and crime. Uggen and Manza's (2004) examination of longitudinal survey data derived from the Youth Development Study shows that a robust negative relationship exists between voting and subsequent criminal behavior even when controlling for variables such as race, marital status, education, employment and prior criminal behavior. Emerging research on desistance from crime provides evidence that civic engagement is a vital component of the community reintegration process. Farrall et al.'s (2014) qualitative longitudinal study reveals that individuals that desist from crime are significantly more likely to vote and demonstrate active community involvement. Farrall et al. (2014) argue that active citizenship is a result of social inclusion and that criminal disenfranchisement is at odds with government's often stated goal of ex-offender rehabilitation.

Research method

The Presley Center for Crime and Justice Studies provided me with a research fellowship that afforded me the opportunity to engage in months of qualitative research at a California Day Reporting Center (DRC). The DRC I conducted field work at provides courses to ex-felony offenders focusing on general education, employment readiness training and cognitive behavioral therapy. This research project was conducted in two phases. First, I engaged in months of participant observation at the DRC to develop a rapport with participants and to better understand the barriers ex-offenders face during the re-entry process. During participant observation I carried on conversations with participants during breaks, ate

lunch with them and participated in rehabilitative classes with them. Once I had developed a rapport with participants, I began the second phase of my research design which involved conducting semi-structured interviews. I recruited volunteers to participate in interviews during the last five minutes of classes offered at the DRC. An announcement was made asking participants if they would like to participate in interviews to help generate knowledge about the ex-felon civic reintegration process. Participants were not offered incentives to encourage participation, though some participants were allowed to be absent from their next class during the duration of the interview. Written consent to participate in the study was obtained from all interview participants prior to beginning each interview. Prior to arriving at the DRC as an outside researcher, I had no prior involvement with any DRC employees or participants attending the DRC.

In total, I conducted 36 semi structured interviews with ex-felony offenders who had been released from prison or jail within one year. Offenders were sampled using the strategy of purposive sampling (Flick, 2009). For interviews, I selected offenders representing typical cases (Patton, 2002). In this context, typical cases can be defined as offenders with varying backgrounds but that are equally likely to demonstrate either knowledge, or a lack of knowledge of their rights. In an effort to obtain typical cases, the days of the week that participants were recruited for interviews at the DRC rotated weekly. Since course offerings at the DRC are scheduled for specific days, this recruitment strategy ensured that offenders enrolled in different courses, as a result of having differing needs, were given an equal opportunity to participate in the interviews. All interview respondents in the sample had been convicted of at least one felony offense, with most respondents having been convicted of multiple felonies.

Offenders attending the DRC had a variety of past convictions, ranging from driving under the influence to second degree murder. As a result, the amount of time respondents in the sample had spent incarcerated varied, with some offenders serving as little as four months in confinement while others had served over 40 years. All ex-felons included in this sample were to have their voting rights automatically restored prior to the November 4th 2014 midterm elections, which included the race for California Governor. Interviews with ex-felons varied in length from 11 minutes to 39 minutes, with most interviews lasting approximately 25 minutes.

The interview instrument used for this study contained 14 questions. Interviews began with general questions about ex-offender experiences at the DRC, before proceeding to questions specifically related to their knowledge of rights post-conviction. Each respondent was asked two questions, one to assess their knowledge of ex-felon voting rights in the state of California and the second question to evaluate their desire to participate in future elections. Respondents were asked 'Do you plan to participate in the November 2014 midterm elections, which includes California's Governor's race?' Respondents were then asked 'What is your current understanding of how your felony conviction impacts your ability to vote?' After respondents answered both questions, the ex-felons interviewed were informed that they would be eligible to vote in future elections. After being informed that their right

Table 1. Typology of ex-felons desire to vote by knowledge of voting laws.

