



UNIVERSITY OF HELSINKI

Sentenced to Life?

The Lingering Stigma of Incarceration in Finland

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Abstract:

The United States has been built on centuries of oppression of incarcerated people alongside systemic racism toward minorities. Once again these inequities entered the public discourse following a pandemic, rising unemployment, political uncertainty, and several high-profile police killings of unarmed Black people. Millions of Americans protested in the streets and called attention to the necessary criminal justice reforms on social media. Suddenly, terms like prison abolition, defund the police, #BlackLivesMatter, and police brutality entered everyday conversations.

The American criminal justice system was built in the aftermath of the Civil War to disenfranchise and oppress Black Americans, and later other racial minorities, as well. Racist media and political campaigns furthered the myth of Black criminality resulting in widespread support for harsh criminal penalties. This led to the United States having the highest incarceration rate in addition to one of the highest recidivism rates in the world. The question remains, “How should systemic racism in the American criminal justice system be addressed?”

Finland, with its focus on rehabilitating offenders and establishing a strong welfare state, serves as a point of inspiration. The hypothesis of this study was that the reasoning behind Finnish people’s support of a rehabilitative approach was that incarceration status was less stigmatized in Finland. Interviews with formerly incarcerated people in Finland appeared to indicate that this is the case. However, studies with more participants and greater diversity are needed to add to this research. Moving forward, America should institute reforms to reduce the stigma attached to incarceration like automatically expunging criminal records for those eligible or establishing employment programs that begin upon release from prison.

1. Introduction

I vividly remember my first time going to jail. It was the final semester of my senior year of high school, all the enthusiasm that I once had for my high school studies was completely drained, and my mind was focused on the future that awaited me in university. Thus, when my Advanced Placement United States Government and Politics teacher informed students that there was an opportunity to miss an entire day of classes to visit the local jail and courthouse, known as the Virginia Beach Correctional Center and Virginia Beach General District Court, respectively, I eagerly signed up (A. Stover, personal communication, March 1, 2017). Those who decided to participate were given specific instructions. Men were told to dress formally, for instance, in a suit and tie (A. Stover, personal communication, March 1, 2017). Women were advised to wear loose-fitting clothing and not to apply any makeup (A. Stover, personal communication, March 1, 2017). When asked for the reasoning behind the restrictions applied to the women, my teacher replied that it was to avoid catching the attention of any of the prisoners (A. Stover, personal communication, March 1, 2017).

The teacher's words were in the back of my mind when my fellow students and I began to line up one by one in front of a pair of steel doors, as a correctional officer counted us one through twenty. Following a tour through the courthouse and a brief conversation with a prosecuting attorney, we were brought into a narrow, dimly lit tunnel that connected the courthouse and correctional facility. Once the officer finished counting, he returned to the front of the line, nodded at us, and hurriedly opened the doors. We followed our teacher through the passageway and ran with our eyes looking directly forward, as we were ordered to. As I followed the student in front of me, I saw out of the corner of my eye crowded holding cells with prisoners in orange jumpsuits. Most of the men I saw sitting or standing in the cells watching us run past them were young, Black men, like myself. Next, we were led into a small, classroom-like space, with just enough seats for all the students. The correctional officers then led a handcuffed, middle-aged, white woman with dark blonde hair into the room. After being released from her shackles, over the next thirty minutes, she told us her life story in great detail. She started by recounting how she became addicted to drugs and then started committing crimes to finance her addiction, which ultimately resulted in her multi-year jail sentence (female Virginia Beach Correctional Center inmate, personal communication, March 2, 2017). While in jail, she tried to

better her life by staying connected to her children through talking over the phone and sending written letters as well as enrolling in a drug treatment program to address her addiction (female Virginia Beach Correctional Center inmate, personal communication, March 2, 2017). She seemed so hopeful for her future after being released and had made a promise to herself that she would never return to prison again (female Virginia Beach Correctional Center inmate, personal communication, March 2, 2017). My classmates and I wished her well as the correctional officers placed her back in handcuffs and walked her back to the cell block. It was approximately five seconds after she left the room that one of the correctional officers told us not to believe anything that she shared with us, and that she would likely be back in prison shortly after her release date (male Virginia Beach Correctional Center officer, personal communication, March 2, 2017). My classmates erupted with laughter, and I pretended to chuckle, not wanting to stand out. Our day touring the prison had come to an end, and once we boarded the bus I sat down and contemplated why the correctional officers were so confident that the inmate who spoke with us would eventually end up back in prison.

My experience visiting the Virginia Beach Correctional Center and Virginia Beach General District Court left an impression on me that would stay with me into my college years, where I initially intended to dedicate most of my time to studying public health topics like the social determinants of health, disease outbreaks, and healthcare policy. It was during the fall semester of my sophomore year of university, that I enrolled in an introductory course called *Criminology*, in which I was intellectually challenged to consider the role that federal housing policy, urban design, and neurological or psychological factors could have on crime rates (MacDonald, 2018). At the end of this course, I knew that I found my new academic obsession.

Over the subsequent year, I took a course that questioned the accuracy of criminal forensic methods like bitemark analysis and polygraph testing along with attending lectures that highlighted the role that genetics and childhood environmental factors can play in an individual's likelihood of criminal offending (Cuellar, 2019; Raine, 2019). When choosing courses for the spring semester of my junior year, I noticed a new course in the registry entitled *The US Criminal Justice System in Urban Contexts* (Smith, 2020). Entering this course as an upperclassman, now a declared criminology major, I naively believed that the syllabus would mostly consist of works that I had previously read. It only took a few course meetings for me to

realize how little I knew about the United States (U.S.) criminal justice system. After reading the New York Times article, *Is Prison Necessary?* which centered around an interview between journalist Rachel Kushner and prison abolitionist Ruth Wilson Gilmore, my classmates and I debated whether it was possible to do away with prisons in American society and pursue alternative courses of seeking justice and reducing crime (Kushner, 2019). This reading helped me understand the possibility of systemic change in the American criminal justice system, but it also gave me an idea for further research. Approximately a quarter of the way through the article, Kushner (2019), references that Scandinavian nations have a notably low rate of recidivism, meaning that incarcerated people there have a lesser likelihood of returning to prison after being released, when compared to the United States. This is in part, as Kushner (2019) puts it, due to Scandinavian prisons being designed with the goal of rehabilitation and preparing incarcerated people to successfully re-enter society. This assertion piqued my interest in discovering more about the Scandinavian model of criminal justice and I became focused on determining if such reforms could be implemented in the US. First, I needed to strengthen my understanding of the shortcomings of the American prison system.

2. The State of the American Criminal Justice System

If you were to ask everyday Americans what the primary goal of the criminal justice system should be, you would likely receive a response similar to either of the following: punishment for the criminal offense that was committed or rehabilitation to prevent future criminal offending. Currently, the US focuses its carceral system primarily on punishment. This is to the detriment of those incarcerated and to the wider society, as a focus on punishment results in an increased risk of recidivism, as neither the incarcerated individual's personal problems (addiction, mental health, homelessness, etc.) nor the systemic issues that landed the individual in custody (poverty, lack of opportunities for upward economic mobility, etc.) are properly addressed. To understand how the US criminal justice system entered its current state, it is important to outline its history.

The Past

Part 1 – Colonial America

Many of the ideas and practices still in use in the modern criminal justice system can be traced back to the American colonial period and the era immediately following the American Revolution (McLennan, 2008). As to be expected since the United States is a former British colony, when designing the prison system, the English Criminal Code, perhaps aptly nicknamed the “Bloody Code”, served as a partial blueprint (McLennan, 2008: 18; Meskell, 1999). Having experienced the injustices of the British colonial system, early American thought leaders formed strong opinions regarding what an equal, morally upstanding legal system should look like (McLennan, 2008). Colonists took issue with the severity of the punishments outlined in the English Criminal Code, many of which focused on brutality instead of offering the offender the opportunity for repentance (McLennan, 2008). The sheer number of transgressions, 165 in 1765, that could result in receiving capital punishment (the death penalty) among them blasphemy, pickpocketing, and stealing a sheep, also drew criticism (McLennan, 2008:18; Meskell, 1999: 842). These harsh punishments became strongly associated with British colonial rule (McLennan, 2008). Thus, in the aftermath of the American Revolution, with a goal of distancing the new nation from its former colonial master, the approach of the legal system was altered to

ensure that the punishments prescribed for criminal offenses matched the gravity of the crime committed (McLennan, 2008). As Thomas Jefferson (1778) wrote in *A Bill for Proportioning Crimes and Punishments*, “after suffering a punishment in proportion to his offense (the offender) is entitled to their protection from all greater pain” (as cited in Boyd et. al., 1950: 492-504). This presents two distinct points: first, that the punishment for a crime should depend upon the crime’s severity, and second, the punishment for the crime should end after the penalty is delivered (Jefferson, 1778 as cited in Boyd et. al., 1950). The former principle, known as proportionality, originates in Cesare Beccaria’s *An Essay On Crimes and Punishment*, a work that helped nations across the globe change their criminal codes to align with Enlightenment principles (Beccaria, 1764/1809; Meskell, 1999). The latter principle acknowledges the potential for a former criminal to change their conduct and become a contributing member of society. Jefferson (1778), terms this reformation and continues by arguing that giving the formerly incarcerated the opportunity to make amends allows society to benefit from the formerly incarcerated individual’s labor following their release (as cited in Boyd et. al., 1950: 492-504). This highlights that Jefferson was not only considering morality when outlining his conception of a modern criminal justice system but also what would be to the economic benefit of the nation.

