



Criminal Identity and Social Stigma: A Labeling Theory Perspective on Offender Rehabilitation

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ABSTRACT

Research Summary. People come to be viewed and labeled as criminals based on a system of societal norms and codified laws. Individuals who violate laws may be labeled as convicts, offenders, deviants, undesirables, criminals, felons, and a host of other terms with inherently negative connotations. It is important to understand that conformance and nonconformance to laws are based on internal and external factors, and much of the criminal population is not composed of the hardened, irredeemable deviants often portrayed in media and politics. The offender population has criminogenic needs that, with proper treatment, can be helped. If an individual's thoughts can be altered, then their behavioral outcomes will change. Through the labeling perspective, individuals caught and convicted of criminal acts, particularly felony acts, will begin to transform their identity to match their perceived criminality. The belief that crime is not something you did but who you are inhibits one's ability to desist from further criminality upon release.

Policy Implications. A key policy recommendation is to reduce reliance on incarceration for nonviolent offenders and instead use community-based programs. These programs allow offenders to maintain family ties, access treatment, and build pro-social networks, all of which reduce their chances of reoffending. Community-based approaches may be better options for nonviolent offenders as well as reducing the overall prison population.

Keywords: offender, labeling theory, clean slate



Labeling Theory and the Need to Reconsider Offender Status

The last few years have demonstrated the impact of labels in shaping societal perceptions. Terms such as vaccinated, unvaccinated, Republican, Democrat, illegal alien, criminal, and convicted felon are often used to categorize individuals, influencing how they are viewed based on the values and beliefs of those applying the labels. Classifying individuals through labels can be harmful, particularly within the criminal justice system, where labels can influence personal treatment, future opportunities, and public perception. Social Learning Theory suggests that behavior is learned from the environment through observation, imitation, and modeling. According to Gruman et al. (2017), criminal behavior develops through a person's interactions and experiences within their social environment. For example, individuals who grow up in communities with high crime rates may adopt criminal behaviors by observing and imitating peers or family members engaged in illegal activities. Similarly, those repeatedly labeled as criminals may internalize these identities, reinforcing the behaviors associated with such labels. Just as society's use of political and social labels influences public discourse, the criminal justice system's reliance on categorization shapes individuals' futures, often perpetuating cycles of crime and recidivism.

The criminal justice system's approach to labeling individuals as offenders perpetuates cycles of recidivism (Warren, 2023), hinders successful reintegration into society, and disproportionately impacts marginalized communities. Labels stigmatize individuals and strip them of opportunities to lead productive lives after serving their sentences. Reconsidering this approach aligns with social justice principles by providing individuals with the opportunity for redemption and a meaningful second chance—and could promote public safety.

Crime is a social construct. There is evidence of this throughout American history in prohibition of alcohol and certain drugs and same-sex relationships and marriage. Whether an individual is labeled as a criminal relies on a system of societal norms and codified laws. Individuals who violate laws may be labeled as convicts, offenders, deviants, undesirables, criminals, felons and a host of other terms that carry inherently negative connotations. However, laws are simply a formal code of conduct for a given society. Recognition that adherence to or deviation from the law is shaped by a complex interplay of biological, psychological, and social influence is important. Criminal behavior is not an inherent trait but rather the result of various internal and external influences. Internal factors such as trauma, mental health challenges, and cognitive distortions interact with external elements like poverty, negative peer associations, and systemic inequality to shape an individual's likelihood of engaging in crime. Contrary to media and political portrayals of offenders as irredeemable, much of the criminal population consists of individuals with criminogenic needs, dynamic risk factors that, when properly addressed, can reduce recidivism (Andrews & Bonta, 2010; Zoukis, 2024). These needs include a history of antisocial behavior, personality traits, distorted thinking, association with criminal peers, family or marital strain, educational and



employment struggles, lack of prosocial recreational activities, and substance abuse (Van Deirse et al., 2021). Recognizing that crime is a social construct shaped by evolving societal norms enables a more informed and adaptive approach to justice.