	Interested	Uninterested
Understands	Ex-felon understands California's election laws pertaining to felon disenfranchisement and expresses a desire to participate in upcoming elections (8, 23%).	Ex-felon understands his/her voting rights, but is unlikely to participate in upcoming elections because of a lack of expressed desire (2, 6%).
Misunderstood	Ex-felon falsely believed that he/she is banned from voting permanently, though they expressed an interest in politics and voting (12, 34%).	Ex-felon misunderstands their voting rights but did not express a desire to participate in future elections (12, 34%).

to vote would be restored, participants were then asked probing follow-up questions to assess if providing them with accurate information regarding their voting rights influenced their likelihood of voting in future elections. All of the quotes provided in the remaining sections of this article were derived from the responses given by ex-felony offenders during interviews as recorded in the verbatim interview transcripts. Pseudonyms are used to identify the speaker and to protect the anonymity of respondents that participated in this study.

Interview findings

Participant responses to the interview questions were subsequently coded and categorized (see Table 1). Ex-felons that expressed a desire to participate in future elections were categorized as *interested*, while those who did not express a desire to participate in future elections were categorized as *uninterested*. Ex-felons who were able to explain how their felony conviction impacted their ability to vote were categorized as *understands* their right to vote and ex-felons unable to explain how their voting rights had been impacted by their felony conviction, or that incorrectly explained how their voting rights had been impacted, were categorized as *misunderstood* their right to vote. Based on ex-offender's responses to the questions of interest a typology was created that captures all possible combinations of responses given by participants. Within the typology, the raw number of respondents who were placed into each category is listed along with the percentage of total respondents that were placed into each respective category.

A substantial majority of respondents misunderstood how their voting rights had been impacted by their felony conviction. Just over 68 per cent of offenders in this sample failed to demonstrate an accurate understanding of how their voting rights had been impacted by their felony conviction. Half of the respondents in the sample, that misunderstood their voting rights, expressed an interest in voting in future elections while the other half was uninterested in voting in future elections. Less than a one-third of the sample accurately understood how their felony conviction impacted their ability to vote. Of those who understood their voting rights, most planned on voting in future elections. Only 6 per cent of the sample that understood

they were eligible to vote in future elections indicated they would likely abstain from voting in the future.

Misunderstood and uninterested

Respondents placed into the *misunderstood* and *uninterested* category expressed similar sentiments when asked about their level of interest in future voting. Ex-felons commonly stated that factors stemming from their convictions created more immediate concerns for them, that trumped concerns related to politics or world affairs. Respondents often described returning to extremely impoverished environments after they completed their sentence. Offenders indicated that their primary concerns were survival and reuniting with family. Ex-felony offenders frequently expressed feelings of alienation from society and indicated that it was difficult to complete basic tasks in public. This was especially common for offenders who had served long prison sentences. Raymond, a former L.A. Crip gang member who had spent over two decades incarcerated explained:

With family it is pretty easy to get reintegrated. We've always been close But I was gone for a long time, maybe 21 years. As far as going out in the public, I really don't - I don't go out much, it's still difficult to get used to people. I feel like I am weird or awkward or something and sometimes I wonder, like what the hell is going on here?

Another respondent Michael, who had just finished serving a sentence for selling and transporting narcotics, highlighted how a period of incarceration can decimate financial resources and leave former offenders struggling to survive:

What a lot of people don't realize when you get out of prison is that you've been gone from society for so long, and you come out and all they do is give you 200\$ gate money⁽¹⁾ and they expect you to survive on that. But you just took a loss because when you went to prison your stuff wasn't in a secure location, and so your stuff is gone when you get back So you really got to start all over. And that 200\$ gate money doesn't go very far because once you buy your bus ticket and clothes you only got 40 or 60 dollars left Yep, and they expect you to survive on that

Ex-felons indicated that they had trouble finding housing upon release and as a result they resided in sober living homes, or in many cases became homeless. Many ex-felons noted that a lack of resources precluded them from following the news and reduced their ability to remain politically engaged. Nick, a former homeowner who, prior to his last conviction, worked as a maintenance worker for the California Department of Transportation, described his current living situation after being asked if he had access to the internet or television:

I don't have a car, gas or electric where I am staying at, nothing, nothing, nothing No running utilities nothing. So it's pretty fucked up. I'm in a hole. I've never been there before and I don't like it either I try to get my news from a paper if I want it.

