

# The Use of Criminal Records Reconsidered

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Occasional Series on Reentry Research

John Jay College of Criminal Justice

May 6, 2011



CENTER FOR COMMUNITY ALTERNATIVES  
INNOVATIVE SOLUTIONS FOR JUSTICE

# The Center for Community Alternatives

- Mission: to reduce the use of incarceration and foster community reintegration
- Promote public safety, civil rights and human rights
- Direct services: sentencing advocacy, alternative to incarceration programs, reentry services, death penalty mitigation
- Research, training and policy advocacy through CCA/Justice Strategies



**Free Application for Admission**

100 Reservoir Road, Herkimer, NY  
13350  
Phone: (315) 866-0300 or 1-888-464-  
4222, X8278  
Fax: (315) 866-0062 Web:  
[www.herkimer.edu](http://www.herkimer.edu)

SEMESTER IN WHICH TO ENROLL: Summer 2011 - [Please click this link to apply for Summer 2011 as a Non-](#)

[Matriculated Student](#)  Fall 2011

**PERSONAL INFORMATION**

Legal Name:     
Last First Middle

If your records are under another name please indicate:

Permanent Address: Street:  Apt. #:   
City:  State:  Zip:

NY County of Residence:  Phone: Home:

Social Security #:  Cell:

Email Address:

Email Address Confirmation:

Date of Birth (MM/DD/YYYY):  /  /   Male  Female

Are you a U.S. Citizen?  Yes  No I am a  Permanent Resident/Non-Citizen  International Student  Other

Are you Hispanic/Latino?  Yes  No

If Hispanic/Latino, is your background (select one):  Central American  Dominican  Mexican  Puerto Rican  South American  Other Hispanic/Latino

All applicants, please indicate your race (select one or more):  American Indian or Alaskan Native  Asian  Black or African American  Native Hawaiian or Other Pacific Islander  White

Have you ever been convicted of a felony?  Yes  No

**At least 8 out of 10 of the  
fastest growing jobs in  
the U.S. require some  
postsecondary education**

U.S. Department of Education 2003



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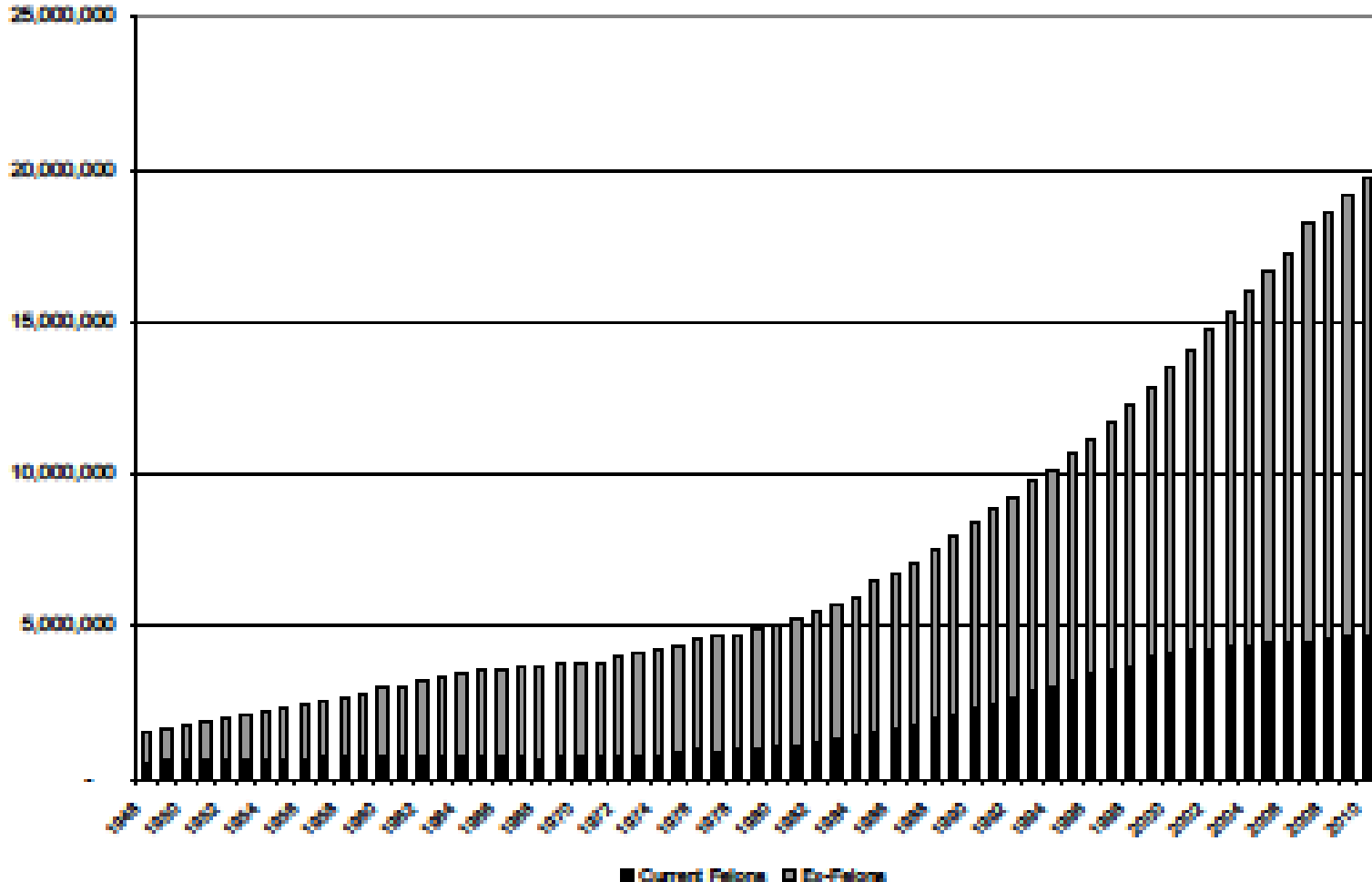
# The Context

