Criminological Highlights

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This issue of Criminological Highlights addresses the following questions:

1. How does the police use of social media affect our understanding of controversial police actions?
2. Why do we need to look at police activities to understand the over-representation of Indigenous people in Canada’s prisons?
3. How is the use of algorithms for routine police and court decisions being received?
4. Is solitary confinement harmful to prisoners?
5. Does imprisoning those convicted of drinking-driving offences deter them?
6. How do body-work cameras affect police interactions with citizens?
7. Do people want different responses for Black and White people found to be using illegal psychoactive drugs?
8. Does being exonerated for a crime mean that the stigma of a conviction disappears?
Social media provide the police with an independent channel to publicize their accounts of controversial events such as police killings of civilians. These accounts are unfiltered by traditional mass media and, at least initially, exclusively give the police service's own account of controversial events.

Social media have provided the police with an opportunity to communicate directly to the public their explanations for police violence. Through the use of carefully curated video and other evidence, “critical information can be construed and masked under the guise of transparency initiatives” (p. 412). “Selective transparency is often difficult to discern, evades legal regulation and… [is] exacerbated by social media” (p. 412).

The over-representation of Indigenous people in Canada’s criminal justice system is not just a sentencing or imprisonment issue. Indigenous people in Canada have disproportionate contact with the police for both law enforcement and non-enforcement reasons.

It is clear that the over-representation of Indigenous people in Canada’s prisons starts long before people are brought to court. “The results suggest that examining police encounters may provide important clues to better understanding mechanisms which have helped to produce Indigenous over-representation in the criminal justice system more broadly” (p. 39). More generally, however, the implications of “the heightened frequency with which Indigenous peoples interact with the police” (p. 39) in areas such as their own or a family’s non-criminal problems may need to be understood before effective changes can be devised.

Solitary confinement has well-documented adverse effects on prisoners. The evidence cited to the contrary is based on studies with flaws so serious that they should be completely disregarded.

The use of predictive algorithms in policing and the courts is often justified on the grounds that they are “more objective and efficient than gut feelings” (p. 621). At the same time, the use of algorithms is resisted in part because professionals feel their own knowledge and expertise are threatened by their use.

With both the police and the courts, “the adoption of predictive instruments was justified by presenting the tools as more objective and efficient…” (p. 619). The problem, of course, is that these instruments not only make predictions but they influence the level of contact a person has with the justice system (e.g., by focusing police activities on particular people or influencing court decisions for certain people). Heightened surveillance or statistically justified detention have very real consequences. Discretion is not eliminated; instead, it is displaced to less visible parts of the organization (e.g., the development of the tools).
Imprisoning those found guilty of driving while under the influence of alcohol is no more effective in deterring them from reoffending than a suspended sentence that does not involve immediate imprisonment.

“Prison has several adverse effects on offenders and their families…. This fact and the current results suggest that the funds currently invested in imprisoning drink drivers might more fruitfully be invested in programs and interventions that show more promise in reducing ‘driving under the influence’ reoffending…. [In addition] there seems little reason to believe that the threat of imprisonment acts as a general deterrent to drink-driving…. Experimental studies suggest that the risk of arrest is a much stronger deterrent to drink driving than the penalty if caught…” (p. 999).

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Body-worn cameras (BWCs) reduce citizen complaints about the police, but they also increase dramatically the number of reports, filed by the police, of stops of ordinary citizens.

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Preferences for a medical rather than a criminal justice approach to psychoactive drug use depends on who is perceived to be using the drugs: “The public [is] more likely to support criminalization for Black people, while supporting drug treatment for White people” (p. 942).

The results suggest that the manner in which drug problems were described, during these two time periods, differed. During the 1980s-19990s, when the problem was identified as being a Black drug problem, criminalization was favoured; when it came to be seen (in the 2000s) as more of a White problem, treatment became more dominant. However, the public preference for the criminalization of Black Americans for drug issues appears to be higher than for Whites no matter which drug is involved.

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People who are exonerated of criminal wrongdoing after being convicted face hurdles similar to the challenges faced by those with an ordinary criminal record: they experience discrimination in getting rental housing.