Religion played a role in the formation of the early American prison system as several of the original 13 US colonies were founded as religious-based communities, and these colonies’ religious beliefs were intertwined with how criminal offending was dealt with (Meskell, 1999). Calvinist teachings were particularly influential in the colonial American mindset (McLennan, 2008). Specifically, predestination, a central belief of Calvinism (a branch of Protestantism), states that all humankind can be separated into two categories chosen by God: those who are inherently good who are destined towards heaven, and those who are inherently bad who are destined towards hell (Cullen & Gilbert, 2015; Hart, 2013). There is nothing that one can do to move from one category to another (Hart, 2013). Taking this into account, there is no room for a criminal justice system based on reforming the incarcerated, as the potential for an individual to reform themselves is not recognized (Cullen & Gilbert, 2015). Under this system, the main aim of criminal sanctions was to dissuade the offender from committing criminal acts, often through either painful or publicly embarrassing means, and to serve as an example to others of what

could befall them should they decide to involve themselves in similar crimes. (Cullen & Gilbert, 2015; Meskell, 1999). A similar justification was used within the English Criminal Code to explain the wide-ranging use of capital punishment, as this was seen as a means to discourage people from committing crimes (Meskell, 1999; McLennan, 2008). Beccaria (1764/1809) and later Jefferson (1778) would criticize this viewpoint by observing that juries would often be reluctant to deliver guilty verdicts in cases where they felt such a punishment was too harsh, thus weakening any potential deterring impact (Beccaria, 1764/1809; Cullen & Gilbert, 2013; Jefferson as cited in Boyd et. al., 1950: 492-504).

In search of an optimal model of addressing criminal behavior, Pennsylvania, which was founded by a progressive religious group known as the Quakers, strayed from the conventional criminal code of the time by enacting the *Great Law in* 1682, which essentially placed a moratorium on the use of capital punishment with exceptions only for premeditated (planned) murder and for those who betrayed their country (Meskell, 1999; Cullen & Gilbert, 2013). As an alternative to capital punishment, the *Great Law* authored by William Penn, outlined that those found to be in violation of the criminal code should be sentenced to placement in a workhouse with the motive that hard labor could rid offenders of their tendency toward criminal behavior (McLennan, 2008). In practice, much of the hard labor described by Penn was not done within the confines of a workhouse, but instead in the public streets of cities like Philadelphia where convicts, known as wheelbarrow men by the public, were tasked with constructing works that were for the public good like roads, canals, or forts (McLennan, 2008). This public punishment aligned with the ideology that criminal punishments should embarrass those to which they are assigned (Meskell, 1999). In this case, offenders were held together by iron chains while laboring (Meskell, 1999). This also served as a deterrent for those who may be driven to criminal offending of what could happen to them (Meskell, 1999). In practice, rather than bring embarrassment to convicts, this public labor was viewed as a nuisance to those in the communities where this labor took place (McLennan, 2008). Wheelbarrow men were often not held as securely as intended, so if they could break free from their chains they could escape and re-enter society (many successfully did so) (McLennan, 2008). One escaped convict brought significant bad publicity to the public labor program when he escaped Philadelphia and landed in New York where he went on a crime spree (McLennan, 2008). Similarly, wheelbarrow men had a

reputation for getting into drunken conflicts with passersby, attempting to rob wealthier members of society like the famed Alexander Hamilton, attracting the attention of young people who they would influence with their stories of crime and lawlessness, and participating in the sale and purchase of illegal goods (Francis & Gilbert, 2013; McLennan 2008).

Upon noticing the struggling public convict labor system, Benjamin Rush, an important Pennsylvania politician whose signature graced the Declaration of Independence, assembled influential leaders of the time to present his ideas for changing the system of incarceration (McLennan, 2008). The reforms he suggested included allowing for sentences specific to the crime the offender committed (convict labor was applied for a wide range of crimes), a shift in the tone of incarceration from punitive to rehabilitative, and most notably, the creation of “houses of repentance”, later given the more familiar label penitentiary, where the conduct of the incarcerated could be monitored to make rehabilitation more likely by limiting opportunities for transgressions and allowing for immediate correction by prison guards should they occur (McLennan, 2008; Francis & Gilbert, 2013: 36). Rush’s plan of removing convicts from public view served two functions. First, it prevented the public from developing strong feelings of sympathy or anger towards convicts following their interactions with them, both emotions which could damage the public’s faith in the carceral system (McLennan, 2008). Vice versa, the prior style of public labor created a sense of resentment for their fellow citizens and the legal system that punished them amongst convicts, as the public would, on occasion, mock their plight (Meskell, 1999). This resentment could fester into further antisocial, criminal behavior instead of the intended rehabilitation (Meskell, 1999). Second, penitentiaries closed off from the outside world, allowing the public to wonder unknowingly what occurred behind the walls of penitentiaries likely resulting in the public creating myths of the horrible conditions convicts endured, serving as a warning to those on the outside what could happen to them if they commit crimes (deterrence) (McLennan, 2008). In the spirit of the Pennsylvania Quaker theology, Rush saw the goal of this new system of prisons as allowing incarcerated individuals to reflect on their immoral behavior without the influence of corrupting outside influences (like alcohol) (McKelvey, 1936; McLennan, 2008). It bears mentioning that Rush, like Jefferson, justified his new approach by citing the economic benefit (Jefferson as cited in Boyd et. al., 1950: 492-504; McLennan, 2008). Specifically, Rush brought up that when convicts serve their hard labor

sentences in the public forum, citizens could begin to mentally associate hard labor with prisoners, and thus, avoid engaging in hard labor themselves which could be to the growing, independent nation's disadvantage (McLennan, 2008).

Rush's sentiments were considered with the establishment of the Walnut Street Jail, in Philadelphia, and it was noted that the city's crime rate declined in the years immediately following its establishment (Meskell, 1999). The Walnut Street Jail also instituted practices considered novel in America at the time, but common in the modern day like solitary confinement for convicts considered to be the most dangerous as well as the practice of charging inmates extortionate prices for goods outside of the provided food and uniform (this practice is now called a prison commissary) (Meskell, 1999). The success of this style of incarceration was short-lived, as once the communal living facilities became over-populated, as the nation's population began to grow without a corresponding increase in prison capacity, it became increasingly difficult for the prison guards to keep an eye on convicts and regulate their behavior (McKelvey, 1936; McLennan, 2008; Meskell, 1999). Penitentiaries gained a reputation for contributing to crime rather than the intended purpose of reducing it, as it was suspected by the public that those held in the crowded penitentiaries were sharing amongst each other strategies of criminal behavior resulting in continued criminality following their release (McLennan, 2008; Meskell, 1999). To rectify this issue, it was argued by legislators that future prisons should separate incarcerated people into smaller numbers to promote character reform (Meskell, 1999).

Part 2 – Auburn Plan vs Eastern State Model

The subsequent era of American prison reform can be traced to the state of New York, directly north of the prior leader of carceral betterment, the Commonwealth of Pennsylvania (McLennan, 2008). The “Auburn plan” represented both a continuation of the identified effective practices from the successful era of the Walnut Street Jail in addition to a departure from earlier forms of incarceration and penal structures that were deemed outdated or unproductive (McLennan, 2008: 54). As mentioned previously, the hard labor of convicts as wheelbarrow men, was intended to involve convicts in projects that were to benefit of the wider public and instill in prisoners a sense of belonging to the wider society (McLennan, 2008). Rather than work on public projects, the penitentiary at Auburn, became the first system in the United States to practice contract prison labor, meaning that the labor of prisoners was sold to private companies (McLennan, 2008). The private companies would pay the penitentiary directly for the ability to use the labor of convicts and this money was used to upkeep the penitentiary, not paid directly to the laborers (McLennan, 2008). Unlike wheelbarrow men, the convicts at Auburn were confined to the prison environment (Meskell, 1999). Thus, the manufacturing of private companies’ goods had to occur within the prison itself, often under the supervision of a private company employee who would secretly bring in goods prisoners were forbidden to have (Meskell, 1999). This sabotaged the goal of penitentiaries to serve as a place where convicts could detox from products like alcohol, which often contributed to their criminal behavior in the first place (Meskell, 1999). Similarly, prison guards would encourage working convicts to take the companies’ products when the company supervisor was not paying attention, and give these products to the guards, so the guards could then sell them illegally (Meskell, 1999).