David, a validated gang member who expressed frustration because he had been closely monitored by the Gang Task Force responded this way after being asked about his interest in politics:

I can't worry about people in the Middle East man . . . I gotta worry about myself right now . . . I feel bad saying it, but it's true . . . I gotta worry about if the cops gonna pull me over and harass me in front of my daughter . . . I have to worry about stupid shit like that . . .

After I asked Ryan, a former felon who had battled drug addiction since his early teens how his felony conviction had impacted his ability to vote he responded:

I don't even think about it actually . . . I mean I've been failing at that kind of stuff for so long, I just assume I can't vote. I don't think I can have that right ever again.

When respondents in this category were informed that they would have their voting rights automatically restored upon completion of their felony supervision, respondents did not express a desire to vote in the future. Steven, a respondent who had been in and out of the correctional system for his entire adult life offered the following comment as a reason for being uninterested in participating in future elections:

Yeah but one person ain't gonna make a difference . . . No kind of difference at all you know.

Consistent with the theory put forth by Weaver and Lerman (2010) many respondents expressed disdain for politicians and a fundamental distrust of government as reasons for non-participation in politics. Michael, the participant cited above who was convicted of selling and transporting narcotics stated:

I don't vote because politicians are crooked too. They say whatever to get in office then they switch the whole thing up once they get behind the desk . . . They don't do what they say they're going to do.

Offenders in this category also blamed elected politicians for not providing enough resources to ex-felons attempting to reintegrate into society. Many ex-felons stated that if elected leaders really wanted to assist ex-felons, they would help them find jobs by providing incentives to potential employers willing to hire ex-felons.

Misunderstood and interested

Offenders in the *misunderstood* and *interested* category expressed a desire to participate in elections, but falsely believed they were permanently disenfranchised. When ex-offenders in this category were asked if they knew how their felony conviction impacted their voting rights, respondents asserted that they could not vote. A respondent named Rico replied:

Yeah, I understand . . . If you're a felon they take away your rights . . .

Other ex-felons in this category indicated that prior to their conviction they had voted regularly, but now were discouraged from voting because they believed their felony conviction prevented them. Aaron, who prior to being convicted of felony drug possession maintained a career as a truck driver indicated:

I used to vote . . . But now I don't . . . I don't think I can . . . Not with my felony record . . .

When Aaron was told that his voting rights would be restored in time to vote in the next major election, he appeared relieved and indicated that he planned on voting again in the future.

Several other respondents had never voted before, either because they were incarcerated or because they assumed their felony status excluded them from voting. Although these respondents had not voted in the past, they expressed a desire to participate in future elections. Sandra, a married mother of two who had struggled with drug addiction throughout her life, stated:

I have never voted before, because I have always been a convict . . . nope, nope, never voted, but I would like to . . . I understand that if you're a felon you can't vote.

After Sandra was informed that her voting rights would be restored she responded:

Really? I didn't know that . . . oh o.k . . . Because I think that's part of being a productive member of society . . . You know, getting to vote . . . And I want that privilege.

Another respondent Ronnie indicated that the false perception that ex-felons can't vote is common amongst the ex-felon population. Ronnie was shocked to find out that his right to vote would be automatically restored and expressed excitement about the prospect of voting in the future:

Man they always told me . . . Because man you got these jail house lawyers you know, that think they know it all . . . Oh my god man . . . I've seen people depressed saying they can never vote again . . . Or, I've seen military guys feeling like they served their country and now their country back stabbed them . . . See I didn't even know that man (that voting rights are automatically restored), that's good right there man . . . Next year, I will probably vote . . . Hell yeah man . . . I always thought I could never vote again, for the rest of my life . . . Because, that's what I was taught.

Ex-offenders placed into the *misunderstood* and *interested* category, unlike offenders in the *misunderstood* and *uninterested* category, were bothered by the existence of disenfranchisement laws and appeared relieved to learn that they would regain their right to vote. While I cannot uncover if respondents in this category will actually vote in future elections, providing ex-felons with correct information regarding their post-conviction civil rights provides them with the opportunity to re-engage civil society through pro-social behaviors.

