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The Negative Effect of Criminal Labeling

The Negative Effect of Criminal Labeling on Community Reentry in the Harrisonburg

Area

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Abstract

When a person is convicted of a crime, they are assigned the label of being a criminal. After their conviction, felons are punished for their actions, often through prison sentences, and once these sentences are completed, they are expected to reenter society. However, as described in Labeling Theory, the criminal label carries a stigma in society that poses many challenges to successful community reentry. Society's negative attitudes toward released felons are perpetuated by misguided policies based on the principles of incapacitation and retribution. As a result, criminal offenders are permanently marginalized and face restrictions on housing, employment, and other aspects of community involvement. These restrictions provide a barrier to successful community reentry, which many are not able to overcome, leading to the high rates of recidivism and reincarceration of released felons that the recent crime statistics reflect. To assess the effects of labeling theory on a local population, a study was conducted in which 14 residents of Gemeinschaft Home, a local therapeutic transitional housing program in Harrisonburg, were interviewed. The responses that these individuals provided indicated that they experienced the barriers to successful community reentry associated with the criminal label in a pattern similar to those that the criminological theories predict. These results indicate that, while large scale reform is necessary to destigmatize the criminal label, smaller scale efforts are possible and necessary to improve the chances of successful reentry and reduce the risk of recidivism.

The Negative Effect of Criminal Labeling on Community Reentry

When a person is convicted of committing a crime the most common form of punishment is incarceration. The purpose of the period of incarceration is not only to punish them for their actions, but also to re-instill normative societal behavior in these individuals. Conceptually, once their sentences are complete, they have fulfilled their debt to society. While they still must often observe a period of community supervision upon their release, they are theoretically allowed to reenter society as functioning members of the community. However, during the reentry process, theory and reality do not always coincide. In most cases, once these individuals receive the criminal label, it automatically introduces significant obstacles to successful community reentry. Without the proper resources and social support for recently released individuals, these barriers are almost always insurmountable. As a result, individuals who cannot overcome the barriers associated with the criminal label almost always recidivate and return to incarceration.

Literature Review

Overview of Labeling Theory

Edwin M. Lemert, one of the pioneers of Labeling Theory, was a sociologist who studied the effect of deviance. His work focused on the deviant behavior of individuals as well as the societal reaction to it. He discovered that as deviant individuals were stigmatized and punished for their actions, society began to define them based on their

offenses, which, in turn, affected their self-identity (Lemert 1951: 273). Lemert's ideas contributed to the understanding of Labeling Theory, as applied to criminals. In criminology, Labeling Theory claims that being "formally labeled as an offender" causes the person to internalize the stigmatizing attitudes, withdraw from conventional society, and conform to a deviant identity (Moore, Jeffrey, and Stuewig 2015). The internalization of the stigma is based on C.H. Cooley's idea of the "looking-glass-self," which suggests that the way individuals define themselves is not an entirely internal process (Rosseau 2002:1). Instead, Cooley proposed that individuals base their self-worth on how they believe that others perceive them. He argued that people use social interactions as a type of mirror, and as they perceive the judgments of others, they begin to reflect that as a measure of their own self-worth (Rosseau 2002:3). Cooley's idea stemmed from the theory of Symbolic Interactionism, which focuses on how the relationships between individuals in society affect the way they perceive the world (Rosseau 2002:1).

The "looking-glass-self" concept is a key feature in Labeling Theory, which claims that those assigned a stigmatizing label often find it easier to conform to the label than attempt to overcome the societal expectations that accompany it (Plummer 2001:4). Once individuals receive their convictions, they are assigned the criminal label. When they are later released back into the community, many of these individuals struggle to overcome the societal stigma. Often, released felons internalize the negative societal perceptions that are linked to the criminal label (Plummer 2001:5). Labeling Theory stresses the importance of social responses to crime because deviance often results from how others respond to criminal activity (Aala, Aguilar, Garbin, Hernandez, and Mojares

2017:2). As outlined in Cooley's "looking-glass-self," self-identity is the result of the perception of others (Rosseau 2002: 1). A person is significantly more likely to internalize the negative social perception if the community judges and discriminates against the individual based solely on their label.

Because of the stigmatization that accompanies the criminal label, Labeling Theory takes a critical perspective that directly argues against Deterrence Theory. An American sociologist named Jack Gibbs created Deterrence Theory based on the principles of the Theory of Rational Choice, which states that individuals make decisions based on logic (Adler, Mueller, and Laufer 2022:62). The Theory of Rational Choice states that, when faced with a decision, an individual will carefully weight to benefits and the costs of the known options before choosing the path that maximizes benefits and minimizes costs (Adler, Mueller, and Laufer 2022:63). Deterrence Theory builds upon the basis set forth by the Theory of Rational choice by claiming that the cost of the punishment must outweigh the potential benefits of committing a crime in order for the punishment to effectively deter criminal acts (Adler, Mueller, and Laufer 2022:64). According to Gibbs' theory, there are two forms of deterrence: general and specific. In general deterrence, a punishment is an effective deterrent if the punishment of one person causes others to not commit a similar crime (Gibbs 1988:24). Specific deterrence, on the other hand, claims that when a person is caught and punished for a crime they committed, they will be deterred from future criminal activity (Gibbs 1988:26). Both the ideas of general and specific deterrence were used as the theoretical basis for the modern justice system, which highlights the threat and implementation of punishments to prevent

criminal activity. However, in contrast to Deterrence Theory, Labeling theory argues that formal adjudication of offenders increases the chances of recidivism (Chiricos, Barrick, Bales, and Bontrager 2007:548). The increased rate of recidivism as outlined in Labeling Theory arises because the principles of deterrence that form the foundation of the modern justice system only utilize one aspect of the Theory of Rational Choice. Deterrence, especially in the context of the justice system, focuses on the punishment for the crime, but fails to recognize the positive actions that individuals take to repent for their criminal actions. Despite steps taken to improve themselves and become contributing community members once freed from incarceration, ex-felons are likely to experience negative societal reactions based on their criminal label (Aala. et al. 2017:2). As a result of the negative attitudes, they are less inclined to work to change the public's perception of them. Instead, they often find it easier to conform to the role in which they are cast, which comes with the inherent risk of deviant activity. If the community does not believe that these individuals are capable of being law-abiding citizens, then the individuals often adhere to the community's view (Aala. et al. 2017:2). As a result, many of these individuals revert to a life of crime since their normative social peers will not accept them.