The results demonstrate that those who indicate they have been released from prison for crimes that they didn't commit are treated, when applying for housing, much like those who have been released from prison but not exonerated. They, like those with valid convictions, are not given the opportunity to rent an apartment. The results raise questions not only about the problems facing those released from prison (whether exonerated or not), but also of how best to overcome the stigma of a criminal conviction – whether that conviction was valid or not (see also the Criminological Highlights collection on Evaluating the Benefits of Pardons).

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Surveys of police in the US have found that most police officers believe the mass media treat them unfairly. Not surprisingly, then, “when controversial violence must be legitimized, social media now represents an independent platform for police departments to publicize curated content unfiltered by mass media” (p. 393).

In 2016, the New York Police Department (NYPD) announced that it would bypass traditional media and disseminate “self-published stories” (p. 393). This research examines the manner in which the police use social media, generally, and, using an instance of a fatal police shooting, it demonstrates how social media are used in the context of negative coverage of the police. “Social media… enable police to post curated content valuable in cultivating an online audience and conveying how to understand noteworthy events from their [the police] perspective” (p. 401).

Police tweets concerning one highly contested fatal shooting by the NYPD of an unarmed civilian were analyzed in detail. The first 5 tweets essentially announced the event and an upcoming media briefing. Most comments were unfavourable to the police. Later a “New Video Tweet” focused on actions by the civilian from surveillance video that the officers who shot the civilian had not seen, framing him (incorrectly) as an armed individual. What is not included (but was in full transcripts later released) is that citizens making 911 calls reported not being certain that the civilian had a gun (though he had an object that looked like it might be a gun). However, the video included a quote from a 911 caller that he had a gun. In fact, this call was received after police shot at the civilian 10 times. Most of the comments to the New Video Tweet were favourable, suggesting, for example, that the man had been shot because the police saw him as a threat to public safety even though the ‘evidence’ of this (pointing an object at pedestrians) had not been seen by the police who shot him.

Conclusion: Social media have provided the police with an opportunity to communicate directly to the public their explanations for police violence. Through the use of carefully curated video and other evidence, “critical information can be construed and masked under the guise of transparency initiatives” (p. 412). “Selective transparency is often difficult to discern, evades legal regulation and… [is] exacerbated by social media” (p. 412).

The over-representation of Indigenous people in Canada’s criminal justice system is not just a sentencing or imprisonment issue. Indigenous people in Canada have disproportionate contact with the police for both law enforcement and non-enforcement reasons.

Indigenous people represent about 4.1% of Canadian adults but constitute close to thirty percent of admissions to correctional services in the country. Looking at this issue only as a sentencing or correctional issue, however, ignores the fact that it is typically the police who decide “where to place surveillance, who to arrest, when to lay charges and what charges to lay....” (p. 24). “The profound socio-economic marginalization that many Indigenous peoples experience as a result of settler colonialism may be setting the stage for more frequent police interventions” (p. 26).

Although an argument can be made that Indigenous communities are faced with both over-policing (e.g., higher levels of surveillance of certain communities) and under-policing (e.g., providing lower quality services by dismissing the needs of communities for police assistance), it is possible the high levels of contact between the police and Indigenous people may lead to their over-representation in courts and prisons.

Using data collected in all provinces and territories as part of Statistics Canada’s 2014 General Social Survey, this study examines the hypothesis that Indigenous peoples will be more likely to come in contact with the police in six different settings: traffic stops, being arrested, being the victim of a crime, being a witness to a crime, personal mental health or alcohol/drug-related problems, or a family member’s mental health or alcohol/drug-related problems. For traffic stops, there were no differences between the rate of police contact for Indigenous and non-Indigenous people. But in each of the other five settings, Indigenous respondents to the survey were more likely than non-Indigenous people to report coming into contact with the police.

These differences held even when controls were included for sex, age, educational attainment, employment status and whether respondents were living in an urban or non-urban environment. For example, an employed Indigenous man of average age and educational level living in an urban area had a probability of contact with the police for being arrested of 2.30% in the previous 12 months compared to 0.81% for a comparable non-Indigenous person. Similar differences were found for comparable Indigenous and non-Indigenous people in each of the other settings. Given that “Indigenous populations have a greater likelihood of experiencing socio-economic marginalization as a result of settler colonial policies and practices” (p. 36-7), it is not surprising that when these controls are not included, the difference between the two groups is even larger (3.2% of Indigenous, vs. 0.8% of non-Indigenous people report having contact with the police because of an arrest in the previous 12 months).