The aforementioned practices made it difficult for companies to trust the contract labor system, though they were making modest amounts of money (McLennan, 2008). To address the companies’ concerns, the Auburn prison system began creating stricter rules for convicts (McLennan, 2008). Among them, a military-based system of marching one behind the other, any attempted verbal or non-verbal communication between convicts was swiftly, and severely punished (this was to prevent riots and labor strikes) (McLennan, 2008). The restrictions placed on prisoners did not end once they were released, as prisoners both during and after their

incarceration were unable to vote (McLennan, 2008). The “Auburn plan” is also credited with popularizing the design of individual prison cells for convicts (McLennan, 2008: 54). By the mid-1860s, the ratio of cells to prisoners in the Auburn penitentiary neared one-to-one, in contrast with the Walnut Street jail’s communal accommodation (Meskell, 1999).

Pennsylvania, the source of many of the nation’s early prison reforms, based on the religious doctrine of the Quaker faith, again promoted a new system of incarceration through its Eastern State Penitentiary, which served as a rival prison design to New York’s Auburn System (McLennan, 2008). At Eastern State, prisoners were provided individual cells and were not required to labor as they were thought to need time to contemplate the actions that result in their incarceration (Meskell, 1999). The wardens of Eastern State found that once convicts spent enough time alone in their cells or in the small outdoor space attached to their cell (the outdoor spaces kept individual convicts isolated from one another), they would eventually find motivation to labor on their own tasks and develop a sense of purpose (McLennan, 2008; Meskell, 1999). Another central component of Eastern State Penitentiary was its design with a central watchtower, where guards were stationed to watch over the prisoners, and lines of cells extending from this middle point (Meranze, 1996). This design structure references Foucault’s panopticon, in which each prisoner is contained to an individual cell where they are unable to determine if they are being watched by the prison guards, and all cells can be seen from the watchtower (Foucault, 1975/1995). Consequently, prisoners participate in self-surveillance, meaning that they behave as if they are always being watched by the guards (Foucault, 1975/1995). The overall result of Foucault’s prison design is that the guards can remain in a position of power, and potential prison riots are rendered impossible, as the prisoners cannot communicate and guards have a constant view over the actions of those incarcerated (Foucault, 1975/1995)

The question of which system of prison design grew to be more popular in the United States, Auburn or Eastern, is easy to answer. Building a prison like Eastern State could cost roughly eight times the Auburn model – other states, keeping finances in mind, decided to follow Auburn’s example (McLennan, 2008). It should be stressed that states not only kept in mind that the Auburn model was less expensive to construct but also considered that putting the prisoners to work via contract labor could allow the penitentiary to turn a profit (McLennan, 2008).

However, this cost-benefit calculation does not take into consideration the rehabilitative potential of the Eastern State model. The Eastern State model could reduce the likelihood that criminal offenders will later return to prison, saving money in the long term. Many European philosophers, notably, Alexis de Tocqueville among others, who had the chance to compare the prison designs in person, preferred the Eastern model, and brought this perspective back to their home countries to reform their respective nations' prisons (McLennan, 2008). Perhaps this is one of the sources of the differences we see between modern European prisons and those in the United States. Thusly, the Auburn prison design became the dominant form of newly constructed prisons from the mid-19th century and beyond (McLennan, 2008).

Part 3 – Influence of Systemic Racism in Post-Civil War America

Moving to the next stage in American carceral history, it is impossible to continue without acknowledging the role of racist responses to the Emancipation Proclamation, which freed the slaves in the rebellious Confederate states during the US Civil War, and the ensuing 13th, 14th, and 15th Amendments to the United States Constitution had on the design of prisons and legal systems (Alexander, 2012). Feagin's (2006) systemic racism theory breaks down the multi-faceted racism present in the United States and the impact this racism has had in American history (Feagin, 2006 as cited in Feagin & Bennefield, 2014) The facets of American racism most important to grasping the role that racism, particularly anti-black racism, played in the changes made to the criminal justice system in post-Civil War America are as follows: White Americans placing themselves at the top of a racial hierarchy and acting in ways to maintain this status, the subjugation of racial minorities via discrimination targeting both entire racial groups and individuals, and lastly creating institutions that maintain the oppression of racial minorities (in this case, the criminal justice system) (Feagin, 2006 as cited in Feagin & Bennefield, 2014). The consecutive passage of the 13th Amendment (freed slaves throughout the United States, not just those in Confederate territories), 14th Amendment (granted former slaves American citizenship and the protections accompanying citizenship), and the 15th Amendment (gave Black men the ability to vote, women of all racial backgrounds were not yet allowed to do so) provided

temporary hope for a racially equal future (U.S. Const. amend. XIII §1; U.S. Const. amend. XIV §1; U.S. Const. amend. XV §1).

There is an important feature of the 13th Amendment that would later become the focal point of attempts to racially oppress the newly freed Black Americans (Alexander, 2012). The 13th Amendment states that slavery or involuntary servitude is illegal unless it has been assigned by a court as punishment for a crime (U.S. Const. amend. XIII §1). State and local governments in the former Confederate states heavily exploited this legal exception to continue the oppression of Black Americans and to keep White Americans at the top of the racial hierarchy (Alexander, 2012). This process did not begin immediately following the passage of the 13th-15th Amendments, as the Civil War was followed by the Reconstruction Era, the goal of which was to reunite the nation and allow former slaves the opportunity to further themselves economically, politically, and socially (Alexander, 2012). Reconstruction lasted from approximately 1867-1877, and Black Americans made remarkable gains in political representation – this is the time in American history when there were the most Black elected officials in the federal and state government systems (Alexander, 2012; Feagin, 2006). These gains were short-lived. President Rutherford B. Hayes, elected as a representative of the Republican Party in 1876, in exchange for securing the office of President following a close election, promised Democrats (who mostly resided in the South) that two course-changing events would take place (Alexander, 2012; Palen, 2014). The federal government would retract its troops, who had been disrupting the Southern leadership's attempts to hinder the movement toward racial equality, and the Southern governments could put into place their own laws regarding race without federal intervention through courts or other means (Palen, 2014; Smithsonian, 2011).

It is important to remember that the American South's economy was built upon the exploited labor of enslaved people, so once the 13th Amendment broke the chains of enslavement, the state and local governments in the South had to find a way to build a labor force to maintain economic stability while maintaining a racial order that disenfranchised the newly free Black people (DuVernay & Averick & Barish, 2016). The previously mentioned loophole in the 13th Amendment provided a way for Southern Whites to accomplish both goals simultaneously (DuVernay & Averick & Barish, 2016). The southern states started the rollback of Black Americans' rights with Black Codes that aimed to entrap Black people into the criminal

justice system where they could be forced to work in conditions similar to enslavement for the economic benefit of the South (Onion et. al., 2023). Those who were trapped in the carceral labor system also had their voting rights removed, a practice pioneered in the United States by New York's Auburn prison, which allow the South to limit the political influence of Black men who had received the right to vote through the 15th Amendment (McLennan, 2008; Smithsonian, 2011). Again, in line with the Auburn plan, incarcerated individuals, consisting of up to >90 percent Black people in some jurisdictions, had their labor sold by the state governments to private companies (convict labor was also occasionally used for public works) (Jarvis, 2004; McLennan, 2008). Black Codes included vagrancy laws that required Black men to be employed on January 1st, and those without jobs were to be incarcerated (Alexander, 2012). While Black Codes were mostly created in the aftermath of the Civil War, Jim Crow laws, a label whose name comes from a theater character portrayed by an actor in blackface, mostly came into existence following the end of Reconstruction in 1877 (Onion et. al., 2023). Jim Crow laws sought to further restrict the rights of Black Americans beyond their participation in the workforce, as Black Codes had (Onion et. al., 2023). At this time that the doctrine of segregation, referring to the separation of racial minorities (mostly Black people) and Whites in public places, spread throughout the South (Onion et. al., 2023).

Part 4 – Early 20th Century and the Civil Rights Movement

Following the release of enslaved people, a narrative was created throughout the American South that crime rates and incidences of community violence were increasing (Smithsonian, 2011). In fact, much of the violence referenced in these narratives involved skirmishes between Whites who fought on opposite sides of the Civil War or was connected to the Ku Klux Klan (KKK), a vigilante group consisting of White people who sought to use violent means against Black individuals and communities to maintain White people's place at the top of the southern racial power structure (Smithsonian, 2011). This myth of increasing Black criminal behavior was used to justify lynching, referring to the extrajudicial killing of Black people often through hanging (Jarvis, 2004). According to Ida B. Wells' research, these lynchings occurred at least 10,000 times over the 30-year period following the end of the American Civil War in 1865 (Jarvis, 2004). An offense commonly cited as the reason behind the lynchings of Black men was sexual offenses against White women, which were often greatly exaggerated and could be based on solely gesturing or being "too close" (Jarvis, 2004: 100). Released in 1915 and shown in movie theaters across the nation (and even in the White House), the film *Birth of a Nation* depicted the Ku Klux Klan as heroes who protected Southern communities, particularly white women, from Black men (portrayed by actors in blackface) (DuVernay & Averick & Barish, 2016; Jarvis, 2004). This spread the notion that Black men were prone to criminal behavior and dehumanized Black men in the minds of viewers (DuVernay & Averick & Barish, 2016; Jarvis, 2004) Thus, justifying the targeting of Black men by the carceral system and the actions of vigilante groups like the KKK, whose membership swelled to their highest recorded levels during the 1920s (DuVernay & Averick & Barish, 2016; Jarvis, 2004).

