

Title: Accounting for the gendered nature of ‘collateral consequences’ of a criminal record.

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Abstract:

The chapter will provide an original contribution to our understanding of women’s experience of criminal justice by drawing attention to the lifelong harm of attaining a criminal record. Whilst these so-called ‘collateral consequences of a criminal record’ are receiving increased attention this is still an under-discussed and under-researched issue in European jurisdictions, particularly in England and Wales. Furthermore, the gendered nature of such consequences is yet to be explored. The chapter will first provide a succinct summary of how a criminal record can create additional barriers for women who have had interactions with the criminal justice system. Secondly, in light of these barriers the chapter will critically examine the continued harm these experiences can have systematically reproducing inequality and the marginalisation of women. Finally, it will highlight how disclosure can be particularly harmful for women who, at the time of their interaction with the criminal justice system, were experiencing other harmful events such as abuse, exploitation or neglect. This chapter is a timely addition to criminal record research seeking to lay the foundations for critical conversation on the importance of gender when exploring the nuances of criminal record experiences, enriching and developing the field as it continues to grow.

Introduction

Criminal record research is a diverse and growing interdisciplinary field attracting attention from scholars and social justice charities around the globe. Indeed, the so-called ‘collateral consequences’ literature (henceforth CCs) has been developing in America and continental Europe for many years and is now gaining traction in the UK (see Henley, 2019 for an overview of how CCs research has been emerging in these areas). CCs refer to the ‘...additional legal and social barriers and disabilities that exist because of their [criminal record]’ (Zand-Kurtovic and Corda, 2021: npn). Writing on

CCs are, amongst others, legal scholars, philosophers, criminologists, social workers and, in the UK, charities such as Unlock and Working Chance. As such, the topic is approached in a variety of ways, ranging from cross-national studies of policy and practice to case study research focused on particular localities. In short, the CCs literature is interested in exploring: 1) how different legal jurisdictions manage criminal record retention and disclosure; 2) the various ways a criminal record may manifest in one's life, both *de jure* and *de facto*; and, 3) its broader implications for understandings of punishment and citizenship. This is a lively and developing field set to continue growing in scope and diversity.

The overall aim of the chapter is to draw attention to CCs literature and lay the foundations for critical conversation on the importance of gender to encourage those interested in the field to engage with the nuances of criminal record experiences, enriching and developing the field as it continues to grow. To do so, the chapter first seeks to introduce the reader to this growing field of literature identifying the key discussions of the field and outlining the various CCs already identified by research. Whilst the chapter does not seek to discuss *all* CCs in detail, it will demonstrate how, despite considerable differences in how criminal record information is disclosed, many of the structural or macro level CCs which have been identified within the literature are common across different geographical regions. Such barriers include limited access to employment, education, insurance, travel and citizenship. It will also be noted how CCs research has drawn attention to the stigmatisation of those with a criminal record identifying how it can lead to further social exclusion and more affective micro level consequences for individuals.

Continuing, the chapter will put forward that while CCs are receiving increased attention, the gendered nature of such consequences, thus far has been largely underexplored. Furthermore, this chapter argues that if the gendered nature of CCs is not further explored then the field will fail to capture the nuances of criminal record experience and thus, be unable to *responsibly* inform policy and practice in a way that acknowledges the influence of structural dynamics. To do so, the second half of the chapter will identify the literature we do have on gendered CCs whilst demonstrating the need for further research on gender and criminal record experiences. The chapter section will critically examine the continued harm a criminal record can have for women highlighting how, due to the long-term implications of a criminal record with

regards to access to opportunities and participation in civic life, women face continued and enhanced barriers and exclusion. Notably, the chapter will highlight how disclosure can be particularly harmful for women who, at the time of their interaction with the criminal justice system, were encountering other harmful experiences such as abuse, exploitation or neglect. This chapter puts forward that these challenges are not necessarily *created* by having a criminal record rather, they are *exacerbated* by having attained one. Throughout it will be acknowledged how other characteristics such as race/ethnicity and class can have a compounding effect on how women experience CCs drawing on relevant research.