- Tremendous expansion of the criminal justice system over past three decades
- Racial disparities in criminal justice system spill over into other domains including access to higher education
- Myth vs. Reality of Crime on Campus
  - Campuses as safe environments
  - No empirical evidence that students with criminal records commit crimes on campus at rates higher than students without records

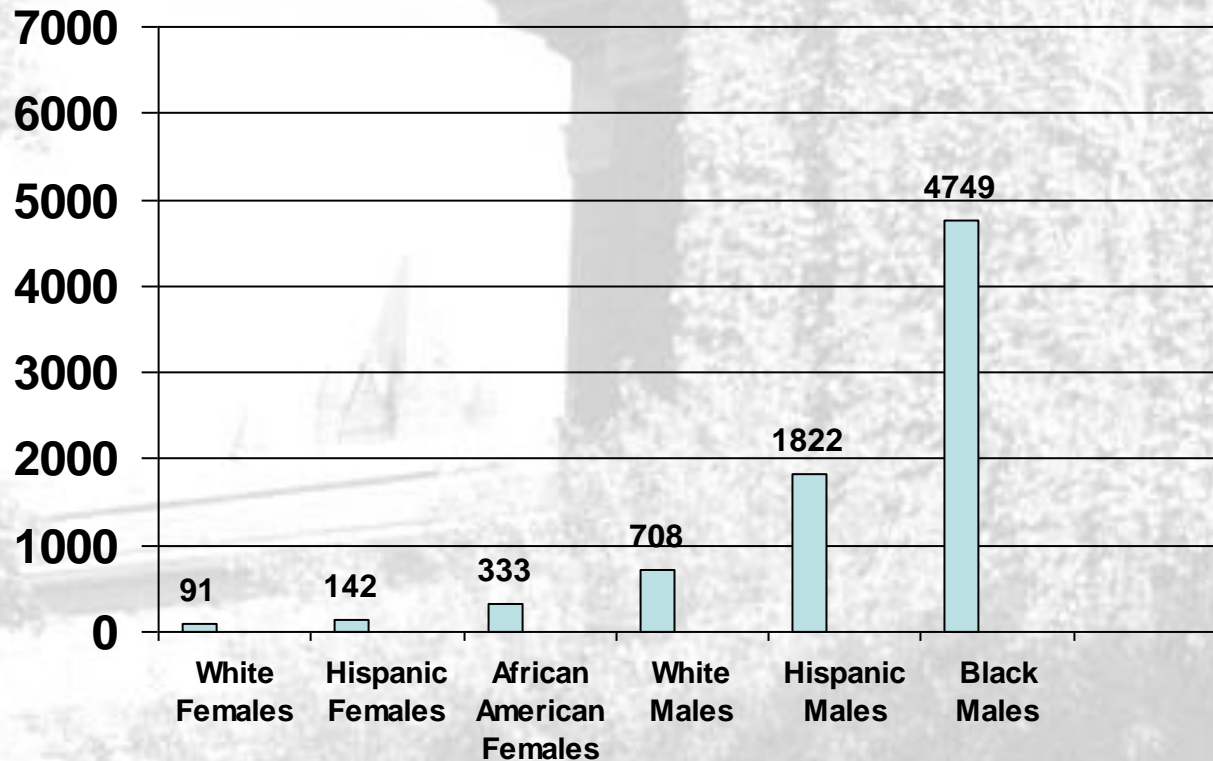


# Growth of Felons and Ex-felons, 1948-2010

Source: Shannon, Uggen, Thompson, Schnittker & Massoglia. 2011 GROWTH IN THE U.S. EX-FELON AND EX-PRISONER POPULATION, 1948 TO 2010



