
Public Criminology and Criminologists with Records¹

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The impetus for a more public criminology builds upon a great tradition of engaged scholarship within our field and powerful calls in related fields like sociology (Burawoy 2005). There are countless variants of public criminology (e.g., Loader and Sparks, 2010; Uggen and Inderbitzin, 2010), some emphasizing media outreach, others stressing activism (Belknap 2015), community-based research, and the co-production of criminological knowledge. In each case, however, the kernel notion is broader engagement and dialogue beyond the academy. Proponents typically lament institutional barriers to public criminology, such as high teaching loads, inadequate training, the standards we use to evaluate scholarship, and the absence of incentives. And while the situation has improved to some extent, access and privilege within academic criminology – and the basic *opportunity* to engage in public scholarship – has long been stratified by race, gender, and other identity categories (Chesney-Lind and Chagnon, 2016; Peterson 2016). In this essay, we take up an institutional constraint that has received far less attention: discrimination against people with criminal records.

We will describe how such discrimination occurs, what is lost to our various publics, and the promise of a more inclusive criminological community. Before doing so, we should note three especially important contributions to public criminology: (1) the experiences and insights of influential convict criminologists, such as John Irwin, Angela Davis, and Frank Tannenbaum (Ross and Richards, 2003); (2) the transformative pedagogy of the spectacularly successful Inside-Out Prison Exchange Program and its leader, Lori Pompa (2013); and, (3) formerly incarcerated criminal justice activists outside academia, such as Eddie Ellis, Piper Kerman, Jazz Hayden, Jason Sole, and Glenn Martin, who have helped reshape the public's understanding of people with records - and chastised our indiscriminate and imprecise use of terms like "offender."

With these and other important exceptions, however, few of the experts who speak for academic criminology have ever been clients in the justice system. We will argue that this impoverishes "mainstream" criminological outreach and engagement, as well as our capacity to make good on our core mission of research and teaching. Paradoxically, the boundary between mainstream academics and people with records is often reified in public scholarship, as journalists represent us as either "experts" (identified by our institutional affiliation) or "characters" (identified by personal information such as age and hometown) in their crime stories. Such stories are typically framed with the "characters" setting up the story's lede and conclusion and the "experts" quoted in the middle providing the real information. We briefly describe some of the formal and informal barriers that reinforce such boundaries and their implications for a more public criminology.

Barriers for Students with Records

Every criminologist knows that people with criminal records face discrimination on the labor market (e.g., Pager 2007), but we know far less about the institutional barriers to *becoming* a criminologist – except, of course, the firsthand knowledge of criminologists who managed to overcome such barriers (e.g., Tietjen, 2013). And while there is a rich and detailed literature documenting labor market discrimination against people with criminal records, there are surprisingly few systematic studies of criminal stigma in higher education.

When our departments and universities discriminate against people with criminal records, many criminologists have reacted with silence or grudging acceptance. After all, much research suggests at least *some* degree of stability in offending. And the hypothetical cases that administrators invoke – often involving sexual violence, physical assault, or other predatory behavior – stir concerns about campus safety and liability. Nevertheless, the vast majority of campus crime is committed by non-students and students without records. For example, one task force found 1,086 campus crimes in the University of North Carolina system reported between 2001 and 2004 among a population of 250,000 students (University of North Carolina, 2004). A student was named as a suspect in 532 of those cases, only 21 of these suspects had a prior criminal history, and only 8 of the 21 had disclosed the prior conviction on their application.

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As importantly, students with criminal records must pass through a demanding and time-consuming filtering process before they arrive in a graduate program. They are often older, having entered higher education later in life and with less desirable educational credentials. They must then be accepted into and complete an undergraduate program, earn a high grade point average, do well on the Graduate Record Exam, apply to graduate schools and pay the associated fees, and compile an application dossier appropriate for competitive programs. At each of these stages, the pool of potential applicants with criminal records shrinks, as does the risk of re-offense (Kurlychek, Brame, and Bushway, 2006) among those who persist in school. Perhaps it is unsurprising, then, that screening for criminal records among this selective group has not proven effective for preventing or reducing campus crime.

Nevertheless, such screening continues. We find that 70 percent of four-year colleges and universities now inquire about criminal records on their application forms, a percentage that has increased significantly in recent years (Stewart 2015). And when we sent applications to hundreds of these schools in a new experimental study, we found significant discrimination on the basis of relatively low-level records (Stewart and Uggen, 2016).