The Effect of Labeling Theory Reflected by the Current Rates of Recidivism

Studies on the rates of recidivism in the United States can be used to assess the ability of the Criminal Justice System to reintegrate offenders successfully into the community (Quinn-Hogan 2021). Fundamentally, the success of an ex-offender's reentry process is measured by his or her ability to avoid recidivating and reincarceration. While

there are several means to evaluate recidivism, for most studies, recidivism is measured by criminal acts that result in rearrest, reconvictions, or return to prison during the period following the person's release (U.S. Department of Justice 2008). A study by the United States Center for Corrections found that almost half of the federal offenders released in 2005 (49.3%) were rearrested for a new crime or rearrested for a violation of parole (United States Sentencing Commission 2016). Another study published by the Bureau of Justice Statistics (BJS) tracked the U.S. recidivism rates over nine years. From the data collected, the BJS estimated that 68% of released prisoners were rearrested within three years, 79% within six years, and 83% within nine years (Alper, Durose, and Markman 2018). The high recidivism rate indicates serious flaws with the reintegration process, as over two-thirds of those released fail to reintegrate successfully after only three years.

Research has also shed light on the timeframe in which recidivism is most likely to occur, with one study finding that 44% of released prisoners were arrested during the first year following release (Alper, et al. 2018). These statistics indicate that labeling theory likely plays a significant role in the rate of recidivism. As discussed above, when offenders are released, they often fail to establish initial prosocial bonds within the community and likely either find themselves involved with deviant peer groups or in a poor financial situation, both of which significantly increase the risk of recidivating. In most of these studies, the standard used for recidivism was the rearrest of released felons. However, while the recidivism rates indicate that the rearrest of released felons remains very high, the reincarceration rate has begun to decrease. The return-to-prison rate dropped from about 50% to 39% between 2005 and 2013 (La Vigne and Lopez 2021).

The change in the return-to-prison rates could be due to a variety of factors, including changes in practices of the criminal justice system, including a shift in policies regarding how probation and parole agencies respond to the violations of parole agreements (La Vigne and Lopez 2021).

While recidivism rates reflect some of the challenges faced by felons once they are released, these statistics are not an exact means of analysis. One of the main challenges for criminologists is that they do not have a concrete way of measuring rates of recidivism since many crimes are not detected or reported (U.S. Department of Justice 2008). Because only 10% of crimes are detected by the police, recidivism rates are inherently skewed. Thus, while recidivism data can provide a baseline estimate, it is far from accurate.

Another flaw of relying on recidivism rates is that they do not accurately represent the demographics of those who reengage in deviant activity. The discrepancy in the demographics represented by recidivism rates as opposed to the population demographics is due to bias in the criminal justice system. In the current system, there is a clear race-based bias that is reflected in the surveillance, arrest, and conviction rates of these societal groups (Maryfield 2018:3). These factors contribute to the number of people of color who are disproportionately arrested and prescribed more severe punishments. Specifically, in the instances of drug offenses, white individuals are disproportionately less likely to be prosecuted for drug-related offenses than people of color (Maryfield 2018: 3). In the cases where prosecution occurs, white individuals are more likely to be acquitted, or if they are convicted, they are significantly less likely to

serve time in prison than people of color (Maryfield 2018:3). As a result, there is a significant minority over-representation in American prisons, which is also reflected in the recidivism rates. The demographic discrepancies in recidivism rates indicate an issue with determining the actual successful reintegration rate of individuals since the implicit bias of the criminal justice system plays a significant role further skewing the data.

The Effects of Labeling Theory on Community Reentry

While Labeling Theory highlights how societal perceptions influence an individual's sense of self, it also explains how the criminal label can negatively affect an offender's chance of success during community reentry. Accumulated research shows that successful reintegration is often difficult to achieve due to the stigma that ex-offenders face when they are released back into the community (Quinn-Hogan 2021). Following their initial release, offenders often find it difficult to establish positive ties to the community, especially when their criminal status is public knowledge. As a result of this formal "stigmatic labeling and shaming," released felons tend to withdraw from normative society, which increases the likelihood of involvement in deviant peer groups (Quinn-Hogan 2021).

The interaction with deviant peers builds directly on Alfred Sutherland's Differential Association Theory, which finds that people are influenced by their environment (Sutherland 1947:5). Sutherland asserted that a person was neither inherently good nor bad. Instead, he theorized that the interactions with those around them were responsible for shifting the balance in either direction (Sutherland 1947:5). For instance, offenders who can create a network of positive social relationships tend to

avoid stigma and thus are less likely to recidivate (Kadela and Seiter 2003:368).

However, offenders who become involved with deviant peer groups interact with negative social influences, which negatively influence them by reinforcing the antisocial values, attitudes, and motives displayed by their deviant peers (Sutherland 1947:6). As these deviant norms are reinforced through continued interactions, released offenders are at high risk for criminal activity and recidivism.

The heightened risk for recidivism due to exposure to deviant peers is especially prevalent for released offenders who lack the means to leave the lower-income crime-ridden neighborhoods where they were born. Data indicate that, in addition to the increased association with deviant peers, the formal labeling of criminals increases the risk of future delinquency resulting from limited economic opportunities (Chiricos et. al. 2007:573). As offenders return to poor neighborhoods, they are not only surrounded by deviant individuals, but also economic instability. In these neighborhoods, the availability of employment is low, especially for someone carrying a criminal label. Beyond the possibility of finding employment, finding gainful employment that would allow released offenders to leave impoverished environments is nearly impossible. As a result, offenders often find themselves in an increasingly unstable financial situation and may resort to criminal actions to support themselves.