Criminal Record Policy and Practice; the Context of England and Wales

Before exploring CCs literature, it is important to outline what constitutes a modern day 'criminal record' as the very nature of it has changed over time in response to the increased desire and technological capacity to store information and move to electronic systems (see Thomas, 2007). Taking England and Wales as an example, during the Victorian era, the collection and retention of criminal record data was handled locally *only* to be used for policing purposes (Thomas, 2007). Now, this information is stored both locally on the Police National Database (PND) and nationally on the Police National Computer (PNC). The PND stores 'soft information' held by police regarding arrests, cautions and acquittals and the PNC contains information relating to 'recordable offences' such as cautions, convictions, warnings and reprimands (House of Commons, 2021). The move to these electronic systems was rapid and in the first three years, 3.8 million people had been added to the PNC (Henley, 2016) and, as of 2017 there were over 11 million people on the PNC (Unlock, 2020a). This information is retained until an individual reaches 100 years of age and currently, 'there is no national or formal process in place' for appeals relating to court convictions' (Unlock, 2020b: npn.). For cautions, final warnings and reprimands an individual can apply through the police to have this information but the deletion of such information is rare with only 9% of requests to remove cautions/reprimands/warnings and 18% of requests to remove non-conviction information being successful in 2017/18 (Unlock, 2020b). As such, a criminal record in the context of England and Wales could be considered documentation of involvement with the criminal justice system which stays with an individual for the duration of their lives.

Alongside this expanding storage of criminal record information is the increased dissemination of such information outside of the criminal justice system. Originally, criminal record data was primarily used by the police and judicial system 'for investigative or sentencing purposes' with very few other uses (Thomas, 2007). Now, criminal record data is disseminated for a variety of purpose such as employment, access to education, insurance and travel (van't Zand-Kurtovic and Corda, 2021). In England and Wales legislation such as the Rehabilitation of Offenders Act 1974 and Filtering Rules introduced in 2020 seek to regulate how this information is shared, preventing the unnecessary and inappropriate disclosure of criminal records. Indeed, for the purpose of employment, the ROA and Filtering rules dictate whether or not information from the PNC and, if an enhanced check is conducted, PND should be disclosed for employment purposes (see Unlock, 2020 for a detailed explanation). However, it has been noted that collateral consequences often arise from both *de jure* and *de facto* practices and so this legislation does not protect everyone (see Jacobs, 2006; Henley, 2019). These extra-legal *de facto* practices are 'below-the-radar sanctions [which] tend to be introduced in ways that bypass the main legislative channels for criminal legislation [and] have significant effects on the chances of offenders returning to normal life after completing their headline sentence' (Bennett, 2017: 484). van't Zand-Kurtovic (2017) discussed the same phenomena in the Netherlands where 'fuzzy law' and 'jazzy structures' allows administrative actors which do not hold the same normative legal framework as the criminal justice system to play a function of law accessing and acting on criminal record information without the same safeguards.

This increased desire to collect and share criminal record information has emerged with technological advances and concerns over risk management, often driven by media discourses around the dangerous criminal individual (see inter alia Beck 1992; Feeley and Simon, 1992; Critcher, 2002; Jacobs, 2006) As such, criminal record has become part of the wider drive to sort and classify populations identifying 'risky' or persistent offenders (Jacobs, 2006). For example, the DBS claims that it '...helps employers make safer recruitment decisions each year by processing and issuing DBS checks' allowing employers to make risk-based decisions (DBS, 2021: npn). This rhetoric around protection from 'risky' individuals reinforces the problematic distinction between the 'law abiding' and the 'criminal' when in fact, the majority of individuals

only selectively comply with the law (Karstedt and Farrall, 2006). The consequence of this is that it denotes who has access to opportunities and services based upon past interaction with the criminal justice system. Subsequently, as this chapter will demonstrate, rather than protect vulnerable individuals criminal record regimes have the potential to cause harm to individuals.

Finally, it is interesting to note that while the term ‘collateral consequences of a criminal record’ is commonly used, Henley (2019) has noted that it implies inevitability via ‘consequences’ and, a secondary but less severe outcome of sentencing via ‘collateral’. However, in actuality, the manifestations are the result of active exclusionary practice rather than ‘automatic consequences’ and for many, are not felt as secondary or less harmful than the original sentence (ibid.). This latter point may be particularly applicable for those who have ‘soft information’ (i.e. non-conviction information) released in enhanced checks. The Standing Committee for Youth Justice conducted a comparative review of sixteen different criminal record regimes and noted that England and Wales ‘stands out’ as a jurisdiction which formally penalises children and young people ‘even for a relatively minor offence’ and has a criminal record regime which ‘can have severe implications during childhood and beyond into adulthood [influencing] education, employment and other prospects for years to come’ (Sands, 2016: 4). Indeed, the report highlighted that due to the potential for it to be disclosed for a long period of time and the ‘relatively unrestricted’ nature of disclosure practices, a criminal record attained at a young age ‘...can affect that person for longer, and more profoundly, than in any other jurisdiction under consideration’ (ibid.)