It is important to acknowledge that despite the challenges they faced in American society, Black people resisted the poor treatment they faced by developing support networks to strengthen community ties in the face of extreme discrimination and created organizations like the National Association for the Advancement of Colored People (NAACP) to advocate for systemic change (Alexander, 2012). The NAACP played a key role in dismantling the oppressive Jim Crow laws by coordinating efforts to challenge discrimination in the courts (Alexander, 2012). The most well-known example of which is the *Brown v. Board of Education* case that

challenged segregation of schools in Topeka, Kansas (Alexander, 2012). When the Supreme Court ruled in favor of the Black families seeking better educational opportunities for their children (represented by Brown), it overturned the “separate but equal” ruling of Plessy v. Ferguson and signaled that the growing Civil Rights Movement was making progress toward its goal of racial equality (Alexander, 2012). Seeking to block the legal advances made by Black people during this time, the police in Southern towns began to target peaceful Civil Rights protesters with violence including sending police dogs to attack protesters, using firehoses to dispel public gatherings, and using the threat of arrest or prison sentences to deter activists from continuing their fight (Alexander, 2012). By using the carceral state to respond to Civil Rights protesters, Southern governments were able to craft a narrative that those protesting for equal rights were criminals who sought to create unrest in society (DuVernay & Averick & Barish, 2016). In response, the Civil Rights movement made getting arrested an honorable situation, as it showed one was willing to endure the hardship of incarceration to protest for equality for Black people (DuVernay & Averick & Barish, 2016).

Ultimately, the Civil Rights Movement was able to get its message to the White House, as both President John F. Kennedy and his successor President Lyndon B. Johnson, worked towards getting the Civil Rights Act of 1964 and the Voting Rights Act of 1965 (Alexander, 2012; DuVernay & Averick & Barish, 2016). The former officially ended the Jim Crow Era by making segregation illegal and promoting equal access to employment and education for Black people (Alexander, 2012). The latter ended discriminatory practices related to voting like poll taxes, grandfather clauses (required one’s grandfather to be registered to vote to qualify to vote), and literacy/civic knowledge tests aimed at reducing Black people’s political participation (Alexander, 2012; DuVernay & Averick & Barish, 2016). These advances for Black people acknowledged the multiple generations that had fought for equal treatment in American society. However, just like at the end of the Reconstruction Era, progress made by Black people was looked at scornfully by White people who sought to keep themselves at the top of the American racial hierarchy. This resulted in a retooling of methods of oppression, one that heavily relied upon prisons.

Part 5 – Mass Incarceration

The return of American soldiers from World War II started an era known as the “Baby Boom” and the children born during this time, the largest generation the United States had ever seen, were known as Baby Boomers (DuVernay & Averick & Barish, 2016). It is well known within the field of Criminology that the population most likely to commit crimes is males between the ages of 15-24 (Levitt, 2004). When Baby Boomers reached this age range, crime rose (DuVernay & Averick & Barish, 2016). The police and legal response to this rise in crime was highly racialized as it largely targeted Black men, particularly those who lived in low-income, inner-city communities (DuVernay & Averick & Barish, 2016). This racially discriminatory implementation was intentional and encouraged by the highest office of the United States, the Office of the President (DuVernay & Averick & Barish, 2016). President Richard Nixon gained the enthusiasm of voters, particularly White people living in the American South, by giving speeches that appealed to their racist sentiments while using language that made his racist positions clear without openly stating so (Alexander, 2012). This political maneuver was labeled the Southern Strategy and motivated Southerners who used to support the Democratic Party, to switch affiliation and vote with Nixon’s Republican Party (DuVernay & Averick & Barish, 2016). Such racially coded language included phrases like “law and order” which was understood to mean that the criminal justice system would be used to crack down on urban, Black, poor communities (Alexander, 2012: 46). Once becoming President, Nixon used military terminology, like “total war”, “all-out offensive”, and “War on Drugs” to describe his plans for police action in predominantly Black neighborhoods (DuVernay & Averick & Barish, 2016: 16:10, 17:10, 18:09). It is important to note that racist government officials made the decision to address crime with police violence and incarceration instead of offering social programs to help Black people to secure quality housing and stable employment, as the Civil Rights of 1964 had promised, which could have helped Black people improve their economic circumstances (Alexander, 2012). Nixon and other political conservatives’ rhetoric blamed “black culture” for the poverty and crime rates many Black communities faced instead of acknowledging the realities of systemic racism (Alexander, 2012). They also claimed that Black people were abusing the social support systems that had been put into place by Lyndon B.

Johnson who argued that “anti-poverty programs were, in effect, anticrime programs” (Alexander, 2012:45). Nixon’s start to the War on Drugs increased the nation’s prison population in the decade between 1970 and 1980 from 357,292 to 513, 900, largely consisting of drug arrests occurring in impoverished, mostly Black neighborhoods (DuVernay & Averick & Barish, 2016). Drug addiction was labeled a moral failing requiring criminal punishment instead of an illness necessitating medical treatment or counseling (DuVernay & Averick & Barish, 2016).

The War on Drugs reached a crescendo with the election of Ronald Reagan, whose time in office primarily focused on addressing drugs (Alexander, 2012). At the beginning of his presidency, only 2% of Americans polled felt that this was the biggest issue facing the nation (Alexander, 2012). This number would skyrocket to sixty-four percent over the course of Reagan’s eight years in office, as he consistently brought up the topic of drugs in his speeches and policy proposals which shifted the public’s focus away from the faltering economy (Alexander, 2012; DuVernay & Averick & Barish, 2016). Under the Reagan administration, the median income of Black families fell, and, in 1985, Black youth unemployment reached levels five times higher than in 1954 (Kendi, 2016). This occurred due to several factors. Beginning in the 1970s, there was deindustrialization in major American cities where many Black people had moved during the Great Migration both to look for work and flee racial violence in the South (Alexander, 2012). The jobs these factories provided were moved abroad where labor would be cheaper, as companies no longer wanted to pay the wages labor unions had worked to guarantee (Alexander, 2012). The result was a growth in unemployment in urban, Black communities as these factory jobs were often the only option for Black men who had little access to quality education or job training (Alexander, 2012). The industrial jobs that remained in the United States often moved from cities to suburbs where land was more affordable, and the highways built during President Dwight Eisenhower’s administration made it easier for those with cars to access these facilities far outside of urban areas (Alexander, 2012). Reaching these developing suburban industrial jobs was nearly impossible for Black men living in urban areas, as a study found that only eighteen percent of Black fathers could access a car for transportation (Alexander, 2012).

Redlining, a practice done by banks and other financial institutions involved labeling predominantly Black communities as high-risk for loans (Alexander, 2012). This meant that Black families living in these neighborhoods could not get loans to move to the suburbs where the employment opportunities and better schools were located, but also could not get loans to improve the condition of their homes or sell their homes (potential buyers couldn't get loans to purchase homes in redlined communities) (Alexander, 2012). Ideally, when economic conditions get tough, an effective government steps in to support its people financially. Under the Reagan administration, little was done to address the rising unemployment and poverty in Black communities (Alexander, 2012; DuVernay & Averick & Barish, 2016). In fact, in speeches, Reagan denigrated Black people who accessed government benefits using terms like “welfare queen” to paint a picture in the minds of racist White voters that Black people did not deserve assistance from the government (Alexander, 2012).

With few opportunities to make money or receive financial assistance from the government, some Black men decided to turn to selling drugs to make ends meet for their families – particularly crack-cocaine which arrived in urban neighborhoods in the mid-1980s (Alexander, 2012; DuVernay & Averick & Barish, 2016). Crack cocaine is highly addictive, provides a strong yet short high, and is more affordable than its chemical twin powdered cocaine, so it quickly became popular in urban, poor communities (Alexander, 2012). The criminal targeting of Black communities is evident when viewing drug penalties for crack when compared to powder cocaine (Kendi & Blain, 2021). Someone found with five grams of crack, associated with urban, poor racial minorities, and another found with five hundred grams of powdered cocaine, associated more with the upper class, and White would receive the same prison sentence (Kendi & Blain, 2021). White people were a larger proportion of crack users than Black people, yet Black people had a seven times greater chance of going to prison for crack-related charges (Kendi & Blain, 2021). This highlights the larger reality that even though all races in the United States use and sell drugs at approximately the same rates, (among young people, White youth sell drugs and use cocaine at much higher rates than Black youth), Black people are exponentially more likely to face arrest and incarceration (Alexander, 2012). Instead of allocating additional funding to government agencies, like the National Institute on Drug Abuse, that coordinate drug treatment programs and research, the largest share of funding went to law

enforcement agencies like the Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA), and local police departments (Alexander, 2012; Kendi & Blain, 2021). This is despite the reality that putting a person through drug treatment programs had already been found to cost 1/8 of the price of putting them in prison, and those with access to treatment had an increased chance of finding gainful employment and a reduced chance of continuing to engage in criminal activity (Kendi & Blain, 2021). 47 of the 50 states expressed in a federal survey that they lacked the capacity to place all the identified drug addicts in drug treatment (Kendi & Blain, 2021). Following an overdose addicts would end up in a hospital and then back on the streets due to the available drug treatment programs being completely full (Kendi & Blain, 2021). This could have been an opportunity for the federal government to further fund drug treatment programs and build a nationwide system of rehabilitation for drug addicts, thus benefiting the health of the country.

