

Identifying, navigating, resisting, and eliminating
structural stigma and
the collateral consequences of punishment:
The role of the penal voluntary sector
in supporting people with criminal records in Canada

by

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Abstract

This dissertation examines how actors within Canada's penal voluntary sector identify, navigate, resist, and strive to eliminate structural stigma and collateral consequences of punishment. Using an approach to qualitative research informed by institutional ethnography, anti-oppressive practice, and public criminology, my research explores how practitioners attempt to support people with criminal records despite many exclusionary policies and practices – including those enforced by the penal voluntary sector itself – that create obstacles to various social domains (e.g., employment and housing). This research is motivated by my experience working in the penal voluntary sector during a period (2006-2015) in which many punitive policies, including changes to Canada's *Criminal Records Act*, were brought into effect by a federal Conservative government and maintained by a subsequent Liberal government.

To understand the penal voluntary sector's role in supporting people with criminal records in the community, I conducted twenty-two interviews with various sector actors. I also attended several conferences, meetings, and events alongside practitioners to stay connected to the sector and ensure an ongoing understanding of the important issues to people with criminal records and those who support them. Additionally, I incorporated analysis of texts (e.g., policies, forms/assessments, public consultation reports, parliamentary committee studies) to frame the political, institutional, and social relations that shape the day-to-day experiences of practitioners and the people they support in the community. Finally, I engaged public criminology as part of my research methodology and included reflections on my advocacy work throughout the dissertation.

While critical sociologists and criminologists mostly describe the penal voluntary sector as a net-widening mechanism, I maintain that understanding the day-to-day work within the sector is crucial to identifying, navigating, resisting, and eventually eliminating structural stigma and collateral consequences of punishment. Additionally, I contend that spaces where practitioners meet (e.g., conferences) are key sites for developing communities of care through which academics, practitioners, advocates, and people with criminal records can work towards a just transition from penal and other related systems (e.g., homelessness). Finally, I reflect on academia's role in resisting and eliminating carceral power and structural stigma and on the lessons learned from my efforts at doing so.

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Once again, I find myself at the top of a blank page with my mind flooded by the millions of different ways that I could fill it with words. There are so many people to thank right now, and I'm incredibly grateful for that.

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Mum and dad, all the stories and songs paid off. I love you both so much and thank you for everything you've done to get me here. I promise. I'm done. No more school.

Jessica – pause for tears. (Seriously, you better be crying.) Holy cow, I hit the sister jackpot. I'd have to write an entirely new dissertation for people to understand why and would happily defend it over and over. Laaaaaave laaaaaave laaaaaaave.

To my supervisor, Aaron Doyle, thank you for introducing me to a zone that I didn't know existed in academia. I'm forever thankful that I decided to attend that very first CPEP meeting and connected with you and my committee members – Justin Piché and Maeve McMahon. You've all been so encouraging of this work from day one, and I feel lucky to have been surrounded by a team that was both patient and kind throughout the process – especially during these past couple of years. And to my examiners, Jamie Livingston and Hollis Moore, I'm thrilled that you both agreed to read and engage with my work. My brain is still buzzing from your questions, insights, and suggestions for exciting next steps.

Now comes the part where I know I'm going to mess up. I'm bound to forget a name but don't worry – you'll pop right into my head after hitting the submit button. I've connected with so many brilliant and stunning humans over the years and would not have made it through without all of my friends, writing chums, coffee dates, retreat gals, conference buddies, and zoom pals. Emily, Caitlin, Sam, Rochelle, Nicole, Adrienne, Amanda K., Shannon, Lauren, Adina, Furqan, Janna, Zoey, Anita, Jen, Ryan, Erin, Abigail, Nina, Claire, Sarah F., Katie, Chloë, Amanda V.B., Kat, Kara, Sarah R., Melissa, Kendra, Farnaz. Wow. How lucky am I?

CPEP, CAMS, CAJN, SLSC, JHS, EFRY, CoSA, ATEH, FSC, MOMS, CRIMVOL, NAACJ. These are just a few of many acronyms that represent a vast network of people and communities who have supported this work in one way or another. Thank you all.

And, of course, everyone who participated in this project and everyone I've met through this research. Every single story and concern I've heard will be mobilized in one way or another, and thank you for trusting me with that.

[Insert favourite song lyric here... or maybe an inspirational quote? No, that's not right. Let's just go with a simple: It's done!]

Dedication

To Deb and Dan.

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1. Introduction

“Past mistakes don’t determine who you are. We only live one life and sometimes make the wrong choices, but we shouldn’t be condemned forever because of them. Life is hard enough as it is, and when trying to build a better life we should be supported instead of being thrown under the bus.”

(Sabrina, pardon recipient)

For more than a decade, I have worked and volunteered in the penal voluntary sector alongside other practitioners, program managers, executive directors, board members, volunteers, students, advocates, researchers, and people with lived and living experience of criminalization, victimization, and punishment. My involvement in the sector, which started with a four-month practicum placement at the end of my undergraduate program, is what motivates my research, underlies my advocacy work, and inspires everything written on the pages of this dissertation.¹ My experience working in the community to support (or, to attempt to support) people with criminal records opened my eyes to an immense amount of injustice mobilized through racist and colonial policies, punitive and retributive practices, exclusionary institutional norms, and other forms of structural violence that often goes unnoticed by the general public. Even though over four million people in Canada have criminal records (Fresh Start Coalition, 2021), most people, including politicians and policymakers who hold great power over how the penal system functions, choose to distance themselves and ignore the harm caused by the often invisible, but quite persistent, forms of punishment that criminalized people experience every day. This research starts from the standpoint of some voluntary sector actors, those for whom identifying and attempting to navigate these ‘invisible punishments’ (Travis, 2002; Welsh & Rajah, 2014)

¹ This work was supported in part by funding from the Social Sciences and Humanities Research Council and the Ontario Graduate Scholarship Program.

makes up most of their day-to-day work.

While in Canada, we typically refer to the voluntary sector as ‘the non-profit sector’ – and others make reference to the ‘criminal justice voluntary sector’ – I chose to use the phrase ‘penal voluntary sector’ throughout this dissertation to maintain consistency with emerging, international literature on, for, and with the sector (Tomczak & Buck, 2019b). Additionally, although the sector relies heavily on the unpaid labour of volunteers, I spoke only to paid employees who work for community-based penal voluntary sector organizations for this project. I further define the sector and summarize emerging research in the field in Chapter 2.

Next, as the term ‘criminal record’ is central to this work, a brief definition and review of the function and purpose of a criminal record are necessary. The Canadian Civil Liberties Association (2014b) outlines three categories of records that can be created when someone is arrested or otherwise in contact with the penal system:

1. **Criminal conviction records** are created when someone is sentenced to a term of imprisonment, a fine or forfeiture, a conditional sentence, or a suspended sentence with probation.
2. **Non-conviction records with a finding of guilt** are created when someone pleads or is found guilty and receives an absolute or conditional discharge.
3. **Non-conviction records with no finding of guilt** are created to indicate that someone is involved in policing duties or criminal court proceedings. This can include records of police contact and surveillance, apprehension under provincial mental health legislation, withdrawn charges, acquittals, or a stay of proceedings.

Though information about all these conviction and non-conviction records “can be disclosed on a police record check – what exactly will be disclosed depends on the police service’s policies and the level of record check an individual requests” (p.1). The key difference is that **a criminal conviction remains on an individual’s searchable record**

until they apply to the Parole Board of Canada to have that record sealed or set aside (more on this process below). Other records, like those that indicate receipt of an absolute or conditional discharge, will be automatically removed from police databases after a waiting period of one and three years, respectively. The focus of this dissertation is largely on criminal conviction records, as it is a series of changes to the *Criminal Records Act* – the legislation that outlines the process for having criminal conviction records sealed in Canada – that ignited this project.

To understand the function and purpose of a criminal record, one needs simply to pay attention to how people describe it within the literature on punishment, re-entry/(re)integration, and stigma. Pager (2003) writes about “the mark of a criminal record” and “negative credentials.” Jacobs (2014, 2015) notes the impact of “the negative C.V.” and the “eternal” nature of a criminal record. Others talk about how criminal records restrict someone’s ability to find employment (Hickox & Roehling, 2013) or “impede routine aspects of family life and caregiving” (Lageson, 2016, p.128). Tyler (2020, p.42) reminds us that, historically, “[p]enal stigmatization was intentionally visible, [and] a public form of inscription designed to humiliate and inculcate shame.” Overall, one thing is clear: a criminal record facilitates ongoing punishment and “represents a unique mechanism of stratification” (Pager, 2003, p.942) that can be activated or made visible in various spaces and places with little to no reason. For example, while employers and landlords will often request criminal record checks in the name of public safety, decades of empirical research do not support a definitive link between an old criminal conviction record and future harm or violence (Fresh Start Coalition, 2021; Jung, Spratt, & Doob, 2020).

Though the narratives of people who work in the penal voluntary sector are featured

more prominently in this research project, I cannot begin this dissertation nor carry on through the remaining chapters without first and consistently acknowledging the experiences of people with criminal records. As previously mentioned, more than four million people in Canada bear the brunt of labels, systems, processes, and institutions that function on risk-averse, punitive, racist, colonial, and exclusionary practices – and the lived and living experiences of this criminalization, punishment, and exclusion reveal the persistent punishment fueled by pervasive and relentless carceral power.

The quote that you read at the outset of this introductory chapter captures the essence of my research. Sabrina's² words that she shared as part of a public forum in Ottawa in 2013 (more on this later) exemplify the ongoing exclusion and the multiple and intersecting obstacles, barriers, and hardships faced by people with criminal records in the community – long after they have completed their formal sentences. Her call for support instead of condemnation seems simple, but unfortunately, life is anything but for someone with a criminal record. While Sabrina received a pardon (now known as a record suspension), allowing her to move forward with her education and her plan to work as a healthcare provider, she recognized that others continue to live with the burden of a criminal record and wanted to add her voice and experience to the growing advocacy around this issue. Stories like that of Sabrina's are important to share as they demonstrate the possibility for transformation that arises when people can access support and move beyond the punishment imposed through a violent and retributive 'justice' system. But, given the increasingly pervasive forms of stigma, particularly *structural* stigma (Hannem,

² Pseudonyms are used throughout this dissertation to protect the identity of participants and others who have shared their stories and experiences with me over the past several years. I have full permission to share these stories and experiences. See Appendix A for the ethics approval received for this project through the Carleton University Research and Ethics Board.

2012), encountered by people with criminal records, it is imperative to tell stories that expose these struggles as well.

“I can’t even get a job at Wal-Mart” is a phrase that I heard, in one form or another, at least once a week over the course of several years while I worked frontline in employment, education, and training programs within the penal voluntary sector. As I met with people to talk about their goals, many were overwhelmed by the barriers they faced due to policies and practices that exclude people with criminal records, and they had a hard time planning for their future as a result. Even people with college diplomas and university degrees were nervous about their employment options and questioned whether they would ever be able to financially support themselves (and in some instances, their families) without relying on deeply insufficient social assistance programs. Beyond employment, people I met day-to-day were anxious about their ability to participate in other social domains and activities. Some could not find rental housing due to landlord requests for criminal background checks, and others could not engage in volunteer activities within their communities, or at their child(ren)’s school(s), for the same reason. Travelling, specifically to the United States, was also out of the question for many people – which sometimes eliminated employment opportunities that required cross-border travel (such as truck driving, for example).

Keene, Smoyer, & Blankenship (2018) write that “incarceration becomes an enduring mark that serves to justify the ongoing denial of rights and resources for those who have been to prison” (p. 811). Even those who are criminalized but not sentenced to a period of incarceration still live with the mark of a criminal record (Pager, 2003) and endure collateral consequences of punishment. Each day during my time as a frontline practitioner

in the penal voluntary sector, I learned about new and increasingly outrageous obstacles faced by people with criminal records. It became hard to ignore the impact of this on my work and my colleagues who were trying their best to help criminalized people navigate the community and the institutions around them. When it is your job to help someone find a job, how do you do that work effectively when more and more employers are requesting criminal background checks as part of their application and hiring practices? If you are a housing worker trying to help somebody to find safe, affordable, and suitable rental housing, how can you do this work when landlords are increasingly participating in the same discriminatory practices? If you are a volunteer coordinator, how do you stop organizations from performing Google searches on the people you are trying to place that will reveal news articles detailing arrests and convictions? These questions weighed on me as I did my best to support those who were doing their best to move on with their lives while navigating all sorts of obstacles.

When I started to help people apply for pardons through the Parole Board of Canada (then known as the National Parole Board³), I was at least able to provide people with an option to move forward with their short- and long-term goals without requiring the constant disclosure of their conviction histories. Considering the long-term impact of a criminal record on access to various social domains, activities, and opportunities, it is essential that people with criminal records can eventually rid themselves of this “negative curriculum vitae” (Jacobs, 2014, p. 2). Canada’s pardon program, as it existed before 2010, allowed for such “de-labelling” (Maruna, 2011, p.23) and was applauded as a sensible, accessible,

³ Changing the name of the ‘National Parole Board’ to the ‘Parole Board of Canada’ was one of the many changes brought in under Stephen Harper’s omnibus crime legislation, [Bill C-10: The Safe Streets and Communities Act](#).

and logical approach to support desistance⁴ (Ruddell & Winfree, 2006). Unfortunately, this pardon system was eliminated and replaced with a more restrictive and punitive *record suspension* program – changes that criminologists, practitioners, and people with criminal records have all criticized (Cheadle, 2015d; Crawford, 2013, 2017; Deshman & Hannah-Moffat, 2016; McAleese, 2017a, 2017b, 2018; McMurtry & Doob, 2015; Murphy, 2018). These changes (described later in this chapter) provide important policy context and help explain my own personal and political motivations for my research and related advocacy.

My doctoral research – that stems from my own experiences but is heavily enriched by the experiences, frustrations, observations, insights, and work of other frontline practitioners, people with criminal records, and social justice advocates – builds on previous criminological and sociological research on punishment, stigma, re-entry, desistance, and the penal voluntary sector. What I have written thus far is nothing new. We already know that people with criminal records have a hard time finding employment (Agan & Starr, 2017; Bushway, 2004; Ricciardelli & Peters, 2017; Rovira, 2019; Stoll & Bushway, 2008; Williams, Wilson, & Bergeson, 2019), housing (Adams, Chen, & Chapman, 2017; Leasure, 2019; Leasure & Martin, 2017; Petersilia, 2003; Thacher, 2008), and due to constant discrimination (or the anticipation of rejection) experience low self-esteem, stress, and isolation (C. Davis, Bahr, & Ward, 2012; Durnescu, 2019; Hannem & Bruckert, 2012b; Munn & Bruckert, 2013; Western, Braga, Davis, & Sirois, 2015), and generally find themselves cycling between incarceration and homelessness as a result. Furthermore, we know that these experiences of exclusion, discrimination, and isolation

⁴ Criminologists define desistance “as a long-term process” of creating “new systems of social support and emotional attachment...wherein [criminalized persons] forge new commitments and find new direction and meaning in life” (Petersilia, 2003, p.207; see also Bushway, Piquero, Broidy, Cauffman, & Mazerolle, 2001; Maruna, 2011; Maruna, 2017; Sampson & Laub, 2001).

are amplified based on other identity markers like class, gender, marital and parental status, age, and race (Comack, 2018; Dej, 2020; Pager, 2007). For example, we know that Black and Indigenous peoples in Canada are at significant risk of surveillance, criminalization, punishment, and ongoing exclusion through various forms of interpersonal and structural stigma and systemic racism (Beaudin & Piché, 2020; Cardoso, 2020; Cole, 2020; Maynard, 2017; Owusu-Bempah et al., 2014).

Much of this literature, though, focuses on individual and interpersonal experiences of punishment, stigma, shame, and discrimination and therefore, the solutions that emerge remain at this micro level. For example, a recent study on the anticipated stigma and social withdrawal experienced by individuals re-entering the community after a period of incarceration (Moore & Tangney, 2017) concludes with recommendations for cognitive-behavioural interventions and mental health supports. Without ignoring the impact and importance of these more (inter)personal elements, my research aims to expose institutional, systemic, and structural forces that keep people “down, in, or away” (Link & Phelan, 2014, p. 24) and focuses instead on solutions and strategies to identify, navigate, resist, and eliminate structural stigma, or, stigma power – “instances in which stigma processes achieve the aims of stigmatizers with respect to the exploitation, management, control or exclusion of others” (*ibid*).

For this reason, to expose and disrupt institutional and systemic sources of punishment, exclusion, and violence, my doctoral dissertation involved two approaches to research. The first approach – informed by institutional ethnography and anti-oppressive practice – allowed me to ground my research in the everyday work, practices, and experiences of practitioners, managers, and executive directors. From the standpoint of

penal voluntary sector actors, I demonstrate the complexity of the work involved in re-entry, desistance, and supporting and advocating for and with people with criminal records in the community. Testimonials from frontline practitioners, especially, move beyond merely speaking to different programs, resources, supports, and ‘best practices’ in place in the community. The details of their day-to-day work provide a better understanding of *how* people experience community integration processes based on a specific institutional and politico-administrative context (McAleese, 2019a). Data collected and analyzed through various research activities (interviews and textual analysis) expose the “misalignment between [the] urgent needs [of individuals] and the concerns (about risk, efficiency, and accountability) of the system” (Nichols, 2014, p. 3). It is this misalignment or disjuncture that influenced the second element of my research approach.

