

Records, Relationships, and Reentries: How Specific Punishment Conditions Affect Family Life

By
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This commentary highlights some of the key lessons from the preceding articles by Sarah Lageson on online criminal histories and Robert Apel on cohabitation and marriage. To provide additional perspectives on institutions and families, it draws briefly on interview data from the Minnesota Exits and Entries Project, comparing the reentry experiences of 18- to 25-year-olds leaving prisons, jails, the armed forces, the juvenile justice system, foster care, drug treatment, and mental health facilities. While the prison surely ranks among the most salient institutions for U.S. families today and as such merits close scrutiny, there is also great benefit in “escaping prison”: considering how the justice system might productively import or borrow ideas and programs from other institutional domains. In collectively showing how specific punishment conditions affect family life, we can provide the research base needed to help institutions better support individuals and families.

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The subject of criminal justice and family life conjures visceral memories and images, but two predominate for me. The first is the police cars in my parents’ driveway. Sometimes they were dropping me off; sometimes they were picking me up. Either way, I could feel it tear away at my mother’s heart and my family’s good name. The second is stepping haltingly to the bench for my first appearance before a Dakota County judge. Mom was over my left shoulder, Dad over my right. Despite everything, they

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were there to support me. And I felt that support quite literally, as my legs wobbled and I tried to cast my eyes up to the judge.

Thirty-five years later, much has changed. The people I work with and write about now have much deeper, longer, and more intensive experiences with the justice system and much more formidable barriers to healthy family functioning than I did. Still, even those of us with minor and prosaic delinquent histories know that crime and justice can throw a wrench into family life. While researchers continue to debate whether and how incarceration affects families, these questions sound silly to people in the system. A more important question to ask, for both scientific and policy purposes, is how specific punishment *conditions* affect family life, and what we might do about them.

In this comment, I draw from some recent work on fluidity and “stickiness” in crime and family life. Then I highlight a few of the key lessons from Sarah Lageson’s article on online criminal histories and Robert Apel’s analysis of cohabitation and marriage in this volume of *The ANNALS*. Finally, to gain a bit more purchase on the effects of prisons on families, I briefly introduce the Minnesota Exits and Entries Project, a study of reentry from the military, mental health treatment, foster care, and drug treatment, as well as prisons, jails, and the juvenile justice system. While the prison surely ranks among the most salient institutions for U.S. families today and as such merits close scrutiny, there is also great benefit in “escaping prison” and considering how the justice system might productively borrow ideas and programs from other institutional domains.

Sticky Records and Family Transitions

My short-lived criminal career, such as it was, turned out to be a harmless speed bump on the pathway to adulthood. When I applied to college at 18, the University of Wisconsin did not ask and I did not tell. Nor, as I recall, did any landlord inquire about my criminal history. Some job applications surely asked about felony convictions, but few employers would have gone to the trouble to actually verify my responses. And there was certainly no industry devoted to disseminating mugshot photos and extorting money from arrestees. All this has changed in the contemporary era of routine electronic background checks and Mugshots.com. As Sarah Lageson shows so convincingly, the advent of online criminal records has radically reconfigured the landscape. Most employers today conduct background checks for even entry-level positions, which often uncover arrests that never resulted in charges, much less convictions.

With fresh data and an up-to-the-minute review of a rapidly developing literature, Lageson shines a light on the game-changing technological shifts driving online criminal records. Simply put, criminal labels have grown “stickier” and more difficult to remove (Uggen and Blahnik 2015). While scholars today have a pretty good idea how these labels affect employment (Lageson, Vuolo, and Uggen 2015; Pager 2003; Uggen et al. 2014), Lageson is among the first to document how the tectonic shift in the availability of criminal records affects family life. Millions of parents today cannot volunteer in their children’s schools, coach their basketball

teams, or accompany them on church trips. Her interviews document the long reach of low-level arrest records, the surprise and dismay that parents feel when such records “pop up,” and the subsequent shame and social isolation.

Lageson opens up at least three important sets of questions and agendas for future research. First, we need to know more about *how* online records affect child well-being. Do widespread criminal records affect kids by compromising parental employment, school involvement, and attachment, or do they work through some other mechanism? Second, we need to learn how the stigma of a criminal record interacts with other social statuses. Whether online records represent a speed bump or a total derailment in life chances may well depend on race, gender, and other social statuses. My own transgressions would likely have had far different immediate and long-term consequences if I had been, say, an American Indian from a working-class family rather than the middle-class white kid that I was. Third, we need to know much more about how records affect dating and union formation. To what extent do they constrain choices or alter patterns of social interaction? Formerly incarcerated students tell me that they agonize about when to tell a romantic partner about their criminal history, only to find that said partners had already Googled them on the first night they met.