Due to the racism of Reagan and his supporters, the federal government chose to use the criminal justice system to harm marginalized communities. The support for increased criminalization of drug use wasn't just supported by racist Whites, however, as many prominent Black politicians and activists supported the lengthening of sentences for drug possession and an increase in funding for policing and prisons (Kendi & Blain, 2021). This would become increasingly apparent in the early 1990s when violent crime rates reached the highest recorded levels in American history (Levitt, 2004). The opposing forces of the Democratic and Republican Party agreed that being "tough on crime" was the correct approach, and because neither party wanted to seem less strict than their opposition there was an escalation of rhetoric emphasizing harsh criminal penalties (DuVernay & Averick & Barish, 2016: 35:50). This led to the 1994 Crime Bill which had two major components. First, it leaned heavily towards increasing penalties for criminal offending via mandatory minimums (required prison sentence minimums) and three strikes laws (an offender with three felony convictions – including non-violent e.g., drug offenses - was given an automatic life sentence) while encouraging intentionally making the prison experience more torturous through strategies like limiting access to outdoor athletics and terminating prison high school diploma and college degree programs (DuVernay & Averick & Barish, 2016; Kendi & Blain, 2021). Both access to physical fitness time as well as diploma and degree attainment programs have been correlated to reduced recidivism, yet in search of tough

criminal penalties, this decision was made (Kendi & Blain, 2021). Next, the 1994 Crime Bill provided for an enlargement of the funding given to federal, state, and local law enforcement agencies which allowed them to obtain military weaponry and monitoring technology that was then used to wage war domestically (DuVernay & Averick & Barish, 2016). This set the stage for many of the inequities and injustices present in the modern American criminal justice system, some of which this research project will assist in addressing.

The Present

Following months of quarantining and social distancing amid the heightening Coronavirus pandemic alongside rising unemployment, poverty, political strife, and general dissatisfaction with the state of America, millions of people in the US and across the world were shocked to watch Darnella Frazier's video of Minneapolis police officer Derek Chauvin forcefully pressing his knee into the neck of George Floyd, a 46-year-old Black man (Lipez, 2022). Viewers could only watch, in horror, as Frazier recorded Chauvin holding his knee in place on Floyd's neck as the minutes passed by - 1, 2, 3, 4, 5, 6, 7, 8, 9 (10 Tampa Bay, 2020; Lipez, 2022). By the time that 9 minutes had passed, Floyd had died, and he was brought into an ambulance where medics were unsuccessful in their attempts to revive him (10 Tampa Bay, 2020). Racial and political tensions flared as conflicting narratives of what occurred in the video surfaced in the news, on social media, and in the conversations of everyday people. The collective trauma of watching the death of George Floyd combined with the painful memories of the many Black people killed at the hands of police – Philando Castile, Alton Sterling, Atatiana Jefferson, Eric Garner, Breonna Taylor, Tamir Rice, Michael Brown, Freddie Gray, among many others – motivated millions of people to take to the streets in protest, demanding reform of America's systems of policing and incarceration (Chughtai, 2020).

As of 2016, one out of every twenty people on Earth lives in the United States, yet one in four of all the incarcerated people on the planet, are in American prisons (DuVernay & Averick & Barish, 2016). As of 2021, there are a little over 1,200,000 people incarcerated in the United States, roughly 1/3 of whom are Black (Carson, 2022). In fact, Black people comprise a larger share of the prison population (32 percent) than non-Hispanic, White people (31 percent), even though Black people are only 13 percent of the American population compared to 58 percent of the population that is non-Hispanic White (Carson, 2022; U.S. Census Bureau, 2023). The United States has an incarceration rate of 350 prisoners for every 1000,000 Americans which rises to 901 for every 100,000 if only Black Americans are considered (Carson, 2022). For comparison, these incarceration rates are significantly higher than the Prison Policy Initiative's (2021) data on countries like the United Kingdom (129/100,000), Canada (104/100,00), Finland (53/100,000), and Iceland (33/100,000) (Widra & Herring, 2021). This is supporting evidence for the idea that Black people are targeted by the systemic racism of the criminal justice system.

Another way in which the American criminal justice system stands out, in a negative manner, when compared to similar nations in the Global North, is through its rate of recidivism, defined as the likelihood that someone who has been incarcerated and released will eventually return to prison (Antenangeli & Durose, 2021). The U.S. Bureau of Justice Statistics, based on reported figures from a sample of states, compiled 10 years' worth of data that followed former inmates who spent their sentences in state prisons and took stock of when (and if) they were arrested or placed in prison again over that time frame (Antenangeli & Durose, 2021). It was calculated that at the 10-year mark, 60 percent of those included in the sample had returned to prison at some point in the decade, as noted in Figure 1 (Antenangeli & Durose, 2021). As seen in Figure 2, when only considering arrests, the rate of recidivism after a 10-year period rises to a little more than 80 percent (Antenangeli & Durose, 2021).

Figure 1: Rate of Returning to Prison Among Former State Prisoners

Cumulative percent of state prisoners released in 18 states in 2008 who returned to prison for a parole or probation violation or an arrest that led to a new sentence, by sex, race or ethnicity, age at release, and year following release

Characteristic	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
All released prisoners	30.7%	42.8%	48.6%	52.3%	55.0%	56.9%	58.4%	59.3%	60.1%	60.7%

Note: Reprinted from "Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up Period (2008–2018)." by Antenangeli, L. & Durose, M., 2021, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 8.

Figure 2: Rate of Re-Arrests Among Former State Prisoners

Cumulative percent of state prisoners released in 24 states in 2008 who were arrested following release, by sex, race or ethnicity, age at release, and year following release

Characteristic	Number of released prisoners	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
All released prisoners	409,300	42.9%	58.0%	66.2%	71.2%	74.8%	77.3%	79.0%	80.2%	81.1%	81.9%

Note: Reprinted from "Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up Period (2008–2018)." by Antenangeli, L. & Durose, M., 2021, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 4.

As circled in red in Figures 1 and 2, approximately half of those who are re-arrested or return to prison, do so within the first year after their initial release which highlights the need for additional programming during this important time frame of re-entry as those without a strong

support network are at an increased risk of ending up back in the criminal justice system. In search of possibilities of successful programs to reduce recidivism, I began conducting research on countries that had re-structured their criminal justice systems to focus on the rehabilitation of offenders resulting in lower rates of recidivism. This is how I came across the story of Finland.

3. The Finnish Criminal Justice System

Finland serves as an excellent point of comparison to the United States in terms of opportunities for criminal justice reform, in that Finland, beginning in the mid-20th century, made a concerted effort to shift its carceral state's focus toward rehabilitation and opening paths to address the underlying reasons for criminal behavior (Ekunwe & Jones, 2012). In 1950, Finland's incarceration rate of roughly 190 per 100,000 people was more than 3 times higher than its fellow Nordic nations, Norway and Sweden (Ekunwe & Jones, 2012). By the year 2000, Finland's incarceration rate dropped to nearly 50 per 100,000 – a rate comparable to the other Nordic countries (Ekunwe & Jones, 2012). It must be emphasized that the leaders of Finland's prison reforms were criminal justice and social policy experts instead of politicians looking to get elected, like in the United States (Alexander, 2012; Ekunwe & Jones, 2012). This resulted in reforms that were evidence-based, well-researched, and intended to benefit incarcerated individuals instead of solely punishing them (Ekunwe & Jones, 2012). The standards put in place for Finnish prisons were specified in the Sentences Enforcement Act (Ekunwe & Jones, 2012). These regulations included ensuring that the prison environment was as much like the outside world as possible so that incarcerated individuals could stay acclimated to the real world, and thus experience less discomfort when rejoining society (Ekunwe & Jones, 2012). In practice, this led to the implementation of an open prison system, where eligible offenders, typically those facing non-violent charges, are free to leave the prison grounds to grocery shop, work for local businesses, attend university or vocational classes, and visit family members (Ekunwe & Jones, 2010). This has the benefit of helping incarcerated people maintain their support networks and establish financial stability, both key factors in post-incarceration success (Hoe & Haider & Rimer, 2023).

Additionally, Finland has taken steps to ensure that criminal records do not follow individuals for life, as criminal records are automatically expunged between 5 and 20 years after

the individual leaves custody (depending on the severity of the offense) (Legal Register Centre, 2019). When employers request criminal background checks for potential hires, this information is only shared with the employer if the offense is related to a job opportunity or if the offense occurred within the timeline prior to expungement eligibility, at the discretion of Supo, the Finnish organization that handles criminal background checks (yle, 2019). For instance, crimes committed when an individual is a minor, are unlikely to be shared with an employer (yle, 2019). Finland's steps to reduce the amount of time a criminal record follows former offenders help ease the re-entry process. This contrasts with the United States where criminal record expungement, if an individual is eligible, can be a challenging process (Hoe & Meade, 2023). It is also the case in the US that criminal records can follow people for decades after their incarceration, and criminal records including mugshots are often available for public view (Alexander, 2012; Hoe & Meade, 2023).