Such screening continues at the graduate level. Programs and graduate schools vary dramatically in how they treat applicants with records, sometimes denying admission or funding based on the offense type, recency, and perceived severity of the record, and sometimes rejecting applicants more arbitrarily and without providing any specific reason. In preparing this essay, we heard from Ben, a 30-year-old graduate student who applied to a Ph.D. program nearly a decade after he was convicted of multiple felonies, the most serious of which were low-level assault and criminal vehicular convictions.² A few months later, he was notified that a departmental recommendation for admission had been forwarded to the respective graduate school. Over a month had elapsed before the graduate school completed a background check and subsequent review and ultimately denied him admission because they did not feel he would be a "good fit" for their campus. Ben inquired about the criteria used to evaluate his file but was told they could not provide any further information.

When they are accepted into programs, graduate students with records continue to face more subtle but equally demoralizing forms of differential treatment. For example, many programs invite prospective graduate students for a multi-day recruitment visit where they are hosted by current graduate students. Edgar, a prospective student with a felony-level drug conviction, was accepted into one such program and invited to visit. Unlike his fellow recruits, however, Edgar was offered a hotel room rather than a stay with a current student. As the department explained, they thought he would be "more comfortable" with such accommodations.

There are also significant barriers to finding safe and suitable housing for students with records who relocate to attend graduate school. Elsewhere (Uggen and Stewart, 2014), we described Valerie's housing challenges upon entering a Ph.D. program almost a decade after serving time for felony-level drug offenses. Despite her Master's degree, excellent employment record, and a signed university offer letter promising five years of guaranteed income, each of the nine apartment managers with whom she spoke told her that their criteria for leasing included either "no felonies" or "at least ten years' incarceration-free."

Those who manage to overcome such barriers tend to have greater personal and social resources than other prospective students with records. These include, for example, extensive social support and the financial means to purchase rather than rent housing. Such was the case for Dion, another student with a felony record who had been preparing to move across the country with his partner so they could both attend graduate school. They applied for graduate housing as married students but were denied based on his record. They then scrambled to find somewhere to live, eventually purchasing a house when they could not find affordable rental housing within a reasonable distance from their university.

Public Scholarship for Graduate Students with Records

Many students enter graduate study with a passion for public work but are often advised to "wait for tenure" (Burawoy, 2005). For those with criminal records, this drive is particularly intense, as they *enter* graduate school with hard-won knowledge to share, help to offer, and, often, engagement with communities closest to crime and punishment. Perhaps not unlike graduate students and faculty of color, students with records often carry a heavy service load even when they do not pursue it themselves. They are called upon to assist other students with records, to advise on the legal difficulties of peers (criminal or otherwise), and to serve as a resource when former associates or friends leave prison or exit the justice system. Even in the most supportive environments, people with records are frequently tapped as guest speakers in criminology classes or to serve on panels to share their experiences, and they are often encouraged (and even pressured) by faculty mentors to pursue research agendas that are motivated by their criminal justice experience rather than their actual research interests. Worse still, some colleagues exoticize

² We use pseudonyms to identify individuals.

them as “badasses,” in some cases asking them to find drugs (even when they are in recovery themselves) or engage in other black- or gray-market activities.

But the pressure to serve as a role model, an exemplary student, and the sort of public scholar who says “yes” when called, can lead to overreaching, or the sort of “tragic optimism” that Shadd Maruna (2001) observes among reentering prisoners more generally. The admonition “Don’t screw up” is both internally and externally imposed. In addition, they must often navigate moralism – the pressure to define their experiences in a way that requires an individual or *personal* redemption narrative and provide assurances that they are now morally fit to join an academic community as a researcher, teacher, and public scholar. They are frustrated, in particular, when they must provide this narrative to scholars who know and appreciate the structural forces that shape crime and punishment and the longitudinal evidence of near-universal desistance. In some cases, students internalize these narratives, in a process not unlike the “internalized oppression” of historically marginalized or stigmatized groups. Alternatively, formerly incarcerated students in some programs face moral pressure to “toe the line” with their more radical colleagues, even when such critiques conflict with their own views and experiences.

Criminal records can also block career advancement in professional and policy criminology, particularly when students begin graduate study under probation or parole supervision. In fact, they may be prohibited from studying the very research questions, sites, and people that brought them to graduate school in the first place. In teaching, a record may prevent instructors with criminal records from accompanying their students on prison tours. At pivotal career moments, such as the year they enter the job market, their primary professional conference could be held in a country (such as Canada) that restricts entry to travelers with certain criminal records. When new scholars’ careers in professional criminology are restricted in this way, it limits their capacity to engage in public criminology – and in policy criminology and critical criminology as well (for more on these distinctions, see Uggen and Inderbitzin, 2010; Burawoy, 2005).