Structural barriers and citizenship

CCs can manifest in various different life domains on a structural level such as employment and volunteering, travel and immigration status, housing, insurance and civic engagement (van’t Zand-Kurtovic and Corda, 2021: npn). Hoskins (2018) identified three key ways in which these, and the more affective CCs discussed later on, are generated by governmental policies; 1) some policies *require* restrictions to be placed on people with convictions (e.g. barred lists around employment), 2) some policies *permit* others to place restrictions on people with records (e.g. discretionary decision making regarding public housing and employment) and, 3) some policies *facilitate* more informal restrictions such as private letting (Hoskins, 2018). As such,

there is an array of ways these structural level barriers can be imposed making them difficult to understand and navigate.

A significant structural barrier is access to employment with scholars around the globe highlighting how people with criminal records are denied access to a range of employment through *de jure* practices (i.e. barred lists) and via *de facto* discrimination upon disclosure during the application process (see Thomas, 2007; Bennett, 2017). In England and Wales, all employers are able to conduct basic DBS showing any unspent convictions and many are able to conduct standard or enhanced checks which may disclose the 'soft information' noted above (Unlock, 2020). Interestingly, due to the nature of this information not requiring a guilty verdict to be stored, Larrauri (2014) has questioned whether the disclosure of it in instances such as employment checks, infringes Article 6(2) of the European Court of Right, i.e. the presumption of innocence. Research conducted by the House of Commons in England and Wales found 50% of employers 'would not consider employing an offender or ex offender' with 40% concerned it would 'damage the public image of the business' and '45%' believing 'they may be unreliable' (2016: 30). The same research acknowledged that failure to find people with convictions employment is a barrier to rehabilitation and reintegration (House of Commons, 2016). For some, particularly those who have been incarcerated, difficulty in attaining employment may be exacerbated by inadequate housing with it being noted that many ex-offenders become homeless or live in 'temporary and unstable homes' post-release (Wilson and Bellis, 2017: 4). Indeed, research conducted in England and Wales highlighted that people often struggle providing documentation such as references and bank statements required when applying for housing, that private landlords may be reluctant to rent to people with criminal records and, that local authorities are to restrict access to housing on the basis of a criminal record (Wilson and Bellis, 2017).

Access to higher education and vocational courses is another widely documented CC which is particularly problematic for people who have attained a criminal record at a young age. It has been noted that access to education can lead to higher earning and be a key tool for social mobility and civic membership and people living with criminal records may be denied such opportunities (Uggen et al., 2006). Notably, the Lammy review (2017: 62) noted that those who attain a record as a young person may experience difficulty trying to create 'positive lives' due to barriers leading to further

negative experiences as a young adult. In the UK this barrier was recognised and after consultation with various charities UCAS, the organisation which facilitates the application process for university admissions, removed its declaration box asking *all* applicants to declare unspent convictions (UCAS, 2018). Unlock have since launched a 'Fair chance for students with convictions' campaign asking universities around the country to pledge to help people with criminal records access higher education by reflecting on their admissions processes (Unlock, 2020c).

Critiquing these structural obstacles, Uggen et al., (2006) noted that the 'dizzying array' of barriers that exist for formerly incarcerated individuals in the USA, particularly those relating to employment, housing, education, community and family, 'effectively deny felons the full *rights* of citizenship' (page 283). Perhaps some obvious examples of this in various states of the US include restrictions on the right to own a firearm, the right to serve on a jury, denial of public assistance via food stamps and restrictions on the right to hold public office (ibid.). In England and Wales examples such as restrictions on accessing victim compensation, accessing essential financial services such as mortgages and insurances and again, restrictions on public office positions demonstrate differential status for those with criminal records (Henley, 2014). This exclusion from or, limited participation in, these various life domains are problematic when former law breakers are expected to embark on desistance from crime or reintegrate into society post-incarceration. As such, some scholars have begun to discuss how being denied access to essential opportunities can deny an individual full citizenship status and participation. Indeed, Henley (2018) noted that individuals who cannot be deemed 'legally rehabilitated' by the ROA are placed in a state of 'civic purgatory' whereby they are no longer an offender yet still unable to fully participate in active citizenship to the same degree as someone who has never interacted with the criminal justice system. Furthermore, Gurusami (2017) found that structural and interpersonal barriers, particularly when trying to find employment to fulfil post release supervision requirements makes it more difficult to demonstrate rehabilitation which is a problem for their attainment of full citizenship.