Conclusion: It is clear that the over-representation of Indigenous people in Canada’s prisons starts long before people are brought to court. “The results suggest that examining police encounters may provide important clues to better understanding mechanisms which have helped to produce Indigenous over-representation in the criminal justice system more broadly” (p. 39). More generally, however, the implications of “the heightened frequency with which Indigenous peoples interact with the police” (p. 39) in areas such as their own or a family’s non-criminal problems may need to be understood before effective changes can be devised.

The use of predictive algorithms in policing and the courts is often justified on the grounds that they are “more objective and efficient than gut feelings” (p. 621). At the same time, the use of algorithms is resisted in part because professionals feel their own knowledge and expertise are threatened by their use.

Previous work has raised questions about how effective “predictive algorithms” actually are in criminal justice and whether they, in fact, end up disadvantaging certain groups (Criminological Highlights 17(2)#1, 17(6)#7). This paper examines how the adoption of predictive algorithms affects work in policing and the courts and how they are received in these two settings.

The police use predictive technologies in at least two ways. First the technology is used to target police resources on the people and places most likely to be involved in crime. Second “detectives…conduct automated data grazing to flag potential crime series that span jurisdictional boundaries…” (p. 610). Courts use algorithms to predict such issues as recidivism or failure to appear if released on bail.

The Los Angeles Police Department started using predictive technology in part as a result of court decisions related to civil rights violations, training deficiencies, etc., and in part related to the need to conduct “compliance checks” on an increasing number of people in the community. However, “the proliferation of data collection sensors associated with algorithmic policing resulted in the police themselves feeling that they were under surveillance” (p. 616). In courts there were analogous concerns: Judges were worried that the technology would allow comparisons to be made of judges’ sentencing decisions and productivity. Variability in decision making was, they thought, inevitable and not a sign of injustice.

The second concern related to the idea that predictive technologies devalue expert knowledge. Police said that they didn't need an algorithm to tell them where crime was; judges would point to a string of failures to appear and point out that they didn't need the algorithm to tell them that the person was ‘high risk.’

The responses by police and courts to the introduction of algorithms were varied. A widespread strategy was to ignore the tools in their daily work. Or, criminal justice employees made it impossible for the data to be collected efficiently or effectively. But the technology was implemented more strictly with the police than in the courts, perhaps because of the more strictly hierarchical nature of the police organization. Judges could exercise discretion on whether or when to use risk scores; police were forced to use the technology or at least to look as if they were. “Because of the ‘function creep’ between crime prevention and managerial surveillance, the proliferation of predictive technologies and sensors served to increase hierarchical oversight in policing....” (p. 619)

Conclusion: With both the police and the courts, “the adoption of predictive instruments was justified by presenting the tools as more objective and efficient…” (p. 619). The problem, of course, is that these instruments not only make predictions but they influence the level of contact a person has with the justice system (e.g., by focusing police activities on particular people or influencing court decisions for certain people). Heightened surveillance or statistically justified detention have very real consequences. Discretion is not eliminated; instead, it is displaced to less visible parts of the organization (e.g., the development of the tools).

Solitary confinement has well-documented adverse effects on prisoners. The evidence cited to the contrary is based on studies with flaws so serious that they should be completely disregarded.

“Studies [of solitary confinement] have identified a wide range of frequently occurring adverse psychological reactions that commonly affect prisoners in isolation units. The prevalence of psychological distress is extremely high” (p. 365). Nevertheless, a few highly flawed studies with different conclusions are often cited as evidence that this conclusion is not valid. This paper examines those studies in detail.

One of the problems in assessing the effects of solitary confinement is that “Prisoners in solitary confinement tend to be even more self-protective [e.g., in disclosing vulnerabilities] than other prisoners are and are reluctant to have their ‘measure’ taken by persons whom they have no reason to trust” (p. 366). Nevertheless, reviews of the research on the effects of solitary confinement in prison – however it might be labelled – “have noted that scientists from diverse disciplinary backgrounds, working independently and across several continents, over many decades, have reached almost identical conclusions about the negative effects of isolation in general and solitary confinement in particular” (p. 367). For example, one study of a California solitary unit showed very high rates of almost all symptoms of psychological stress and trauma.