Labeling Theory

Labeling theories consider how laws are created, how labels influence behavior and societal reaction to crime, and how labels are applied through the criminal justice system (Heidt & Wheeldon, 2015). Heidt and Wheeldon (2015) assert that we see ourselves based upon how others view us and react to us. Labeling theory examines how the application of offender-associated labels in the criminal justice system can shape an individual's self-identity and future behavior. The theory highlights how the criminal justice system not only enforces laws but also perpetuates stigmas that can lead to further criminal behavior.

The theory of legal positivism recognizes a law's legitimacy due to that law's enactment by a proper authority within the legal system. The law's validity does not depend on whether it is morally good, just, or fair (Green & Adams, 2019). On the other hand, ethical and moral assessments of existing laws can lead to a subjective determination that a law can be violated if necessary. For example, exceeding the speed limit when late for work might be morally justifiable, but the same individual may have moral reservations about speeding while intoxicated (whether late or not). The separation between legal validity and moral value leads people to make their own judgments about certain laws. Individuals may decide that some laws do not align with their personal sense of justice or ethics, which can lead to the belief that it is acceptable to violate those laws under requisite circumstances. Individuals engaging in some behavior that society views as nonconforming and unacceptable may be labeled as criminals.

Legislative bodies propose and vote on laws meant to embody society's values and standards. However, external influences, particularly lobbying groups, can play a powerful role in constructing legislation. Political approaches can prioritize appearance over effectiveness, focusing on punishment rather than addressing underlying causes of crime or evaluating the impacts of legal policies on communities. For this reason, some laws target certain segments of society more than others. Three strike laws and the War on Drugs have exponentially increased incarceration in the United States, particularly among minority groups (Moore & Elkavich, 2008; Blumstein, 2011). "War on Drugs" policies have destroyed individuals, families, and communities while not creating an appreciable reduction in drug use or recidivism (Lattimore, 2022). Moore and Elkavich (2008) note that nonviolent drug convictions often impact an individual's ability to return to a meaningful life. Many individuals who have been sentenced for nonviolent drug offenses are left with few options but to recidivate and return to a life of crime.

Becker (1963), as cited in Heidt and Wheeldon (2015), states that, "people often jump to conclusions if they find out someone is a convict. They may assume the person is morally bankrupt or untrustworthy, even if the crime is unrelated to such characteristics" (p. 158). This is especially



true when an individual is labeled as a felon. A felony offense is often a more severe form of a lesser offense and carries defined sentencing terms, such as more than one year in prison or significant financial penalties. According to Bryant (2021), using terms such as “felon” defines individuals by past actions, stripping them of their humanity and potential for change. Such dehumanizing terms perpetuate harmful stereotypes and instill fear, further stigmatizing individuals and creating barriers to their reintegration and ability to thrive in society.

Felony status can restrict one’s ability to vote, acquire gainful employment, and possess firearms even when the felony is unrelated to violent offenses. Some researchers suggest that felon disenfranchisement is close to 10% of the population in several states, having a real impact on election outcomes (Dawson-Edwards & Higgins, 2013; Manza & Uggen, 2006). The practice of felon disenfranchisement also disproportionately affects minority groups. Along with voting restrictions, people who have been convicted of a felony struggle to fight the perception that they are inherently bad people. Lutman et al. (2015) note this is especially true among drug offenders and that, “the application of the label of felon creates what some call a hidden barrier ... and impedes the mobility and life opportunities of those labeled through the life cycle” (p. 59). Restoring rights such as voting to convicted persons helps their re-entry into society.

Kieso (2005) states that criminals are often seen as evil. The criminal is “overly or incorrectly stigmatized” (p. 23). This pattern of thinking means individuals may have difficulty reintegrating after a criminal conviction. Societal subgroups such as disadvantaged, poor, and minorities, are potentially more susceptible to the effects of labeling because of the compounding factors such as race and socioeconomic status. Referring to “concentrated disadvantage” (p. 552), Chiricos et al. (2007) expound on the difficulties of reintegration in certain social environments and suggest that communities and environments have significant impacts on an individual’s likelihood to recidivate. Communities with a substantial population below the poverty line offer few legitimate employment opportunities, high ratios of single-parent households, and reduced social service and community resources; they tend to have increased levels of crime (Hipp, 2007; Sampson, 2012). These communities often have a high police presence (“hot spot policing”) which increases the potential for individuals to be caught and labeled (Sackett, 2016). If the cycle continues without successful intervention, crime and the associated labeling will continue to disrupt already disadvantaged segments of the population and disproportionately impact minority communities (Sackett, 2016). The criminal justice system should provide effective, evidence-based treatment for offenders and equip returnees with skills to avoid engaging in criminal conduct.