Studies show that individuals who return to disadvantaged neighborhoods upon release tend to exhibit higher rates of recidivism (Kadela and Seiter 2003:368). Shaw's and McKay's theory of Social Disorganization provides an explanation based on the breakdown of social bonds within the community, which are necessary for maintaining

the social networks within society. Social networks can be informal, like bonds between friends and family, or formal, like participation in community organizations (Sampson & Groves, 1989:777). One of the key elements of informal social networks is community friendship networks (Sampson & Groves, 1989:777). When members of a community form these social ties with other members, the informal social control from the community has a stronger effect on the actions of the individual. When offenders return to high-risk communities, the informal network of control often promotes antisocial values. As a result, these social ties negatively affect released felons and often result in them being coerced into deviant behavior and recidivating.

The Five Main Barriers to Successful Community Reentry

There are a variety of barriers linked to the criminal label that contribute to the negative effect that the criminal label has on recidivism rates. Establishing a network of social bonds in the community upon release is one of the most difficult aspects of community reentry. While ex-felons face a variety of issues as they attempt to reintegrate into society, especially when they lack strong social ties, sociologists have isolated five of the most difficult barriers to overcome in the reentry process: (1) inadequate education, (2) limited employment opportunities, (3) difficulty securing stable housing, (4) lack of transportation, and (5) ineligibility for financial-assistance programs.

Because many individuals who were convicted of crimes came from the inner city and disadvantaged neighborhoods, they did not have the chance to achieve a high level of education before their incarceration. As of 2004, the percentage of state and federal prisoners who received a high-school diploma or general equivalency diploma (GED)

was 65% as opposed to 82% of those in the general population of the United States (Denney, Tewksbury, and Jones 2014). Because more than half of those incarcerated lacked a high-school-level education, a variety of educational programs have been implemented within correctional institutions. Currently, most correctional institutions offer inmates the opportunity to receive an adult basic education as well as GED programs (Wilson, Gallagher, and MacKenzie 1999: 323). However, while these programs improve the educational deficit with which most inmates arrive, very few inmates have a post-secondary education before incarceration, and even fewer have the chance to receive such an education while serving their sentence. As a result of these poor levels of education, offenders are limited in their options when seeking employment upon release (Bowen 2020:16). Should ex-offenders manage to secure a job, their lack of education will continue to affect them negatively in their chosen field. Their low level of education can be an impediment, as it often restricts their ability to learn new skills to gain or maintain employment (Bowen 2020:16). Lack of education causes many released felons to struggle to find meaningful work, which causes most to end up in manual-labor fields like construction or minimum-wage positions with little chance for upward mobility. As a result, many ex-felons struggle to support themselves financially in these fields, which adds to the increased risk of recidivating.

While lack of education can limit employment possibilities, other factors also contribute to the significantly restricted employment opportunities. Studies have shown that formerly incarcerated applicants with nearly identical work experience as non-offenders were less than half as likely to receive job offers (“The Challenges of Prisoner

Re-Entry” 2022). Employment is an area where the stigmatization of the criminal label is the most easily expressed. While finding employment for which they are qualified can be challenging for released offenders, their criminal conviction usually presents an even larger challenge. Even when ex-offenders were able to interview for a potential employment opportunity, once employers conduct a background check and the criminal conviction is brought to their attention, they often dismiss the ex-offenders as candidates (“The Challenges of Prisoner Re-Entry” 2022). The unintended consequence of such labeling is that the employers are decreasing the chance that the released felons will have a successful reentry, since one of the most common provisions for probation and parole is that the offender will find and secure gainful employment. Often, by discriminating against ex-felons and preferentially not hiring them, employers put ex-felons in a position where they cannot fulfill the conditions outlined in their parole agreement. As a result, many individuals are sent back to prison, not for recidivating, but for parole violations.

Another barrier to attaining gainful employment is the legal discrimination against released felons. Employers avoid hiring ex-offenders because legislation restricts offenders from obtaining licensure in many occupations, including teaching, nursing, and cosmetology (Nhan, Bowen, and Polzer 2016). Accordingly, ex-felons are not eligible for such jobs that would provide steady income, a means for upward mobility, and an opportunity to make positive connections to the community. Additionally, under the “negligent hiring” policies in some states, an employer that hires certain ex-felons can be held liable for exposing the public to a potential threat to the community, which deters hiring those individuals (Nhan, et al. 2016). Specifically violent offenders and those

convicted of sex crimes are the most common targets of such discriminatory policies. In addition to the inherent bias against released felons that employers consider during the hiring process, legal policies like “negligent hiring” further support these biases and actively work against individuals who are attempting to fulfill the terms of their parole, attain gainful and meaningful employment, and become contributing members of society once more (Nhan, et al. 2016).

The third major barrier that sociologists have identified is the difficulty in securing stable housing. Most released offenders have no prearranged housing waiting for them upon release (Denney, et al. 2014). With no housing arrangements, offenders often find it challenging to secure and maintain stable housing, which is compounded by the stigma associated with the criminal label and limited credit history (Denney, et al. 2014). As a result, many released felons rely on family for lodging, at least initially. However, many ex-felons’ families remain in low-income neighborhoods, and by returning home, these ex-felons put themselves at an increased risk of falling back into the same patterns of interacting with deviant peer groups, which increases their risk of recidivating (Denney, et al. 2014). Even for those who do not rely on family for housing upon release, the unpredictability of available housing causes most felons who do secure housing to end up in an impoverished neighborhood, which limits economic opportunities (Moore, et al. 2015). As previously discussed, these limited opportunities for financial success also contribute to restoring ties to deviant peer groups, which, according to Sutherland’s theory of Social Disorganization, reinforces negative social values (Quinn-

Hogan 2021). As such, these individuals are predisposed to relapse into criminal activity as they conform to the ideals held by their deviant peers.