Stigma and identity management

A criminal record also has implication for social integration and personal wellbeing due to the stigmatisation of former lawbreakers (LeBel, 2012; van't Zand-Kurtovic, 2017;

Unlock, 2018). Drawing on the work of Goffman (1963), LeBel (2008) put forward that a criminal record is a 'blemish of individual character' signifying something about the individual themselves. As the criminal record is seen as an 'achieved' form for stigma, that is resulting from one's own actions, this stigmatisation can be exacerbated (Falk, 2001; Cherney and Fitzgerald, 2016). Subsequently, the criminal record is a signifier of unreliability, untrustworthiness and bad or risky character forming a negative curriculum vitae (see Jacobs, 2006; Jacobs and Crepet, 2008). In turn, the criminal record becomes an 'electronic scarlet letter [...] a chronic and debilitating badge of shame' (Murphey et al., 2011). This compounds some of the structural barriers noted above as the social stigma attributed to a criminal record can fracture social ties which could otherwise lead to opportunities such as employment (Hoskins, 2018).

A recent survey conducted by Unlock (2018) showed that a sample of 318 people experienced stigma/discrimination in early adulthood but 65% experienced it later in life. Anticipated stigma can also be a significant barrier for people with criminal records expecting to be stigmatised and thus, something that can prevent people from applying for legitimate opportunities (see Cherney and Fitzgerald, 2016; Moore et al., 2016). Furthermore, writing on stigmatised identities more broadly, whilst some are able to 'resist' and indeed challenge the stigmatisation, particularly those with multiple layers of disadvantage may internalise the stigma feeling devalued and powerless to challenge their status (Campbell and Deacon, 2006). This stigmatisation whether it be experienced, anticipated or internalised has significant consequences for an individual. Consequences include feeling shame and low self-esteem (LeBel, 2012; Unlock, 2018), feeling devalued and labelled as 'criminal' (Unlock, 2018) and, feeling distrustful of people and institutions (van't Zand-Kurtovic, 2017). This can stem from these feelings of low self-esteem and distrust but can also come from hearing about others having negative experiences (van't Zand-Kurtovic, 2017). Subsequently, the stigmatisation of former law breakers can be a barrier to (re)integration into society (see LeBel, 2012). Research on the stigmatising effect of a criminal record has led to scholars exploring 'coping' or 'management' strategies to understand how people negotiate potential disclosure contexts and on what factors such responses are contingent on (see Harding, 2003; Cherney and Fitzgerald, 2016). Others have explored how people construct identities which help the harm of this (see for instance, Maruna, 2001).

The need for a gendered approach to understanding collateral consequences

As identified throughout the handbook, it is essential for students, scholars – both early career and more senior, policy makers and advocacy groups to acknowledge that experiences of crime and thus criminal justice, are influenced by characteristics such as gender, race and class. However, despite this recognition, criminology as a discipline is often complicit in silencing and marginalising groups of individuals by focusing research on more visible groups. Notably, as early as the late 1970s criminology as a discipline has been critiqued for being male dominated with established theories and understandings reflective of male experience not accounting for the influence of gender amongst other identifiers such as race and class (see Smart, 1977; Naffine, 1996). Whilst progress has been made with the continued emergence of intersectional feminist theory in criminology (see e.g. the journal *Feminist Criminology*, established as recently as 2006), this critique is still relevant. Desistance literature for example illustrates how contemporary criminology still fails to address these concerns. Desistance theory has bloomed in the last twenty years attracting attention from qualitative and quantitative researchers spanning both national and international perspectives (Barr, 2019). However, only a small proportion of this literature has captured women's experiences with the majority being based upon the analysis of male experience (Rumgay, 2004). As such, what is 'known' about desistance experience has been largely white, heterosexual and male driven failing to explore a more nuanced appreciation of the desistance process (Barr, 2019). Not only does this limit the theoretical developments of the field, but it limits the degree to which the field can help influence policy reform and help women transform their lives (Rumgay, 2004).

Furthermore, Bloom et al., (2004: 31) noted that public policy, particularly that related to the criminalisation of women, '...has ignored the context of women's lives and that women offenders have disproportionately suffered from the impact of ill-informed policy'. As such, it is suggested that gender-responsive policy which 'reflects an understanding of the realities of women's lives and addresses the issues of the women' is essential for women, their families and wider society (Bloom et al., 2004: 32). With these critiques of criminology and public policy in mind, this chapter recommends that the field of CCs literature needs to engage with a more nuanced understanding of how living with a criminal record is influenced by characteristic such

as gender, to prevent limitations in its development and ability to help *all* individuals through influencing policy reform. Indeed, we need to develop a CCs scholarly field that is fit for, and representative of, women's experiences and currently, we do not know the extent to which gender can influence criminal record experience.