Notwithstanding this consensus, in 2009-10 findings from what came to be referred to as the “Colorado Study” suggested, among other things, that stays in solitary confinement of up to a year resulted in no significant decline in psychological well-being. There were a number of serious problems with the study. First, prisoners in the “comparison group”, like the solitary group, were subjected to a severe dose of punitive segregation (12-40 days on average). Hence in many ways they had similar experiences. More serious, is the fact that those eventually placed in administrative segregation were subjected to even more severe conditions for an average of about 90 days before the study began (i.e., before their initial assessments of psychological well-being from which change scores were calculated). In addition, prisoners were moved from one group (segregation vs. control) on the basis of their behaviour, naturally making the two groups look more similar. In a similar vein, the researcher only assessed some of the prisoners, but it was not clear how the selection took place and how purposive it was. Some of the prisoners in the control group were housed in “environments that were so troubled, dangerous, and harsh that they approximated or were worse than conditions in Administrative Segregation” (p. 388). Finally, the measures that were used had not been validated; behavioural data were ignored; and key data (recorded crisis events) showed opposite effects (more events for those in solitary than in the general population). These are only some of the problems but the flaws in the study make it clear that no conclusions about the effects of solitary confinement should be drawn.

Other studies, including a Canadian one, have similar types of problems and are “impossible to interpret” for, among other reasons, “significant attrition” that occurred during the course of the study (p. 402-3).

There are, in addition, “meta-analyses” that have been done that combine findings from a number of studies in a scientific-appearing attempt to come to a simple conclusion. The problem is that “Misleading repackaging of bad data can ripple through the field and produce an echo chamber in which motivated commentators repeat each other’s flawed conclusions (p. 407).” Or, in different words, “garbage in, garbage out.”

Conclusion: This carefully carried out analysis of the existing research literature on the impact of solitary confinement demonstrates what we have known for many decades: the impact of solitary confinement – whatever it might be called – is harmful. The studies that have come to different conclusions are so flawed that they should be given zero weight in understanding the impact of these procedures on prisoners.

Imprisoning those found guilty of driving while under the influence of alcohol is no more effective in deterring them from reoffending than a suspended sentence that does not involve immediate imprisonment.

The question of how best to sentence those convicted of impaired driving is still an issue. In Canada, for example, although there is a mandatory period of imprisonment for second and subsequent offences, a prison sentence is not required for a first-time impaired driving case. Although the law is the same across the 13 provinces and territories, the percent receiving a prison sentence for drinking-driving offences ranges from a low of 4% (Alberta) to a high of 89% (Prince Edward Island).

This study examines the effect of imprisonment on the likelihood that the person receiving the penalty will commit another drinking-driving offence. It takes advantage of the fact that in New South Wales (NSW), Australia, a person convicted of such an offence can be sentenced to prison but then the judge can decide that the serving of that prison sentence be suspended such that the person convicted is not imprisoned as long as they are “of good behaviour.” In NSW, the average custodial penalty is about 6 months.

This study focused on 3,946 cases in which people served their sentences (for a drinking driving offence) in prison and 7,336 cases in which the prison sentence was suspended and people served their sentences in the community. The main analyses looked at drinking-driving re-offending rates after 6, 24, and 60 months of “free time” in the community (time after release for those who had been imprisoned), thus taking into account the fact that while imprisoned, it was impossible to reoffend. Controls for 15 different variables were included such as sex, age, Indigenous status, rural/urban, socio-economic disadvantage of the offender’s neighbourhood, level of impairment, prior record and prior penalties received.

An unusual feature of the analysis was that the sentencing was carried out by 268 different judges who each sentenced in an average of 7.4 locations. The judges, naturally, varied in the severity of their sentences (e.g., in whether they suspended the sentence). Hence this could be used to assess the impact of imprisonment (compared to a suspended sentence).

The results were quite consistent across time periods (6 months, 24 months, and 5 years): those who were imprisoned were not significantly different from those who received a suspended sentence in their likelihood of reoffending. A number of different statistical analyses were carried out and the results, in general, were consistent across analyses. Said differently, there was no consistent evidence suggesting that penalty type (imprisonment vs. suspended sentence) was significantly related to reoffending.

Conclusion: “Prison has several adverse effects on offenders and their families…. This fact and the current results suggest that the funds currently invested in imprisoning drink drivers might more fruitfully be invested in programs and interventions that show more promise in reducing ‘driving under the influence’ reoffending… [In addition] there seems little reason to believe that the threat of imprisonment acts as a general deterrent to drink-driving…. Experimental studies suggest that the risk of arrest is a much stronger deterrent to drink driving than the penalty if caught....” (p. 999).