Understood and interested

Ex-felony offenders placed in the *understood* and *interested* category accurately articulated how their voting rights had been impacted by their felony conviction and expressed a desire to participate in future elections. Offenders in this category described prior involvement in a variety of political activities including voting. Josh, a respondent who was pursuing his GED at the time of the interview stated:

Yeah, I have voted . . . The last time I voted . . . I voted for Prop 215 (legalizing medical marijuana) . . . I have voted for a lot of different things in the past.

When Josh was asked if he was aware of how his most recent felony conviction had impacted his ability to vote in future elections, Josh replied:

Yeah, yeah I can vote again, a lot of people don't know that you can vote as a felon, but no you can, it's just up to you to know the rules . . . You've got to look into it . . . Yeah, yeah I plan to vote again . . . I want to be able to voice my opinion on what happens in this world.

Another ex-offender Ahmad, stated that prior to his felony conviction he was heavily involved in political campaigns. When Ahmad was asked if he had voted prior to his last conviction he responded:

I've voted before . . . Before I was dealing with this (supervision), I was very involved with the Obama campaign. I made a lot of phone calls and stuff for the Democrats . . . I have always been a registered Democrat . . . I did help Obama, and I was involved very, very strongly . . . I will be done with this (supervision) in June, then god willing, I will get involved with politics and voting again.

Offenders in the *understood* and *interested* category appeared less disconnected from society as compared to respondents who misunderstood their voting rights. These respondents appeared determined not to let their felony conviction keep them from exercising rights and privileges they maintained. Respondents placed in the *understood* and *interested* category indicated that they had taken the initiative to research on the internet how their felony conviction had impacted their rights.

Of participants in this study, very few indicated that they were able to utilize technology such as the internet as a tool to inquire about rights they retain post-conviction. Instead it was far more common for offenders to embarrassingly indicate that they lacked basic computer skills that would allow them to find information online. This finding is consistent with Amodeo et al. (2009) who estimated that 75 per cent of prisoners preparing for release in California have never used a computer.

Understood and uninterested

Respondents rarely demonstrated an understanding of their voting rights while at the same time displaying a lack of interest in voting. Respondents placed in this

category expressed distrust or contempt for politicians, though interestingly, they demonstrated considerable levels of political knowledge. Richard, a former felony offender who had convictions for theft and possession of methamphetamine expressed contempt for the US electoral process and cited his disapproval of the process as his primary reason for not voting:

I have the opportunity to be a registered voter, I know but I choose not to be. Because I know my vote doesn't really count... I mean Gore, Gore should have been our president... The only thing about Gore is that he knew that it was not worth it to pursue it, because he would have been hurt if he pursued that... You know the constitution is so wrong... We should have a popular vote in this country... Instead of the Electoral College... The Electoral College made sense two hundred years ago, when we had horse and buggy but we have the media and everyone is very capable now... So I believe we have the wrong process of voting and it's unfair... It's really not democratic... So I am not even interested in voting, because at this point it doesn't matter.

Another respondent, Milton indicated that he recognized he could vote in the future but chose not to because he was frustrated with the partisan divide in Washington D.C:

Yeah, yeah I have voted... But if you're asking me if I vote now... I don't get into the voting part. There is too much disagreement in it. It's you against me in other words... I try to change something, and you disagreeing with it. So that's what I see in politics today... Yeah, too much disagreeing. That's why we ain't moving anywhere yet... If we can all get on the same page, then maybe we can move forward... But if we are always disagreeing than we can't move forward because you got your wall up... So like I told you, I don't get into the politics no more... Because simply for me, the way I feel, whether or not I vote there is always going to be too much conflict in politics.

Respondents placed into the *understood* but uninterested category were different from other respondents in the sample. They followed politics and maintained an understanding of their voting rights but chose not to participate in politics through voting because they were disillusioned by the political system.

