

DIVISION OF EXPERIMENTAL CRIMINOLOGY

Dr. Megan Denver and colleagues are 2017 recipient of the *Student Paper Award* for their article *“The Language of Stigmatization and the Mark of Violence: Experimental Evidence on the Social Construction and Use of Criminal Record Stigma.”*

“The Language of Stigmatization and the Mark of Violence” was inspired by a recent U.S. Department of Justice (DOJ) policy initiative. As then U.S. Assistant Attorney General Karol Mason explained in a [Washington Post Guest Post](#):

The labels we affix to those who have served time can drain their sense of self-worth and perpetuate a cycle of crime, the very thing reentry programs are designed to prevent. In an effort to solidify the principles of individual redemption and second chances that our society stands for, I recently issued an agency-wide policy directing our employees to consider how the language we use affects reentry success.

Specifically, DOJ replaced crime-first terms like “offender” with person-first terms such as “person with a conviction.” DOJ’s policy initiative aligns with a broader set of existing policies that attempt to contextualize criminal records. For example, the most popular approach, known as Ban-the-Box, delays criminal record inquiries from the job application stage to a later stage in the hiring process. Policymakers aim to shift an exclusive focus on the criminal record to a more comprehensive evaluation of the job candidate, and in doing so, potentially increase employment opportunities. While the DOJ policy and broader contextualization approaches use different strategies, both are embedded in the labeling perspective and focus on the implications of public perceptions of stigma.

To examine the intersection between public perceptions of criminal record stigma and public policy, our paper examines the social construction and management of criminal record stigma using two nationwide experiments. First, we test DOJ’s language policy using a nationally representative sample of American adults. We randomly assigned respondents to receive crime-first (“offender”) or person-first (“person with a conviction”) language for three crime types—violent, non-violent drug, and non-violent property—and asked the likelihood that people in the group will commit new crimes in the future. Next, we used a separate nationwide experiment to examine how the contextualization of criminal records influences social exclusion decisions. We use randomized vignettes, which vary the conviction crime type, time since release from prison, and employment context (job position and industry), to examine whether and how members of the public balance these factors when making decisions about employment opportunities.





We find consistent evidence of a “mark of violence” across experiments: the public perceives individuals with violent convictions as the most likely to commit future crimes, although this contradicts recidivism research, and is more supportive of excluding these individuals from employment. Furthermore, “violent offenders” are perceived to have higher recidivism risk compared to “people convicted of violent crimes,” providing some evidence in support of the language component of labeling theory. However, perceived recidivism risk is similar when crime-first or person-first language is used for non-violent convictions, indicating variations in the impact of crime-first language. In addition, the public is receptive to other components of conviction records when considering employment opportunities, including the amount of time that has passed and the type of job the applicant is seeking, which suggests that policy efforts to contextualize criminal record information have the potential to influence social exclusion decisions.

Denver, Megan, Justin T. Pickett, and Shawn D. Bushway. 2017. The Language of Stigmatization and the Mark of Violence: Experimental Evidence on the Social Construction and Use of Criminal Record Stigma. *Criminology* 55(3): 664-90.