Cognitive Behavioral Therapy

In the last few decades, mass incarceration has become an American epidemic (Kahn, 2024). The need for rehabilitation was replaced by the punishment model of sentencing in the 1970s and into the 1980s (Andrews, 2011). Despite falling crime rates, the United States has continued to imprison offenders at historically high levels (Moore & Elkavich, 2008; American Psychological



Association, 2014; National Research Council, 2014; United Nations Office on Drugs and Crime, 2015; Wagner and Bertram, 2020; and Gramlich, 2021). However, incarceration alone will not stop crime. Practitioners and stakeholders increasingly recognize the need for effective rehabilitation strategies, such as cognitive behavioral therapy (CBT), that address the contextual factors in individuals' lives. Lattimore (2022) posits that punitive policies applied during the War on Drugs and War on Crime have shifted to reform strategies designed to reduce the negative impacts of policing and address racial and socioeconomic disparities. Evidence-based practices that focus on individual change, such as CBT, have demonstrated notable effects in systematic reviews and meta-analyses (Aos et al., 2006; Bitney et al., 2017; Lipsey & Cullen, 2007; MacKenzie, 2006; Wanner, 2018).

The basic tenet of CBT is that thought affects behavior. If an individual's thoughts can be altered, then their behavioral outcomes will change. Through the labeling perspective, individuals convicted of criminal acts, particularly felony acts, will transform their identity to match their criminality (Besemer et al., 2017). The belief that crime is not something you did but who you are can inhibit one's ability to desist from further criminality upon release. According to Kavish (2017), "contemporary labeling theory research has found that formal labels significantly amplify subsequent involvement in delinquency and criminal behavior" (p. 46; see also Pratt et al., 2016). CBT approaches can address maladaptive thoughts that lead to antisocial behaviors. For example, CBT can reduce the impact of criminal labeling and has been effectively implemented with a variety of special offender populations (Clark, 2010; Feucht & Holt, 2016).

The risk-needs-responsivity (RNR) principles of CBT involve assessing offenders for their risk of recidivism, identifying and addressing their criminogenic needs, and tailoring interventions to match the learning styles and capacities of each offender to maximize effectiveness. Offenders with the highest risk of recidivating should be targeted for CBT intervention, while low risk offenders are often not recommended for treatment (Andrews, 2011; Marlowe, 2018).

A core benefit of CBT is the capacity to reduce the effects of criminal labeling. Offenders often internalize the stigma associated with being labeled a criminal, which can reinforce antisocial behaviors (Besemer et al., 2017; Kavish, 2017). CBT can help disrupt this cycle of thinking by encouraging offenders to see themselves as capable of change. By shifting their self-perception from "criminal" to "individual in recovery," offenders can develop a more positive identity and a sense of agency over their actions. A cognitive behavioral approach can demonstrate to the offender that they have the capacity to return to the community and build the skills necessary to remain there as a contributing member.

Clean Slates

While the previous discussion focused on psychological approaches to reducing criminal behavior, it is also important to consider how legal and systemic measures can mitigate the effects of labeling. Interventions for offenders in corrections can prevent self-labeling from impacting a successful return to the community. Upon release, these offenders need cognitive skills to desist

from a return to a life of crime. This process is hardest for those with felony convictions. Convicted felons are tagged with a strong societal stigma and are denied opportunities that many other released offenders can access and participate in. Even when a felony offender can successfully complete CBT group therapy and secure release from an institution, the felony label continues to inhibit their transition to a new beginning. (Uggen et al., 2006).