The second research approach – informed by public criminology, political activist ethnography, and engaged sociology – allowed me to deepen my interactions with the penal voluntary sector, people with criminal records, and other institutional and political actors involved in law and policymaking processes. This way of ‘doing’ public criminology, or engaged research, allowed me to move *beyond* learning from the everyday experiences of research participants to actively engaging in advocacy work alongside them (or in some cases, on their behalf). This engaged approach was particularly important for me. My aim for this dissertation was not only to understand better the role and limits of the penal voluntary sector in the community and to provide people with a better understanding of the collateral consequences of punishment experienced by criminalized people in Canada (and the symbiotic harm that extends to the community), but also to strengthen the relationship between academics, advocates, practitioners, and people with lived and living experience

of criminalization, victimization, and punishment. Doing criminological and sociological work in this way can ensure that research (and the advocacy work that might stem from it) contributes to meaningful, progressive, and transformative changes to various social institutions, including the ‘justice’ system.

In layering the stories (McAleese & Kilty, 2019) of penal voluntary sector actors together with my own experiences working in the sector and doing advocacy work, stories shared publicly by people with criminal records, and texts that further explicate the institutional and political contexts through which people’s work and experiences are shaped, my dissertation not only identifies the harm and hardship caused by punitive penal policies that extend from the community to the prison and back to the community again, but also provides some insight into the work required to identify, navigate, resist, and eliminate this pervasive punishment. To influence change that repairs harm and restores both individuals and communities *without* expanding the carceral net (Gottschalk, 2006; Mathiesen, 1974; Tomczak & Thompson, 2017), we should keep at the forefront the actual experiences of the individuals who interact with these policies and institutions every day. That being said, in the following section, I return to the broader policy context to situate my research and the experiences of my participants and people with criminal records in Canada. I will provide a brief overview of the changes made to Canada’s pardon system between 2010 and 2012, as these policy changes brought me to this work and research in the first place. In the final section of this introductory chapter, I will outline my research questions, identify the key contributions of my research, and provide an outline for the remaining chapters of the dissertation.

1.1 Changes to Canada's Pardon System

“A pardon under the [Criminal Records Act] enabled an offender who had demonstrated that [they] had successfully reintegrated into society to reduce the legal, economic and social limitations associated with possessing a criminal record.”

(Wallace-Capretta, 2000, p. 3)

In 1970, Canada enacted the *Criminal Records Act*⁵ which introduced the possibility for individuals to apply for a pardon after the completion of their sentence and after demonstrating “good conduct” in the community for a “prescribed length of time” (Wallace-Capretta, 2000, p. 3). Canada’s pardon program intended to formally acknowledge desistance from crime and allow people to move forward with their lives without harbouring the mark of a criminal record. However, the pardon system never completely erased a criminal conviction from the Canadian Police Information Centre⁶ but instead sealed the record to ensure the information would not appear on a standard criminal record check. Initially, the application process was free of charge, but several amendments were introduced in the 1990s with the stated purpose of increasing efficiency, including the addition of a \$50 application fee to supplement resources at the Parole Board of Canada. Despite a drop in pardon applications after these amendments, the pardon program remained successful (Wallace-Capretta, 2000), as demonstrated through the high grant rates and a minimal number of revocations.

In 2000, Suzanne Wallace-Capretta (Department of the Solicitor General Canada) examined Canada’s pardon program. Three quantitative studies detail who received

⁵ The *Criminal Records Act* emerged from the 1969 Ouimet Report that provided a detailed overview of the Canadian criminal justice system (Ouimet, Martin, Lemieux, McArton, & McGrath, 1969). The report acknowledged that criminal records “threaten to destroy the correctional process” (p. 407) and therefore the committee recommended that there be a process through which people could remove the stigma of that record.

⁶ The Canadian Police Information Centre is Canada’s criminal record keeping system maintained and managed by the Royal Canadian Mounted Police.

pardons, which applicants were denied, and what circumstances led to revocations. Findings indicated that persons convicted of violent and/or sexual offences, as well as people with multiple convictions, were less likely to be granted a pardon compared to those convicted of property and/or non-violent crimes. Those who had their pardons revoked were often male, unemployed, and had a history of violent offences. Finally, the analysis showed that those convicted of sexual harm make up only two percent of pardon recipients in Canada. More recent statistics from the Parole Board of Canada (2019) indicate that “[s]ince 1970, more than 500,000 Canadians have received pardons and record suspensions” and “95 percent of these are still in force.” Every year, the Parole Board of Canada reports on how many applications are received and accepted and eventually how many record suspensions are ‘ordered’ or granted – the rate at which remains above 90 percent every year (Public Safety Canada, 2020). No demographic data is included in the public release of these statistics. While the Parole Board of Canada states in its renewed ‘Diversity Initiatives’ that they are “improving accessibility to pardons” (Parole Board of Canada, 2021) to address “the over-representation of Black and Indigenous [peoples] in the criminal justice system,” there has not yet been any public race-based reporting to indicate any improvement in this regard.

Despite positive endorsements of the existing program from many sources (see Ruddell & Winfree, 2006), the pardon program underwent significant changes under Stephen Harper’s Conservative federal government. In 2010, Bill C-23A, the *Limiting Pardons for Serious Crimes Act*, extended the required wait periods⁷ for persons convicted of violent offences and child sexual offences from five to ten years. That same year, the

⁷ The wait period before being eligible to apply for a pardon begins at sentence completion. All fines and restitution must also be paid before the wait period begins.

application fee increased from \$50 to \$150 and then, in February 2012, the cost jumped from \$150 to \$631, as the result of a decision made in complete opposition to feedback collected through public consultations⁸ (Parole Board of Canada, 2011). In March 2012, more changes to the pardon program were introduced under Bill C-10 – the *Safe Streets and Communities Act* (2012):

- The word *pardon* was replaced with the term *record suspension*.
- The wait periods before eligibility were extended again, from three to five years for summary offences and five to ten years for all indictable offences.
- Specific individuals were excluded from applying for a pardon altogether, including those with more than four indictable offences on their record and persons convicted of having engaged in sexual harm against children.

These changes were said to be made in the name of increasing public safety and providing additional protection to victims (Sullivan, 2014), even though the pardon program was not a threat to either of those needs.

The tough-on-crime approach embodied in the *Safe Streets and Communities Act* was a cornerstone of Stephen Harper’s Conservative federal government and is just one example of how it deployed risk-averse rhetoric to increase the use of punitive responses to social harms. Between 2006 and 2015, we saw legislative changes like the introduction of new mandatory minimum sentences and restrictions on the use of alternatives to incarceration, changes to institutional policies that increased security (read punishment and surveillance), austerity measures that resulted in a decrease in quality and quantity of programs and services for prisoners, and other environmental changes like an increase in double-bunking, use of force, and reliance on solitary confinement – all made in the name

⁸ Out of the 1,086 responses received during the consultation process, 1,074 were not in favour of the fee increase and only 12 showed support (Raj, 2011).

of public safety (Piché, 2015a; Shook & McInnis, 2017; Webster & Doob, 2015). In particular, changes to the pardon system sought to “quell the general public’s fear of crime” by monitoring people with criminal records long after the completion of their formal sentences (Kilgour, 2013, p. 146). This “fear of crime,” or the fear of those labelled to be dangerous individuals living in our communities, was also facilitated through the media and served to support the actions of politicians who did not wish to appear “soft on crime” (Pratt, 2007). Specifically, politicians used the cases of Graham James and Karla Homolka to justify the unwarranted changes to Canada’s pardon program (Cheadle & Bronskill, 2010; Cosh, 2010; Ibbitson, 2010; Weese, 2010).^{9,10} Despite the false portrayal of the pardon process – which was never automatic and instead required a lengthy application followed by a rigorous investigation and confirmation of several years of crime-free activity in the community – the *Safe Streets and Communities Act* received Royal Assent in March 2012 and the new record suspension regime came into effect.

The record suspension program requirements function in opposition to statements within the mission and operating principles of the Parole Board of Canada about safe, effective, and timely re-entry and respecting the needs and rights of all persons in the community (Parole Board of Canada, 2000). Given the reported 97% success rate of the pardon program, the 2010 and 2012 changes were seemingly a needless reaction to the unique and sensationalized cases of James and Homolka by politicians and policymakers. People with criminal records living in Canada must now endure more prolonged periods

⁹ Graham James, a former Canadian hockey coach who was charged with sexually assaulting several of his players, was granted a pardon in 2010. Initial media reports on the perceived problems with Canada’s pardon system claimed that James benefited from a ‘routine pardon’ (Cheadle & Bronskill, 2010) and this revelation sparked a political will to make changes.

¹⁰ Karla Homolka is the former wife of convicted serial killer Paul Bernardo (known in the Canadian media as ‘the Scarborough Rapist’). Homolka is often “presented as a rare and sensational figure of dangerousness, which has only served to confuse and incite fear” amongst the public (Kilty & Frigon, 2016, p. 57).

of discrimination and exclusion before becoming eligible for a record suspension, while others will never be eligible under this new regime. The application fee also heavily restricts those living in poverty from applying to have their records sealed – a common concern expressed by the penal voluntary sector actors I interviewed for this research project. Participants emphasized that many criminalized and formerly incarcerated persons in Canada live in poverty (Stacey, 2015; Visher & Travis, 2011) and, as a result, cannot afford even to begin the process of applying for a record suspension.

I would say the financial piece of it is very stressful for most of our clients because most of them don't have the money. Say three-quarters of them don't have the money to do it. So, it's months of saving. (Mélanie, Crisis Intervention Worker)

Another thing is money, right? It's like a thousand bucks now. I think it's actually \$650 plus like the fingerprints and stuff... So, a thousand bucks. Ok, listen. Forget about it! They don't have it! And when they do get it, they've gone so long without money it's not the first thing you want to dive into spending it on. (Luke, Business Developer)

I find that especially the fee from the very start is a barrier for a lot of our women. If you are on OW [Ontario Works], how are you supposed to save that \$631? But that's just the amount of the record suspension, then there's fees to do the fingerprints now. So now to get your fingerprints, it's \$84.50. It could be even more depending on the different jurisdictions... and then they have to get their police checks, so, that's about \$62 to \$63 to get those. And then you want your court documents, well that's not too bad it's \$4, but it's still another fee. (Geneviève, Volunteer Coordinator and Court Support Worker)

The level of work that's involved [in the application] is crazy!... Let's not make it super fucking difficult for them. Like, the reason these people want pardons is because they can't work, but we're still going to charge them about \$1000 to get a pardon. How does that make any fucking sense? (David, Reintegration Worker and Community Developer)

Participants who were not aware of the specifics of the record suspensions regime before the interview were appalled by the costs associated with the process.

Wow! I had no idea it cost that much... [that's] unbelievable! Like, who is going to pay for that if the reason they are trying to get a record suspension is to get a good job? That's... wow. (Sarah, Youth Caseworker)

Limiting access to pardons arguably “makes society less safe by not only failing to encourage and promote rehabilitation but by positively discouraging it” (Maruna, 2014, p. 135). The invisible and ongoing punishment associated with a criminal record creates a social and economic divide between people with a criminal record and those without (Travis, 2002) and “is akin to double jeopardy” (Pager, 2007, p. 58). Canada’s pardon program offered people with criminal records a concrete and obtainable incentive to remain ‘crime-free’ in the community, but the restrictions associated with the new record suspension program fail to improve the experience of (re)integration for many. More recent (and more critical) media reports and public education initiatives have featured stories of individual hardship that illustrate the negative impact of the record suspension regime (Cheadle, 2013; Crawford, 2013; Ireland, 2016). Essentially, and as one participant put it, record suspensions are “out of reach for a lot of people” (Rick, Reintegration Worker), and this exclusion impacts each interaction they have in the community.

1.1.1 Reacting to the Changes

“By making it harder for people convicted of crimes to obtain pardons, the government is making it harder for those people to find jobs – to support their families, to make restitution to their victims and find safe housing... The complete overhaul of the pardon system was never justified as a means to reduce crime; it was, in fact, a stupid thing to do.”
(Sullivan, 2014)

When the changes to the *Criminal Records Act* came into effect, I was working as a program assistant in an employment program mandated to help people with criminal records find jobs. One of my responsibilities in this role, as I mentioned earlier, was to help

people apply for pardons. Supporting people through this process was frequently one of the more rewarding elements of my work, but things quickly changed on March 13th, 2012, when the *Safe Streets and Communities Act* received Royal Assent. Many employment program service users were now ineligible under the new record suspension regime and suddenly had to cope with the realization that they could not have their criminal records sealed for several years – others would never be eligible under the new rules. Even those who *were* eligible could not apply, as most were living on social assistance and could not pay the \$631 application fee required by the Parole Board of Canada (in addition to the other costs associated with the application process¹¹).

All of this was devastating. People immediately reported feeling helpless and hopeless and could not comprehend why, even after serving their sentences and doing everything right, they could not move on with their lives without continually disclosing their past mistakes to strangers. This sense of despair permeated my day-to-day work and the work of my colleagues. Suddenly we were all working in crisis mode with people who, up until 13 March 2012, were doing everything they could to build up their lives and themselves. One person divulged to me that if he could not apply to have his record sealed, he might as well go back to selling drugs – how else was he supposed to make enough money to support himself and his family? Another individual told me it felt like the Harper government had given them a life sentence, even if the judge had not. Participants echoed these sentiments throughout the interviews for this research project:

¹¹ In addition to the \$631 application fee that applicants pay to the Parole Board of Canada, there are other costs associated with the record suspension application process. Individuals are required to obtain fingerprints and their official criminal record through the RCMP, court documents, and local police record checks. Depending on where you live in Canada, the cost of each of these elements vary. Typically, these requirements add \$200 - \$300 to the \$631 application fee.

That five- or ten-year gap is a lot for a lot of people, because if you tell clients, “Oh, you have another five years to wait,” sometimes they just give up because it’s so long. (Mélanie, Crisis Intervention Worker)

[The changes were] very discouraging for the guys, right? And some of them were sort of almost thrown into a shock. People who had perhaps been eligible for a pardon before were no longer eligible, right? And the time periods were extended so there was like, “Oh my God! Now I have to wait umpteen more years?!” And so obviously that had an impact on their life in terms of housing, employment, self-esteem... People just saw it as a sort of a slap in the face, and it’s like we don’t value you as a contributing citizen. I mean I can remember hearing that numerous times from different people, some of them even became fairly depressed. (Thomas, Crisis Counsellor)

There’s a sense that they are being held hostage by the community... like they will never break free... There is that hopelessness... they are never going to shake it. (Amelia, Employment Counsellor)

It’s demoralizing and we hear things like, “They want me to be punished for the rest of my life!” You should hear some of what they say, it’s sad. Just another knife in the wound. (Rebecca, Employment Counsellor)

Participants also shared that even people who are eligible to apply for a record suspension choose not to or cannot apply one because the process is too complicated and burdensome:

I feel like this process is for someone who has the education and literacy that is required, and a lot of our clients don’t [have that] ... People don’t have the time. They are living on the streets; they don’t have time to listen to tutorials and take notes. (Geneviève, Volunteer Coordinator and Court Support Worker)

Did you know that they also have to have all of their fees and fines and everything cleared? Ok, so when you are talking about people who will barely show up for a court date for sentencing let alone pay a couple of fines, they are adding fines on top of that fee and it’s a nightmare. (Elisha, Housing Based Case Manager)

Several months after the changes to the *Criminal Records Act*, in September 2012, I met with a group of professors and students from the Department of Criminology at the University of Ottawa and the Department of Sociology and Anthropology at Carleton University. They were coming together to form what is now the *Criminalization and*

*Punishment Education Project*¹² (CPEP). For me, this group seemed like an excellent opportunity to remain connected to academia while I worked frontline, and it also provided a space for me to share with others the real-life impact of the Harper-era punishment agenda. After a few meetings, I began to work with a group of CPEP members to organize a public forum highlighting the implications of the changes made to the *Criminal Records Act*. We reached out to other frontline workers, managers, and directors of local and national penal voluntary organizations and put a call out to people with criminal records who might want to share their own stories. The purpose of the event was to build a counter-narrative to the tough-on-crime sentiments responsible for eliminating pardons in Canada. We also wanted to mobilize people to work together on advocating for meaningful reforms. Media coverage before the event (see Cheadle, 2013) helped us do just that.

The forum took place on April 5th, 2013 and did what CPEP had set out to do – shed light on the detrimental impacts of the new record suspension regime on individuals, families, and communities across Canada. There was a sense of sadness and a general theme of lost hope in each of the anonymous testimonials¹³ shared at the forum, but despite the challenges faced by people with criminal records, they felt it was important to share their stories. Sabrina permitted me to share her story at the forum. It was an important one to share, given that she received a pardon before the changes were made and could speak to the benefits of this reprieve from the collateral consequences of punishment. Her story, along with so many others, is what motivated me to continue pursuing this issue. Witnessing first-hand the impacts of the changes to Canada’s pardon program is what

¹² The [Criminalization and Punishment Education Project](#) aims to bring together critical criminologists, students, researchers, community members, frontline workers, and those affected by criminalization and punishment, to carry out public education, activism, and research in the hopes of creating social change.

¹³ See Appendix B for a sample of the testimonials shared at the forum.

eventually led me back to academia to complete this research project. Additionally, the gathering of academics, practitioners, advocates, and people with criminal records at this forum highlighted how quickly people can mobilize and resist punitive policies and how urgently this resistance is needed to effect progressive and transformative systemic change.

As mentioned previously, the controversial legal and policy changes to the *Criminal Records Act* were part of a broader ‘tough on crime’ agenda promoted by Canada’s former Conservative federal government, gaining momentum in 2006 and seemingly coming to an end in 2015 when the Conservative Party was succeeded by the Liberal Party.¹⁴ Aside from changes to the *Criminal Records Act*, other decisions made under Canada’s previous Conservative majority government affect the ability of criminalized persons to move beyond punishment. For example, cuts to programs like *Lifeline*¹⁵ and *Circles of Support and Accountability*¹⁶ reduced institutional and community-based supports available to prisoners and formerly incarcerated persons. These program cuts, combined with a reduction in the use of gradual and supported release and escorted temporary absences from prison, indicated a general disregard for safe and successful re-entry and both worsened and lengthened the punishment and discrimination faced by criminalized people. These cuts simultaneously decreased funding and resources for penal voluntary organizations and increased reliance on the sector to support people with criminal records in the community. It is here, at the intersection between the penal

¹⁴ In January 2016, Liberal Public Safety Minister, Ralph Goodale, announced that his department would consider reversing the 2010 and 2012 changes made to the *Criminal Records Act* (Crawford, 2016).