Criminal records and the systematic reproduction of gender inequality

CCs literature has already identified that a criminal record can be exclusionary in nature by limiting access to opportunities, reducing one's ability to exercise full citizenship and placing a stigmatising label on the former lawbreaker. Developing this further, this chapter puts forward that for women who are already marginalised in various life domains, a criminal record leads to the systematic reproduction of social exclusion and gender-based inequality. Taking employment as an example, research has found that women are more likely to undergo a criminal background check than men due to the gendered nature of paid labour. Unlock (2021) explored how women's experiences of living with a criminal record differ from men in England and Wales by conducting a survey with 511 women and sourcing data on employment and criminal record checks from the Ministry of Justice. The report identified that whilst women are less likely to have a criminal record than men, women are 'significantly more likely' to face barriers when accessing employment roles that require enhanced DBS checks' (Unlock, 2021: 3). For example, in the case of *MM v United Kingdom* it was ruled that the ECHR right to privacy had been infringed when a woman had her offer of employment as a Health Care Family Support Worker withdrawn after a historical caution was disclosed during vetting (Larrauri, 2014). This demonstrates how regimes which are designed to protect vulnerable individuals can infringe the right to privacy and inversely create harm. This is felt by many to be discriminatory with 51% of participants in one survey feeling the stigma of having attained a criminal record was exacerbated by being female (Unlock, 2021). LeBel (2012) also found that women were more likely to feel discriminated against than male counterparts. A recent study by Grace (2021) also noted how women were mindful of how their stigmatisation would lead to judgements being made upon them and their characters and found that the three options available were to tell the truth, lie or attempt to avoid the question. Whilst this study emphasised women's agency in the management of stigma it also noted how the structural stigma of the criminal record 'puts very real constraints on women's possibilities for employment' (ibid. page 13).

Similarly, in the US Denver et al., (2017) noted that gender, age and education all influence the jobs people are likely to apply for and identified that women are more likely to work in healthcare, personal care and support service and education sectors. These sectors are more likely to ask about criminal records at the application stage and thus, require a criminal background check (Denver et al., 2017). Furthermore, it has been noted that the type of work that *is* accessible to people with criminal records is often male-dominated, physical and precarious in nature with inconsistent hours. This work is not viable for women who have extensive care responsibilities and physical ailments (Gurusami, 2017). Compounding this, women are increasingly encouraged or, in the case of supervision arrangements required, to take part in paid employment whilst continuing with unpaid labour in the form of care and domestic labour (Robinson, 2006). This is particularly problematic for women from poorer socio-economic groups with lower educational attainment who do not have the same access to salaried employment as middle class women and instead are limited to part-time precarious employment with limited career development (Standing, 2011). Recognising the importance of education on women's engagement with the labour market Ortiz (2014) put forward that future research into post-incarceration policies and initiatives needs to better understand the relationship between education and employment opportunity.

Research also indicates that race and ethnicity is often a compounding factor for women trying to access employment with a criminal record. It is widely acknowledged that people may belong to multiple marginalised groups and therefore have more complex experiences of stigma and discrimination. This includes social groupings in relation to gender, race and mental illness (LeBel, 2012). Indeed, Cherney and Fitzgerald (2016) noted that formerly incarcerated individuals who are from a racial minority group carry a 'double burden of stigmatisation' (page 18). Denver et al., (2017: 5) noted '[t]here are large racial and gender differences in criminal justice experiences [...] and thus, it would not be surprising if there were similar gaps in attitudes about criminal record checks' and indeed, there is research which supports this presumption. In the USA, Decker et al., (2015) explored the effect of a prison record on job applications and found that for men, race/ethnicity and prison record had no effect on their advancement through the hiring process but for women, their chance of a 'favourable response' from potential employers was 'negatively impacted by race and

prison record' (page 60). The same research found that '...white women with criminal records receive 11% more interviews than black women without criminal records' (Decker et al., 2015 cited in Gurusami, 2017: 439). Interestingly, conducting research in the USA Ortiz (2014: 134) noted that Hispanic women in particular were perceived to be 'unreliable hire' due to stereotypes associated with Hispanic women in prison having a large number of children or, having been involved with criminal activity due to association with violent male partners and gangs.

