

Stigma of criminal record stays with individual, regardless of crime type, conviction

August 17 2016, by Michele Berger

What collateral damage comes from having a criminal record? According to a new qualitative study from the University of Pennsylvania and Northwestern University, this history can stay with an individual long after a case finishes, regardless of how minor the crime, whether charges got dismissed without a conviction and whether that person's rehabilitation efforts were successful. This is particularly true in a digital age that makes such records much more accessible to potential employers, landlords and others.

The researchers, Charles Loeffler of Penn and Simone Ispa-Landa of Northwestern, published their findings in the August issue of the journal *Criminology*.

To better understand the experience of someone in today's economy living with a criminal past, they went to a walk-in clinic working to help people wipe clean their records. Individuals there received information about the research, then had the chance to participate in a 30- to 45-minute interview while waiting to begin the expungement process. During the research period, summer 2012, Loeffler and Ispa-Landa spoke to 53 men and women ages 17 to 60 from a range of backgrounds.

"Recruiting participants at the clinic provided us considerable variation in the seriousness of what people had been arrested for and charged with, as well as what remedies they'd be eligible for. We focused on

their subjective experiences," said Loeffler, the Jerry Lee Assistant Professor of Criminology. "We wanted to understand how their experiences differed depending on the extent of their criminal record."

Given the relatively small sample size, the researchers chose not to break down their data by gender, race or other distinguishing characteristics. Instead, they gathered information on how criminal records intersected with factors such as housing, education and employment.

In the past, individuals with this background could use strategies to bypass some of the challenges associated with previous arrests and convictions, for example, getting into a job interview and explaining how something that happened 15 years ago didn't represent their current ability to perform tasks and excel in society. Today, however, that appears no longer true.

A hiring manager might tell a candidate with a criminal past that she didn't seem to pose any inherent risk, yet still could not get hired based on the company's policy. Loeffler describes this as "functional stigma" rather than "social stigma." In other words, because of a historical record, this candidate could not achieve a sought-after occupation outcome.

"You might predict that individuals with more substantial records would be subject to greater amounts of screening and stigma," he said. "Instead now, you have a more uniform stigma, certainly in the employment sector, that adheres to people regardless of the extent of the criminal record."

Loeffler and Ispa-Landa hypothesize the reason is twofold: One, employers can more easily find criminal records than ever before. Rather than needing to visit a physical location for this information, they can access it online. Second, larger national corporations do a significant

amount of entry-level hiring, and they're likely the organizations with across-the-board guidelines that work against someone in this situation.

It's not necessarily the case, for example, that a restaurant owned by a single proprietor has a need for uniform policy, Loeffler said, "but, if you're talking about a large-scale retail employer, they're not as likely to leave it up to an individual store manager."

According to Loeffler, understanding how individuals experience living with a [criminal record](#) today can help inform contemporary policy conversations like Ban the Box and automatic expungement provisions designed to minimize collateral consequences of contact with the criminal justice system.

More information: Simone Ispa-Landa et al. Indefinite Punishment and the Criminal Record: Stigma Reports Among Expungement-Seekers in Illinois, *Criminology* (2016). [DOI: 10.1111/1745-9125.12108](https://doi.org/10.1111/1745-9125.12108)

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