¹⁵ The Lifeline program, overseen by the St. Leonard’s Society of Canada, was available for more than 20 years to prisoners serving life sentences in federal prisons. The program supported lifers inside of the prisons and eased the transition to community for those released on parole (Olotu et al., 2009).

¹⁶ Circles of Support and Accountability is a community-based program that supports individuals convicted of sexual harm and “are usually kept in prison to the end of their sentences and don’t receive parole” (CoSA Canada, 2021).

system, the voluntary sector, and people with criminal records who come into contact with both, where my project sits – to understand the role of the penal voluntary sector in supporting (or trying to support) people with criminal records in the community as they work to navigate and resist the collateral consequences of punishment in Canada.

1.2 Research Questions

My research project brings together the narratives and experiences of various groups to better understand (re)integration and desistance, considering recent policy changes in Canada and other policies and practices that exclude people with criminal records from full participation in the community. Data gathered through interviews with penal voluntary sector actors, participant observation, textual analysis, and advocacy work allowed me to highlight both the barriers and avenues to social inclusion for people with criminal records. This research sought to understand the impact of structural stigma on people with criminal records and the work performed by practitioners who support (or try to support) people with criminal records in the community. By focusing on the ‘work’ of (re)integration and responses to discrimination, exclusion, and structural stigma, I aimed to expose the resistance that happens in response to an increase in punitive and risk-averse policies and practices and the role that penal voluntary sector actors, practitioners, and advocates from adjacent sectors (e.g., housing and homelessness), and academics can play in advocating for transformative changes to social policy.

The research questions that guided my work were as follows:

1. How do people with criminal records navigate the barriers (both interpersonal and structural) to employment? Housing? Volunteering? Other social domains and activities? Have the changes to Canada’s pardon system impacted experiences of (re)integration?

2. How do practitioners support (re)integration considering increasingly risk-averse policies and practices that impact people with criminal records?
3. How are individuals and groups working and mobilizing to reduce/resist/eliminate the collateral consequences of punishment and criminalization in Canada? What is the role of public criminology in this resistance/advocacy work?

In the spirit of institutional and political activist ethnography (along with many other critical, feminist, and community-based approaches to sociological research), these research questions did not emerge from a ‘gap’ in the literature. Instead, the impetus for this research arose “from the problems and puzzles of everyday life” (Devault, 2020, p.83), and the investigation is grounded in the day-to-day lived experiences of practitioners, advocates, and people with criminal records. As you might have noted, none of my questions begin with asking, “Why?” or “What?” This is because I already knew the answers to those questions due to my experience working as a practitioner in the penal voluntary sector for several years. I know what obstacles people with criminal records face in the community and why they experience discrimination. I wanted to know more about *how* people identify, navigate, resist, and attempt to eliminate these obstacles and this discrimination and expose the institutional and structural factors that contribute to persistent and pervasive forms of punishment in the community.

1.2.1 A Note about Method and Theory

Given that my objective was to understand how people with criminal records and actors within the penal voluntary sector identify, navigate, resist, and attempt to eliminate the collateral consequences of punishment, my research design borrows from other projects that have achieved similar objectives. For example, Melissa Munn and Chris Bruckert (2013) examined the process of prisoner re-entry and focused on how former prisoners

negotiate their identities and manage the stigma associated with a criminal record in the community. They used a committed scholarship approach “which involved the adoption of qualitative methods, a critical perspective, and attention to praxis” (p. 178). This engaged approach is conducive to building meaningful narratives with participants that allow for a richer understanding of interpersonal connections and structural/institutional barriers within specific contexts (Stivers, 1993). The qualitative data collected throughout such research projects tell us more about experiences of (re)integration as the stories expose the complexity of human experiences (Jacob & Furgerson, 2012; Siltanen, Pich, Klodawsky, & Andrew, 2017; Tilley, 2016) rather than focusing solely on quantitative measures, like recidivism rates. Furthermore, qualitative research that incorporates an anti-oppressive approach, linking research to activism (Munn, 2014), allows for researchers, participants, and communities to work together and advocate for social change (Chatteron, Fuller, & Routledge, 2007; Felices-Luna, Kilty, & Fabian, 2014; Haiven & Khasnabish, 2014).

The work of institutional ethnographers, such as Naomi Nichols (2016; Nichols & Braimoh, 2018), Megan Welsh (2015; Welsh & Rajah, 2014), Laura Bisailon (2012), and colleagues Sarah Rodimon (2018) and Janna Klostermann (2019), was also instrumental in the development of this project. I have found institutional ethnography particularly useful in extracting my own experiences of frontline work and advocacy and incorporating these experiences alongside others who currently work within the penal voluntary sector. This “alternative sociological approach” (Nichols & Braimoh, 2018, p. 157) captures the complexity of day-to-day work by engaging several qualitative research methods – such as textual analysis, participant observation, and interviews. The combination of these approaches to data collection (outlined in Chapter 4) allowed me to focus on individual

experiences of injustice and advocacy while also examining broader social relations (institutions, policies, and practices) that maintain inequality and carceral power (Nichols & Braimoh, 2018; D.E. Smith, 2005; G. Smith, 2006; Welsh, 2015).

Just as this research does not emerge from a specific gap in criminological or sociological literature, nor does it seek to test or apply specific theoretical concepts to “the work done by others” (DeVault, 2020, p. 85) in a traditional way. As Marvasti & Treviño (2020, p.1) write: “In general, qualitative researchers tend to link the method and theory reflexively throughout the research.” Working from this approach, what I have provided in Chapter 2 of this dissertation is a final rendition of the theoretical and conceptual framework that emerged, evolved, and shifted throughout the research process. The literature on the collateral consequences of punishment, structural stigma, the penal voluntary sector, and advocacy comes together in this framework and weaves throughout the substantive chapters of the dissertation to explicate and situate the work and experiences of penal voluntary sector actors, social justice advocates, public sociologists and criminologists, and people with criminal records.

1.2.2 Contributions to the Literature

In answering my research questions, this project contributes to several areas of scholarship:

- the empirical literature on punishment, on re-entry and desistance, on the collateral consequences of punishment, and the management and disclosure of criminal records;
- the theoretical literature on structural stigma, stigma power, and stigma resistance;
- the literature on the form, role, and purpose of the penal voluntary sector;
- the growing body of literature on public sociology and criminology, and academic activism; and

- the literature on critical and engaged qualitative research methods, including institutional and political activist ethnography.

Outside of academia, I am hopeful that my work will inform policy changes around criminal records management in Canada, contribute to ongoing public education efforts on reducing the stigma associated with a criminal record, and facilitate partnerships and communities of care between academics, practitioners, advocates, and people with lived and living experience of punishment and criminalization.

1.3 Outline of Dissertation

In Chapter 2, I outline the theoretical foundations and conceptual framework for my dissertation. To situate my research, I bring together literature on the collateral consequences of punishment, structural stigma, the penal voluntary sector, and advocacy. I introduce Phillipa Tomczak and Gillian Buck's (2019b) work on conceptualizing the penal voluntary sector as a core analytical tool in this chapter, as it helps capture the various forms of advocacy work that emerge as participants detail the ways they identify and navigate the collateral consequences of punishment and various forms of stigma and systemic violence.

Chapter 3 outlines my methodological approach: grounded in anti-oppressive practice, informed by institutional and political activist ethnography, and supplemented by public criminology. I explain how I collected data through qualitative interviews with twenty-two penal voluntary sector actors and layered this data with textual analysis and ongoing community engagement within and alongside the sector. Additionally, I reflect on research decisions that shifted throughout the project based on ethical considerations and personal capacity.

Chapter 4, the first of three findings chapters, summarizes what penal voluntary sector actors had to say about the various obstacles and barriers faced by people with criminal records in the community. I outline concerns with the record suspension regime, finding employment and housing with a criminal record, and discuss several policies, processes, and programs that keep people in a state of struggle. Chapter 5 follows up with a discussion of how penal voluntary sectors help people with criminal records navigate various forms of interpersonal and structural stigma. Participants highlighted concerns around disclosing criminalized status, a lack of community-based resources, and described their day-to-day advocacy work that often requires going above and beyond their formal and mandated job descriptions. In this chapter, I begin to map the work and advocacy in the penal voluntary sector using Tomczak and Buck's (2019) framework.

In Chapter 6, I reflect on what participants shared when asked what they think can be done better to support people with criminal records in the community. These responses are also situated with Tomczak and Buck's (2019) framework on conceptualizing the penal voluntary sector and discussed alongside my own advocacy and activism work related to this project.

Chapter 7 summarizes the information presented in the previous chapters, discusses recent changes and ongoing advocacy work related to criminal records and Canada's record suspension regime, reflects on the impact of various recent public health crises and social movements on the penal voluntary sector, highlights key contributions of this research, and considers future research projects to extend the work started with this dissertation.

2. Theoretical Foundations and Conceptual Framework

In this chapter, I outline the theoretical foundations and conceptual framework for my dissertation. As mentioned previously, this framework morphed and shifted throughout the research process – a process that was itself nonlinear. This allowance for flexibility, movement, and adjustment is typical of qualitative research and is especially necessary if the purpose of the research is to reflect and respond to what was heard and witnessed without the distraction of preconceived notions of how things work or come to be (Marvasti & Treviño, 2020). Given the themes that appeared from my data, and the advocacy work and contributions that emerged (and continue to emerge) from my research, this chapter summarizes current research and theoretical insights on (a) the collateral consequences of punishment; (b) structural stigma; (c) the penal voluntary sector; and (d) advocacy.

2.1 Collateral Consequences of Punishment

The Canadian Bar Association (2017) recently compiled a report outlining the **collateral consequences of punishment** faced by individuals who find themselves before the court. The report suggests that lawyers should be responsible for understanding the *full* implications of a conviction record and that defence counsel in particular “need to consider and communicate to the court all implications of a finding of guilt that may lead to barriers to an [individual’s] prospects or successful reintegration into society following incarceration” (p. 3). Topics for consideration within the report include but are not limited to: deportation and citizenship; the implications of fines, surcharges, and restitution; the length of time before eligibility for a record suspension; the long-term requirements for sex offender registries and prohibition orders; and the lasting impact of incarceration on individuals, families, and communities. While encouraging to see such a resource for legal

professionals, there is not much evidence to demonstrate whether lawyers, judges, police, or any actors at the front end of the penal system consider the collateral consequences of punishment in their day-to-day work. Indeed, from what I heard in my interviews and from what I frequently hear in my ongoing communications and advocacy, there does not seem to be much reflection on or contemplation about the effects of these consequences within the courts at all. Furthermore, experiences of this ongoing punishment have arguably worsened since the overhaul of the *Criminal Records Act* in 2012 (McAleese, 2017a; 2017b; 2018; McMurtry & Doob, 2015; Murphy, 2018; Sullivan, 2014).

There is ever-growing literature on the collateral consequences of punishment in criminology, sociology, social work, and other related fields. Researchers from many jurisdictions have been paying more attention to what people experience post-conviction, post-sentence, and post-incarceration, and the increasing discrimination and hardship faced by those with criminal records in the community. Jeremy Travis (2002, p. 16) refers to the collateral consequences of punishment as “invisible punishment” as they “typically take effect outside of the traditional sentencing framework” and “they are not typically considered by judiciary committees.” He points to a ‘new wave’ of invisible punishments through which people with criminal records “can be denied public housing, welfare benefits, the mobility necessary to access jobs that require driving, child support, parental rights, [and] the ability to obtain an education” (p. 18). Although people with criminal records in Canada might not face the same level of disenfranchisement as those in the United States,¹⁷ discrimination from employment, education and training opportunities, volunteering, and safe and suitable housing options is enough to hold people back from

¹⁷ For instance, in most States, people with criminal records are prevented from voting (Uggen, Behrens, & Manza, 2005), whereas in Canada, criminalized people maintain their right to vote (Sullivan, 2020).

full participation in the community (McAleese, 2017; Murphy, 2018; McMurtry & Doob 2015; Sullivan, 2014; McAleese, 2019; Canadian Civil Liberties Association, 2014; John Howard Society of Ontario & Canadian Civil Liberties Association, 2014; John Howard Society of Ontario et al., 2019).

Other literature in this area highlights the collateral consequences of punishment, or secondary penalties, that directly impact families and communities (Besemer & Dennison, 2018; Bulow, 2014; R. Condry, Kotova, & Minson, 2016; Jardine, 2019; Wakefield, Lee, & Wildeman, 2016). A recent theoretical contribution from Condry and Minson (2020) mobilizes the term **symbiotic harms** in place of collateral consequences of punishment “to better capture and analyze the effects on individuals when a family member is imprisoned” (p.2). This term (summarized below in Table 1) “allows us to capture a wide range of effects and to consider the harm that results from the exercise of state power, which can remain hidden with a narrow focus on crime” (p. 9). It shifts the experience of punishment from the individual to the collective and reminds us of the penal system's impact on relationships and communities. The concept of symbiotic harms also allows researchers and advocates to identify better the many spaces, places, and moments where punishment exists and therefore better mobilize to resist and eliminate punishment in its many forms.

While in-depth discussions of the effects of punishment on families are outside the scope of this project (although some participants did highlight struggles that people with criminal records have (re)connecting with their family members, namely children), Condry's and Minson's theoretical work on how “[s]ymbiotic harms threaten social justice, human rights, and the democratic organization of society” (p.14) helps expose the far reach

of punitive policies and practices that, while aimed at managing ‘risky’ or ‘dangerous’ individuals, inevitably place more people in risky and dangerous situations via isolation and social exclusion. Additionally, this concept serves to explicate the messiness and complexity that defines experiences of punishment (in all its persisting and pervasive forms) and how relationships and supports within the community are integral to navigating ongoing harms that stem from state power.

Table 1: Symbiotic Harms

<p>Symbiotic harms are “negative effects that flow both ways through the interdependencies of intimate associations such as kin relationships.” They exhibit five key characteristics: “they are relational; mutual; non-linear; agentic; and heterogeneous.</p>	<p>Relational: Recognizes that “[l]ives are interwoven” and that kin relationships are “profoundly affected by” punishment and incarceration even if interaction is limited or non-existent. This includes recognizing the intergenerational trauma caused by punishment and incarceration.</p>
	<p>Mutual: Acknowledges that “what happens to the prisoner affects [their] family, and what happens to the family affects the prisoner.” Strain and support “can flow both ways” and the impact of punishment, exclusion, and disengagement “is experienced mutually and relationally across time.”</p>
	<p>Non-linear: Demonstrates the “messiness” and “complexity” of how punishment is experienced. Emphasizing a non-linear process and the “considerable effort” required to navigate this process successfully.</p>
	<p>Agentic: Rather than constructing families “as passive recipients of” (the collateral consequences of) punishment, highlighting the resilience, resistance, care, and commitment required to support a family member who has been criminalized and/or incarcerated.</p>
	<p>Heterogeneous: Recognizing that “prisoners’ families are not a monolithic group” and therefore no experience of punishment is the same as another.</p>

(Adapted from Condry & Minson, 2020, pp.9-12)

Chapter 4 of this dissertation will speak primarily to the collateral consequences of punishment experienced by people with criminal records as described by the penal voluntary sector actors I interviewed. A good understanding of the multiple and intersecting obstacles and barriers people face is essential before delving into how people navigate and attempt to resist and eliminate these secondary or invisible punishments. This discussion of the collateral consequences of punishment and symbiotic harm goes together with experiences of stigma – another foundational concept for this dissertation.

2.2 Structural Stigma

In his often-cited book, *Stigma: Notes on the Management of Spoiled Identity*, Erving Goffman (1963) defines stigma as “an undesired differentness” (p.5), which serves as justification for excluding and discriminating against specific individuals or groups of people. He explains that whether this ‘differentness’ is physical or psychological, visible or simply ‘know-able,’ it is the risk or danger we associate with it that tells us to distance ourselves from people with these risky or dangerous characteristics. Former prisoners and people with criminal records often experience exclusion due to their “outsider status” (Becker, 1963; Munn, 2012) and use various strategies to conceal (or avoid revealing) their stigma, including adopting new identities (e.g. worker, student, volunteer, parent) or covering physical markers such as tattoos or scars. Others choose to remove themselves entirely from their families and communities to avoid further rejection and disappointment.

Being or becoming stigmatized is the result of a social process that begins with labelling – a quick and standard response initiated when an individual commits a single act or possesses or displays a quality, defined as ‘deviant’ or ‘criminal’ by those with the power and cultural and social capital to do so (Becker, 1963). Jacobs (2015, p.2) explains that, in

the context of the penal system, “[t]his criminal labelling creates a social divide between ‘law-abiding citizens’ and ‘criminals’” and is used as a mechanism to exclude and disenfranchise, especially once it is made permanent as a criminal record. Similarly, Michelle Alexander (2011, p.15) notes that this path from label to stigma to legal discrimination is grounded in very damaging assumptions about criminalized people that renders them irredeemable:

It does not matter whether you have actually spent time in prison; your second-class citizenship begins the moment you are branded a felon. It is this badge of inferiority – the criminal record – that ushers you into a parallel social universe in which discrimination is, once again, perfectly legal.

These labels and the associated stigma are often internalized by the individual contributing to shame that “divides the community” (Braithwaite, 1989, p.55) and “exclusionary [modes] of social control” (Cohen, 1985, p.59) that can keep people caught up in a perpetual cycle of “punishment and classification” (p.4).