# Racial Disparities (incarceration rates per 100,000)



Source: West, Bureau of Justice Statistics of Criminal Justice Statistics, 2010

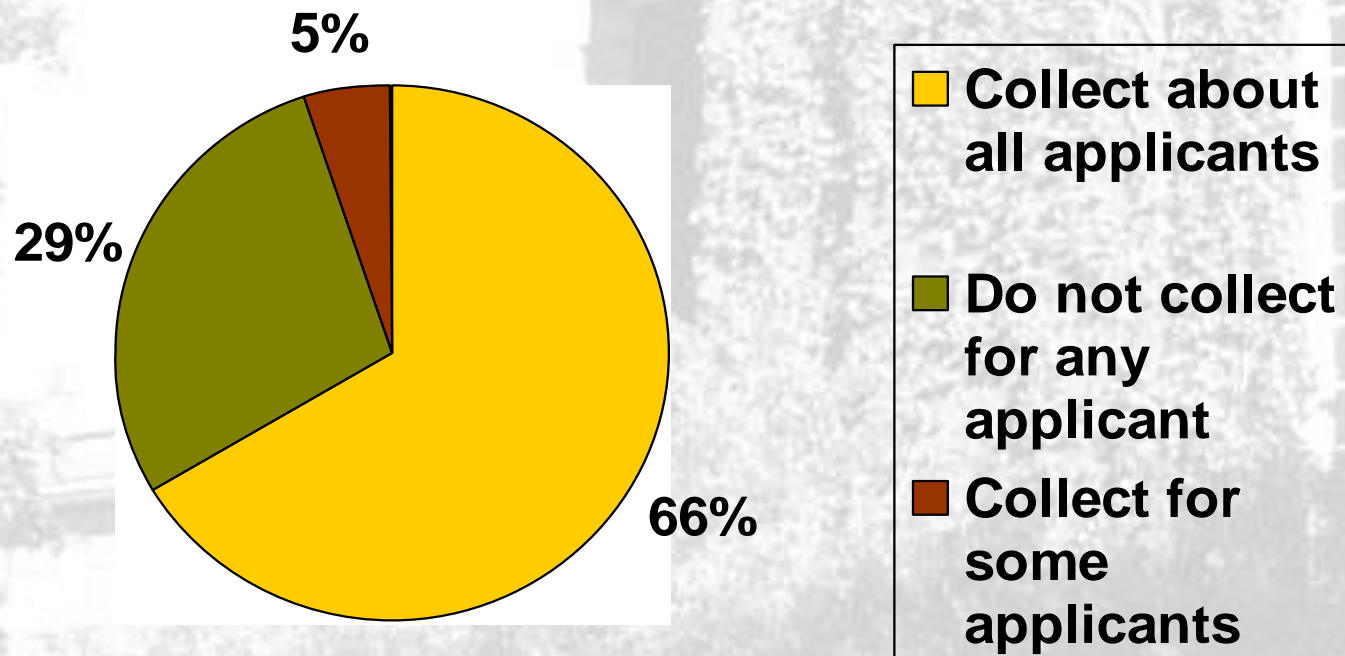


# The Study

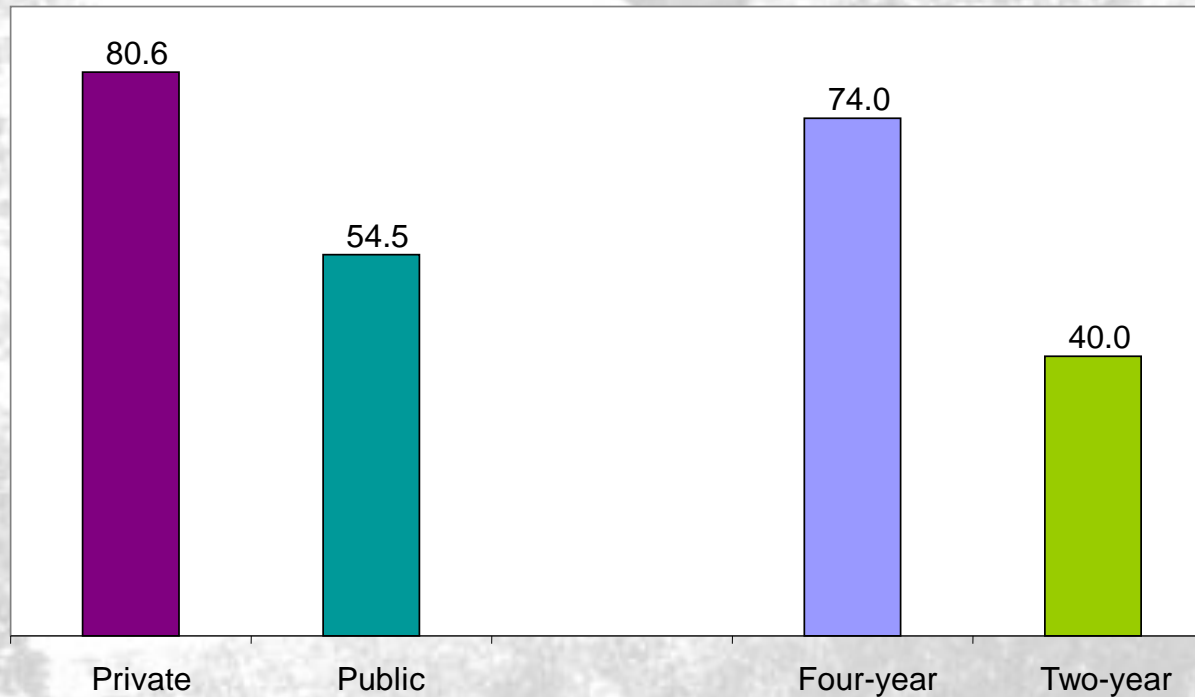
- Survey conducted in cooperation with the American Association of Collegiate Registrars and Admissions Officers (AACRAO)
- Survey sent to chief admissions officers of all 3,248 identified institutions offering undergraduate degrees of associate or higher in U.S.
- 292 total responses, 9% return