The fourth significant barrier to successful community reentry is a lack of transportation. Offenders typically are not in a position to secure reliable transportation upon their release (Winnick and Bodkin 2008: 298). Those who have spent time, specifically longer periods, incarcerated are unlikely to have a vehicle of their own to use for daily transportation. Even in the very few instances that they do have a vehicle, ex-felons typically lack the financial means to pay for the necessary expenses associated with a vehicle, such as gas, insurance, and maintenance (Denney, et al. 2014). As a result, many are forced to rely on public transportation (Winnick and Bodkin 2008: 298). Public transportation, however, can be unpredictable and make it difficult to be on time, which can jeopardize their chances of maintaining employment as required as a condition of parole for many released felons (Denney, et al. 2014). The lack of transportation is a hindrance not only for ex-felons to keep a job, but also to gaining employment as well. Released felons require transportation to attend job interviews as well as their daily jobs once they secure employment. Without a reliable source of transportation, ex-felons are limited in what jobs they can get and hold simply due to their restricted ability to travel.

The final major barrier that ex-felons face during their reentry is the ineligibility for some financial-assistance programs. Financial stability is one of the foremost factors with which felons struggle upon their release. Due to the challenges that many felons face with procuring employment to generate income and the limited housing opportunities due to a lack of income, the government has instituted several financial-assistance programs

for ex-felons. However, depending on the type of crime that the individual committed, his or her eligibility to participate in these programs may be severely limited. Individuals who commit drug-related offenses are often the most affected by these government policies. For instance, drug offenders convicted after September 1, 1989, are ineligible for grants, licenses, contracts, and several other federal benefits (U.S. Department of Justice 2006:9). Further sanctions against drug offenders include any individual who has been convicted of a felony involving the distribution, possession, or use of drugs. These offenders are not eligible to receive food stamps or temporary assistance for needy families (U.S. Department of Justice 2006:10). Moreover, any person who is convicted of possession or distribution of drugs is ineligible to receive any grants, loans, or work assistance for students seeking post-secondary education (U.S. Department of Justice 2006:10). These grants, commonly known as Pell Grants, are vital for many disadvantaged individuals to have the opportunity to obtain a college degree (U.S. Department of Justice 2006:10). Not only do these sanctions continue to punish offenders after they have served their court-ordered sentence, but they also continue to bar them from necessary assistance for reentry and in many respects set them up for failure. The criminal label provides the initial barrier to obtaining gainful employment, but without the ability to get licensed or accept contracts, drug offenders are severely limited as to what employment they can secure. Also, without the income of a steady job, drug offenders typically struggle to support themselves, specifically because they are ineligible for assistance programs like food stamps. As a result, they often have significant difficulty overcoming each of the five barriers to successful reentry.

In addition to drug offenders, offenders who have been convicted of sexual crimes often find insurmountable barriers in these laws. These offenders struggle the most as the result of the criminal label, due to both societal and legal ramifications. For example, those who are registered under the state sex-offender registration program are ineligible for federally assisted housing (U.S. Department of Justice 2006:10). Additionally, these offenders are also ineligible for Pell Grants, which limits their educational opportunities (U.S. Department of Justice 2006:10). Due to the restrictions on housing, these individuals are almost always forced to return to their previous high-risk neighborhoods, as they are likely the only locations where sex offenders can procure any type of housing (Moore, et al. 2015). The association with the deviant peers in these communities increases released sex offenders' risk for recidivism. Additionally, by limiting the financial aid for education, they are unlikely to be able to afford higher education. As a result, released offenders are often forced into high-risk neighborhoods with little options for income (Chiricos et. al. 2007: 573). These financial stressors combined with the association with deviant peers create a vicious circle, placing them in a situation of increased risk for recidivating and decreased chance of successful reentry.

Methods

Study Design

In the study, a series of semi-structured interviews were conducted using residents of Gemeinschaft Home who were formerly incarcerated. Gemeinschaft Home is a local transitional housing program in Harrisonburg that has populations of both men and

women. The sample group of interviewees consisted of 14 participants, six women and eight men, who volunteered to share their experiences with the reentry process. In the interviews, participants were asked about their incarceration history, as well as the difficulties associated with the criminal label that they have experienced during their reentry processes. The full list of questions for the interviews can be found in Appendix A. The responses from these interviews were recorded and qualitative data analysis was conducted to establish patterns across the sample group.

Background of Gemeinschaft Home

For over three decades, Gemeinschaft Home has operated as a “residential, transitional facility for individuals who have been released from incarceration and have a probation obligation with the Virginia Department of Corrections” (“History” 2022). Launched in 1985, Gemeinschaft Home originally started with seven residents. However, over the years, Gemeinschaft Home has increased its capacity to currently be able to house up to 41 residents (“History” 2022). In addition to the residential services Gemeinschaft Home provides, the program has expanded to offer a variety of resources, including individual case management and access to support staff. There are also a variety of community volunteers who help participants by acting as mentors, driving participants, and offering workshops for residents (“History” 2022).

While Gemeinschaft Home has grown over the years, the organization suffered a major setback in 2008, when the state of Virginia cut nearly 2/3 of the funding for the program (“Gemeinschaft Home” 2020: 6). Prior to this budget reduction, the program had

grown to the point that the men's house could support up to 50 residents, as well as the separate women's house that was able to house approximately 15 residents ("Gemeinschaft Home" 2020: 7). As a result of the significant loss of funding, many programs that Gemeinschaft previously offered were lost, including previously increased access to counsellors, employment specialists, transportation aides, as well as the entire women's house. While the program at the men's house was able to remain operational, the funding for the previously allotted six-month period of residence at the house for recovery was cut in half, only allowing resident to participate in a 90-day program ("Gemeinschaft Home" 2020: 4).

Despite the significantly negative impact that the reduced funding has had on the programs that Gemeinschaft has been able to offer, the organization has persisted and continues to grow and help reach more individuals. For example, as of 2021, Gemeinschaft Home expanded to reinstitute a program for women in the local area ("History" 2022). In addition to Gemeinschaft Home's residential programs, it supports a Day Reporting Center (DRC), which is a program for local men and women. The program offers an opportunity to reduce the jail population in the local community and provides interventions for individuals who require them ("Day Reporting Center Program" 2022). In the DRC programs, participants undergo a 90-day program to provide intensive supervision and participants report between one and five days a week ("Day Reporting Center Program" 2022). As a part of both the DRC programs and the residential programs, Gemeinschaft offers several programs and resources that are vital to helping released individuals reestablish themselves in the community. Both the

residential programs and the DRC enable participants to work with a case manager to develop goals and address individual issues that arise. Case managers can also help participants get involved with community resources like licensed counselors, health care providers, and community support groups (“History” 2022). Additionally, Gemeinschaft provides participants access to vocational training opportunities and assistance with finding and navigating employment opportunities (“History” 2022).