Gender, criminal records and the resulting harm

It has been widely acknowledged that the context of offending is often very different for women than it is for men and the Corston report (2007) called for a 'radically new approach treating women both holistically and individually – a woman centred approach (page 2). Indeed, women involved with the criminal justice system are more likely to occupy 'dual-status' as both victim and offender having experienced disadvantage and trauma and, more likely to face 'financial insecurity, poverty and homelessness' when compared to male counterparts (Hale, 2020: 2). Indeed, Unlock identified that 'women's criminal records often existed alongside trauma, without specialist support' (2021: 4). This trauma often stems from past experience of domestic violence, sex work or substance misuse (ibid.). As such, women enter the criminal justice system with already complex needs and backgrounds. Hirsh (2005: 85) focused on post-incarceration experiences of women in the United States and found that for women, the barriers placed on them as a result of their incarceration and criminal record make 'success' post-release difficult and increase their chances of reoffending. Hirsch acknowledged that the experiences of women differ to that of men's because women are more likely to be caring for young children, to have experienced physical or sexual abuse in childhood and adulthood and, they are more likely to have substance abuse issues which were developed in the context of their abuse (see also Bloom et al., 2004). Subsequently, Hirsch highlighted the challenges this poses to re-entry policy putting forward that 'we need to radically rethink our policies on reentry from incarceration, and on the long term-consequences of criminal records' (2005: 93). Gurusami (2017) conducted research with formerly incarcerated black women in the USA and found that they experienced structural and interpersonal barriers when trying to find employment to fulfil their post release supervision requirements. As such, these women found it more difficult to demonstrate

rehabilitation which is a problem for their attainment of full citizenship. Race and class can often compound this structural disadvantage and trauma further silencing, marginalising and criminalising these groups of women (Hale, 2020).

As noted, this chapter puts forward that these challenges are not necessarily *created* by having a criminal record rather, they are *exacerbated* by having attained one. Indeed, critically engaging with CCs through an intersectional gendered lens allows it to be argued that the consequences play a role in systematically *reproducing* and entrenching already existing inequality. Hale (2020) noted that women 'have been socially disenfranchised long before they enter the criminal justice system' (page 95). As such, upon leaving criminal justice institutions, formerly incarcerated women are often 'reintegrating into exclusion' as opposed to reintegrating into mainstream society (Hale, 2020: 17). In other words, women are often not fully integrated into society prior to their offending and so their 'reintegration' is back into the marginalised spaces they are known to occupy. As such, following incarceration women return to the periphery of the community with their problems exacerbated by their interaction with the criminal justice system (ibid.).

Chapter summary

This chapter has demonstrated how the contemporary criminal record is one that can be stored indefinitely and shared widely both inside and outside of the criminal justice system. In acknowledgement of this, CCs research developed rapidly and has laid the essential groundwork identifying the multitude of ways a criminal record *may* manifest for any one individual. Indeed, the chapter has shown how the CCs associated with a criminal record can be exclusive on a structural level via access to employment, housing, insurance and civic participation and, highly stigmatising leading to more affective implications for an individual. The field is lively, multidisciplinary and continuing to grow globally having significant potential to influence policy and practice.

However, the chapter puts forward that whilst CCs research is gaining in momentum, it needs to pay attention to the nuances of criminal record experience to ensure that it does not become reflective of male experiences and thus, dominated by male voices. Indeed, this chapter argues that when compounded by other identities such as gender, class and race, a criminal record *exacerbates* already existing structural inequalities. However, to argue this case, the chapter has predominantly drawn on criminalisation

of women literature and research exploring desistance and barriers to re-entry post-incarceration. More research is needed to explore how women with records relating to non-custodial sentences – the majority of women with criminal records – experience structural barriers, stigmatisation and the re-traumatisation triggered by a criminal record. Furthermore, not all women are primary care givers and many do achieve high educational attainment giving them access to salaried employment and financial security. Finally, not all women offend due to disadvantage and trauma. As such, whilst these examples have been used to demonstrate the need for an intersectional gendered approach to criminal records it does not suggest that ‘women’ should be treated as a homogenous group who have experiences such challenges. Rather, CCs literature should continue to emerge paying attention to the nuances of subjective human experience and how social groupings such as gender, race and class can influence a criminal record. Overall, it is hoped that this chapter will help facilitate further conversation and interest in the collateral consequences of a criminal record and indeed, the gendered nature of such consequences.

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