# Collection of Criminal Justice Information (CJI)



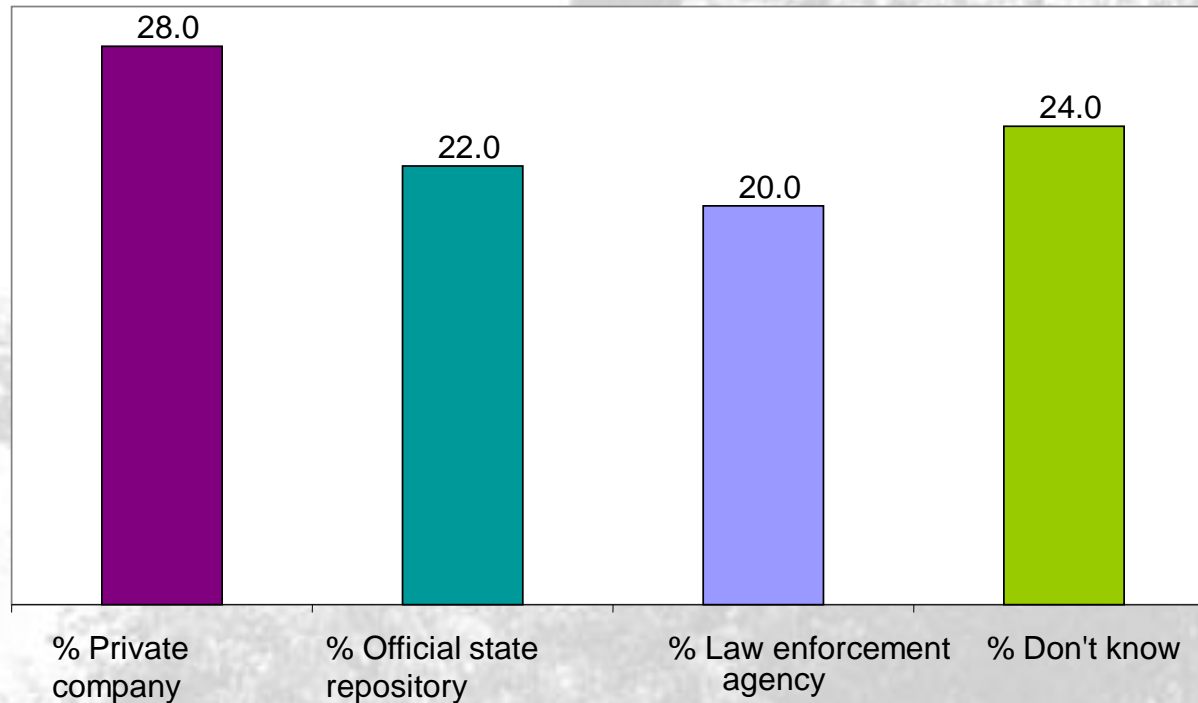
# Schools that Require Criminal