Results

In the semi-structured interviews, interviewees were asked about both their experiences before and after their conviction to establish the effect that the criminal label may have had on their lives. Interviewees were initially asked about their incarceration history to establish a baseline for recidivism among the participant population. Of the 14 interviewees, none were first-time offenders. The lowest number of times a participant had recidivated was twice and the highest was a total of 8 instances of recidivism resulting in 15 years spent incarcerated. Based on the responses, females served shorter incarceration periods, averaging between four and six months per sentence, all of which were served in jail. Males served longer sentences as most responses indicated between 10 and 20 months for their most recent incarceration period, and they were also more likely to be served in prison than jail. Other patterns in incarceration history emerged, including that the male interviewees engaged in criminal activity at a significantly earlier age than female interviewees. Among the male sample population, the average age that male interviewees first engaged with the justice system was 17, and the youngest noted

age was 13. In contrast, the average age that female interviewees first engaged with the justice system was significantly later in life, between their mid-twenties and early thirties.

Interviewees were also asked about their educational history prior to their incarceration. Based on the responses, the average education level for the sample group was 11th grade. The lowest education level was the completion of 5th grade for one male interviewee. The highest level of education reported was the attainment of a Certified Nursing Assistant (CNA) license, which was obtained by two female participants. While most interviewees did not achieve the academic level of a high school diploma prior to incarceration, only two participants enrolled in further education programs after their convictions, and only one was successful in achieving a General Education Diploma (GED). The limited number of interviewees who pursued further education may be the result of limited resources and restrictions imposed by the COVID-19 pandemic, as several participants indicated their desire to enroll in such programs during their incarceration but were unable to do so.

In addition to education, work history prior to incarceration was also established through the interviews. When asked about their prior employment, all interviewees responded that they had some work history prior to their incarceration. The majority of the participants answered that they worked in food-service industries, usually during their teenage years as a high-school job. The second most common answer in the male interviewee group was manual-labor jobs, such as landscaping or brick laying. In the female interviewee group, there was a pattern of achieving higher employment than the men. Two of the women had CNA licenses, enabling them to work in specialized fields

and pursue a career. Another female interviewee reported that she was working toward an interior-design degree and was working in the field prior to her incarceration.

After establishing a brief history of their lives prior to their convictions, interviewees were asked to discuss their experiences with the effects of the criminal label. Based on the interviewees' responses, over 75% indicated that they had experienced the adverse effects of the label while seeking employment. Many of the residents who were seeking employment found that the criminal label severely hampered their success in obtaining interviews and subsequent employment. Interviewees often stated that, even when they could find potential employment, once their conviction was revealed by a background check, the interview process was over. While they mentioned their difficulties with securing employment, many participants highlighted how instrumental Gemeinschaft Home was in helping them during the process. Currently, Gemeinschaft Home has a contract with a staffing agency called Labor Max, which has helped many of the residents to obtain employment. Such employment opportunities included working at a local house cleaning service in Harrisonburg and working at the United States Cold Storage Facility in the area. While Gemeinschaft Home may have helped some secure employment, the employment opportunities that interviewees pursued were limited to entry-level jobs, which help with financial support but do not allow for a profitable career.

In addition to employment, over 60% of interviewees indicated that they had experienced the adverse effects of the criminal label while attempting to secure housing. A common theme among interviewees' responses was that they were often denied access

to housing in an effort to keep ex-felons out of neighborhoods. Several interviewees responded that when they applied for housing or were actively looking, they were turned away, as people in the community tried to prevent the association with the stigma associated with the criminal label. The interviewees who answered that they did not feel the effects of the criminal label in this area subsequently answered that they were planning to reside with family or friends.

While less common than challenges associated with employment and housing, about 40% of interviewees indicated that the criminal label was directly responsible for financial issues. Several interviewees mentioned difficulties with building enough financial capital to reestablish themselves when they had no income history due to their incarceration. As a result, they found it difficult to build up any savings and, if they had a job, claimed to be living paycheck to paycheck. Additional financial issues reported include the inability to get access to food stamps. Due to their convictions, several interviewees were ineligible for some federally funded programs like food stamps, which severely restricted their options for food and overall food security.

By far the most commonly reported result was the challenges associated with transportation. Approximately 80% of interviewees cited the lack of transportation as a significant barrier with which they had to cope. Of the 14 interviewees, only one had access to a vehicle, while the others were forced to walk or rely on another form of transportation. Most of the participants reported that the lack of reliable public transportation limited the employment opportunities to what was in a walking distance. In addition to lacking access to vehicles, four interviewees indicated that their convictions

for driving under the influence (DUI) prevented them from obtaining a driver's license, which further limited their access to available transportation.

The final subject discussed during the interviews was an evaluation of the current programs available to assist with the reentry process. Participants were mostly positive when discussing the programs that Gemeinschaft Home offered to help the reentry process. Specifically in the context of employment, the contract that Gemeinschaft Home has with Labor Max proved to be instrumental in helping approximately 60% of participants in finding employment. Additional programs that Gemeinschaft Home offered, like the group counseling sessions received mixed reviews. Many participants indicated that they appreciated the peer support that the sessions provided, but some found the group forum to be overwhelming. Due to the difficulties associated with the group settings, approximately 40% of participants indicated that they would be better helped by individual counselling sessions with mental health professionals. On the topic of financial difficulties, most indicated the need for further financial support programs, especially for those who do not have family or friends willing to offer financial assistance.