With regard to the stability of such relationships, we learn much from Robert Apel. Many studies have shown how prison reduces the odds of marriage (Western 2006) and increases the odds of divorce among men (Apel et al. 2010), though surprisingly few researchers have examined the effects of shorter-term jail incarceration or the effects among women. In his study included in this *ANNALS* volume, Apel finds that incarceration is “disturbingly common” in the nationally representative 1997 National Longitudinal Study of Youth data, with about 5 percent of women and 15 percent of men experiencing at least one spell of confinement between the ages of 18 and 32. Most of these spells are relatively short, with the median incarceration spell lasting only one month. Nevertheless, such spells have an immediate and substantial disruptive effect on relationships: the probability of a “status transition” out of cohabitation or marriage more than doubles in the month following release from jail or prison.

With regard to sex differences, incarceration has an even larger short-term effect for women than for men, though this differential dissipates over time. In estimating these effects, it is always difficult for researchers to separate the effects of incarceration from the effects of behavior patterns that may have led to incarceration. Nevertheless, Apel’s elegant design offers precise time-varying estimates of incarceration effects as well as a sophisticated treatment of both family transitions and living arrangements. As a result, we have much firmer evidence that even short jail and prison stays turn out to be “relationship deal breakers” for incarcerated women and men.

Comparing Family Life across Systems

In reviewing the articles in this volume, readers might well ask whether the family effects described here are unique to criminal justice institutions or whether

they apply more generally to institutions serving parents and children in need. The Minnesota Exits and Entries Project (see, e.g., Uggen and Shannon 2014) is attempting to address such questions, comparing the reentry experiences of 18- to 25-year-olds who are leaving prisons, jails, the armed forces, and the juvenile justice, foster care, drug treatment, and mental health systems.

To show how the focal problems and institutional solutions differ across these domains, I present a few brief excerpts from our interviews. First, people leaving mental health institutions tended to emphasize social support. Beth, for example, was most concerned with stabilizing her housing situation and adjusting to life with her first-grade daughter. She said, "It's a lot better with her . . . [though] I don't have the me-time no more." Her immediate goals were simple: to "just stay on my meds pretty much." But if and when she encountered problems, she knew she could draw on an array of formal systems and informal support networks, many of which are unavailable to prisoners. "Yeah, I can call any of the CSP [community support program] worker[s], mental health, child protection, therapist, my mom and dad, my sister, so I have a big support group."

Housing issues were also top of mind for people leaving drug treatment, though compliance with aftercare requirements also influenced their family relationships. Annie sought help from the local Housing and Redevelopment Authority, which provided "public housing for families and stuff." But she still had difficulty simply finding space where she could interact naturally with her two- and five-year-old children. They met "out in the county, 'cause it's too hot in my visitation center. I feel like I'm being watched you know, and it's just like uncomfortable so I don't feel like I can actually interact with my kids like I would normally . . . they are right there watching me." Still, she was working hard to successfully navigate housing and employment challenges and to comply with release conditions. She says,

I just got a letter I guess from [treatment center], the housing or whatever. So hopefully I can get housing through them. So if I have a job and have housing, that's good too. And then I have to do UAs [urinalysis testing] and stuff like that. I hate doing that but I have to do it and so I pass them . . . keep in contact with my kids and just you know, keep going to my aftercare and doing all the positive things I'm supposed to be doing.

In our foster care interviews, we heard much about institutional barriers to communicating with parents and siblings. At 18, Ruth was "aging out" of the foster care system. As the eldest in her family, she wanted to reach out to her four younger siblings, but they were not permitted to speak by phone.

Only way they contact me is my email. My little brother don't know how to type on the computer. Or my little four- and five-year-old sisters . . . they just thought it was better for them that they won't see us, the court decided that I guess. They're tryna make that a final decision because they're supposed to get adopted. Yeah so their foster parents are not tryna let them see us and not even the social worker is tryna make a meeting for us so I don't know, I'm going to have to fix it. It's on my to-do list.

Like many foster children, she also worried about her birth parents. "I was trying to fix my mom for a second too . . . make her go the right direction but you know,

if no one wants to listen to you, there's no point in speaking. So I just stopped trying to make her do things. . . . Even though it's my mom."