Record Self-Disclosure: Sector and Level



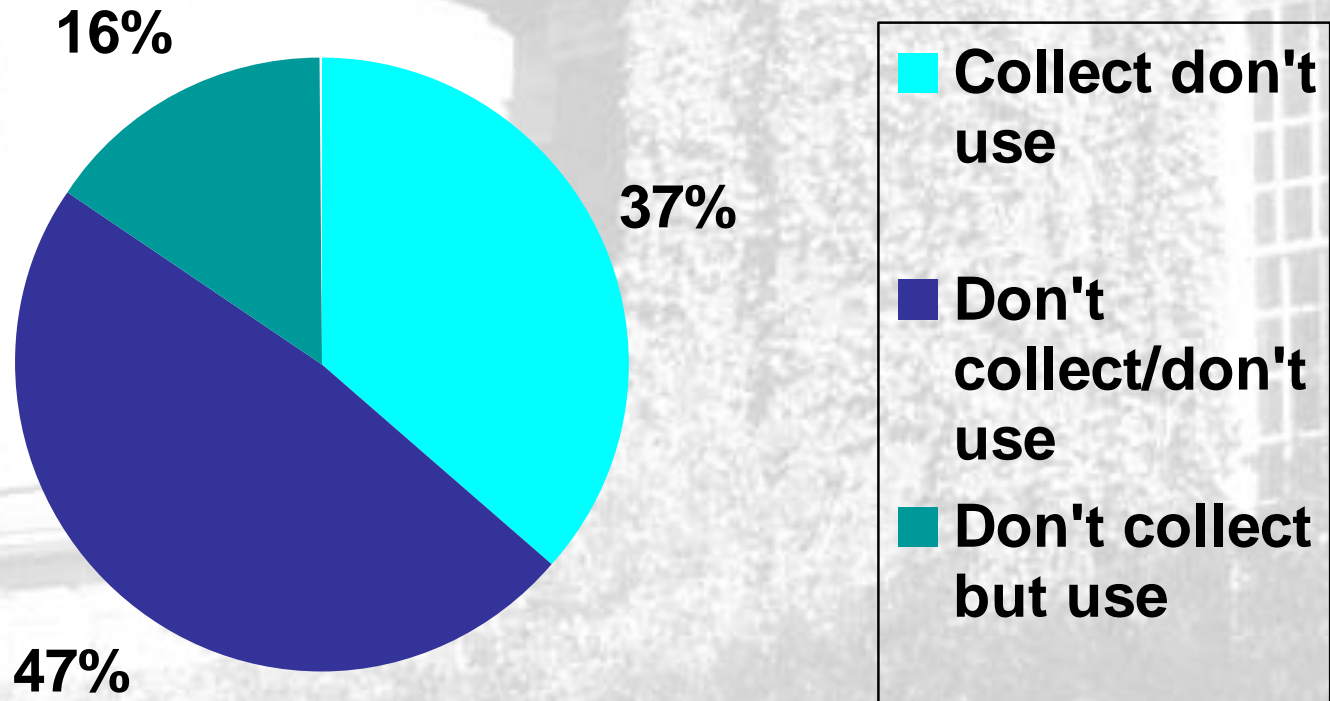
# How Criminal Background Checks are Conducted