Discussion

While the sample size for the study was small and it is not clear that the patterns would hold up over a larger sample size, the responses tended to fit with the forecasts of the criminological theories. One aspect of the study that reflected the expectations of Labeling Theory was the trends in incarceration rates. Instead of acting as a deterrent as Gibbs would have predicted in his Deterrence Theory, the punishment of offenders led to

an increased rate of criminal offending, which was reflected by the 100% recidivism rate in the sample population (Gibbs 1988:21). Responses of the interviewees indicated that effects of criminal labeling, such as returning to disadvantaged neighborhoods and deviant peers, contributed to repeated instances of recidivating. Similarly, the return to disadvantaged neighborhoods as a motive for recidivating directly reflects the predictions of Sutherland's theory Differential Association, which claimed that these neighborhoods had a higher chance of negative peer associations (Sutherland 1947:7). This phenomenon was further reflected by the participants who were reincarcerated due to parole violations, specifically drug offenders, who indicated that it was exposure to other peers who were using the illicit substances that drove them to recidivate.

The Effect of the Five Main Barriers to Community Reentry

As discussed previously, while ex-offenders face a multitude of challenges during their reentry process, the five main barriers to successful community reentry are inadequate education, limited employment opportunities, difficulty securing stable housing, lack of transportation, and ineligibility for financial assistance programs. Responses from the interviews with *Gemeinschaft Home* residents indicated that almost all encountered some difficulties with one or more of the main barriers due to the criminal label. One of the most important issues that arose was that the low education level attained by the interviewees severely limited their options for potential employment. While *Gemeinschaft's* contract with Labor Max afforded many participants employment opportunities, the positions were not ones that offered room for advancement. Even the interviewees who had the educational background to pursue a career, such as the two

interviewees who previously held CNA licenses, were no longer able to pursue those careers due to their convictions. Due to the criminal label, even those with a higher educational background are now limited to entry-level and low-paying positions, which increases the likelihood that they will be forced to return to disadvantaged neighborhoods and the associated risk factors.

Additionally, while employers have become more tolerant of hiring ex-felons, the stigma of the criminal label still negatively affects their chances of employment. As discussed in the literature review section, increasing numbers of large employers are making use of the tax benefits that accompany hiring ex-felons, like the Work Opportunity Tax Credit. This change in hiring policy has been beneficial in opening new doors for those with the criminal label, as employers are now incentivized to hire them. Additionally, several interviewees commented that the worker scarcity triggered by the COVID-19 pandemic had a positive effect on their opportunities for obtaining employment. However, despite the advancements, most interviewees indicated that they had experienced some negative effects of criminal labeling while seeking employment. Most interviewees reported that they had been turned away during the hiring process once the background check revealed their criminal convictions. Those who answered that they did not feel the effects of the label were potentially experiencing “magical thinking” at the beginning of their reentry process that they would be able to simply go back to their previous lives. When convicts are first released, many delude themselves into thinking that since they served their sentence, their lives can return to the way they were. They often do not acknowledge the challenges that they now must deal with out of the

hope that they might be able to avoid the hardships associated with the criminal label. However, the risk that arises when individuals have difficulties securing employment due to the criminal label is that it weakens the investment bonds in the community. Weakened bonds means these individuals have less time and energy invested in conforming to social norms, and thus less to lose should they chose to recidivate. As a result, they have increased rate of reoffending, as outlined in Hirschi's Social Control Theory (Hirschi 1969:58).

Interviewees also indicated that they experienced challenges securing housing due to the negative stigma associated with the criminal label. One of the most important benefits of Gemeinschaft Home is that it provides ex-felons a place to reside that is away from negative influences, albeit temporary. When most interviewees sought more permanent housing after their previous incarceration periods, many found that they were rejected due to their label. They found that people in neighborhoods away from deviant peers wanted to distance themselves from the criminal label and the negative stigma it carries, which forced the interviewees into returning to disadvantaged neighborhoods. The negative peer associations in these disadvantaged neighborhoods puts ex-felons at a much higher risk of recidivating, as predicted by Sutherland's Differential Association theory (Sutherland 1947:7). Those who claimed not to have experienced the criminal label were planning to return to their previous environments, which also puts them back into contact with the environment that led to their initial offending behavior. As one interviewee said, the inability to secure housing in a positive environment made it nearly

impossible to “put the past behind [them],” since their label forced many interviewees into environments that continued the cycle of recidivating.

Transportation issues were by far the most commonly reported barrier that the interviewees experienced. Almost all indicated that as predicted by the sociological theories, lack of reliable transportation made employment and parole obligations difficult. An interesting finding was that one participant had access to a vehicle, which highlighted the role that socioeconomic status prior to incarceration plays on the effects of the criminal label and the outcome. As seen in William Chambliss’s study “The Saints and the Rough Necks,” the criminal label had significantly less ramifications for offenders who have a higher socioeconomic status (Chambliss 1973:3). His study highlighted two groups of deviant youths and showed how social class and societal labeling led to one group being defined as delinquent while the other group was viewed as normal teenagers who were fooling around. His study emphasized the role that social class played in assigning the criminal label as the youths from the higher social class, who were known as the “Saints,” engaged in as much or more delinquent behavior than the group from the lower social class who was dubbed the “Roughnecks” (Chambliss 1973:4). Due to their social class and their ability to travel to the next town over to commit their offenses, the Saints were able to avoid the criminal label entirely, whereas the Roughnecks, who were not able to travel and already had a lower socioeconomic status, were viewed as troublemakers, and watched closely for any criminal behavior (Chambliss 1973:5). As reflected by the study, socioeconomic status is an important determinant in avoiding the criminal label entirely, as it plays a role in surveillance practices and convictions. In the

case of the interviewee who had access to a vehicle, the ability to travel affords her the ability to shed some of the harsher effects of the criminal label. Because she can physically distance herself from the area where she offended and the people who associate her with the criminal label, she can distance herself from the negative perceptions, much like the case of the Saints in Chambliss's study.