Body-worn cameras (BWCs) reduce citizen complaints about the police, but they also increase dramatically the number of reports, filed by the police, of stops of ordinary citizens.

Body-worn cameras are sometimes described as if they will solve the problem of inappropriate behaviour on the part of police officers. However, the research has not been as consistent as one might have hoped (e.g., Criminological Highlights 15(6)#8, 16(2)#3, 16(6)#2, 19(2)#5).

This paper, carried out as part of a court settlement with the New York Police Department (NYPD) related to unconstitutional police stops of citizens, used an experimental design that closely approximated what might happen if a police department switched from not using body-worn cameras (BWCs) to requiring patrol officers to use them.

The 40 police precincts (out of 77) with the highest number of citizen complaints were chosen for the experiment. They were then divided into 20 pairs of precincts on the basis of the complaint rate as well as the number of arrests, use of force, major crimes, number of officers, and various other characteristics. One of each pair was then randomly assigned to be the ‘experimental precinct’ – where officers on the 3 p.m. to midnight shift were required to wear BWCs – or it was assigned to be a control precinct where they were not. The actual implementation was phased in over a 7-month period. By the end of the experiment, however, BWCs had been required of this shift of patrol officers for at least one year.

The lawfulness of stops was assessed in two ways. A selection of reports of stops was assessed by the NYPD itself. These reports of stops were also assessed by the research team. Broadly speaking the two ratings were very similar. When the BWCs were implemented in the experimental precincts, the numbers of arrests, arrests with force, domestic violence reports summons, and crime reports from citizens did not differ from the numbers in the control conditions. Said differently, crime was unaffected by the presence of BWCs. However, the number of “stop reports” by the police was higher (both for patrol officers and plainclothes officers in anti-crime units) in the locations where police wore BWCs. It seems likely that the increased number of reports was caused by police officers who were required to use BWCs being more diligent in reporting events that had already been recorded by the BWC. According to these reports, citizens stopped by officers wearing BWCs were less likely to be searched, arrested, or summoned.

Looking at complaints made to New York’s Citizen Complaint Review Board, there was a significant reduction (of 25%) in the number of complaints against patrol officers filed in the precincts with BWCs and a similar sized, but non-significant, reduction in complaints against the anti-crime officers compared to officers without BWCs. However, “the stop report narratives completed by BWC officers were more likely to include descriptions of police actions that were not constitutional relative to report narratives completed by control officers” (p. 20-21).

Conclusion: Although police officers wearing BWCs are less likely to be the subject of a formal citizen complaint, only 68% of the stops by those officers met constitutional lawfulness standards. The experiment also “provides strong evidence that many NYPD officers do not submit formal reports of all their stops of citizens” (p. 25) in the absence of BWCs. BWCs, then, can increase our knowledge of interactions between police officers and citizens and can, from the citizen’s perspective, apparently affect the nature of that stop.

Preferences for a medical rather than a criminal justice approach to psychoactive drug use depends on who is perceived to be using the drugs: “The public [is] more likely to support criminalization for Black people, while supporting drug treatment for White people” (p. 942).

The manner in which societies deal with problems related to the use of psychoactive drugs obviously varies considerably. Portugal, for example, has apparently moved away from the criminalization of drug possession (Criminological Highlights 11(5)#7, 15(5)#7) whereas most other western countries still maintain at least the possibility of criminal justice control.

This paper looks at the manner in which the illegal use of psychoactive drugs has been portrayed in two major liberal US newspapers during two “drug epidemics” and the manner in which ordinary people want “drug problems” involving Black and White Americans to be handled.

In the 1980s and 1990s, the crack cocaine crisis disproportionately affected Black people (as estimated by the rate of cocaine overdoses as the primary cause of death). Opiate deaths for both groups during this period were considerably lower than Black deaths related to crack. During the period 1999-2016, the rate of deaths among Whites where opiates were deemed to be a contributing cause of death was considerably higher than for Blacks. Said differently, drug deaths in the 1980s and 1990s might be characterized as being disproportionately due to crack cocaine use by Blacks. In the early 21st century, drug deaths had shifted to White users of opiates.