Aside from the (inter)personal stigma that creates social distance between those defined as ‘normal’ and those described as ‘other’ (Goffman, 1963; Hannem & Bruckert, 2012b), there is a more insidious form of stigma that warrants attention from scholars, practitioners, and advocates concerned with the experiences of discrimination and exclusion. **Structural stigma**, as Livingston (2013) defines it in his work on mental illness, “refers to the rules, policies, and practices of social institutions that arbitrarily restrict the rights of, and opportunities for, people” (p.9). Acknowledging that much of the conceptual and theoretical work on structural stigma stems from the work of critical race, gender, and disability studies scholars (see Bhabra, 2014; Hunt, 1966; Tyler, 2018; Tyler & Bailey, 2018; Tyler & Slater, 2018), Livingston highlights the “[i]nequities and injustices [that]

are woven into the fabric of society causing people with mental illness to have unequal access to social, economic, and political resources and power” (*ibid*). Even though people can sometimes negotiate and resist various forms of (inter)personal stigma in everyday life, this structural stigma is much harder to identify, navigate, resist, and eliminate. It manifests itself as ‘normal’ and ‘acceptable’ institutional policies and practices. In other words, structural stigma serves to maintain the status quo.

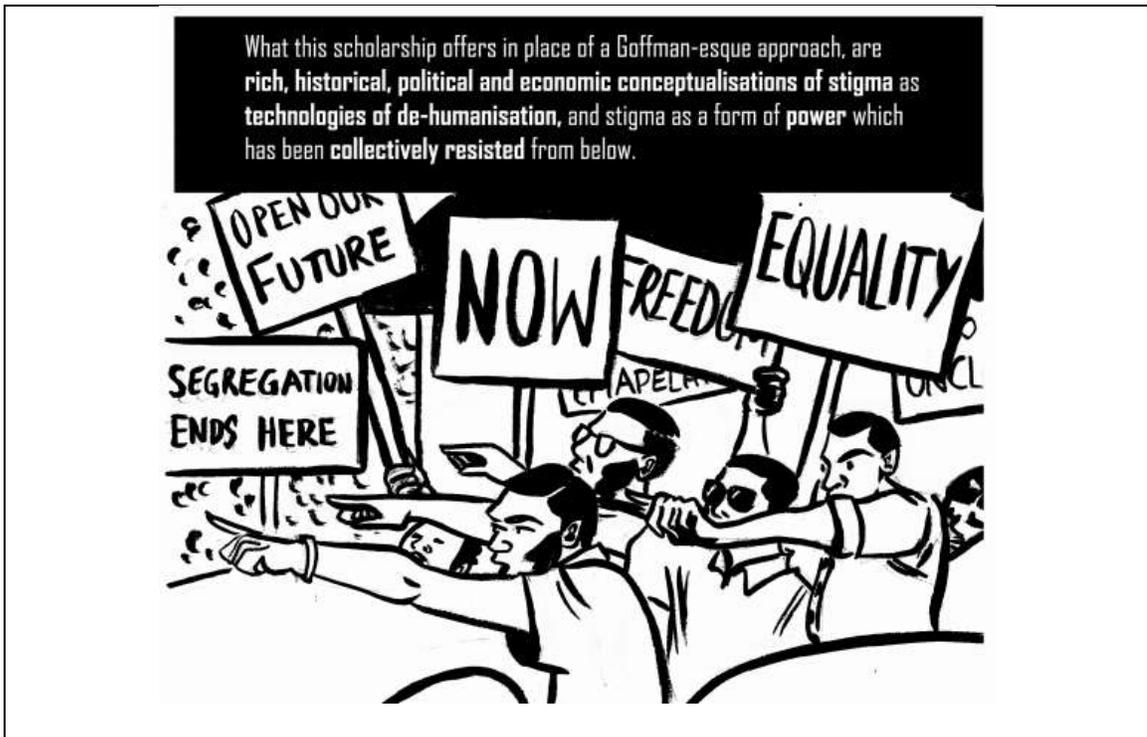
Though recent literature explores structural stigma in the medical field (see Hatzenbuehler & Link, 2014) and demonstrates how ‘stigma power’ is exercised “with respect to the exploitation, management, control, or exclusion of others” (Link & Phelan, 2014, p.24), I have reflected mostly upon Imogen Tyler’s work on (or, reworking of) stigma for this dissertation. Tyler's (2018) re-reading of Goffman through the lens of Black Sociology, as part of a broader project of decolonizing sociology, provides a comprehensive penal history of stigma and “seeks to develop new historical understandings of stigma (as) power” (p.746, see also Tyler, 2020). While Goffman’s work, as Tyler puts it, is “decidedly apolitical” (p. 744), recent work on structural stigma and stigma power acknowledges the social, economic, and political factors and forces that determine who is stigmatized by who, in what forms, and the implications of the marginalization and discrimination experienced by those who are ‘marked’ by institutional policies and practices. Her work indicates a shift from the individual to the systemic and recognizes “stigma as an instrument of social policy and ‘component of the state’s coercive apparatus’ (Davis, 1970/2004, p.494)” (Tyler, 2018, pp.746-7). If we understand stigma in this way, we can better understand and analyze the policies and practices (i.e. the shift from pardons to record suspensions, or the rise in requests for criminal record checks) that serve to keep

people “down, in, or away” (Link & Phelan, 2014, p. 24).¹⁸

What is unique and perhaps most significant about Tyler’s work is the space she creates for documenting the refusal and resistance of stigma (power). Her graphic novel interpretation of her 2018 article, *Resituating Erving Goffman: From Stigma Power to Black Power*, highlights the work of Black activists during the Civil Rights Movement in the United States in identifying, navigating, resisting, and eliminating various forms of structural stigma. I have included a screenshot from this graphic novel below (see Illustration 1) as the visualization of how conceptualizations and understandings of stigma (and its effects) have been, and continue to be, rejected and reworked is incredibly striking and vital to emerging sociological research on discrimination, social justice, human rights, and racial (in)equity. Tyler’s work encourages us to think more intently about “not only how stigma is lived and managed but how it is refused, reworked, and resisted by those it objects” (2018, p.759). Through collective advocacy and grassroots organizing, those who are stigmatized (and those who support people who bear the burden of stigma) can begin to affect change at a systemic level rather than (or, in addition to) managing (inter)personal experiences of discrimination, exclusion, and isolation.

¹⁸ Link & Phelan (2014) mobilize Bourdieusian concepts like symbolic power and misrecognition to re-imagine stigma as a systemic, rather than merely (inter)personal, process that serves to keep people in, down, or away. Their work highlights the ongoing exploitation, enforcement, and avoidance of people with mental illness. Stigma power, “as a factor that creates social structures” (p.30) serves to normalize the discrimination of certain people (via various institutional norms and practices) and demands forms of “anti-stigma intervention” (p.31) that move beyond the individual or micro level.

Illustration 1: Collectively Resisting Stigma Power



(Tyler & Bailey, 2018)

Within criminological literature, Hannem (2012) defines structural stigma as a bureaucratic strategy that helps institutions separate and manage individuals based on their perceived risk. In practice, this translates into policies that keep ‘bad people’ out and away and often manifests in social domains such as employment and housing. For example, employers have become increasingly concerned with “the notions of risk management and harm prevention” (Backman, 2011, p.39) and therefore keeping people with criminal records off the payroll has become ‘best practice.’ Assumptions that link criminalization to a poor work ethic, dishonesty, risk, and danger convert into hiring policies that explicitly discriminate against and exclude people with criminal records (Pager, 2007). Similarly, landlords are increasingly incorporating criminal record checks into their tenant application and screening processes, leaving people with criminal records with very few options in the housing market (John Howard Society of Ontario et al., 2019; Keene et al., 2018; Leasure,

2019; Leasure & Martin, 2017; Thacher, 2008; Western et al., 2015). Access to rental housing was a considerable concern shared by the penal voluntary sector actors I interviewed. Chapter 4 highlights the *Crime Free Multi-Housing* program as an example of structural stigma that impacts people with criminal records. For both employers and landlords, record checks are performed in the name of ‘crime prevention’ and indicate an ever-growing (and increasingly normalized) culture of surveillance facilitated through digitized databases and a desire to avoid scandals – particularly those that involve children being placed at risk of harm (Backman, 2012; Lageson, 2020).

Taken together with the literature on the collateral consequences of punishment, or symbiotic harms experienced by criminalized people, their families, and communities, theoretical work and research on structural stigma provides us with an avenue for action and advocacy. Exposing structural stigma is key to addressing the disjuncture between policy goals and institutional practices and the impacts of this disjuncture, or misalignment, on those who are already the most marginalized. Furthermore, if sociological and criminological research can create space for the refusal, reworking, and resistance to structural stigma (Tyler, 2018; 2020), then we can start to re-think the roles of various advocates working with and alongside people with criminal records – including practitioners and actors within the penal voluntary sector.

2.3 The Penal Voluntary Sector

To begin to describe, define, and theorize the **penal voluntary sector** and the work of the individuals (both paid and unpaid) in the sector, is a daunting task. As I read and grapple with existing and emerging research on the penal voluntary sector (also often referred to as the criminal justice voluntary sector), the tensions that I encounter on the pages of books

and journal articles echo the apprehensions and concerns I have with my understanding and experiences alongside it. The friction between control and care, punishment and support, reform and transformation, weaves its way throughout the substantive chapters of this dissertation – and it is this complexity, inherent to the penal voluntary sector, that calls for further research, exploration, and engagement (Tomczak, 2019). As Philippa Tomczak succinctly writes: the penal voluntary sector is “complicated, concerning, and full of potential” (Tomczak, 2017, p.170).

Put simply, the penal voluntary sector “comprises voluntary (i.e., non-profit and non-statutory) agencies working principally with prisoners, [criminalized people], their families and victims in prison, community and advocacy programs, from the micro to macro level” (Tomczak & Buck, 2019, p.1). In this dissertation, I focus specifically on non-profit organizations with a mandate to support people with criminal records, along with people at risk of criminalization and their families, both inside penal institutions and in the community (though many participants were primarily community-based). Reliance on the voluntary sector, generally, has increased alongside “[n]eoliberal austerity measures and the (near) global retrenchment of welfare state protections” (Quinn, 2019, p.2). Despite concerns about this shift, or soaring reliance upon charities, volunteers, and non-profit organizations, it is “a potent mythos of benevolence that discourages close scrutiny and criticism” of the sector (*ibid*, see also Armstrong, 2002; Chapman & Withers, 2019). In other words, the assumption that the penal voluntary sector is an entirely progressive and well-meaning alternative to the penal system means that it goes mostly unexamined through a more critical lens.

However, the wide range and far reach of the penal voluntary sector *is* a site of

contention in critical criminology through what is known as the ‘net widening literature’ that speaks to “how control and punishment are extended through (and by) the voluntary sector” (Quinn, 2019, p.2). The most oft-cited work in this regard is Stanley Cohen’s (1985) *Visions of Social Control*, in which he writes the following about the various programs, processes, and practitioners that work in and around the ‘deviancy control system’ (pp.41-2):

Imagine that the entrance to the deviancy control system is something like a gigantic fishing net. Strange and complex in its appearance and movements, the net is cast by an army of different fishermen and fisherwomen working all day and even into the night according to more or less known rules and routines, subject to more or less authority and control from above, knowing more or less what the other is doing. Society is the ocean – vast, troubled, and full of uncharted currents, rocks and other hazards. Deviants are the fish.

But unlike the real fish, and this is where the metaphor already starts to break down, deviants are not caught, sorted out, cleaned, packed, purchased, cooked and eaten. The system which receives the freshly caught deviants has some other aims in mind. After the sorting-out stage, the deviants are in fact kept alive (freeze-dried) and processed (shall we say punished, treated, corrected?) in all sorts of quite extraordinary ways. Then those who are ‘ready’ are thrown back into the sea (leaving behind only the few who die or who are put to death in the system). Back in the ocean (often with tags and labels which they may find quite difficult to shake off), the returned fish might swim around in a free state for the rest of their lives. Or, more frequently, they might be swept up into the net again. This might happen over and over. Some wretched creatures spend their whole lives being endlessly cycled and recycled, caught, processed and thrown back.

This metaphor, used by Cohen to describe the ‘carceral archipelago’ (Foucault, 1995), has come to characterize how we speak of the penal voluntary sector in critical criminology and some activist spaces. According to the literature, the network of alternatives in and around the penal system serves to increase “the total number of [people] getting into the system in the first place... the overall intensity of intervention... [and] new agencies and

services are supplementing rather than replacing the original set of control mechanisms” (Cohen, 1985, p.44). This leaves us with the understanding that people are perpetually caught up in the cycle of criminalization and punishment without being given the tools, supports, and resources to get out. For some, the penal voluntary sector has become a site of – and a mechanism for – social control, management, and surveillance.

Beyond criminology, there are meaningful conversations taking place in social work literature that also problematize the voluntary sector, and other social supports and programs, as a site of benevolence. In *A Violent History of Benevolence: Interlocking Oppression in the Moral Economies of Social Working*, Chapman and Withers (2019) offer a detailed and critical history of social work (and social working). They incorporate “political and ethical reflection” (p.3) and a re-telling of the field by including voices and stories that have previously been left out – such as the experiences of Indigenous and racialized social workers and service users. Their work problematizes the professionalization of the field and how this shift impacts “[w]ho gets included or excluded... and what work gets legitimized” (p.5). For example, the increasing focus on casework, instead of community work, thrust upon social workers as ‘part of the job’ is one example of how care work is legitimized, monitored, and measured by the state (and other funders). Forms and bureaucracy now make up much of the day-to-day work of social workers, and we see this same phenomenon unravelling for frontline practitioners in the penal voluntary sector (as you will read more about in Chapter 5). The result of this casework, as Chapman & Withers write, is the preservation of oppressive systems that, under the guise of providing care, are only maintaining control:

Social workers claim to be rooted in concerns about fundamental political transformation, but they tend to intervene only with individuals

and families – frequently in a manner totally divorced from political context and very often advancing oppressive structures and discourses in doing so (p.340).

This tendency towards the “individualization and depoliticization of structural violence” (p.341) helps maintain the status quo and inhibits more transformative approaches to violence, harm, and conflict in communities (just like we see when researchers focus on (inter)personal stigma rather than structural stigma or stigma power).

Chapman and Withers echo sentiments from what is perhaps the most widely cited resource on the non-profit sector's limitations and punitive capacity – INCITE!'s¹⁹ *The Revolution Will Not Be Funded*. This collection of essays about voluntary/non-profit organizations illustrates how advocacy is encouraged yet simultaneously stifled within the sector. The term ‘non-profit industrial complex’ or NPIC is mobilized by INCITE! to explain how the sector furthers the “harms caused by capitalism, heteropatriarchy, and white supremacy” while also providing “access to life-saving and sustaining resources” (Munshi & Willse, 2007, p.xiii). Like the academic industrial complex (AIC), the military industrial complex, and the penal industrial complex, the NPIC “functions as an alibi that allows government to make war, expand punishment, and proliferate market economies under the veil of partnership between the public and private sectors” (Smith, 2007, p.9). Admittedly, it is difficult to describe the sector in such a way, especially after working alongside incredibly progressive, caring, and compassionate individuals within the sector for more than a decade. But INCITE! activists remind us to shift our gaze and critiques towards systems, institutions, policies, and processes rather than individuals and allow for nuance that captures the day-to-day work and advocacy of actors within the sector.

¹⁹ “INCITE! is a network of radical feminists of colour organizing to end state violence and violence in our homes and communities” (INCITE!, n.d.-a). It is a network based in the United States.

... we also must be cautious not to mistake the individuals in those settings for the institutions themselves. Life within the NPIC and AIC... requires constant negotiation of how those complexes constrain and enable transformative work. In those negotiations, individuals are not only shaped by their institutional locations but also push back and shape their organizations, universities, and broader contexts. One way to attend to these dynamics is to consider that most people are positioned within the AIC or the NPIC as workers and as such find themselves caught between their own exploitation and the promises and pitfalls of their schools and organizations. Workers in non-profit organizations, like any workers, navigate the demands and restrictions of their jobs and the conditions of their workplace (Munshi & Willse, 2007, p. xix).

While this critical lens through which to look at and understand the penal voluntary sector is tremendously important, especially if we wish to move beyond merely trying to repair a system that is not worth fixing, what I hope to provide in this dissertation is a more nuanced understanding of the sector and the people who work within it. As I have written elsewhere (McAleese, 2019a), this ‘net-widening’ language, while necessary for highlighting forms of punishment and control that permeate various spaces and places, suggests an “exclusionary mode of social control” (Cohen, 1985, p.59) and implies that practitioners within the penal voluntary sector work primarily under philosophies of punishment, control, and risk management rather than those of care, support, and restoration. While there are efforts within the literature to address this carceral characterization of the sector through more nuanced discussions of the social, political, and economic forces that shape the work within it (McMahon, 1990; Tomczak, 2017), critical scholars could create more space to shed light on the supportive, and often live-saving work (Tomczak & Thompson, 2017) of penal voluntary sector practitioners (McAleese, 2019, p.368). Furthermore, as Tomczak & Thompson (2017, p.5) write:

[A more comprehensive] theorization [of the penal voluntary sector] has broader implications for netwidening theory and penal practice, enabling a nuanced agenda by illustrating how inclusionary outcomes can occur

in exclusionary contexts and highlighting potential mechanisms of inclusion. These findings have value for both penal abolitionists and reformers.

This desire to better understand the penal voluntary sector, and the work of the actors within it, has ignited a flourishing of new, international research and literature²⁰ from criminologists, sociologists, social workers, and other critical researchers with ties to and a keen interest in the sector.