As they approach the job market, scholars with records must wrestle with when, how, and whether to discuss their experiences and disclose their criminal histories. Some provide clear signals in their curriculum vitae, either through their research interests or their record of public criminology and engagement. But for others who are more reserved about sharing their experiences or do not identify as convict criminologists, the record may not come to light unless and until it “pops up” (Lageson 2016) in a background check during the faculty recruitment process. Such cases can create a stressful situation in which the record may be known to the dean’s office, but not yet known to one’s colleagues. Apprehension about sharing one’s record is not unwarranted. For instance, Dominique was offered a tenure-track position at a university that had been unaware of her criminal record. When they learned of it, they rescinded the offer and Dominique has since left academia and, hence, public scholarship as an academic.

What is Lost and Gained?

Criminologists who have experienced the justice system firsthand – whether as practitioners or clients – play a critical role in addressing a central challenge in public criminology: narrowing the gap between public perceptions and the lived reality of crime and punishment. The inclusion of such voices in professional and public criminology also benefits students (“our first public,” for Burawoy) and our core research mission. In teaching, there is a remarkable difference between criminology seminars in which 30 percent of the students are formerly incarcerated, relative to seminars in which neither the instructor nor the students have such experiences. More generally, the Inside-Out Prison Exchange Program (Pompa, 2013) has shown the broad benefits of a 50/50 mix of “inside” and “outside” students in a great range of classes, which can cultivate a sense of “educated hope” and engaged citizenship (Inderbitzin, 2015).

In professional and public scholarship, criminologists with records provide a much-needed reality check on academic criminology. They have the knowledge and perspective to authoritatively challenge both the public narratives and images that demonize broad classes of prisoners *and* the counter-narratives and images that demonize broad classes of workers in the justice system. Public criminologists with records are positioned to offer alternative views on wide-ranging questions of academic and public concern about both offending and punishment. They can help explain to the public and to their professional colleagues how suicides or executions are experienced behind prison walls, or why a yearlong prison stay can be preferable to 3-5 years of probation, or how monetary sanctions can pile up higher and deeper than student loans. But most public criminologists with records also recognize their good fortune and distinctiveness; the few who make it through college and graduate study are often the first to make clear that they cannot necessarily speak for those inside.

Perhaps most significantly, the questions asked by criminologists with criminal records may never occur to criminologists who lack such direct experience. Michael Walker (2016) systematically collected ethnographic data while incarcerated, gaining fresh insight into how social interactions were racialized in some places and deracialized in others. In doing so, he distinguished between being an “inmate” scholar and a “scholar impersonating an inmate.”

I faced the same fears that other inmates faced. I had the same problems with my public defenders that other inmates had, and I hoped for an early release as many others did. In short, I was an inmate, not a scholar impersonating an inmate. This distinction is important. When you know that you cannot go home (or leave the field)—because you feel that you have reached the point of saturation, you are ready to see your family, or you have other things to do—you are sure to gain a deeper understanding of the experiences of the groups and settings that you are examining (2016, at 1058).

For other criminologists with records, their research questions emerged from their direct experiences with law enforcement, the courts, or corrections. For example, one of the authors of this essay learned about the laborious and draining process of petitioning for commutation from the lifers she met while incarcerated. She is currently writing a mixed-methods dissertation analyzing transcripts of commutation hearings and the predictors of commutation across space and time. The project is designed to engage both public and policy questions, as commutation represents an underused mechanism for early release that could help reduce prison populations.

For another of the authors, the experience of applying to college with a felony record inspired and informs his dissertation research. Surprised and nearly deterred from completing his application once he saw the required criminal history question, he began to think about whether criminal records were serious barriers to college. There was little awareness that colleges were asking applicants about criminal history information and even less research. He designed a multi-method dissertation that includes a national experiment on the effect of criminal records in college admissions. Here too, the project engages urgent public and policy questions, such as the sustainability of education programs for prisoners (and former prisoners) and the removal of criminal record questions from college applications. On the latter issue, public criminology efforts based on both academic research and lived experience helped inform our university's recent decision to stop asking prospective students about felony convictions (Verges, 2016).

Despite renewed attention to both public scholarship and people with criminal records, public criminology today is missing a great chorus of voices. Criminologists with records are poised to lend them, but institutional barriers, overt discrimination, and differential treatment block their access to higher education and limit their success in academic criminology. For public criminology to realize its promise of broad engagement and dialogue *beyond* the academy, such barriers *within* the academy must be reduced or removed.

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