However, when a random sample of 200 New York Times and Washington Post stories for these two periods were examined dealing with “crack cocaine” and “heroin” (to differentiate the drug from the newer prescription opioids), the themes in the stories were quite different. During the “crack cocaine crisis” public safety and criminalization were much more likely to be discussed than public health and medicalization of the problem. During the period of the “opiate crisis” (the first part of this century) the focus was more likely to be on public health and medicalization than on public safety and criminalization.

The second part of this study involved two surveys in which ordinary Americans were given short vignettes describing a man being stopped for a driving offence where the police officer noticed a small amount of a substance that was later found to be either heroin or crack cocaine. Respondents were asked whether they thought the person should be charged with a crime or referred for drug treatment. Respondents were much more likely to recommend a criminal charge when the drug was described as “crack cocaine” than when it was described as “heroin.” A second vignette study demonstrated that ordinary Americans, given the same information about the hypothetical case, were more likely to recommend a criminal charge for Blacks found with either drug than for White suspects. Indeed, for Blacks it didn't matter which drug was involved; people preferred a criminal charge rather than treatment. For Whites, however, a criminal charge was less likely to be recommended in cases involving heroin than in cases involving crack cocaine.

**Conclusion:** The results suggest that the manner in which drug problems were described, during these two time periods, differed. During the 1980s-1990s, when the problem was identified as being a Black drug problem, criminalization was favoured; when it came to be seen (in the 2000s) as more of a White problem, treatment became more dominant. However, the public preference for the criminalization of Black Americans for drug issues appears to be higher than for Whites no matter which drug is involved.

People who are exonerated of criminal wrongdoing after being convicted face hurdles similar to the challenges faced by those with an ordinary criminal record: they experience discrimination in getting rental housing.

Between 2015 and 2020, over 1000 people in the US were declared factually innocent and/or relieved of all legal consequences of a criminal conviction. Previous research has suggested that people who were convicted and then exonerated suffer from high rates of mental illness. They are also typically ineligible for the few support programs available to former prisoners because they were found factually innocent.

This paper examines the challenges that those who are found guilty, imprisoned, and then exonerated face in obtaining a basic need: housing (Criminological Highlights 17(2)#6). Previous research has suggested that people doubt exonerees’ innocence and that ordinary citizens believe that prison experience may have changed them for the worse.

In 2019, emails were sent to 1203 people in the 48 continuous US states who had advertised the availability of a 1-bedroom apartment for rent. Each of the advertisers received only one email as part of the study. The email asked for information about the property. There were five experimental conditions. In about 20% of the emails, nothing about criminal record was mentioned. Another 20% were told that the applicant had just spent 9 years in prison for a crime he committed. The other three conditions indicated that the applicant had been in prison for 9 years, but had not committed the crime. In one of these groups the applicant indicated he had been exonerated of the crime. In a second he simply said that he was wrongfully convicted. In the third group, he mentioned only that he was innocent.

The main measure that was used was whether the applicant got a response to the emailed inquiry. In the “no mention of criminal record” condition, responses were received from 51% of the renters. In the straight criminal record condition, responses were received from significantly fewer: 40%. The three “exoneree” conditions did not differ from one another and were similar to the criminal record condition (38% of the emails received a response).

The study also did an analysis of the content of the emails to see whether the applicant would be told that the apartment was still available. 25% of the applicants who had no criminal record were told by the landlord that the apartment was still available. 25% of the applicants who had no criminal record were told by the landlord that the apartment was still available. Only 16% of the applicants who mentioned their (still existing) criminal record received this same information. The exonerees were treated much like those with ordinary criminal records: 13% of them were told that the apartment was still available. The results were similar when an analysis was done to see whether the applicants were offered a chance to see the apartment. This dropped to 13% for those who had ordinary criminal records and to 9% for those who had apparently been exonerated.

Conclusion: The results demonstrate that those who indicate they have been released from prison for crimes that they didn’t commit are treated, when applying for housing, much like those who have been released from prison but not exonerated. They, like those with valid convictions, are not given the opportunity to rent an apartment. The results raise questions not only about the problems facing those released from prison (whether exonerated or not), but also of how best to overcome the stigma of a criminal conviction — whether that conviction was valid or not (see also the Criminological Highlights collection on Evaluating the Benefits of Pardons).