The range of topics, methods, theories, concepts, and experiences referenced and mobilized in the penal voluntary sector literature reflect the sector's reach. For example, in a recent special issue of the *Howard Journal of Crime and Justice* (2019, Volume 58, Issue 3) titled, *The Criminal Justice Voluntary Sector: In Comparative Perspective*, fifteen authors produced nine original journal articles that cover the following:

- peer mentoring/peer support and the value of lived experience in the penal system and the penal voluntary sector (Buck, 2019; Hinde & White, 2019);
- the history and role of the faith-based voluntary sector (e.g. community chaplaincy) in the penal system (Dominey, 2019);
- the influence of marketization and penal populism on the penal voluntary sector (Helminen & Mills, 2019);
- the impact of penal drift²¹ on the core values of many penal voluntary sector organizations (Corcoran, Maguire, & Williams, 2019) with a specific focus on how this drift or 'mission creep' impacts organizations that work with youth (Salole, 2019);

²⁰ The International Criminal Justice Voluntary Sector Research Network (CRIMVOL) 'is a new international, multidisciplinary research network for academics, practitioners and policymakers' (Centre for Criminological Research, 2018). At the helm of this research network is Dr. Philippa Tomczak (Tomczak & Buck, 2019a; Tomczak, 2013; Tomczak & Albertson, 2016) whose call for more attention to the form, purpose, and impact of the penal voluntary sector has almost immediately translated into more meaningful criminological and sociological research in this area.

²¹ 'Penal drift' is "a familiar concept in the voluntary sector literature, signifying the migration of charitable organizations away from their founding principles and priorities" (Corcoran et al., 2019, p.431). For example, penal drift can be a result of cooptation of a non-profit organization by State funders whose punitive policies and practices directly impact funding streams.

- the experiences of arts practitioners who engage in prison work (Simpson, Morgan, & Caulfield, 2019);
- methodological reflections on doing research on, with, and for the penal voluntary sector (McAleese, 2019); and
- a conceptual framework and research agenda to guide and support emerging international and comparative research on the penal voluntary sector (Tomczak & Buck, 2019).

Some of this literature will re-appear throughout the substantive chapters of this dissertation to situate my findings and reflections, alongside other formative and critical research on the penal voluntary sector and the voluntary/non-profit sector more generally.

Situating penal voluntary sector practitioners and their day-to-day work with the broad scope of literature outlined above is a key component of my analysis in Chapter 5. Highlighting moments of advocacy and efforts at reforms and transformation serves as an essential narrative alongside the net-widening functions of the penal voluntary sector, as it allows us “to think about how to nurture these elements to prepare them for their lives outside their current institutional forms” (Munshi & Willse, 2007, p.xxi). While I remain critical of the sector for reasons that will become obvious throughout this dissertation, my research focuses on the work of practitioners and the individual and collective moments of advocacy that allow them to support people with criminal records in the community.

2.4 Advocacy

The fourth pillar of my conceptual framework for this dissertation is **advocacy**. Pekkanen & Smith (2014, p.1) write that advocacy “generally resists scholarly analysis” for three reasons. First, it is “difficult to measure, partly because advocacy covers a broad range of actions—from organizing a massive demonstration to writing letters or op-eds” (*ibid*). Additionally, advocacy occurs in many different venues and channels, sometimes

simultaneously, making the activity hard to track. Second, it is hard to measure the success of advocacy work, especially since “[a]dvocates and their targets may both have incentives to distort the effectiveness of lobbying” (p.2). Lastly, “advocacy is fungible,” meaning it is often performed as part of a coalition/collective or delegated to other groups/chapters/organizations that are in a better position (or have greater capacity) to undertake the work (*ibid*). For example, while frontline workers engage in various forms of everyday advocacy to directly and immediately support and care for individuals, political advocacy is often taken on by upper management and through alliances or coalitions with other organizations. Within Canada’s penal voluntary sector, political advocacy is largely taken on by provincial and national affiliates while local affiliates focus on direct service. I provide more information about this structure, and how it might impact various forms of advocacy, in Chapter 3. All these factors make researching or theorizing advocacy work a daunting task, but it is an important one – especially if we want to flesh out the complexity of the work within and alongside the penal voluntary sector.

To ground this final (and perhaps most important) concept, I begin with the simplicity of a dictionary definition. The *Oxford Dictionary of Social Work & Social Care* defines advocacy as:

[h]elping and supporting people to speak up for what they want or speaking on their behalf when they find it difficult or impossible to do that for themselves. This can involve expressing and representing someone’s views or acting on their behalf to secure services, defend interests, exercise rights, or make choices. (Harris & White, 2018, p.11)

This particular definition goes on to describe the skills required to perform good advocacy work on behalf of service users (such as empathy, active listening, problem-solving, and decision making) and specifies how social workers (or other frontline practitioners) must

perform ongoing assessments to adapt their work and interventions accordingly. Lastly, this definition specifies the need for workers to know many advocacy services/supports and outlines various advocacy types – summarized in Table 2.

Table 2: Types of Advocacy

Self-advocacy	Involves service users speaking up for themselves and representing their interests.
Peer advocacy	Uses advocates who have experienced or are experiencing similar issues to the person on whose behalf they are advocating.
Group Advocacy	Brings together people who have similar issues or concerns so that they can speak up collectively.
Citizen Advocacy	Is a one-on-one (usually) long-term partnership between a trained unpaid citizen advocate and a service user.
Professional advocacy	Involves a trained paid worker.
Legal advocacy	Introduces a lawyer to act on a service user’s behalf.

(Adapted from Harris & White, 2018)

This working definition of advocacy clarifies *some* of the work performed by penal voluntary sector actors to support criminalized people in the community. However, there are once again limitations to a definition that focuses on individuals and interpersonal interactions. I return to the work of Chapman and Withers (2019) to emphasize that social work – or any form of institutional- or community-based work that claims to ground its purpose in advocating for people made vulnerable by the state – should aim to address inequities and injustices by advocating at both the individual and structural level.

...many of us navigate our roles as agents of places and forces we would like to fundamentally transform or abolish. Alongside work towards such fundamental change, we also need people who work in these places to locally cultivate dignity, agency, freedom, and more equitable distributions. (p. 348)

Unfortunately, and for many reasons, engaging in this multi-level advocacy work as an actor within the sector is complicated (DeSantis & Mulé, 2017; Tomczak & Bennett, 2020).

While “[a]dvocacy has always been a core function of the non-profit sector”

(DeSantis & Mulé, 2017, p.3) there are limits placed on advocacy work in the Canadian context. Peter Elson's (2008) work provides a comprehensive understanding of advocacy within Canada's non-profit/voluntary/charitable sector. He writes that “[v]oluntary organizations have consistently contended that government regulations and fear of contractual reprisals constrain their capacity to advocate for progressive social policies” (p.2). Elson focuses on the shift that began in the mid-1990s during the Brian Mulroney (Conservative) and Jean Chrétien (Liberal) governments and continued through the 2000s with a particularly devastating decade for charities under Stephen Harper’s Conservative rule. In short, several initiatives, directives, and policies passed and enforced under both Conservative and Liberal federal governments have diminished the role and voice of the voluntary sector in Canada (see also Parachin, 2017). This suppression concerns Elson (and many others, see Woolford & Hogeveen, 2014) “because charities are often the organizations with the closest ties to those in need in communities, they are also in the best position to speak to the policies and programs that should be in place” (p.3).

The first time I experienced the limitations on advocacy within the penal voluntary sector was after the public forum I organized with CPEP in 2013 regarding the changes made to the pardon system by the Harper government (see Chapter 1). Before the event, I had participated in a couple of media interviews (Cheadle, 2013; Crawford, 2013), and after the event, I was eager to keep the momentum going. Specifically, I had hoped to be more directly involved in policy advocacy alongside my non-profit peers. As I was still working frontline at the time, I approached a couple of Executive Directors from the penal voluntary sector for mentorship around this ongoing advocacy and public awareness/education work, and I specifically asked for guidance on engaging with media.

While these senior actors within the organization for which I worked generally supported me, I was cautioned about doing *too much advocacy* and explicitly warned about mentioning my place of employment in ongoing media communications. It was at this moment that I learned about ‘the ten percent rule.’

In 1985, Canada’s *Income Tax Act* “stipulated that charities were permitted to allot no more than ten percent of their resources to political activities” (Community Sector Council of Nova Scotia [CSCNS], 2019, para. 1). Before 2006, this ten percent rule was not too much of a concern for the voluntary sector – but things took a turn during the Harper decade. DeSantis and Mulé (2017, p.3) explain that “in 2006, the federal government began to systematically eliminate or radically reduce the funding for organizations that have advocated for progressive public policies.” CSCNS (2019, para. 1) elaborates:

The Canada Revenue Agency (CRA) began conducting audits and certain organizations were informed that they were at risk of losing their charitable status. The 2012 Federal Budget placed strict guidelines on permissible advocacy activities that charities could perform. This contributed to a climate of fear and uncertainty among charities over what they could or could not do.

As I learned more about this audit rule and Stephen Harper’s enthusiasm for enforcing it, my (naïve) optimism about the advocacy work that I could undertake within the penal voluntary sector began to dwindle. While the move to “restrict the political activities of Canadian charities” was mainly “perceived as an attack on Canada’s environmental movement” (Dembicki, 2012, para. 1), it became abundantly clear that charities – especially progressive ones – had to start walking on eggshells.

As auditors loomed over and scrutinized every move within various voluntary sector organizations across Canada, “[t]here was confusion regarding what activities might or might not be permitted” (CSCNS, 2019, para. 3). This confusion culminated in a court

challenge from Canada Without Poverty [CWP] (a national anti-poverty organization) after the CRA threatened to revoke their charitable status due to a 2016 audit that determined “a full 98.5 percent of CWP’s activities were political in nature” (Heuser, 2016, para. 2). An excerpt from CWP’s website details the challenge and provides more specifics about the *Income Tax Act* and how the Canada Revenue Agency defines political activity:

Canada Without Poverty (CWP) has filed an application with Ontario Superior Court seeking a declaration that provisions in the *Income Tax Act* which restrict political activities of charities seeking to relieve poverty in Canada violate the Canadian Charter, particularly the right to freedom of expression (s. 2(b)) and the right to freedom of association (section 2(d)).

Section 149.1(6.2) of the Income Tax Act requires CWP and other registered charities to strictly limit any “political activities” so that they are “incidental” to the overall activities of the organization – understood as less than 10% of an organization’s time and resources. Based on court decisions, **the Canada Revenue Agency (CRA) has defined ‘political activity’ as any activity that “explicitly communicates to the public that a law, policy or decision of any level of government inside or outside Canada should be retained, opposed, or changed.”** Charities are required to monitor staff and members of their organization to determine if they have made public statements about current laws or policies, report annually to CRA on all such activities and to strictly limit them if they are to exceed allowable levels. (Canada Without Poverty [CWP], 2018, para. 1-2 [emphasis added])

CWP explained that without the ability to advocate on behalf of people living in poverty (i.e., challenging laws and policies), the organization could not fulfill its mandate – the mandate for which it was granted charitable status in the first place.

In July 2018 (Canada Without Poverty v. AG Canada, 2018 ONSC 4147), a decision from Ontario Superior Court Justice Ed Morgan ruled in favour of CWP. The decision stipulates “that the Canada Revenue Agency could not justify a restriction on charities that they spend no more than 10 percent of their time on political advocacy, calling it an unconstitutional limit on freedom of expression” (The Canadian Press, 2018, para. 2).

This ruling – and the justifications behind it – was applauded by Canada’s non-profit sector and was followed up by changes to the *Income Tax Act* by Justin Trudeau’s Liberal majority government in December 2018:

Following the CWP Decision, the Liberal Government promised to change the rules, and, as noted on the CRA website, “on December 13, 2018 Bill C-86, Budget Implementation Act, 2018, No. 2, which does include new rules to permit charities to carry on unlimited public policy dialogue and development activities (PPDDAs) in furtherance of a stated charitable purpose, received Royal Assent.” (CSCNS, 2019, para. 5)

So, what does all this mean? According to Imagine Canada (2019, para. 6) (an umbrella organization that brings together various groups and individuals to advocate on behalf of Canada’s charitable sector), it means that:

As long as the public policy work you do is in furtherance of your charitable purpose as accepted by the Canada Revenue Agency, there are no longer government-imposed limits on how much of this work you do. As long as your board, donors, and other funders are with you, public policy work is one of the tools you can use to achieve your purpose.

In other words, it means that charitable organizations across Canada now have the freedom to return to the advocacy work envisioned through their mandates and missions.

Unfortunately, this freedom to engage in political advocacy work has not necessarily translated into widespread action – especially within the penal voluntary sector. The advocacy chill lingers as organizations and the people who work within them remain anxious and uneasy after years of heavy government surveillance (DeSantis & Mulé, 2017). I can offer several speculations as to why based on my observations and experiences working in the field. First, while the threat of losing charitable status has subsided, the danger of losing funding has not. For example, if an organization receives funding from the Ministry of Public Safety and Emergency Preparedness, it might be reluctant to speak out against policies and practices under its purview (such as record suspensions).

Furthermore, “the imposition of compulsory managerial tasks [by State funders]... whether it is quantifying outcome measures, hustling to ensure economic viability, evaluating levels of risk, or establishing ‘best practices’” (Woolford & Hogeveen, 2014, pp.21-22) leaves little time and space for advocacy. Second, the freeze on political advocacy during the Harper era lasted long enough that some organizations are still frostbitten. The disruption in advocacy contributed to a lack of coordination and political will within the voluntary sector, especially as so much time and energy go into competing for funding, completing program evaluations, and dealing with high staff turnover rates. The silos created within the sector and between the voluntary and other sectors like academia have made it difficult for organizations to build back the power required to resist and transform punitive policies and practices. As Elson (2008, p.9) writes, “the lack of advocacy activity by charities, rather than being limited by overly restrictive or ambiguous regulations, is more likely due to the absence of concerted and collective representation.”

This (perceived) absence of advocacy (specifically political advocacy) within the penal voluntary sector contributes to the net-widening arguments outlined in the previous section. Therefore, to research, theorize, and hopefully build up and support advocacy work within the sector, we need a model to capture and describe it. Thankfully, Tomczak & Buck (2019) from the International Criminal Justice Voluntary Sector Research Network have developed a new framework (see Illustration 2 below) to do just that. I use this model to capture and speak to the work of penal voluntary sector actors and academic-activists and public criminologists in Chapter 5 and Chapter 6.

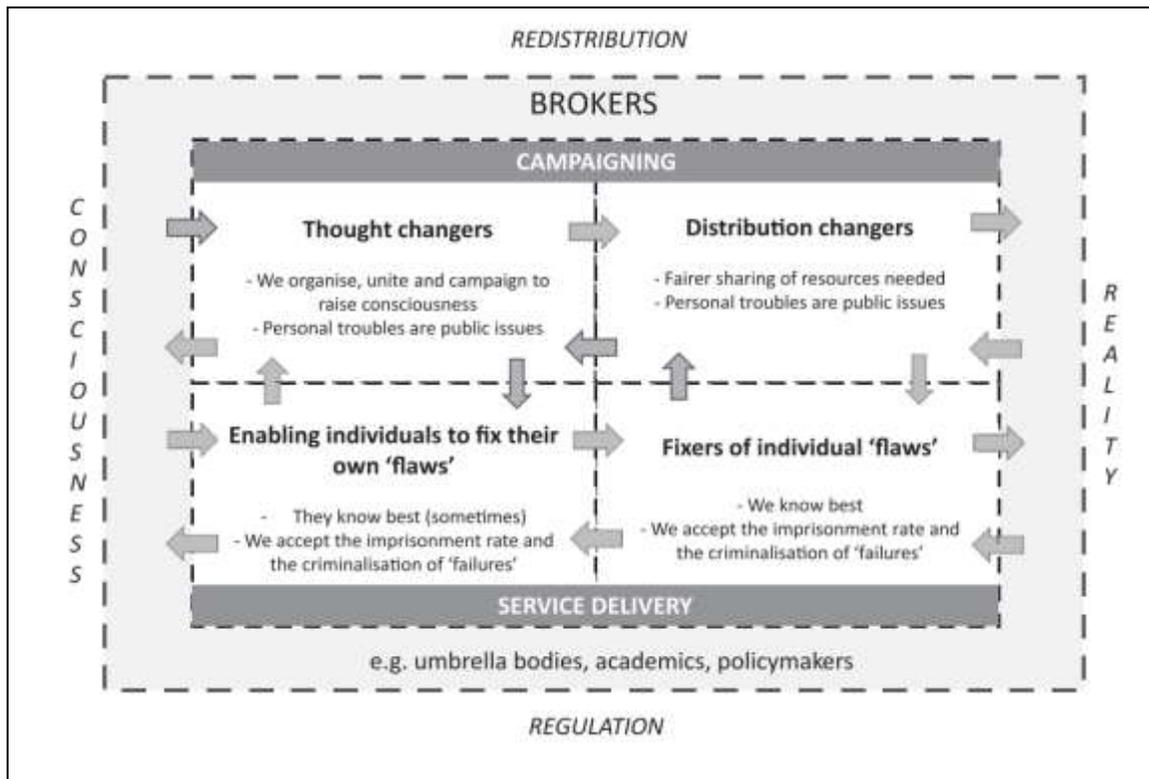
As part of their burgeoning work on the penal voluntary sector, Phillipa Tomczak and Gillian Buck (2019, p.3) offer “a systematic means of more *fully conceptualizing* this

important, ill-understood sector through a five-paradigm framework.” They draw inspiration from Burrell & Morgan's (1979) model of social theory, Howe's, (2016) model of social work, and Hassard & Cox's (2013) work on organizational analysis to emphasize a hybrid approach to “direct nuanced accounts of the full spectrum of penal voluntary sector activity and contribute to more reflexive theory and praxis” (Tomczak & Buck, 2019, p.3). The framework acknowledges that “the focus on individual casework [and advocacy]... is a limitation” of much research on the sector (p.4) and thus leaves space for advocacy, grassroots social justice organizing, and social movements that take place in and alongside the sector (see Goddard, Myers, & Robison, 2015). This hybrid model “is a useful means of grouping and untangling the varied, wide-ranging practices within the penal voluntary sector’, while illustrating how individual organizations simultaneously undertake diverse types of work and are often not divisible into categories such as social justice or the ‘other’” (p.5). Additionally, this “multi-paradigmatic framework *encourages attention* to the penal voluntary sector’s potential and (arguably limited) existing struggles to change the rules of the game *and* the constraints they face” (p.8). Finally, the framework leaves space for building relationships between academics and practitioners to broker and foster advocacy networks and coalitions to effect radical and transformative social change.