4. Theoretical Background

Introducing Goffman's Stigma

A key sociological concept for understanding the impact that having a criminal record can have on someone's life is what Erving Goffman termed stigma. Stigma can be understood as a bodily condition, personal identity, or group membership that carries with it a negative perception (Goffman, 1963). Goffman further divides the types of stigmatized identities into those that are discredited, meaning that their marginalized identities can be externally identified by others, while discreditable identities are those that be hidden or revealed at the discretion of the individual (Goffman, 1963). The process through which individuals with discreditable traits choose whether to disclose or conceal their status is called stigma management (Goffman, 1963). This occurs not only with strangers with whom the stigmatized may wish to impart a positive impression like potential employers, new acquaintances, or those in positions of authority, but also in close family relationships and friendships as the stigmatized individual may be concerned that revealing their marginalized identity will harm how they are perceived by those closest to them – and if this rejection occurs, they may have nowhere else to turn to for support (Goffman, 1963). The commitment to ensuring no one figures out their membership in a stigmatized group by acting as if one's stigmatized identity is not present is known as passing (Goffman, 1963). It also needs to be considered that membership in a stigmatized group may impact how an individual views themselves, which can result in shame and a loss of self-confidence (Goffman, 1963)

Becker's Theories of Deviance

In Becker's work *Outsiders*, he introduces the idea that once an individual has broken a society's moral norms by, for example, breaking the law and getting convicted of a crime, they are then judged as having the willingness to transgress other social norms (Becker, 1997). This negative perception from others, and having the rule-breaking label, can lead to an individual's self-perception shifting to match how others view them – resulting in a negative self-concept (Becker, 1997). Seeking others who understand how they feel, the individual labeled what Becker terms deviant, will then seek out those with a similar label which could result in additional societal norm-breaking behavior (Becker, 1997)

The Stigma of Incarceration in the USA

The stigma that the formerly incarcerated face in the US can be separated in three main categories: individualized, institutional, and intrapersonal.

To begin, incarcerated people often face discrimination or bias, when interacting with others in social situations, even among those who they are supposed to be able to turn to for support. For instance, when formerly incarcerated people return to their communities some people they were once close with may no longer wish to associate with them due to their new label of being a former criminal, which has a stigma attached (Alexander, 2012). Even within urban, poor, Black communities, a relative's criminal record is often undiscussed, as many feel that doing so would attach to them the negative stereotypes associated with being labeled a criminal (Alexander, 2020). This is in spite of the widespread acknowledgment that those living in these marginalized communities face disproportionate targeting by the criminal justice system – thus, many people living in these neighborhoods either have a record themselves or are close to someone who does, and avoiding the subject hinders the creation of social support networks (Alexander, 2012). The rejection that the formerly incarcerated sometimes experience from their families, friends, and communities relates to Goffman's point that familiarity with individuals who possess a stigmatized identity does not guarantee that the stigma will disappear (Alexander,

2012; Goffman, 1963). Moving towards romantic interactions, it is common wisdom, that many heterosexual women looking for a male partner utilize search engines to conduct amateur background checks on those they may interact with in a romantic context. Having a publicly accessible criminal record, which many Black men do, as they experience the brunt of the criminal justice system, may impact their chances of finding love or partnership.

When interacting with institutions like the public education system, housing agencies, employers, government offices, among others, having a criminal record can serve as a barrier to accessing the necessary resources to have a stable life. Consistent employment is critical for those who are leaving prison, as it gives them financial stability as they set up a new life. However, finding a job can prove extremely difficult, as those with a criminal record are five times more likely to be unemployed than those without one (Sinko et. al., 2020). To further study this phenomenon, Devah Pager (2003), conducted a study to test the impact of both race and a criminal background, on the likelihood of a trained actor receiving a call back from a Milwaukee, Wisconsin employer, following a job interview (Pager, 2003). Prior to securing an interview, roughly $\frac{3}{4}$ of job applications, for which nearly identical credentials for the trained actors' resumes were used to reduce variability, asked applicants to state if they had a criminal history (Pager, 2003). Seeing this question discourages potential applicants with a criminal background from completing the application, as many assume that their application will be filtered out of the selection pool because of their record (Hoe & Haider & Rimer, 2023). As a form of passing, referenced by Goffman, some people with a criminal history will decline to disclose their background, in hopes the employer will not check, believing that it will improve their chances of getting employment (Alexander, 2012; Goffman, 1963). The job roles applied for in Pager's (2003) study were diverse and included restaurant work, factory labor, office administration, etc. (Pager, 2003). The results of callbacks after filling out an application in person, consider that this study took place in the early 2000s, and doing a spontaneous interview if the employer requested one, was noteworthy: White men with a criminal record were called back 34 percent of the time, White men without a criminal record were contacted in 17 percent of cases, Black men without a criminal record were reached out to following 14 percent of the applications, and lastly only 5 percent of Black men with a criminal record received callbacks (Pager, 2003). The most eye-opening results of this study were the clear reduction in callbacks as

a result of a criminal record, and the reality that race plays a strong role in the likelihood of receiving interest from employers as being Black reduced follow-up contact whether a criminal record was present or not (Pager, 2003). The systemic racism in hiring practices is particularly clear through the fact that White men with a criminal record have greater odds of garnering employer interest than Black men without a criminal record (Pager, 2003).

To address the discrimination that formerly incarcerated people face in the hiring process, some jurisdictions, like New York City, passed Ban the Box laws that stopped employers from being able to ask about criminal history (Agan & Starr, 2018). The results were disappointing in that they resulted in a decline in callbacks for Black men without a criminal record, while White men with a criminal record saw an increased chance of receiving callbacks (Agan & Starr, 2018). A possible source of this discrepancy is the implicit racism attached to being Black, where the acknowledgment that the criminal justice system disproportionately impacts Black people results in a greater assumption by employers that Black job applicants have a criminal record (Agan & Starr, 2018). Housing is also difficult to access for formerly incarcerated people, as government-subsidized housing, one of the few sources of affordable housing in an increasingly expensive housing market, excludes those with a criminal background (Alexander, 2012). This policy came out of the 90's tough-on-crime era (Alexander, 2012). Additionally, many private rental agencies conduct criminal background checks which leave the formerly incarcerated with few options for places to live – and the locations that do accept them are often in places with concentrated poverty and few job opportunities (Alexander, 2012; Sinko et. al., 2020).

Lastly, having the label of a former criminal can have negative implications on an individual's self-image, which can impact their chances of successfully re-integrating into society after their release. Every time formerly incarcerated people interact with an institution or individual that discriminates against them, it has an impact on their mental well-being and diminishes their belief that they can escape the stigma of their past (Alexander, 2012; Moore & Stuewig & Tangney, 2016). Additionally, difficulties in securing work can make former offenders feel that the only opportunities available to them are undesirable and low-paying, which can lead them to believe that their futures are bleak – which can diminish their motivation, take away hope, and instill a sense of shame (Alexander, 2020; Sinko et. al., 2020).

Stigma Hypothesis

Goffman labels incarceration history as belonging in the stigma category of discreditable, as it is generally impossible to look at someone and determine with accuracy that they have been to prison in the past (Goffman, 1963). As highlighted above, presently, in the United States, the knowledge of an individual possessing a criminal record is extremely accessible to the public. Thus, this research paper aims to challenge Goffman's assertion that incarceration is discreditable, as the United States criminal justice system and wider society is arranged in such a way that those with incarceration in their past can never truly hide it. This contrasts with Finland, where public records regarding incarceration are strictly managed and there are a variety of social support systems that make prisoner re-entry a comparatively smooth process. The system allowing streamlined prisoner re-entry is widely supported by Finnish citizens, while the American public historically has supported strict criminal penalties and the limiting of opportunities for participation in civic life for those with an incarceration history. This paper will argue that the discrepancy in attitudes between the Finnish and American public is the result of incarceration history being heavily stigmatized in the US, while there is significantly less stigma attached to a criminal record in Finland. By figuring out how to reduce the stigma associated with incarceration in the US, social support programs to benefit the incarcerated, which will likely need the support of the public to be successfully established, can be more widely implemented, which will then lower the recidivism rate as many of these prison programs have promising results. With the goal of understanding the realities of post-incarceration life in Finland, the research question of this project is: *To what degree do the formerly incarcerated in Finland feel stigmatized?*