Beyond voting

In addition to misperceiving voting rights, respondents also indicated that they held many misconceptions about what public assistance benefits they remained eligible for post-conviction. Though PRWORA bans drug felons from receiving public assistance benefits, California is one of 19 states that modified the ban on food stamp eligibility. California allows ex-drug felons to receive food stamps if they meet the general requirements and have completed a state recognized drug treatment program (Burks, 2013). At the DRC, a department of social services representative is contracted by the county to explain to participants what eligibility requirements they must meet in order to receive benefits. When eligible ex-felons I spoke with learned from DRC staff that they were eligible for public assistance benefits such as food stamps and Medi-Cal⁽²⁾ even

with felony convictions, respondents expressed surprise. Respondents indicated that in the past, they had never applied for benefits because they believed their status as a felon disqualified them. Alex, an ex-felon who had never received public assistance benefits before learning about them at the DRC indicated:

I mean that is always my first thought, you know . . . Like having a felony stops everything, a lot of things anyway. But um, yeah I didn't know that I was eligible for benefits in the past and this time around I am really trying to take advantage of opportunities for help, you know what I mean . . . Before I didn't know, and now that I know and I was able to get both these things (food stamps and Medi-Cal) it really does help me . . . Because I never know what is going to happen to me next.

Angelica, a respondent who had a history of drug abuse but had completed a state recognized drug counseling program and was now eligible to receive public assistance benefits discussed encountering difficulties when she applied for food stamps:

I mean it's hard you know, to do anything without them, you know bringing up the criminal thing . . . You have the background and that comes up every time . . . And you're stuck with that for the rest of your life . . . You can't do anything without them saying oh you got convictions for this or that . . . They're not looking at what you're trying to do now you know . . . I am trying to do good now. I'm trying to change now.

Policies implemented which restrict specific ex-offenders from receiving benefits or exercising rights, are significant because they often prevent eligible ex-felons from exercising rights or privileges they maintain. This is because the notion that felons 'can't' or are 'without' has been reified by a legacy of exclusionary policies.

Policy conclusions

In this article I do not develop a normative argument addressing the democratic legitimacy of the practice of felon disenfranchisement. Instead, I argue that civic reintegration is a valuable component of the offender re-entry process. Although existing literature indicates that correctional officers have served as sources of misinformation for some ex-offenders (Allen, 2011; Ewald, 2005), they are uniquely positioned as agents of the state, to convey correct information regarding post-conviction rights to ex-felons prior to release. Informing ex-felons of their post-conviction rights is consistent with the rehabilitative mission of correctional departments. As a large body of criminological research indicates, in order for ex-offenders to desist from criminal activity, they must engage in pro-social post-release activities that assist them socially and mentally (O'Brien, 2001; Petersilia, 2003; Rose and Clear, 2003; Shapiro and Schwartz, 2001; Travis and Petersilia, 2001). Voting exists as an inclusive pro-social activity that may allow ex-felons to strengthen bonds with the state and civil society. For ex-felons to exercise the right to vote, however, they must first understand the voting rights restoration process, which in the US is often complex and varies by state.

To help facilitate rehabilitation and social reintegration, probation and parole agencies should provide instruction to ex-offenders containing a civic re-education component. Civic re-education, I recognize as, providing accessible information to ex-offenders regarding rights they retain, rights that can be restored, and the routes through which they can re-engage civil society. This information should be presented verbally to ex-offenders so that low levels of literacy common amongst ex-offenders does not prevent them from retaining the information.

Too often, information provided to ex-felons post-release only pertains to how they can access material benefits that may or may not be provided to them by the state. Public assistance benefits may aid offenders during re-entry, but receiving material benefits does nothing to reintegrate ex-felons back into civil society. Providing ex-felons with information regarding the civil rights restoration process after they have been released from custody will facilitate civic reintegration, while at the same time increasing levels of political efficacy. Providing information to ex-felons about the civil rights restoration process will show ex-felons that they are not merely subjects of the state, but rather they have the power, through their vote, to promote change in society.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. Gate money is money provided by the California Department of Corrections and Rehabilitation to ex-offenders once they are released from prison.
2. Medi-Cal is the name of California's Medicaid program which serves low income residents, seniors and people with disabilities.