The core of the framework outlines four roles for organizations and practitioners within the penal voluntary sector: (1) fixing individual flaws (functionalist regulator); (2) enabling individuals to fix their flaws (interpretive regulator); (3) thought changers (agent of radical change); and (4) distribution changers (agent of radical social change). While the first two roles are more characteristic of service delivery organizations and the latter more so of campaigning or advocacy groups (as depicted in the model in Illustration 2), Tomczak

and Buck emphasize that “no work fits neatly into a single paradigm” (p.12). Additionally, the incorporation of ‘brokers’ emphasizes the coordination and collaboration between people inside and outside of the penal voluntary sector to bolster radical and transformative advocacy work. Noteworthy for this dissertation is the consideration of academics as brokers.

Illustration 2: Framework of (Potential) Penal Voluntary Sector Activity



(Tomczak & Buck, 2019, p.16)

I will expand upon various components of this framework more thoroughly in Chapter 5 when I highlight the day-to-day practice of penal voluntary sector actors and again in Chapter 6 when I focus on public criminology and (political) advocacy within and alongside the sector. This framework helps capture the various forms of advocacy work performed by penal voluntary sector actors to support people with criminal records in the community. It also helps envision how frontline practitioners, who are experts at

identifying and navigating the collateral consequences of punishment and various forms of stigma, might play a more significant role in resisting and eliminating this ongoing systemic violence. “Emphasizing social justice work and demonstrating how it can take place through (hybrid service delivery and) campaigning work at a variety of scales is a crucial project, which too few have taken up” (Tomczak & Buck, 2019, p.5). My research endeavours to contribute to this project through critical, engaged, qualitative research on the penal voluntary sector and through “sustained collective action” (Chapman & Withers, 2019, p.359) with frontline practitioners, academics, activists, and people with lived and living experience of criminalization, victimization, and incarceration.

3. Research Method(ology)

“...it is difficult to draw a clear boundary between methods and methodology, as the two inform and guide one another. To a large extent, the distinction is heuristic and instructional.”

(Marvasti & Treviño, 2020, pp.2-3)

3.1 Introduction

This chapter outlines my qualitative research approach to understanding how penal voluntary sector actors identify, navigate, resist, and strive to eliminate structural stigma and the collateral consequences of punishment. This approach is grounded in anti-oppressive practice, informed by institutional and political activist ethnography, and deploys public criminology as a research method alongside qualitative interviews and textual analysis. There is growing support within the social sciences for more critical and creative qualitative work that allows researchers and participants to be more engaged with the research process (see Kilty et al., 2014). A deeper appreciation for the valuable contributions of qualitative data, along with an understanding that “[q]ualitative research is no longer just simply ‘not quantitative research’” (Flick, 2007, p.ix), creates space for sociologists and criminologists to draw out the complexities of social problems (Tilley, 2016). Additionally, the emphasis on story-telling and building rapport and relationships through qualitative methods is more conducive to research that can be mobilized to support meaningful and transformative social change (Chatteron et al., 2007; Haiven & Khasnabish, 2014).

Critical qualitative researchers ask us to follow our intuition and leave room for flexibility and spontaneity in our work (Flick, 2007; Manzo & Brightbill, 2007). This “multi-faceted, messy, and non-linear” approach to research might cause some uneasiness for academics trained in traditional scientific methods (DeSantis, 2014, p.55), but taking

such methodological risks “evokes in us the notion of the capacity to think critically, reflexively and innovatively about the social world” (Haiven & Khasnabish, 2014, p.2). Embracing the organic (Fillmore, Dell, & Kilty, 2014) and intimate (Tilley, 2016) nature of qualitative research allows us to not only gain a better understanding of ourselves as social justice researchers and advocates, but also leaves more room in our practice for building relationships with participants (Smith, 1996). For me, this research was never about merely collecting and reporting on data. The goal was always to strive to “directly and positively affect the lives” of research participants and the communities in which they work and to which they belong (Kilty, Felices-Luna, & Fabian, 2014, p.4) through a more dynamic, responsible, reflexive, anti-oppressive, public, and intentionally political approach to academic work.

3.2 Research Approach

3.2.1 Anti-Oppressive Practice

“The goal of [anti-oppression] work is to provide us with the power to remove structures that threaten our potential for human growth and to remove the barriers that blind us from understanding the possibility of a life free from oppression.”

(Massaquoi, 2011, p.228)

Just as my theoretical framework draws from social work literature, so does my methodological approach. Uggen and Inderbitzin (2010) point out that “[a]lthough sociology parted ways with social work a century ago, academic criminology retains a strong practitioner base” (p.731). While they write specifically about those who go on to work in the penal system directly (as police officers and judges, for example) it is also the case that many with criminology degrees go on to work as social service workers or frontline workers in the penal voluntary sector. Given this connection, these frontline

practitioners should continue to draw from theoretical and methodological literature found in social work texts to strengthen their practice (although much work is needed to make this literature more accessible). Similar to mainstream criminology, “social work practice has become tightly regulated and standardized, not to advance social fairness or equity but to ensure cost savings” (Ross, 2011, p.252), and therefore the *critical* literature in this field pushes for a shift away from mainstream theories and practices towards a more emancipatory and **anti-oppressive** way of doing social (service) work/frontline work.²² This literature re-politicizes frontline workers and researchers, calls for a more intentionally collaborative and community-based approach, and keeps at the forefront “that the ultimate goal of our research is structural change and the elimination of oppression” (van de Sande & Schwartz, 2011, p.140). As Yahya El-Lahib (2017, p.20) writes, “the anti-oppressive research process becomes a building block of a broader social justice agenda” – encouraging researchers to mobilize findings beyond the usual academic venues and setting goals beyond career advancement.

Anti-oppressive practice [AOP] is “[a]n overarching framework that encompasses a range of struggles for social justice in response to the social divisions in society and the oppressions that stem from them” (Harris & White, 2018, p.20). The analytical focus through AOP is both structural and intersectional, intending to expose how power and oppression operate through various institutional norms and practices (casework, for example) (*ibid*). AOP researchers draw from “a number of social justice oriented

²² It is important to define the distinction between a social worker and a social service worker. The Ontario Colleges of Social Workers and Social Service Workers (2019) clarifies that “a social worker possesses a social work class of certificate of registration with the College, whereas a social service worker possesses a social service work class of certificate of registration. However, there are also key differences, specifically with respect to requirements for entry-to-practice and scopes of practice.” I use frontline worker, practitioner, or penal voluntary sector actor throughout this dissertation as I did not ask participants specifically about their credentials.

approaches, such as feminist, Marxist, post-modernist and structural to name a few” (van de Sande & Schwartz, 2011, p.6) and mobilize various research methods, including interviews (El-Lahib, 2017), community action research (George, 2017), and visual methods like photovoice²³ (Wehbi, 2017). There is no “recipe book format or a how-to-do-it procedural manual” for AOP (Mullaly, 2010, p.220), only a commitment to social justice (Bellot et al., 2014, p.62). Acknowledging the oppressive nature of social work itself (Chapman & Withers, 2019), anti-oppression researchers maintain an “ethical awareness” (Strier, 2006, p.857) to examine, critique appropriately, and reflect upon taken-for-granted practices within social work and other direct service professions.

Strier (2006) writes that AOP research “should combine methodologies that are able to address the complex, multifaceted character of oppression, with its objective, structural aspects as well as its subjective, phenomenological dimensions” (p.861). There is a preference for “qualitative, ‘bottom-up,’ interpretive methods” (*ibid*) that leave space for self-reflection and engagement between the researcher and participants, but without dismissing important and critical quantitative work that underlies vital social justice projects, (see Pyne et al., 2017). What I outline in the remainder of this chapter is informed by AOP’s “epistemological guide” (Parada & Wehbi, 2017, p.vii) – taking institutional ethnography, political activist ethnography up as methodological frameworks that informed my research methods (qualitative interviews, textual analysis, and public criminology), my data analysis process, and my writing.

²³ Photovoice is a visual research methodology that “uses the immediacy of the visual image to furnish evidence and to promote an effective, participatory means of sharing expertise and knowledge” (Wang & Burris, 1997, p.369). Participatory action researchers who choose photovoice as a method combine photography and dialogue “as a means for marginalized individuals to deepen their understanding of a community issue or concern” (Empowering the Spirit, 2021, para.1).

3.2.2 Institutional and Political Activist Ethnography

“Wouldn’t it be lovely to have a sociology that could really help to solve a social problem?”

(Devault, 2020, p.83)

In response to experiencing sociology as a detached discipline (like what others have noted about mainstream criminology and social work, see Kilty et al., 2014; Parada & Wehbi, 2017), Dorothy Smith – a Canadian feminist sociologist – developed institutional ethnography: a ‘sociology *for* people’ (D.E. Smith, 2005, p.1, italics in original). Dorothy Smith’s sociological approach maintains that “[t]he goal of research is to transform everyday life” (Klostermann, 2019, p.1) and does so by starting the research process from the standpoint of people as the *subjects* of our inquiries rather than objects. This ‘Marxist-feminist, reflexive-materialist, qualitative method of inquiry’ (Hussey, 2012, p.2) allows people to understand how they are socially organized so they can better navigate the ruling forces (political, social, and economic) that function to maintain oppression and social inequality. Within institutional ethnography, ‘[p]eople are understood as expert practitioners of their lives and working worlds’ (Klostermann 2019, p.3), and their experiences serve to expose how power often moves through systems in a way that perpetuates violence and injustice.

Political activist ethnography also represents “a break from traditional ways of knowing” (Frampton et al., 2006c, p.10) and offers a way for researchers to reflect in their work the “actual experiences of actual individuals” (G. Smith, 2006, p.48). This theoretical and methodological approach to researching, analyzing, and reacting to social problems developed by George Smith, a Canadian researcher and AIDS activist, stems from Dorothy Smith's work. While often associated with social movement theory, political activist

ethnographers emphasize a more relational approach to doing research with and for social movements and activists. Frampton and colleagues (2006c) highlight that “social movement theory has rarely moved far beyond academic discussions” (p.11) primarily because the researcher is not usually part of the movement they are studying. While the researcher's intentions are often useful, it is not enough to be outside looking in on a social movement. If one wishes to truly understand the struggles and triumphs of activists and advocates, there needs to be “direct engagement” with those individuals (Bevington & Dixon, 2005, p.200). Political activist ethnography allows the researcher to be an insider, an activist-academic, and become “a crucial part of the solution to how we can change the world” (Frampton et al., 2006c, p.15).

Institutional and political activist ethnography represent an epistemological and ontological shift that allows for a more emancipatory and transformative research process (Frampton et al., 2006a) and, therefore, aligns with anti-oppressive research practice. These approaches highlight the “potential for the marriage of scholarly research and political engagement” (Campbell & Gregor, 2008, p.14) and encourage the development of research projects that “explore the actual world in which things happen, in which people live, work, love, laugh, and cry” (p.17). Rather than theory testing or aiming to fill a gap in the literature, “research begins in the social from a particular embodied, situated standpoint” (Hussey, 2012, p.9), and the chosen research methods allow us to listen to what people are saying, observe what they are doing, and learn about their struggles from the inside (Frampton, Kinsman, Thompson, & Tilleczek, 2006b). This more intimate, collaborative, and embedded style of research is, as George Smith explains it, “intended to provide, on a day-to-day basis, the scientific ground for political action” (2006, p.68). Institutional and

political activist ethnographers do not enter the field to extract knowledge from people, but to produce knowledge *about* people (and their work) *with/for* people and translate that knowledge into potential solutions to social problems.

When it comes to *doing* institutional or political activist ethnography, there are no strict methodological rules to follow and the use of multiple research methods is encouraged (again, in alignment with an anti-oppressive research approach). Through the “use [of] various methods, such as interviews, participant observation, and textual analysis” (Hussey, 2012, p.5), political activist ethnographers can “map out the social relations” in which practitioners/activists are engaged so that they “can be effective in transforming the ruling relationships” within the system(s) of which they are a part (Kinsman, 2006, p.139). This mapping process allows researchers, activists, or practitioners to have a better understanding of the politico-administrative regime so that they can “engage with the actions of public administration whereby policies are planned, implemented and evaluated” (Campbell, 2006, p.91).

The role of texts in institutional and political activist ethnography is quite significant, as texts “are used by people to organize and coordinate social organization” (Frampton et al., 2006a, p.38, see also D.E. Smith, 1974).

“Official documents, whether these are particular pieces of legislation, memoranda, manuals, forms, letterhead paper, etc., if they are read to reveal the organization they coordinate, provide access to the social relations of a politico-administrative regime.” (G. Smith, 2006, p.63)

The focus on texts is partially what drew me to this research method. Not only is the criminal record itself a text that determines how people move and interact with others (individuals and institutions) in the social world, but other texts such as application forms, policies, laws, and human rights legislation also play a role in how people with criminal

records are socially organized (see Chapter 4). Furthermore, texts both facilitate and limit how penal voluntary sector actors can support criminalized people (see Chapter 5).

My research does not claim to be a ‘pure’ institutional or political activist ethnography, but this project does borrow key methodological motivations from Dorothy Smith and her fellow scholars. For institutional ethnographers, research emerges from disjuncture or “moments when something feels wrong” (Devault, 2020, p.84). As I outlined in the introduction, the disjuncture that brought me to this research was between the work my colleagues and I were trying to do in the community (e.g., find people jobs, find people housing) and the policies and practices that challenge this work by keeping people with criminal records out of and away from these social domains (Hannem, 2012; Link & Phelan, 2014). Investigating *how* people perform their everyday work (even that work which goes unpaid or often unrecognized), exposing *how* political structures/policies/practices shape that work, and revealing moments when practitioners push back against such constraints is at the heart of this project. As Devault (2020, p.87) writes: “Front-line workers in social services... are mandated to assist clients in particular ways but may sometimes bend the rules... Noticing these gaps between the institutional view and the actual operation of an organization may offer important insights into how things happen as they do.”

Now that I have framed my methodological approach, the following section of this chapter outlines the data collection methods used throughout my project: interviews, textual analysis, and public criminology.

3.3 Research Methods

I collected data for this project using three research methods: (1) a series of twenty

interviews with twenty-two penal voluntary sector actors, including frontline workers, administrative staff, managers, and executive directors; (2) textual analysis of forms, policies, media articles, public consultation reports, judicial decisions, and other municipal, provincial, and federal texts related to criminal records and pardons/record suspensions; and (3) public criminology.

3.3.1 Interviews

Jacob and Furgerson (2012, p.1) remind us that “[r]esearchers may use many different techniques, but at the heart of qualitative research is the desire to expose the human part of the story.” When qualitative researchers “collect people’s life stories” (*ibid*) via interviews, they must do so with care and skill – asking the right questions, actively listening, and following a research protocol form only the foundation of this approach. “Qualitative interviews provide opportunities for mutual discovery, understanding, reflection, and explanation via a path that is organic, adaptive, and oftentimes energizing” (Tracy, 2013, p.132). The meaningful dialogue that emerges between researcher and participant is the result of embracing human connection throughout the research process and fostering a shared commitment to generating knowledge that will contribute to more nuanced understandings of and potential solutions to social problems. With this in mind, I take up Talmy’s (2010, p.129) conceptualization of the interview (see Table 3) not as a “*research instrument*,” but as a “*social practice*, in which the research interview is explicitly conceptualized and analyzed as social action.”

Focusing on the social aspect of my data collection process, I developed a semi-structured interview schedule that allowed for stories and experiences to emerge while also ensuring that each meeting covered specific topics connected to my research questions

(Fontana & Frey, 2005; Rabionet, 2011). As Susan A. Tilley (2016, p.48) describes, a semi-structured interview “allows for and acknowledges that an interviewer may not be able to remain distanced from the interaction and may have a role, although restricted, in the interview conversation.” While most of my questions were decided upon beforehand (see Appendix C), there were several *unstructured moments* throughout my interview sessions.

Table 3: Interview as Social Practice

Status of interview	<ul style="list-style-type: none"> • A site or topic for investigation itself.
Status of interview data	<ul style="list-style-type: none"> • Data are “accounts” of truths, facts, attitudes, beliefs, interior, mental states, etc., co-constructed between interviewer and interviewee.
Voice	<ul style="list-style-type: none"> • “Voice” is situationally contingent and discursively co-constructed between interviewer and interviewee.
Bias	<ul style="list-style-type: none"> • Reflexive recognition that data are collaboratively produced (and analysis of how they are); data cannot therefore be contaminated.
Analytic approaches	<ul style="list-style-type: none"> • Data do not speak for themselves; analysis centers on how meaning is negotiated, knowledge is co-constructed, and interview is locally accomplished.
Analytic focus	<ul style="list-style-type: none"> • Process-oriented. • “What” and “how.”

(Adapted from Talmy, 2010, p.132)

These unstructured moments created space for elaborating on shared opinions and experiences between me and participants (Marvasti, 2020, p.49) and allowed for on-the-spot resource sharing and problem-solving. I could not entirely put aside my previous experience as a frontline worker in the penal voluntary sector, and this common ground allowed for some more in-depth conversations about the day-to-day work of penal voluntary sector actors. Furthermore, disclosing my ongoing advocacy work around reforms to the *Criminal Records Act* to participants helped illuminate their own desires for reform and transformation.