5. Building Upon Prior Research

The Finnish (and the broader Nordic) model of combining a rehabilitative incarceration experience and a supportive social welfare system to reduce prisoner recidivism, has been extensively researched and discussed in international academic circles. However, there is still room for addition to the existing literature. In examining public sentiment towards the criminal justice system, Ekunwe et. al. (2010), found that the wider Finnish public, around 70 percent believes in the potential for past offenders to change their ways, which likely informs their belief that it is a good investment for the Finnish criminal justice system to focus on rehabilitation (Ekunwe et. al., 2010). Ekunwe et. al. (2010) also validates the previously discussed understanding that Americans prior to the 1970s supported rehabilitative opportunities for offenders, a sentiment that would shift to encourage harsher penalties following intentional political movements to shift public attitudes (Ekunwe et.al, 2010). Although, it is important to situate this research in the larger societal context by understanding the level of acceptance among the general public of rehabilitative policies, to truly know whether the formerly incarcerated are stigmatized it is important to hear their own experiences navigating through society with a stigmatized identity. Luckily, such studies have been conducted in the past, namely, Jones & Ekunwe (2011), in which researchers talked to members of the organization known in English as CRIS (Criminals Returning Into Society), also translated as Criminal's Revenge in Society (Berndes, n.d.; Jones & Ekunwe, 2011). In Finland this organization is known as KRIS, based in the Swedish Kriminellas Revansch I Samhället (KRIS), as the original organization began in Sweden (Berndes, n.d.; Jones & Ekunwe, 2011). In the study, the experiences of KRIS members were compared to the stories of members of a group of ex-offenders who conducted meetings at a church in the United States and whose shared bond was wanting to better their lives despite the challenges their criminal background may bring (Jones & Ekunwe, 2011). Comparisons were made between the social welfare systems in Finland and the US and how re-entry in Finland is easier given the amount of government support provided while in the US context offenders relied heavily on their family and friends for support and struggled if they lack a close social group (Jones & Ekunwe, 2011). Most of the questions posed to interviewees centered around the re-entry experience, specifically, how they navigated drug treatment programs and other social resources, the process of reconnecting with family and friends, and adjusting back to life on the

outside. However, there is little acknowledgment of the role that stigma plays in the experiences of the formerly incarcerated re-entering society, the decisions of whether a formerly incarcerated individual chooses to disclose or keep their status a secret (stigma management), or the role that reducing the institutional and interpersonal stigma attached to incarceration in the United States can play in improving re-entry outcomes. This is how this research project hopes to contribute to the field.

6. Methodology

To determine the ideal data collection strategy, it was necessary to weigh the benefits and drawbacks of a variety of qualitative research methods. Immediately, quantitative research strategies could be removed from consideration, as this study aimed to highlight whether the formerly incarcerated feel stigmatized – and it would be extremely challenging, if not impossible to determine research subjects' feelings from numbers on a spreadsheet or other quantitative data. The prior sections have proven, though, that quantitative data can be useful in establishing the scope of the over-arching problem of high recidivism rates which can help convince the American government and the American public that there is, in fact, a problem that needs solving. Quantitative data can also be instrumental in determining whether proposed solutions are having the desired impact. Returning to the selection process of qualitative methods, a survey, while it can be quickly and easily distributed to a large number of people in paper form or through online mediums, getting the in-depth data needed to understand an individual's personal experiences with stigma would be challenging with a survey because the questions would static, with no opportunities for follow-up or clearing up confusion (Richards & Morse, 2013). For instance, individuals could not ask for clarification if they misunderstood something, an important consideration as the study would be conducted in English, a second language for many residents of Finland. Similarly, the questions written for this project are all open-ended, and to respond to such questions would require lengthy prose by participants which due to the necessary time investment and no available financial compensation, finding willing participants would likely prove challenging. A survey could be helpful if this study was only looking for those who had experienced stigma or those who had not, but this study looks for a variety of

experiences, so this would add an unnecessary extra step. An ethnography of a meeting of an organization like KRIS could be useful in understanding the dynamics of the support group and how the members aid one another – however, Finnish people are fairly reserved and thus, might not talk about their feelings regarding stigma unprompted, which is ultimately what this study seeks to identify.

Ultimately, qualitative interviewing, specifically semi-structured interviews, emerged as the leading data collection candidate for a variety of reasons. The semi-structured format allows a combination of prepared questions and spontaneous inquiries brought up to solicit additional information from interviewees based on their prior responses (Brinkmann, 2013). Having prepared questions is also useful in that participants not confident in English may wish to review the questions in advance. One-on-one qualitative interviews are a superior source of collecting data when compared to focus groups when dealing with sensitive topics like incarceration history and personal feelings of shame or embarrassment (Brinkmann, 2013). In group settings, individuals may not feel comfortable sharing their experiences with strangers, as some people with criminal records do not even share this fact with loved ones or community members so this discomfort may be even stronger among a group of strangers (Alexander, 2012; Brinkmann, 2013). Looking at past studies that used qualitative interviews, like (Jones & Ekunwe, 2011), and the successful collection of data chronicling individuals' experiences post-incarceration added to the confidence that this was the correct method of study.

7. Research Process

With qualitative interviewing identified as the most promising strategy to collect data, the research advisor and the thesis researcher maintained a dialogue to outline the next steps. First, there was the question of how to find interview participants. It was discussed that many Finns, particularly Finns without much formal education or who are a bit older, might not feel comfortable having a long-form conversation in English. Hiring a translator was considered, but the idea was abandoned due to a lack of funds to hire a translator. Instead, it was decided that the research advisor, who is fluent in Finnish, would serve as a liaison between the Finnish-speaking criminal justice agency KRIS, which served as the point of contact for most of the interview participants. It was also agreed that the research advisor would provide the initial contact with the Finnish-speaking interview participants, providing the thesis researcher's crafted Participant Information Sheet (Appendix 1), Consent Form (Appendix 2), and, if requested the Research Questions (Appendix 3). The thesis researcher then conducted follow-up (scheduling the interview, determining a location for the interview, answering any questions from the interviewees, etc.). With the desire of making the interview process as simple for the interviewees as possible, the interviewees were given a choice of if they preferred a virtual or in-person meeting, the city they preferred to meet up in, and were given a selection of public places in which they desired to meet (libraries, parks, etc.). In the selection of an interview location, the sensitivity of the topics being discussed was considered, since the interviewees would likely feel uncomfortable having members of the public in listening distance of the conversation. On the topic of the sensitivity of interview material and maintaining an ethical research environment, the research advisor cautioned that the topics that could come up like drug use, addiction, criminal history, feelings of shame, domestic abuse, trauma, etc. should be treated with care and that the comfort and mental health of the interviewee should be prioritized. This meant that if an interviewee expressed discomfort with discussing a particular topic or appeared uncomfortable talking about a subject then the topic of conversation could be changed, or the interviewee could make the decision to end the interview if they desired.

With regards to the interview itself, an Olympus brand audio recorder was used to record the interview, with the consent of the interviewee. To maintain ethical standards, the names of the interviewees were not recorded in the audio or in the written analysis of the interview to

protect anonymity. The interviews generally lasted from 30 minutes to 1 hour and 30 minutes depending upon the overall flow of the conversation. The recording device and written notes were stored securely in the apartment of the thesis researcher, and all data will be destroyed as promised to the interviewees to protect their anonymous status. Additionally, this research sample utilized the snowball strategy as one of the interviewees served as a point of contact for finding other interested participants.

8. Results

The interviews in this research study revealed truths about stigmatization in Finland that can fit broadly into four categories described below. The quotes from interviewees have been paraphrased to preserve anonymity.

1. Aversion to those with a Criminal Past	<ul style="list-style-type: none"> ● “Finnish prisons should have a separate place for those who want to change their ways” ● “Changed friend group to avoid falling back into old patterns” ● “Finnish resources should be dedicated to those who actually wish to change”
2. Honesty	<ul style="list-style-type: none"> ● “Being open about my experiences helps to reduce the stigma” ● “Ashamed about past; But working towards a better future” ● “I discuss my life openly; It helps others feel comfortable being themselves” ● “I can’t change the past, so I am honest about where I came from” ● “Colleague googled me and found my past, so I had to be honest” ● “When I am honest about my past, people trust me more” ● “Because I am warm and kind, people never know that I have been to prison” ● “Apologizing to those I have wronged is important to me”
3. Strength in Community Organizations	<ul style="list-style-type: none"> ● “Allowed me to get connected with

<p>with Other Formerly Incarcerated People</p>	<p>good people who want to change their life”</p> <ul style="list-style-type: none"> ● “Giving back to others who are in similar situations helps me feel better about myself” ● “Allowed me to completely rebuild myself into a new person that I can be proud of” ● “I want to be a role model”
<p>4. Support for Welfare State; Acknowledge Leniency</p>	<ul style="list-style-type: none"> ● “Prison Programs address the whole person” ● “Balance between punishment and rehabilitation” ● “Money isn’t being properly spent” ● “Sometimes the system is too lenient and gives too many chances” ● “Some people in prison don’t want to change” ● “Some only do crimes to afford drugs; Drug treatment could benefit these people”

9. Conclusion, Promising Reforms, and Opportunities for Further Research

The conclusions drawn from this research are extremely limited, as this data is drawn from only four interviews with formerly incarcerated Finnish people – far from a representative sample. Additionally, all the people interviewed in this study were ethnically Finnish, and research has shown that Finnish people are more likely to support harsher criminal penalties when the offender is a racial minority (Kääriäinen, 2018). In the United States, past research like Pager (2003) has indicated that there is potentially a connection between being Black and the stigmatization of incarceration, as the American criminal justice system has disproportionately targeted Black communities (Pager, 2003).