Finally, many interviewees stated that they experienced challenges with financial barriers due to their criminal labeling. Many interviewees were starting from nothing when they were released, and their lack of financial support provided a significant barrier. The lack of income history made it impossible for nearly all to obtain credit cards, which meant that they had no financial resources to help them get started while they were looking for employment. In some cases, those without the initial funds to afford important documents like birth certificates or social security cards were unable to work even if they wanted to, which only worsened their financial situation. One interviewee reported that he had contacted an employer about a position, and they were interested in hiring him but required two forms of identification. While he had a driver's license, he did not have another form and lacked the funds to pay the \$16 dollars required to purchase a copy of his birth certificate, so he was unable to secure the job. Additionally, interviewees had limited access to financial programs due to their convictions, which made the reentry process more difficult as they found it impossible to put their convictions behind them. The challenges imposed by the lack of financial support highlights the importance of socioeconomic standing in lessening the effect of the criminal label. Socioeconomic status of the family and their willingness to support ex-

offenders upon their release substantially affects their ability to rise above their conviction and start anew in the community. Assuming the family is comprised of prosocial influences, the family's willingness to support offenders is enormously important, as family members act as positive associations. As outlined in Differential Association, increased association with prosocial individuals can help prevent an individual from recidivating (Sutherland 1947:6).

Additionally, support of the family can help ex-offenders increase their bonding and bridging social capital, which further decreases their risk of recidivating. Social capital is the resources or information to which an individual has access through a social network of contacts (Dubos 2017:21). Bonding social capital refers to an individual's connections to other people who share similar demographic characteristics, such as family and friends (Dubos 2017:22). These connections to other people of similar social standing help provide instrumental social support for ex-offenders as they are reentering the community. Bonding social capital is limited though, due to the shared demographics within the social network. Specifically, for those of a lower socioeconomic status who have limited social capital due to their limited resources, there is a lack of potential for upward mobility (Dubos 2017:35). Therefore, both bonding and bridging social capital are necessary to increase the likelihood of successful reentry. Bridging social capital involves the use of weak social ties to connect an individual to additional resources beyond their smaller, more local network (Dubos 2017:22). By having the support of their family, released offenders have access to their contacts, which allows them to increase their social network. Larger networks of contacts increase the chance that an

individual will be connected to useful resources, such as employment opportunities, housing options, or social relationships (Dubos 2017:34). Not only does the support of the family help to increase an ex-offender's social capital, but the socioeconomic status is important as well. In addition to playing a role in building bridging social capital, socioeconomic status also plays has the potential to reduce the effects of the criminal label. For those of a higher status who suffer limited effects of the label, they carry less of the stigma, so are less likely to alienate individuals who can add to their social capital (Dubos 2017:42). Those with a lower socioeconomic status suffer the most under the weight of the criminal label, and the increased negative perception tends to distance people who have better access to social networks that could potentially help them.

Within the sample group of the interviewees, the responses reflected the predicted benefits of familial support during the reentry process. The interviewees whose families were willing to support them either financially or emotionally reported that they were more successful in overcoming some of the challenges associated with the criminal label. These individuals had a source of social support to help them build their bonding social capital, which helped them reestablish connections within the community. The few interviewees from higher social class, such as the one female participant who had access to a vehicle, had the advantage of increased bridging social capital, and thus access to better housing and employment opportunities. As a result, that woman was able to secure housing and leave the program in a relatively short period of time. However, the participants who responded that they did not have family willing to support them are at a significant disadvantage, as they lack both the social support that stems from bonding

social capital and the opportunities that arise from bridging social capital. As a result, their reentry process is significantly harder, as their responses indicated that they experienced much more difficulty in overcoming the challenges associated with the criminal label without the help of social capital.

Policy Changes that Should be Implemented to Combat Reentry Barriers

The current recidivism rates for released felons indicate a definite need for policy reform to help the reintegration efforts of these individuals. The challenges of reintegration necessitate policy changes that shift away from the attitude that punishment should continue after the individual's sentence is served (Kadela and Seiter 2003:361). Once the criminal label is assigned to these individuals, the constant stigmatization and discrimination from the community act as a continued punishment. Despite their efforts to change and desire to become contributing members of society, the constant backlash ex-felons receive from the community makes that objective nearly impossible in most cases.

To combat the negative effect that community attitudes have on reentry, a variety of campaigns have been initiated to improve the success of the reintegration process. Social movements like Ban the Box and programs like The Prison University Project have been formed to help inmates overcome the barriers to success ("The Challenges of Prisoner Re-Entry" 2022). Ban the Box is a movement that is attempting to prohibit employers from being able to inquire about or require an applicant to disclose their criminal history on a job application ("The Challenges of Prisoner Re-Entry" 2022). Without the criminal label to deter employers from considering released felons for

employment opportunities, these individuals have a significantly higher chance of making it through the interview process and securing potential employment. The Prison University Project is another program that targets one of the major barriers to successful reentry. The program is a nonprofit that supports the college program at San Quentin State Prison (“The Challenges of Prisoner Re-Entry” 2022). The goal is to provide post-secondary education to incarcerated individuals, which would allow them to obtain their associate degrees, a degree that provides ex-felons with eligibility for significantly more employment opportunities upon release.

In addition to social movements advocating for the rights of released felons, legal changes are necessary as well. New policies limiting employment restrictions on released felons would allow them to secure housing more readily and reintegrate more successfully into the community (Kadela and Seiter 2003:368). Greater employment opportunities would lead to an increased chance of earning a steady income and the ability to support themselves independently. Steady income would also allow these individuals to procure safe and secure housing, specifically in locations away from their original lower-income, crime-ridden neighborhoods (Kadela and Seiter 2003:368). With the opportunity for gainful employment, released felons would be able to live in a prosocial environment, which significantly increases their chances of successfully reintegrating into the community.