All my interviews were in-person, and I recorded each session with a voice

recorder. Every participant signed a consent form approved by Carleton University's Research Ethics Board. I promptly deleted audio recordings after transcription (which I completed myself) and used pseudonyms to protect all participants' identities.

3.3.1.1 Recruitment

I obtained clearance from Carleton University's Research Ethics Board in June 2017 and began recruiting participants in October 2017. My recruitment process started by contacting the executive directors of two local penal voluntary sector organizations – both mandated to support criminalized people in the community and within various institutional settings such as provincial jails and federal prisons. In my initial e-mail to the executive directors, I explained my doctoral research focus and my desire to speak to frontline workers. I made a point to clarify that I was looking to speak specifically to “anyone who works in reintegration” or those who provide support to people with criminal records in the community. From those initial e-mails, I connected with other directors, managers, and coordinators who agreed to be interviewed and put me in touch with other frontline staff. I also connected with three employees of a social enterprise run through one of the main organizations. I scheduled and conducted my first interviews with penal voluntary sector actors in October 2017 and conducted my final interview in July 2018.

3.3.1.2 Selected Penal Voluntary Sector Organizations

I approached two local penal voluntary sector organizations that are well known for providing direct service to criminalized people in the community and within various institutional settings. Both are local affiliates of nationwide organizations that work alongside and in partnership with the penal system, other non-profit organizations, and various other supports and services like housing providers, mental health resources, and

community health centres. Both local organizations were established in 1951 and share a vision of more humane responses to violence and harm.

As local affiliates, these organizations are focused primarily on frontline service provision and offer similar services like crisis counselling, employment support, housing-based case management, and general re-entry and (re)integration services. Advocacy, especially political advocacy, is typically left to provincial and national affiliates who work more closely with their respective levels of government. For example, national affiliates work with other penal voluntary organizations as part of the National Associations Active in Criminal Justice – an umbrella organization that facilitates communication primarily with federal government partners and policymakers.²⁴ While the executive directors and upper management of local affiliates do sometimes engage in broader advocacy work, this is also usually done as part of a coalition (for example, the Alliance to End Homelessness Ottawa or the Community Adult Justice Network).

Each organization operates community residential facilities (half-way houses) and bail supervision programs that also have a residential option. This means that some criminalized people are required to work with the penal voluntary sector organization because of their bail, probation, or parole conditions. These residential programs, and others like diversion programs, add a coercive element to service provision and are concrete examples of net-widening and expansion of carceral control facilitated by through the sector (Cohen, 1985; Tomczak, 2017b; Tomczak & Thompson, 2017).

Historically, one of the penal voluntary sector organizations I approached for this project has been known to primarily serve men with the other primarily serving women.

²⁴ More information about the National Associations Active in Criminal Justice available here: <https://www.naacj.org/>

This has changed over the past several years with both organizations expanding their programs, services, and supports (specifically in the areas of housing and employment). Funding for both organizations come from similar streams including, but not limited to: Canadian Mental Health Association, Correctional Services Canada, Department of Justice (federal), City of Ottawa, United Way, Trillium Foundation, Ministry of Community Safety and Correctional Services (provincial), Ministry of Children, Community and Social Services (provincial), and individual donors.

I chose to engage both organizations because of pre-existing relationships with staff and executive directors, and because they are the two largest community-based penal voluntary sector organizations in Ottawa.

3.3.1.3 Participants

In total, I conducted twenty interviews with twenty-two participants. Some participants asked if they could participate in pairs, and I, of course, accommodated this request. The first pair, two employment counsellors, had worked together at the organization for several years and therefore felt it made sense to speak as a team. The second pair, an executive director and an acting director of operations, asked to complete the interview together simply because of space and timing considerations. The remaining eighteen penal voluntary sector actors participated in one-on-one interviews.

At the start of each interview, all participants were asked to self-identify their job titles and self-describe their job descriptions. While I could have recorded a job title from their email signatures or searched their job description on the organizations' websites, these initial questions about their work served to open up the conversations between us. Additionally, while I had worked in the field for several years (and worked alongside some

of the people I interviewed), I did not want to make assumptions about their work. As it turns out, I knew very little about what many of my colleagues were doing day-to-day. Table 4 (below) provides a summary of all participants and their job titles. Participants appear in the table in the order they were interviewed. This tidy arrangement of penal voluntary sector actors beside a simple job title is definitely not a reflection of reality in the sector. I will provide more details in Chapters 4 and 5 about the day-to-day work of participants, but for now, I want to give a brief glimpse of the reaction I received from participants when I asked, “Can you tell me about yourself and your job?”

Table 4: Interview Participants and Job Titles

Participant	Job Title
Rebecca	Employment Counsellor
Amelia	Employment Counsellor
Rick	Reintegration Worker
Tara	Housing and Reintegration Worker
Mélanie	Crisis Intervention Worker
David	Reintegration Case Worker and Community Developer
Dawn	Reintegration Coordinator
Thomas	Crisis Counsellor
Christine	Youth Housing Based Case Manager
Sarah	Youth Case Worker
Mark	Executive Director
Brenda	Administrative Assistant
Cora	Director of Operations
Luke	Business Developer
Courtney	Residential and Community Support Worker
Ariel	Residential and Community Support Worker
Vicky	Manager of Residential Services
Elisha	Housing Based Case Manager
Robin	Acting Director of Operation
Leila	Executive Director
Geneviève	Volunteer Coordinator and Court Support Worker
Jodie	Manager of Bail Program

“You know, a job title or description doesn’t capture what someone *actually* does for their job, right?” (Brenda, Administrative Assistant). This response was perhaps my favourite to my first interview question. Most participants jumped right into a detailed job description, and some started by talking about their education, training, and overall career objectives. Brenda, on the other hand, let me know right away that what is on paper does not matter when it comes to working for her organization and what she told me about her job during the one-hour interview would differ if I came back and asked her the same question the next day. My interview with Rick, a reintegration worker, ended similarly. Having worked with Rick for several years, I said, “I learned a lot about your job today! I’m sorry I didn’t know all of that before.” He responded with, “Oh! There’s still more! There’s a lot more. You know that everyone here wears like ten hats!” Others echoed the ‘multiple hats’ sentiment, which is well known about frontline work in the social services sector and heavily contributes to burnout (Wilson, 2016). Some of my participants even worked for two organizations simultaneously, common given the precarity within the sector (Baines, Campey, Cunningham, & Shields, 2014; Taylor, 2017).

Without giving too much away before getting to the substantive chapters of this dissertation, it was interesting how many participants answered most of the other questions I had prepared in answering this first question about job titles and roles. Some participants took 30-45 minutes describing their job(s), which often included everything from administrative work to crisis intervention to service coordination to advocacy (in its various forms). Some participants expressed exhaustion while answering this question. Elisha, a housing-based case manager, stands out to me in this regard:

The main goal of this job is to get people housed and to keep them housed – whatever that entails. So, whether it’s... *sigh* Listen, my job

description is about ten pages long, ok? There's lots of networking, lots of referrals... *sigh* So, there is only one of me, but I feel like there needs to be a thousand of me.

Heavy sighs and moments of awkward laughter (mostly to keep from crying) shared between myself and participants were quite common. One of the many benefits of my insider status is that when participants became exhausted by describing their work, I could genuinely say that I understood, and we could take a moment to commiserate and vent about the sometimes-impossible nature of these jobs. These unstructured moments would often end with an "Oh well!" and a shoulder shrug. For example, Dawn, a reintegration coordinator, followed up with, "Well. We have to do it. Who else is going to do it? At the end of the day, it's like, who else is going to do all of that?" Mélanie, a crisis intervention worker, also reminded me that penal voluntary sector actors are usually not only working with an individual, but also "dealing with many people who have siblings or spouses." Highlighting the essential yet exhausting nature of the work was a constant throughout all my interviews. I want readers to take forward a reminder of the often chaotic and draining nature of frontline work. A job title and description are just the start when speaking to the work involved in supporting people (and their families) in the community.

A final note about participants relates to broader conversations around race, gender, position, and power within the penal voluntary sector, and the non-profit sector at large. As Nickels & Leach (2021, p.515) write: "the non-profit sector not only has a diversity gap in 'who is in the room'—it has an equity problem" (see also Ray, 2019; Stroup & Wong, 2017). The Whiteness, or the "White Space" (Anderson, 2015) that makes up the non-profit sector is important to highlight, especially as "many local non-profits work to serve vulnerable and historically marginalized communities, yet are neither representative of, nor

have the contextual knowledge needed to, understand the social experiences of the clients they serve” (Nickels & Leach, 2021, p.519). And, while non-profit organizations across Canada are working to address this lack of representation through renewed commitments to equity, diversity, and inclusion (The Special Senate Committee on the Charitable Sector, 2019), management and leadership within the sector remains largely homogenous.

In Chapter 5, I briefly discuss – based on concerns shared by participants – how care work is often made invisible through bureaucratic reporting and evaluation mechanisms. Actors within the penal voluntary sector describe going above and beyond their formal job descriptions to support others, and this has a particular impact on a sector that remains largely staffed by women (Baines & Armstrong, 2019; Klostermann, 2020). According to the Ontario Nonprofit Network (2020), “80% of the non-profit sector labour force across Ontario and Canada consists of women workers, especially Black, immigrant, and Indigenous women, women with disabilities, and women from the LGBTQ2SI community, who experience unequal outcomes.” Any analysis of work within the sector (not just the penal voluntary sector, but the non-profit sector at large) must take this into account.

I did not include specific demographic questions as part of my interviews with penal voluntary sector actors (something that, in hindsight, I wish I had of done and a practice that all qualitative researchers must include more consistently in their work). The demographics that I can present here were gleaned from qualitative answers shared during the interviews, and, in some cases, information I already had because of pre-existing working relationships with some participants. Out of the twenty-two penal voluntary sector actors who participated in my interviews, one (Jodie) identified as Indigenous and two

(Ariel and Dawn) were Black. I interviewed five men and seventeen women. Two participants (Geneviève and David) were Francophone (but we conducted the interviews in English), while the rest of my participants were Anglophone. Beyond these interviews, my own experiences working in and alongside the penal voluntary sector verify statements made elsewhere that the sector is not representative of the community it serves, and that frontline care work falls largely on women.

3.3.1.4 Conducting Interviews

When arranging interviews, I left it up to participants to decide upon a location. Most participants were comfortable and able to meet in their office, while others asked to meet at local coffee shops. Regardless of the place, almost every interview featured interruptions. Even offsite, penal voluntary sector actors are reachable via phone, and all participants left their phones on with screens visible during the interview. I knew that requesting an hour of someone's time was a big ask, and I reassured all participants that they could end the conversation at any point for any reason. Most interviews landed at around the one-hour mark, with some edging closer to 90 minutes and only a couple on the shorter end, around 45 minutes.

I started the interview process by connecting with penal voluntary sector actors with whom I had previously worked. This allowed me to rehearse and refine my interview guide with people who knew me, and it was nice to have already that trust and rapport required for good qualitative research. The only downside was that I often had to encourage these familiar participants to give me more details about their work. For example, in answering questions, some participants would trail off and said, "Well, you know what I'm talking about," or, "I don't have to explain that to you." Even though I was familiar with a term or

an acronym or a process, I still encouraged them to describe these things as if I did not. I found myself saying, “Pretend you don’t know me,” or “Pretend I didn’t work here” on more than one occasion. As much as I wanted the interview to feel comfortable and informal, I also wanted to hear detailed descriptions of day-to-day work.

After each interview, I made sure to take notes and reflect on the process. Sometimes I did this using the notes app on my phone; other times, I handwrote notes. A few times, I used the voice recorder function on my phone and talked aloud as I walked home after an interview. These notes contained some initial analysis and suggestions for rephrasing questions in subsequent interviews, but most importantly, they included follow-up items. In several interviews, problems would arise about various forms and systems and processes, and the conversation would end with an agreement between myself and the participant to follow up on those items. These follow-up items, which I will return to throughout the dissertation, were important research artifacts that helped inform ongoing advocacy around the issue of criminal records, pardons, and addressing structural stigma.

3.3.1.5 Transcription

After conducting interviews, I immediately transcribed the audio (I used a transcription software called ExpressScribe). As others note, transcription is not just a “technical detail” or something that needs doing to start the analysis, but rather a “research activity” in and of itself that is part of qualitative data analysis (Atkinson & Heritage, 1984 as cited in McLellan, MacQueen, & Neidig, 2003, p.64). I transcribed all interviews verbatim and tried as best as possible to recall and indicate moments of non-verbal communication (such as sighs, eyerolls, shrugging, and nodding). While most certainly an arduous task, transcribing interviews is a very generative process. As Sarah J. Tracey (2013, p.178)

writes, “[t]ranscribing is time-consuming, but not time-wasting... Transcription facilitates the close examination of data, which is so imperative for interpretation.” The transcription process resulted in several pages of reflections, notes, and themes (in addition to my post-interview musings) and formed a solid jumping-off point as I moved into a more formal coding and analysis process.

3.3.1.6 Coding and Analysis

“Data analysis is the process of bringing order, structure, and meaning to the mass of collected data. It is a messy, ambiguous, time-consuming, creative, and fascinating process. It does not proceed in a linear fashion; it is not neat.”

(Marshall & Rossman, 1989, p.112 as cited in Tilley, 2016)

“Qualitative data analysis is heavy stuff” (Tracy, 2013, p.184), and despite several years of experience conducting or assisting with qualitative research projects, this heavy lifting surprises me every time. All at once, you are sitting with hundreds of pages of material, attempting to organize it all into something that not only makes sense but that is also useful, and that respects the time, energy, and expertise provided to you by research participants. I reminded myself that there is no right way to analyze data, nor should I force myself to stick to one method or process simply because I had started. For example, I had a brief desire to make use of qualitative data analysis software. I plugged all my transcripts first into NVivo and then into MAXQDA – two programs recommended to me by other qualitative researchers. As hard as I tried to use these programs to their full potential, in the end, I returned to a manual approach. Not only did the software feel clunky and restrictive, but I also began to feel distanced from my data. I needed to feel more connected and immersed in my data, to “absorb and marinate” in it (Tracy, 2013, p.188), and for me, that meant printing off pages, highlighting passages, and writing notes in the margins.

As a guide, I turned to Johnny Saldaña's (2016) third edition of *The Coding Manual for Qualitative Researchers*. This resource helped ease my anxiety around the coding process for several reasons. First, Saldaña reminds us that “[c]oding is not a precise science; it is primarily an interpretive act” (p.5). In other words, there is no right or wrong way to code data, and the process leaves spaces for researchers to draw from their knowledge, expertise, and experience when searching for and sorting through patterns in the text. Second, Saldaña writes that “coding is not just labelling, it is *linking*” (p.9). Coding is an active process that encourages engaging and re-engaging with your data until it starts to come together in a cohesive narrative. Finally, Saldaña’s suggestions to circle and jot and highlight and underline and get things down enabled me to connect with my data in a more tactile way. This process left me feeling assured that I had become familiar enough with the transcripts to transform them into a meaningful research story.

I found what Saldaña calls elemental methods to be most helpful in my first cycle of coding. Elemental coding methods “have basic but focused filters for reviewing the corpus and they build a foundation for future coding cycles” (p.97). As a specific example of elemental coding, *structural coding* allowed me to organize my data based on the research questions that framed my interview guide:

1. How do people with criminal records navigate the barriers (both interpersonal and structural) to employment? Housing? Volunteering? Other social domains and activities? Have the changes to Canada’s pardon system impacted experiences of (re)integration?
2. How do practitioners support (re)integration considering increasingly risk-averse policies and practices impact people with criminal records?
3. How are individuals and groups working and mobilizing to reduce/resist/eliminate the collateral consequences of punishment and criminalization in Canada? What is the role of public criminology in this resistance/advocacy work?

Saldaña explains that structural coding is beneficial when conducting semi-structured interviews with multiple participants and when the researcher has specific questions and topics in mind (p.98). “Structural coding both codes and initially categorizes the data corpus to examine comparable segments’ commonalities, differences, and relationships” (*ibid*). This initial coding process left me with really general codes like “BARRIERS TO (RE)INTEGRATION,” “DAY-TO-DAY WORK,” and “SUGGESTIONS AND STRATEGIES FOR REFORM” with tighter or more concise sub-codes such as “employment,” “housing,” “forms,” “advocacy,” and “public education” emerging after each subsequent read through the transcripts (eight cycles in total before I ended up with eighty-two pages of coded data). This structured coding process allowed me to organize my data into workable themes and eventually brought together the voices and experiences of twenty-two participants into a narrative that reflects what was of most concern and importance to penal voluntary sector actors.

3.3.2 Textual Analysis

Analyzing various texts alongside my interview data was an important way for me to connect the experiences of penal voluntary sector actors and the people they support in the community to institutional policies and practices and broader conversations about criminalization, collateral consequences of punishment, and structural stigma. As mentioned previously, my draw to institutional and political activist ethnography was based partially on the foregrounding of texts. Institutional and political activist ethnographers investigate “how texts coordinate and concern people’s activities across time and place (Smith & Turner, 2014), and these investigations expose “invisible connections” between people’s actions and ruling relations (Campbell & Gregor, 2008,

p.32). Again, while this research project is not a pure institutional or political activist ethnography, I found the incorporation of texts throughout my analysis and discussion particularly helpful, especially when connecting the experiences of individual penal voluntary sector actors to (carceral) power structures.