Heidt and Wheeldon (2015) offer several recommended revisions to policy and practice that mitigate labeling's effect on offenders. Among these recommendations are decriminalization, deinstitutionalization, and diversion.

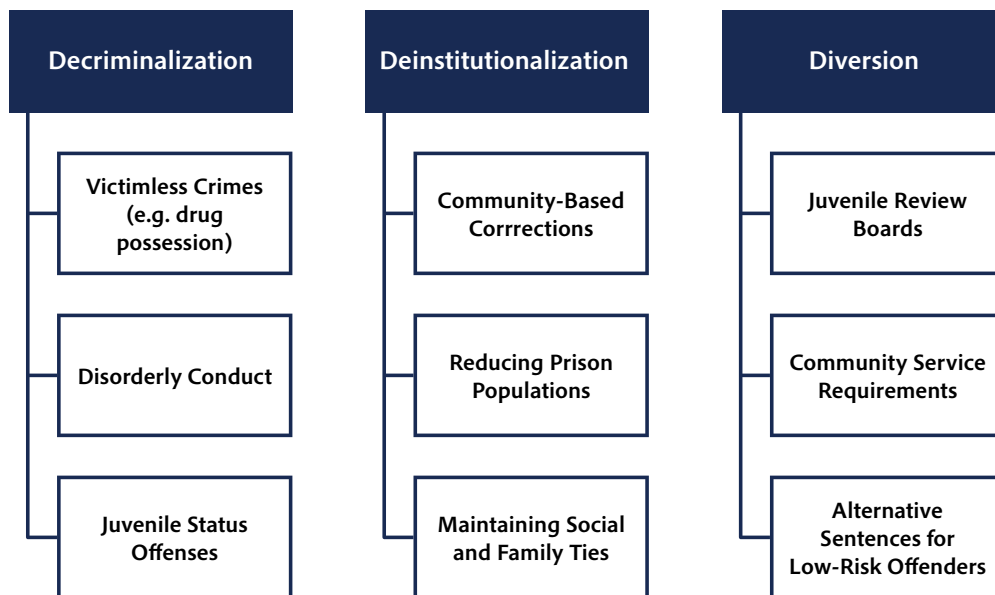


FIGURE 1. Heidt and Wheeldon Recommendations

Victimless crimes such as simple drug possession and disorderly conduct should be decriminalized. Juvenile status offenses should also be decriminalized, and juveniles should be protected from criminal justice involvement to the extent possible. A family history of antisocial behavior contributes to future recidivism, and the earlier youth are given a criminal label, the greater the possibility of continued criminality (Besemer et al., 2017). Decriminalization keeps individuals accountable in their communities where they can maintain ties with family and other social support structures while avoiding the need for institutional interventions.

Decriminalization also prevents individuals who are not dangerous or have not committed serious offenses from building lengthy criminal histories and strengthening the criminal label. Deinstitutionalization, along with decriminalization, keeps individuals in the community. This allows community-based approaches that may be more effective for nonviolent offenders (Hansen, 2008), and reduces the overall prison population. Programs like Thinking for a Change (T4C), Criminal



Conduct and Substance Abuse Treatment (SSC), and Interactive Journaling are specific examples that focus on cognitive restructuring, social skills development, and problem-solving to address criminogenic needs and antisocial behaviors. Additionally, relapse prevention therapy (RPT) supports offenders in managing high-risk situations and preventing relapses into criminal behavior.

Diversion programs are useful for low-risk offenders who may not require CBT. Juveniles may benefit from diversionary programs such as juvenile review boards and community service requirements. However, one concern is “net widening,” a phenomenon where diversionary programs, designed to redirect individuals away from traditional criminal justice processes (like incarceration), end up increasing the number of people under some form of supervision. Heidt and Wheeldon (2015) caution that net widening (p. 161) was responsible for increasing individuals in the criminal justice system via the use of diversionary programs.