Beyond policy changes that help released felons overcome the main barriers to reentry, further policy improvements are also needed to address the community’s reaction to the criminal label. These alternative policy approaches should favor civic engagement

and restorative justice principles (Bazemore and Gordon 2004:1). Policy changes centered around civic service would strengthen the bond between ex-offenders and the community (Bazemore and Gordon 2004: 4). In Hirschi's theory of Social Control, he hypothesized that an individual's desire to pursue deviant activity would be held in check by a network of control (Hirschi 1969:57). Hirschi claimed that the network of control was comprised of a person's social bonds to the community, specifically attachment, commitment, involvement, and beliefs (Hirschi 1969:58). When offenders engage in civic service, it increases their commitment bonds. According to Hirschi, the strength of commitment bonds is based on the investment that individuals have in social groups and institutions (Hirschi 1969:58). As offenders engage in civic-service activities, they continuously invest energy into tasks that are designed to strengthen the bonds between the offenders and the community. These tasks often revolve around meeting community needs and attempting to repair the harm that crime has caused to these communities (Bazemore and Gordon 2004:5). As offenders spend more time invested in civic activities, they become more heavily invested in changing the public's perception of them and helping to make up for their actions. As a result, crime becomes less appealing to them as they have already made a strong investment of time and energy toward changing public perception (Bazemore and Gordon 2004:5). If released offenders can change the public perception from the criminal label toward a more positive perspective, offenders would be less likely to internalize the negative label. Consequently, they would not feel the need to conform to societal view of how a criminal should act, which increases their chances of success for reentry.

Policy changes should also focus on restorative justice practices that allow ex-convicts to change their public image away from being a liability and toward being an asset to the community (Bazemore and Gordon 2004:3). Like civic engagement, restorative justice practices are focused on repairing the damage caused by criminal actions (Bazemore and Gordon 2004:3). These actions include recentering the victim in the justice process to make sure their needs are met. In restorative justice practices, the needs of the victim, community, and family are compiled to reach an agreement on what is necessary to repair the harm done to the victim, whether that be an individual or a community (Bazemore and Gordon 2004:6). Engagement between the victim and the offender, often face-to-face, is an effective way to reach these agreements. Additionally, face-to-face interactions between victims and offenders often humanize these offenders in the eyes of the victim and can help change the victim's perception of the offender. Engaging in civil discourse between the victim and offenders often allows the victim to see past the bias and differentiate the person's nature from his or her past actions (Bazemore and Gordon 2004:6). As offenders work to make amends for their actions and interact with victims through restorative-justice programs, it creates a positive influence on the way the offender is perceived in the eyes of both the victim and the community (Bazemore and Gordon 2004:6). With a more positive perception, the offender is less likely to internalize a negative stigma associated with the criminal label. Therefore, these individuals are less likely to act criminally and thus, integrate successfully as contributing members of the community.

Further Recommendations

While larger systemic changes are required to help destigmatize the criminal label, there are smaller-scale efforts that could be made to improve the reentry process. Efforts like reinstating and improving educational programs in jails and prisons can help increase the chances of successful community reentry before the individual is even released from incarceration. While educational and vocational programs have always lacked the resources to be widely available to those who wish to participate, the COVID-19 pandemic essentially put a halt to all program within correctional institutions. Reinstating these programs and helping to make them more widely available would allow felons the opportunity to achieve a higher educational level or specific training, all of which increase their chances of obtaining gainful employment upon their release. Additionally, increased efforts toward initial financial support for released felons could have a positive effect on their reentry process. Primarily, many offenders lack the financial capital to reestablish themselves, despite their desire to do so. Having a fund to help these individuals afford necessary documents like social security cards or birth certificates would allow them the possibility of gainful employment, which greatly increases their chances of a successful reentry.

In addition to addressing challenges that arise from the five main barriers, further mental health care is necessary to address the negative attitudes that have an adverse effect on reentry. The repeated exposure to the negative reactions of the criminal label cause ex-felons to internalize the label, as stated in Labeling Theory (Plummer 2001:5). The internalization leads to a sense of fatalism that they will never overcome the label, which negatively affects the chances of successful reentry. To address the issue,

increased access to mental health care and qualified health care professionals would be necessary. Based on the results of the interviews in particular, increased access to one-on-one counselling sessions with mental health professionals would be an improvement over the current group counselling sessions, which may increase the chances of changing the internalized negative attitudes. However, while improved access to mental health care may help overcome the fatalism associated with the criminal label, the bureaucratic issues and limited funding pose a significant barrier.

Conclusion

The labeling of released felons has a significant negative effect on their ability to reenter the community successfully. The primary effect of the criminal label is that these individuals internalize it and the negative stigma that accompanies the label. As they begin to conform to the label, they often find themselves relapsing back into deviant behaviors due to societal expectations. The secondary effect of the criminal label is that it provides a barrier to reentering the community upon release, specifically through inadequate education, limited employment opportunities, difficulty procuring housing, lack of transportation, and ineligibility for financial-assistance programs. As established through the interviews with residents of Gemeinschaft Home, these factors also contribute to released felons' chances of recidivating and thus failing to reenter the community successfully. In order to combat the societal barriers associated with the criminal label, changes in the current laws, policies, and practices are necessary. While these systemic changes will take significant time and efforts, smaller scale efforts such as increased access to educational programs, mental health care, and financial assistance

would be beneficial in helping released felons in the Harrisonburg area overcome the criminal label and successfully reenter the community.

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Appendix A

Structured Interview Questions:

1. How long was the most recent incarceration sentence you served?
 - a. Where was the most recent incarceration served – jail or prison?
 - b. Was it your first period of incarceration? If not, how many times have you been incarcerated before?
2. What is your general incarceration history?
 - a. At what age were you incarcerated for the first time?
 - b. What age were you the last time you were incarcerated?
3. What was your educational level and employment history prior to incarceration?
Did you pursue any further education or vocational programs while incarcerated?
4. How did you get connected to Gemeinschaft home at the end of your sentence?
5. Do you have any family locally or other social and/or financial support systems outside of Gemeinschaft home?
6. Are you currently employed? If so, did Gemeinschaft home or another reentry program help you obtain employment?
7. Do you think that having been labeled a criminal by your conviction has affected your process of seeking housing or employment? Do you think it has affected you in any other ways?
8. Based on your experience, what do you perceive as being the most significant barriers to successful community reentry? What areas of the reentry process – for example, finding housing, securing employment, reconnecting with family or social services, or transportation – did you find were most affected by criminal labeling?

9. What services that Gemeinschaft home provided did you find the most beneficial?
10. What other resources or services do think are necessary to overcome challenges associated with the criminal label in the reentry process?