References

- Alexander M (2012) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York, NY: The New Press.
- Allen J (2011) Documentary disenfranchisement. *Tulane Law Review* 86(2): 389–464.
- Amodeo A, Jin Y and Kling J (2009) *Preparing for Life Beyond Prison Walls: The Literacy of Incarcerated Adults Near Release*. Available at: www.voced.edu.au/content/ngv52648
- Behan C (2014) *Citizen Convicts: Prisoners, Politics and the Vote*. Manchester: Manchester University Press.
- Boucai M (2007) Balancing your strengths against your felonies: Considerations for military recruitment of ex-offenders. *University of Miami Law Review* 61(4): 997–1032.
- Burch T (2007) *Punishment and Participation: How Criminal Convictions Threaten American Democracy*. Doctoral Dissertation, Harvard University.
- Burch T (2011) Turnout and party registration among criminal offenders in the 2008 General Election. *Law & Society Review* 45(3): 699–730.
- Burks M (2013) *Bill Would Lift Ban on Food Stamps For Drug Felons*. Available at: <http://www.kpbs.org/news/2013/jul/05/bill-would-lift-ban-food-stamps-drug-felons>.

- Chin GJ (2012) *The New Civil Death: Rethinking Punishment in the Era of Mass Conviction*. Scholarly Paper, Social Science Research Network, Rochester, NY
- Ewald A (2005) *A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law*. Scholarly Paper, The Sentencing Project, Washington DC.
- Farrall S, Hunter B, Sharpe G and Calverley A (2014) *Criminal Careers in Transition: The Social Context of Desistance from Crime*. Clarendon Studies in Criminology. Oxford: Oxford University Press.
- Flick U (2009) *An Introduction to Qualitative Research*. Los Angeles: Sage Publications.
- Green v. US (United States Supreme Court 1958).
- Haselswerdt MV (2009) Con job: An estimate of ex-felon voter turnout using document-based data. *Social Science Quarterly* 90(2): 262–273.
- Hirst v. United Kingdom No. 2 (European Court on Human Rights, 2005).
- Hjalmarsson R and Lopez M (2010) The voting behavior of young disenfranchised felons: Would they vote if they could? *American Law and Economics Review* 12(2): 356–393.
- Kalt BC (2003) Exclusion of felons from jury service. *The American University Law Review* 53(1): 67–189.
- Lerman AE (2013) *The Modern Prison Paradox: Politics, Punishment, and Social Community*. Cambridge: Cambridge University Press.
- O'Brien P. (2001) *Making It in the Free World: Women in Transition from Prison*. Albany, NY: SUNY Press.
- Patton M (2002) *Qualitative Research & Evaluation Methods*. Los Angeles, CA: Sage Publications.
- Petersilia J (2003) *When Prisoners Come Home: Parole and Prisoner Reentry*. Oxford: Oxford University Press.
- Pinard M (2006) Integrated perspective on the collateral consequences of criminal convictions and reentry issues faced by formerly incarcerated individuals. *Boston University Law Review* 86(623): 624–690.
- Rose D and Clear T (2003) Incarceration, reentry, and social capital: Networks in the balance. In: Travis J and Waul M (eds) *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families, and Communities*. Washington DC: The Urban Institute Press, pp. 313–341.
- Shapiro C and Schwartz M (2001) Coming home: Building on family connections. *Corrections Management Quarterly* 5(2): 52–61.
- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L.No. 104–193, 110 Stat. 2105 (1996).
- The Sentencing Project (2014) *Felon Disenfranchisement in the United States*. Available at: http://www.sentencingproject.org/detail/publication.cfm?publication_id=15
- Travis J and Petersilia J (2001) Reentry reconsidered: A new look at an old question. *Crime & Delinquency* 47(3): 291–313.
- Uggen C and Manza J (2004) Voting and subsequent crime and arrest: Evidence from a community sample. *Columbia Human Rights Law Review* 36: 193–215.
- Uggen C, Shannon S and Manza J (2012) *State Level Estimates of Felon Disenfranchisement the United States, 2010*. Washington, DC: The Sentencing Project.
- Walmsley R (2014) *World Prison Brief*. London: International Center for Prison Studies.
- Weaver VM and Lerman AE (2010) Political consequences of the carceral state. *American Political Science Review* 104(4): 817–833.