According to Chiricos et al. (2007), Florida offers individuals convicted of certain felony offenses the ability to withhold adjudication (§ 775.08435). This practice allows offenders to avoid conviction, potentially reducing the stigma and legal consequences associated with a criminal record. A report by The Sentencing Project (2020) notes that 40% of people on probation in Florida are under this “adjudication withheld” status, although only about 50% of probationers in Florida successfully complete their probation terms. This means that many individuals, despite being given the opportunity to avoid the “felon” label, struggle to meet the conditions required to maintain that status. As a result, they ultimately fail to comply with their probation terms, leading to formal conviction and the same legal and social consequences as those who were adjudicated from the start.

Another option available to convicted individuals and felons is a request for a pardon. A presidential pardon is an act of executive clemency granted solely by the President under Article II, Section 2 of the U.S. Constitution. It forgives a federal offense by removing legal penalties but does not erase the conviction or imply innocence. Eligibility typically requires a five-year waiting period after completion of the sentence. The Department of Justice’s Office of the Pardon Attorney investigates applications and makes confidential recommendations to the President. A pardon may relieve certain legal disabilities but does not prevent consequences based on the underlying conduct.

State pardons are acts of clemency granted by governors or designated state boards, depending on state law. Like federal pardons, they forgive the legal consequences of a conviction but do not erase the conviction itself unless accompanied by expungement. Each state sets its own rules on eligibility, application procedures, and the effect of a pardon. Some states require a waiting period after sentence completion, while others may consider applications earlier. In certain states, a pardon may restore civil rights, such as voting or firearm ownership, and relieve some barriers to employment or licensing. However, like federal pardons, they do not guarantee protection from consequences based on the conduct itself.

In the State of Connecticut (n.d.), individuals with criminal records may seek to have



their records erased through processes such as absolute pardons and the Clean Slate initiative. An absolute pardon results in the complete erasure of an individual's criminal record and can be acquired by criteria related to the conviction. For misdemeanors (sentences of less than one year), at least three years must have passed since the disposition of the most recent misdemeanor conviction. For felonies (sentences of more than one year), at least five years must have passed since the disposition of the most recent felony conviction. Individuals must also not be on parole or probation and can have no pending charges in any jurisdiction.

Clean Slate laws, aimed at automating the expungement or sealing of eligible criminal records for individuals who remain conviction-free for a set period, have gained momentum across several U.S. states. Pennsylvania is credited as an originator of this initiative in 2018 with a law that seals specific non-violent misdemeanor convictions after 10 years without further offenses. Utah followed in 2019, enacting automatic expungement for eligible misdemeanors after a designated conviction-free period. That same year, New Jersey established an expungement process while excluding individuals convicted of serious crimes such as murder, robbery, and aggravated sexual assault. Michigan's Clean Slate law, effective in 2021 and implemented in April 2023, provides for automatic expungement of misdemeanors after seven years and certain felonies after ten years, provided there are no subsequent convictions. Connecticut's law, which took effect in January 2023, focuses on erasing certain offenses, but faced technical delays as of November 2024. Though not an exhaustive list, collectively these laws illustrate a policy movement across the country aimed at simplifying criminal record relief and reducing barriers to reintegration through automation.

Options such as withholding adjudication and absolute pardons offer good alternatives to punitive sentencing and eliminating the harmful felony offender label. However, to meet the needs of those who would benefit from these options, adjudication and pardons must be accessible to everyone.

Conclusion

The use of labels in the criminal justice system produces consequences extending beyond the courtroom, perpetuating cycles of recidivism and deepening social inequalities. Labels such as "convict" or "felon" not only stigmatize individuals but also serve as barriers to reintegration, restricting access to housing, employment, and civic participation. As this paper has explained, crime is not a reflection of inherent character flaws but often the product of social constructs, circumstances, and unmet needs. Addressing offending's root causes through evidence-based interventions, like cognitive behavioral therapy, and adopting policies focused on rehabilitation rather than punishment can help reduce the negative effects of criminal labeling. By reconsidering punitive, dehumanizing labels and providing pathways for redemption, society can move toward a more equitable and effective justice system that recognizes the potential for individual change. This shift is essential not only for the individuals affected but also for fostering safer, more resilient communities.



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