Figure 3: Finnish Residents' by Country of Citizenship

Population by citizenship

Country of citizenship	2020	2021	2022	Increase of population 2021-2022, %
Finland	5 254 876	5 251 777	5 240 284	-0,2
Foreign countries, total	278 917	296 464	323 686	9,2
Estonia	50 866	51 805	51 819	0,0
Russia	28 866	30 049	33 428	11,2
Iraq	14 708	15 075	15 322	1,6
China	10 458	11 405	12 297	7,8
India	7 237	8 245	10 487	27,2
Ukraine	5 837	7 202	8 441	17,2
Afghanistan	7 059	7 686	8 362	8,8
Philippines	4 701	5 351	8 140	52,1
Thailand	7 851	7 925	8 073	1,9
Sweden	8 041	7 921	7 943	0,3
Syrian Arab Republic	6 915	7 203	7 855	9,1
Vietnam	6 630	7 237	7 757	7,2
Türkiye	5 679	6 079	6 733	10,8
Somalia	6 460	6 581	6 674	1,4
Former Serbia and Montenegro	4 701	5 432	6 528	20,2
Others	102 908	111 268	123 827	11,3
Total	5 533 793	5 548 241	5 563 970	0,3

Note: Reprinted from “Population by Citizenship” by Statistics Finland. (2023, April 3)

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The population of non-ethnically Finnish people living in Finland has grown by around 45,000 in the short period from 2020 to 2022, based on the citizenship data aggregated in Figure 3 (Statistics Finland, 2023). There is a chance that in the future Finnish people may both begin to attach a greater stigma to incarceration and start to support harsher criminal penalties as the nation diversifies. Further research, using vignettes as in (Kääriäinen, 2018), could be conducted to determine if the skin color or nationality of the offender changes the research participant's perception of how harsh the penalties should be or if only foreign status influences the perspective (Kääriäinen, 2018).

Revisiting the hypothesis, it appears that incarceration is less stigmatized in Finland than in the USA, and there are two promising reforms in the United States, that if implemented on a wider scale could help reduce the stigma related to incarceration and thus, help prisoner re-entry. The first is an effort to restore voting rights for the formerly incarcerated, as many states retract voting rights for the incarcerated and don't automatically restore them upon re-entry (Hoe & Meade, 2023). Recall the Auburn plan implemented this and through Jim Crow laws and Black Codes, southern states targeted Black people for incarceration, in part to diminish their potential voting power as Black men gained voting rights via the 15th Amendment and incarceration allowed them to take this right away (Alexander, 2012; Hoe & Meade, 2023; McLennan, 2008; U.S. Const. amend. XV §1). Giving formerly incarcerated people or as Meade prefers, returning citizens, to emphasize their humanity and legal requirement of equal treatment, back their voting rights would help reduce stigma in that they will officially be treated equally under the law and no longer be considered second-class citizens (Hoe & Meade, 2023). A strength of Finland's criminal justice system, as identified by many of the interviewees, is that during incarceration, they maintained access to their right to vote and are invested in by the government helping them feel equal to others without a criminal past (Ekunwe & Jones, 2010). Additionally, to reduce institutional stigma, specifically in housing, hiring practices, and higher education – all of which often ask for criminal history, promoting more states to adopt the Clean Slate Initiative could be helpful (Hoe & Meade, 2023). The Clean Slate Initiative aims to have states automatically expunge criminal records so that former offenders don't have to go through the expensive, labor-intensive, and confusing process of trying to do so themselves (Hoe & Meade, 2023). The proof of the difficulty of pursuing an expungement, meaning the clearing of a criminal record so

it does not show up on any background checks, is in the statistic that less than ten percent of eligible former offenders have successfully completed the expungement process (Hoe & Meade, 2023). Having expungement occur automatically for eligible offenders gets rid of this bureaucratic hurdle that hinders the social and economic mobility of former offenders (Hoe & Meade, 2023). Additionally, further funding programs like the Center For Employment Opportunities, in 12 states at the moment, whose mission is to connect formerly incarcerated people with employment as soon as they are released from prison which helps prevent the large rate of recidivism seen in the first year after release as it provides financial stability which helps in securing housing and preventing food insecurity (Antenangeli & Durose, 2021; Hoe & Haider & Rimer, 2023).

As Dr. Martin Luther King said, "...justice too long delayed is justice denied", and those who have experienced incarceration in the United States have waited far too long for equal treatment in society, and it is time for a change in a positive direction (DuVernay & Averick & Barish, 2016: 11:30).

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Appendix 1: Participation Information Sheet; Provided information to interviewees regarding the aim of the study, what they can expect from the interview, and potential risks involved.



Participant Information Sheet

Project Title: Sentenced to Life? The Lingering Impact of Incarceration

Contact Information:

Researcher: Mr. Edward Stevens IV
 Degree: Master's in Contemporary Societies (Sociology)
 E-Mail: edward.stevens@helsinki.fi

Introduction

I would like to invite you to participate in my master's thesis research, where I will be having 25 to 60-minute interviews about the experience of leaving prison in Finland. I have written this document to provide additional information on the goal of my research and your potential role in this project if you agree to be interviewed. If you have any additional questions or would like more information, please feel free to contact me.

Personal Motivation + Purpose of the Study

Finland's criminal justice system is respected throughout the world for the low likelihood of offenders returning to prison (recidivism) as well as the financial resources dedicated to helping those in prison to receive an education or gain work experience. This study will focus on life after spending time in a Finnish prison. Specifically, I am interested in the challenges that having been to prison presented when navigating social relationships, professional life, education, etc.

Your Role in the Research

1. Interviews will be one-on-one, last 25 to 60 minutes, occur in-person at a location the interview participant is comfortable with, and will cover topics related to life after being in a Finnish prison including finding work, creating and losing relationships or friendships, etc.
2. Participation is voluntary. Interview participants can decline to answer any questions or choose to end the interview at any point.
3. A recording device will be used to store the audio of the interview for my analysis. The interview recording will be moved from the recording device to a password-protected computer within 24 hours of the interview, and stored within an encrypted file to protect the data. The recording will be destroyed at the latest in December 2024. Similarly, the typed transcribed version of the interview will be destroyed at the same time.
4. Conversations will be kept completely confidential; Participant names will not be used in the thesis details concerning the interview participant and stories will be changed to make recognition unlikely.
5. Benefits to participating include having the potential to improve Finland's prisoner release process; Risks include reopening difficult memories - if this occurs the interview can be paused or stopped entirely.

Appendix 2: Consent Form; Provided informed consent to interviewees and ensured that they knew their rights as participants in the study.



Consent Form

Project Title: Sentenced to Life? The Lingering Impact of Incarceration

Contact Information:

Researcher: Mr. Edward Stevens IV

Degree: Master's in Contemporary Societies (Sociology)

E-Mail: edward.stevens@helsinki.fi

The goal of this document is to outline the terms of interviewee participation in the study and to communicate the rights of the interviewee over the course of the study.

1. Participation in this interview is based on having spent time in a Finnish prison and a willingness to discuss the experience of re-entering Finnish society afterward
2. Your participation in this project is completely voluntary and you retain the right to withdraw from the study at any time.
3. Your responses will be kept completely confidential, the audio recording will be securely stored, and the audio recording will be destroyed at the conclusion of the study, at the latest in December of 2024. The data will only be used for my master's thesis studies.
4. Great care will be taken in storing the interview data to protect your privacy; During written analysis, the details of your story will be changed to prevent recognition of your identity. You also have the option to view how your data will be used in the study.
5. Your interview data will only be used for this master's thesis.

By providing a signature here, you acknowledge that you understand the purpose of the study, the goal of the interview, and your rights as an interviewee.

Participant Name _____ Participant Signature _____

Date _____

Researcher Name Edward Stevens IV Researcher Signature _____

Date March 29th, 2023

Appendix 3: Research Questions; Provided a listing of research questions for interviewees in case they wished to know the questions that would be asked, in advance. Also, served as a reference point for the interviewer.



Project Title: Sentenced to Life? The Lingering Impact of Incarceration

Research Questions:

1. Can you tell me the story of your life leading up to your time in prison?
2. Would you like to share how many times you have been to prison? Whether it was an open/closed prison?
3. Why do you believe that you ended up in prison? What was your reaction when you learned that you would be spending time in prison?
4. How do you decide whether you should tell someone that you have been to prison in the past?
5. Do you feel Finland's social welfare system has supported you since you left prison? Would you have needed additional help before you were released?
6. How was your experience being released from prison?
7. How did you find out about KRIS and decide to join the organization? How has being a member of KRIS impacted your life since you joined?
8. Did your time in prison change your life perspective in any way (positive/negative)?
9. After being in prison, did you make any changes to your lifestyle to make sure that you wouldn't end up in prison again?
10. How did your relationships with your family and friends change after you went to prison?
11. Did you view yourself differently after spending time in prison?
12. Has your past in prison affected how you meet people or introduce yourself?
13. Do you believe that your past in prison affects your ability to find a job, housing, etc.?
14. Do you think that the stigma of being in prison follows you in life? How/In what kind of situations and how do you deal with these situations?
15. When using public services, has your past in prison impacted how you have been served?