- 20% of colleges conduct criminal background checks

Source of information for criminal background checks



# Use of Criminal Justice Information



# Who Has Input?

- 94% of colleges that collect and use CJI information have special application review procedures involving:

<b>Academic Officer (e.g. Provost, Dean)</b>	<b>53%</b>
<b>Special Committee</b>	<b>43%</b>
<b>Campus Security</b>	<b>40%</b>
<b>Housing Director</b>	<b>27%</b>
<b>Legal Counsel</b>	<b>26%</b>
<b>Counseling or Mental Health Staff</b>	<b>20%</b>
<b>Risk Assessment Personnel</b>	<b>12%</b>
<b>Other</b>	<b>14%</b>



# Special Requirements

- 69% of schools have special requirements for applicants with criminal justice histories

<b>Letter of explanation</b>	<b>90%</b>
<b>Reference corrections official</b>	<b>63%</b>
<b>Interview</b>	<b>54%</b>
<b>Production of official criminal justice documents (e.g., rap sheet)</b>	<b>16%</b>
<b>Completion of community supervision requirements</b>	<b>39%</b>



# Admissions-Related Uses of CJI

**61% of colleges consider CJI in admissions decisions**

<b>Have some type of CJI-related automatic bars to admission</b>	<b>28%</b>
<b>Automatic denial based on sex offense conviction</b>	<b>19%</b>
<b>Automatic denial based on violent conviction</b>	<b>16%</b>
<b>Automatic denial based on felony conviction</b>	<b>13%</b>
<b>Automatic denial based on campus security office's recommendation</b>	<b>11%</b>



# Admissions Consequences of Failure to Disclose CJJ

- 32% of schools automatically deny admission to applicants who fail to disclose their criminal history record
- 46% may deny admission to applicants who fail to disclose



# Policies and Practices

- 53% of colleges that collect and use criminal history record information have NO written policies guiding use of records
- 60% of colleges that collect and use criminal history record information have NO staff training on interpreting criminal records



# Interpreting Criminal Records: What a Difference a River Makes



**Crime classifications**  
**Age**  
**Youthful Offender status**  
**Reportable, Non reportable offenses**  
**Eligibility for sealing or expungement**



# Inaccuracies in Criminal History Records

- Many states still do not adequately collect or audit criminal history records.

*“...In the view of most experts, inadequacies in the accuracy and completeness of criminal history records is the single most serious deficiency affecting the Nation’s criminal history record information systems”*

*U.S. Department of Justice, Bureau of Justice Statistics*



# Practice Recommendations: For Colleges and Universities

- Remove CJJ disclosure from initial application
- Limit disclosure to specific convictions
- Allow people still on community supervision to enroll if otherwise qualified
- Establish fair & evidence-based admissions criteria
- Use unbiased and well-informed assessments
- Establish clear & transparent procedures
- Offer support & advocacy
- Periodically evaluate admissions policies



For more information or to download the study  
go to:

[www.communityalternatives.org](http://www.communityalternatives.org)



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