Relative to those in the mental health, drug treatment, and foster care systems, young adults in our juvenile justice and prison samples faced steep barriers with little support. Those with their own young children were often sandwiched between a difficult relationship with their parents and an inability to provide for their offspring. Dennis, 20, knew he was "not in the best spot" to care for his three-year-old son, who was living in another state.

I called the county attorney down there and I called the social worker. . . . I was like, right now I'm not in the best spot to get custody of my son. And in all reality with that being said I want what's best for him, and I know right now that it's not me. It sucks to say that, but I just want to have what's best for my son and I know that I can't take care of him. . . . [They] wanted to adopt him, the foster parents, and I was like ok, cool, they said it seemed like a good fit, like a nice family or whatever and so I'm like cool. . . . The foster parents called my mom looking for me to see if I still wanted visitation or whatnot.

When asked about regrets, Dennis told us "I regret getting with his mom when I first met her. I regret a lot of shit. But my thing is . . . I know what was best for me when I was younger was for me to be adopted. . . . And I think because my dad wasn't around . . . and my mom she wasn't in a good place to try and take care of us either so we were all adopted." Dennis's self-appraisal of his situation was likely prescient. Upon release, he was quickly rearrested and is now serving time for murder.

Like many prisoners (but unlike those reentering from other institutions), Cam was subject to special provisions and restrictions before he could interact with his family. At 18, he had been convicted of criminal sexual conduct based on his relationship with the 15-year-old mother of his child. When paroled, he was required to "take a polygraph to see if I had prior offenses or a history" before he could have unsupervised visits with this family. "Before it was supervised visits which was like \$10 an hour, it was like 'Oh my god, I cannot afford that.'" When Cam first told us about the polygraph requirement, it initially struck our research team as "piling on" (Uggen and Stewart 2015), rather than a prudent effort to protect public safety. Cam told us his partner "never had any problems" but "it was more the legal system that was restricting" him. Moreover, Cam and his partner were both members of an immigrant group with a long tradition of early marriages and age gaps between bride and groom. Nevertheless, Cam's subsequent criminal history showed that special provisions were surely merited in his case. Shortly after release, Cam was again convicted of another sex crime, this time involving greater coercion and a much younger child.

In contrast, our military reentry group had greater support and brighter prospects. We spoke with men and women immediately upon their return from a two-year deployment in Iraq. They cited support groups and technology as assisting them in retaining family ties throughout this time away from home. Russ described reuniting with his wife and three-year-old daughter as "pretty smooth, I mean with the education . . . or with the technology of webcam and stuff . . . makes it easy for visual and to send pictures and videos back and forth. You know it wasn't a big

time lapse in between. Webcam is immediate, you know videos, you know whatever the mail could take, less than two weeks. She's . . . pretty smart for a two-year-old, but she learned really fast on, 'Daddy says no, I'll go talk to mommy.'" He described the reintegration sessions he attended at 30, 60, and 90 days after his return as "boring," but said they helped him to access needed resources such as the Veterans Administration, TRICARE (the military's civilian health care component), local hospitals, and "support groups for the wives." Although he was concerned about his temper and "came home a yeller," he felt he had sufficient personal, social, and institutional resources to manage his anger issues.

In short, people in each of the reentry domains experienced some degree of family disruption. Those returning from prisons, jails, and the juvenile justice system entered these institutions with big problems and few resources, and they tended to fare the worst. Those returning from the armed forces and, to a lesser extent, the foster care, drug treatment, and mental health systems often entered these institutions with greater personal resources and social relationships. But they also left with the sort of tangible institutional supports that helped smooth their transition home.

Escaping Prison

Researchers have made enormous progress in understanding how incarceration affects children and families (Wakefield and Wildeman 2013). Yet we are only beginning to apprehend the many diffuse ways that the conditions of confinement affect family life. In this comment, I discussed three. First, I suspect that many parents will share my "there but for the grace of God" reaction to Sarah Lageson's accounts of how online criminal records affect families today—whether it is a hockey parent concerned about a border crossing or the constant worry that one's record could suddenly "pop up" to cause debilitating problems at home or work. Second, Robert Apel's richly detailed quantitative study is equally sobering, showing how even short jail stays can upend relationships. Finally, the Minnesota Exits and Entries project offers a comparative view on the family challenge of reentry, showing tremendous differences in family supports across institutions, as well as selectivity into these systems that make unification more or less problematic. Nevertheless, productive borrowing across domains is surely possible, just as many jails and prisons are now experimenting with the webcams and community support workers noted in other systems. Our great challenge is to provide research that can help these institutions to provide better support for individuals and families. In showing how specific punishment conditions affect family life, both Lageson and Apel have advanced this goal.

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