Key texts for this project included criminal records, the *Criminal Records Act*, pardons/record suspensions, and the forms and documents required for applying for a pardon/record suspension. Becoming an expert on these texts was critical before entering the field, analyzing data, and engaging in advocacy work related to this research. Throughout my interviews with penal voluntary sector actors, other texts brought to my attention included housing assessments, job and volunteer application forms, and municipal and other institutional policies and program documents that facilitate the ongoing punishment and exclusion of people with criminal records. Additional texts included in my analysis were media articles, public consultation reports, parliamentary committee transcripts, and resources written and shared by advocates and activists. All these texts help contextualize ongoing conversations about criminalization and punishment in Canada and serve to expose expanding forms of structural stigma.

3.3.3 Public Sociology and Criminology as Method

In addition to conducting interviews and analyzing texts, I engaged public criminology as a research method – influenced by doctoral research from other scholars like Justin Piché, 2012, 2015b) and Jordan Fairbairn (2015, 2019). While some view public criminology or sociology as “non-academic” (Collins, 2013, p.37), others insist that “we must have a greater public presence if we are to have any impact on the socio-political landscape of crime control” (Mopas & Moore, 2012, p.184) and other social issues. Calls to be more

public or politically engaged sometimes create tensions within the academy while also allowing for a more pluralistic notion of the role of the academic (Loader & Sparks, 2011). By recognizing the political (and personal) nature of research, and the role that researchers can (and arguably should) play in advocating for equity and social justice, sociologists and criminologists can move beyond merely collecting data and publishing in the traditional formats to immediately mobilizing research findings in the collective pursuit of meaningful, transformative, and progressive structural change.

3.3.3.1 Public Sociology

Michael Burawoy's 2004 Presidential Address at the American Sociological Association outlines his call for public sociology and asks others working in the discipline to "carry it forward as a social movement beyond the academy" (Burawoy, 2005a, p.25). Since this address, several sociologists have contributed to a vast body of academic literature on public sociology. Put simply, "public sociology involves taking professional sociological research that already exists and moving it into the public forum" (Oliver, 2009, p.285). Burawoy (2005b, p.315) claimed that sociologists were "writing first and foremost for [themselves]" and wanted to see "the analytical and conceptual groundwork laid by professional sociologists [move] beyond its academic relevance" (Hanemaayer & Schneider, 2014, p.9). Feagin et al. (2009) looked further than this basic notion of moving sociological knowledge outside of academia and advocated for a more "public-oriented sociology committed to social justice" (p.71). Feagin's (2001) public sociology is one that is more engaged, more community-based, and more committed to standing in solidarity with historically marginalized and oppressed groups. It is this version of public sociology, one "that works in close connection with a visible, active public critiquing the present state

of things and pursuing social change through collective action” (Ruggiero, 2012, p.151), that is of interest to critical sociologists.

Many scholars define themselves as public sociologists because of the research methods they use – methods that are more action-oriented, participatory, and community-based (Nyden et al., 2012). Adopting more critical, creative, and engaged methods allows sociologists to not only be more *public* but also to work more closely with (and for) *counterpublics* – individuals and groups who experience oppression and social injustice within their communities (Burawoy, 2005; Fraser, 1990). This more relational form of sociology helps “facilitate social change” and allows “the sociologist [to act] as a translator of sociological research and a politically transformative liaison” (Hanemaayer & Schneider, 2014, p.21). It acknowledges that research need not be a solo pursuit and that for research findings to have a real impact, we must “work with and listen to the others who are also trying to push back” against systemic oppression and injustice (Oliver, 2009, p.297). For criminologists who wish to have a more significant impact on public policy and work with others fighting injustices within the penal system and in the community, this more organic, engaged, and political form of public sociology should be of interest.

3.3.3.2 Public Criminology

Like we see with public sociology, “calls for public criminology typically start by lamenting the diminished influence of criminology” and the need to reassert the relevancy of the discipline in the public (and political) realm (Carrier, 2014, p.86). Currie (2007) echoes Burawoy’s observation that academics tend to speak only about their research findings with other academics and joins others who wish to see a greater role for the criminologist in public and political conversations around criminalization and punishment.

For some, public criminology means getting involved in policy development (Petersilia, 2008; Piché, 2015a) and others envision a more “empowerment-oriented public criminology” that allows criminologists to work in the community with individuals and groups fighting against social injustices (Carrabine, Lee, & South, 2000). The common element in these two definitions of, or approaches to, public criminology is *change*. Whether working as an applied/embedded criminologist in policy development or as a community-based researcher, public criminologists should be concerned with changing the conditions that allow for the ongoing oppression, criminalization, and punishment of marginalized people and those made vulnerable. Public criminology must go beyond making the names of criminologists known to the public via news stories (Barak, 2007), and it should involve more than enhancing the reputation and relevancy of the discipline and academy.

Moving from this, I take up the work of Amanda Nelund (2014), who offers a comprehensive feminist critique of public criminology and proposes solutions to the limitations she notes about certain practices of public criminology. She highlights that “[t]he unidirectional transmission of knowledge implied in the public criminology literature limits its research and theoretical capabilities” (p.78) and suggests that public criminologists incorporate feminist approaches into their practice as a remedy. Feminist scholarship has always been public and “thus [shares] with public criminology a spirit of engaging and influencing the public” (p.69). But, as Nelund points out, this engagement must go beyond the “translation and dissemination of professional criminological scholarship” (p.71) to actively engaging with communities who are in a process of struggle and who are looking for “transformative change” (p.69). She asserts, as others do, that

working with counterpublics is just as important as working with “more traditional publics” (p.76) and that criminologists must acknowledge the power relations that exist in society and that contribute to social injustices and reinforce inequity.

A feminist approach to public criminology understands that research need not be detached, emotionless, or objective. “[F]eminism has always been shaped by the fundamental assumption that because all knowledge is socially situated, all knowledge is political” (Nelund, 2014, p.73), and accepting the political (and personal) nature of research is of vital importance to academics who wish to be more public. Most engaged scholars choose their “research projects because [they] feel passionately about community justice and [are] sceptical (politically and theoretically) about state-directed and dominated initiatives” (Shearing & Marks, 2011, p.137). Embracing these personal and political motivations for criminological research helps to strengthen social justice research and it also helps challenge traditional scientific knowledge that does not necessarily speak to the needs or concerns of the public – or of the researcher (van de Sande & Schwartz, 2011).

All in all, “[p]ublic scholarship aspires to produce and disseminate knowledge in closer contact with the individuals, communities, and institutions that are the focus of its study” (Uggen & Inderbitzin, 2010, p.725). This more engaged scholarship is certainly more complicated, messy, and still not fully accepted as legitimate research by many institutions (Liebling, 2011; Mopas & Moore, 2012), but if criminology is to “take debates about social justice seriously” (Braithwaite, 2011, p.viii) and change the public dialogue around harm and punishment (Carrabine et al., 2000) then we need to embrace some epistemological and ontological changes that reduce the isolation of criminological knowledge (Currie, 2007; Nelund, 2014; Piché, 2015a). This can include developing

research projects that are not limited by disciplinary or institutional expectations of detachment and objectivity, but that are instead motivated by “a more vigorous, systematic and effective intervention in the world of social policy and social action” (Currie, 2007, p.176). Shifting away from the desire to only generate and publish ‘original’ research towards “making *sense* of the mass research we generate... and *disseminating* that work to a broader and potentially more efficacious audience than ourselves” (p.180) can reduce the isolation that Currie and other public scholars are concerned about. As Richie (2011) eloquently writes: “the field of criminology is enhanced by considering social justice as part of both the overall research agenda and criminological praxis” (p.214).

3.3.3.3 Doing Public Criminology with the Penal Voluntary Sector

Nelund (2014) tells us that “to practice a public criminology that is transformative and radical we cannot accept the literature as currently formulated” (p.81). In order to encourage others to engage in more critical qualitative research methods, academics need to provide narratives within their writings about their experiences doing such work (Mykhalovskiy & Church, 2006; Woolford & Hogeveen, 2014). If others in the field can read more about the messiness of committed scholarship and accept the importance of imagination, engagement, and relationality throughout the research process, then perhaps we can start developing a criminology that is not only more public but also more accountable. This is what I do in Chapter 6 of this dissertation – offer examples and reflections from my own research and advocacy work over the past several years to demonstrate that a public criminology informed by institutional and political activist ethnography, critical qualitative research, and anti-oppressive practice is *especially* important in the pursuit of (a) better understanding the role of the penal voluntary sector in

supporting people with criminal records in the community; and (b) strengthening the relationship between academics, advocates, practitioners, and people with lived experience of criminalization, victimization, and punishment. Doing research in this way (and subsequently writing about it) might enhance opportunities for changes that repair harm without expanding the carceral net (Gottschalk, 2006; Mathiesen, 2014; Tomczak & Buck, 2019a; Wilson, Whitmore, & Calhoun, 2011). By repositioning ourselves in the community, academics can become more aware of the realities in which people actually live (D. E. Smith, 2005) and can produce and disseminate knowledge as partners and collaborators, rather than as disconnected ‘experts.’

3.4 Research Decisions and Ethical Considerations

In planning this project, I knew that I did not want to replicate mainstream or administrative criminological/sociological research on punishment, re-entry, and desistance. I wanted this work to move beyond recidivism rates, beyond labelling and instances of (inter)personal stigma, and beyond speaking to desires for redemption and forgiveness to a more engaged and critical approach to researching the long-term and widespread impacts and harms of criminalization and punishment. I focused on “[formulating] questions that are not necessarily in line with institutional agendas” (Hannah-Moffat, 2011, p.448) and engaged qualitative research methods that would help me challenge both institutional and political structures and practices.

Initially, I planned to conduct interviews with penal voluntary sector actors *and* people with criminal records who had not yet received a pardon/record suspension, but I shifted my approach early in my data collection process. After interviewing two individuals with criminal records, I questioned the ethics of doing so. It was not a matter of ‘procedural

ethics’ – as I had received ethics clearance based on my initial plan – but rather what Roberts and Indermaur (2008) refer to as ‘ethics in practice’: “a researcher’s responses to ethical issues that arise during the research process” (p.311). This term is mobilized in prison research and addresses issues like access and recruitment of prisoners, the payment of prisoners, informed consent and confidentiality, establishing a trusting relationship, attending to the psychological needs of interviewees, maintaining the personal safety and well-being of researchers, and interpreting and mobilizing findings. While I did not conduct my interviews in a prison environment, a couple of these elements did come into play early in the research process – namely around participants’ needs and my reaction to learning of those needs.

Stacey Hannem (2014) writes that “[t]he process of listening to and analyzing stories of trauma... draws an emotional response from the listener – even if that listener is a social researcher, trained in research methods and critical analysis” (p.267). We are, after all, only human. The two interviews I conducted with people with criminal records were extended and heavily emotional conversations. Participants disclosed a lifetime’s worth of trauma, and both were still experiencing very immediate collateral consequences of criminalization and punishment. While “the emotion culture of the academy seems to prescribe that one must be objective and emotionally detached” (p.269), I found it impossible to remain detached in these moments. After both interviews, I was left feeling responsible for the well-being of participants and pushed myself to take immediate action to remedy the issues and concerns they shared. I want to be clear; this was not because of anything said or done by the participants themselves, but rather – as I was later able to process – the result of the lingering burnout from my frontline job in the penal voluntary

sector. The purpose of this project is to expose injustice and improve the structural conditions that keep people down, out, and away (Link & Phelan, 2014). However, my desire to support people experiencing harm due to punitive practices, processes, and policies was once again contributing to crumbling boundaries and quickly becoming an unsustainable way to conduct research.

To finish this research and do the work required to expose the harms caused by the changes made to the *Criminal Records Act* under the Harper government, I shifted focus to only interviewing penal voluntary sector actors. Before starting the doctoral program, I spent years meeting with, talking to, and supporting people with criminal records in the community. I was already very familiar with the obstacles and barriers faced by those who would be potential participants and decided that engaging in trauma mining²⁵ for more ‘data’ was not an appropriate use of my time and not a sustainable use of my energy. I have continued to provide support to criminalized folks in the community over the past several years. That advocacy work and those relationships continue to influence my understandings of experiences of punishment and criminalization in Canada. Lastly, while I know that people who have experienced trauma do see and experience the value and benefit of participating in research projects (Campbell, Adams, Wasco, Ahrens, & Sefl, 2010; McKendy, 2018), specifically qualitative projects that create space for storytelling (Copes, Hochstetler, & Brown, 2012), I share my decision-making process above not only for transparency, but also for other early career researchers who might be grappling with similar dilemmas.

²⁵ QuakeLab (2020) defines trauma mining as a process through which individuals share experiences of discrimination that “serves no purpose to those who are forced to relive their trauma” but is only done to prove that their experiences of discrimination are in fact real.

To D and B: Your voices and lived experiences did not go unheard. Our conversations laid the groundwork for the remaining chapters of this dissertation and continue to inform advocacy and activism each and every day.

Although I shifted my research approach, this decision did not change the questions I wanted to answer – even the first one about navigating barriers to re-entry and (re)integration and understanding the impacts of the record suspension regime. From the standpoint of penal voluntary sector actors, I was still able to collect important information about the multiple and intersecting obstacles and barriers faced by people with criminal records in the community. Two participants disclosed their own experiences of criminalization along with personal concerns about the limitations of record suspensions, like the exclusionary criteria and the fact that this process does not remove conviction information from the internet. All participants shared a series of stories based on years – and in some cases, decades – of working in the penal voluntary sector. These composites provided an extensive overview of the collateral consequences of punishment experienced by people with criminal records (see Chapter 4) while also exposing the barriers created by other systems, structures, and processes.

As you will read in Chapter 5, people with criminal records who rely on various supports, programs, and resources in the community are required to tell their story to almost every frontline worker they encounter. Typically, these stories are squeezed into a series of checkboxes to determine eligibility (Nichols, 2014) and are rarely mobilized beyond the confines of an assessment form that eventually lands in a filing cabinet. Interviewing frontline workers and other actors within the penal voluntary sector created a second, more flexible space for these stories and an opportunity for participants to advocate for service

users in a manner not limited by job descriptions, program requirements, or organizations mandates.

While I acknowledge the limits of relying on experiences of punishment and criminalization from the standpoint of penal voluntary sector actors, research approaches like institutional ethnography recognize “that multiple points of entry into a social complex are possible, and that research can take the form of an ongoing, collaborative enterprise in which successive research efforts by different investigators continue the process of how ruling relations operate within the institutional complex” (Grahame & Grahame, 2000). In other words, this project is one of many and sits alongside others that detail the collateral consequences of punishment and structural stigma in Canada. Specifically, this dissertation complements other projects that focus on frontline workers and volunteers within the penal voluntary sector (see Quinn, 2019) and the everyday advocacy (or brokerage) performed by community-based practitioners (see Quirouette, 2017). Furthermore, my research and analysis lay an essential foundation for conducting future research in a more collaborative way (see McAleese & Schick, 2018) to ensure a more supported and ethical approach – for both researchers and people with lived and living experiences.

Finally, and as I mentioned above, I have continued to connect with and hear from people with criminal records over the years that I have worked on this project. After a piece of public writing (see Chapter 6), I often receive several messages and e-mails from criminalized people or their family members sharing concerns about the record suspension regime. These stories have not sat stagnant. Instead, I was able to mobilize them faster than the speed of research while immediately connecting people to the resources and support they were seeking. For example, I put people in direct contact with managers and directors

at the Parole Board of Canada to immediately resolve their problems with the record suspension application process (e.g., payment of fines, missing court documents). I included some stories and experiences in other published reports (see McAleese & Latimer, 2017). I even managed to get someone a face-to-face meeting with a sitting Senator so they could express their concerns about the exclusionary components of the *Criminal Records Act*. Overall, while my research approach shifted, the focus of my advocacy work did not, and I will continue to find ways to connect with, support, and mobilize the concerns and experiences of people with criminal records beyond the scope and timeline of this dissertation.

4. Identifying

“The ‘credential’ of a criminal record, like educational or professional credentials, constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economic, and political domains.”

(Pager, 2007, p.4)

As demonstrated in Chapter 2, there is no shortage of research on the multiple and intersecting challenges and barriers people with criminal records face in the community. We have decades of literature on collateral consequences of punishment or symbiotic harms that range from difficulty finding employment to being denied parental rights (Leverentz, Chen, & Christian, 2020; Travis, 2002). Discussions of experiences of prolonged punishment and exclusion, typically situated within a theoretical discussion of stigma, demonstrate how labels and classifications, albeit invisible, hold tremendous power over individuals within oppressive systems (Alexander, 2011; Bowker & Star, 2000; Cohen, 1985). In its various forms, stigma keeps people with criminal records “down, in or away” (Link & Phelan, 2014, p.24) through processes and structures that define them as risky or dangerous. This risk-aversion is, of course, not at all supported by data – nor is it supported by my own experience working in the community with former prisoners. In fact, research indicates that even “former long-term [prisoners are] able to resettle into the community without jeopardizing the safety of other citizens” (Munn & Bruckert, 2013, p.10; Stewart & Wilton, 2018). Unfortunately, what we know from even recent history on policymaking in Canada tells us that data-informed decision-making is lacking, especially regarding public safety (McAleese & Kilty, 2019).

While stories of being “caught in the criminal justice net” are often shared in criminological and sociological writings through qualitative research with criminalized

individuals (Comack, 2018, p.155; see also Munn & Bruckert, 2013), I have taken a different approach to answering my research questions. This chapter describes the barriers faced by people with a criminal record in the community identified by actors within the penal voluntary sector. “[R]eentry service providers” (Sugie & Augustine, 2020, p. 202) provide instrumental support to criminalized persons “such as housing, transportation, and financial assistance, as well as informational resources, such as job referrals and social service information” (p.197). This work requires identifying and anticipating the challenges that individuals will face as they move forward and attempt to move beyond their carceral state-ascribed status of ‘criminal,’ ‘inmate,’ ‘parolee’ or ‘offender.’ I start by elaborating on what participants had to say about the record suspension application process, as the changes to the *Criminal Records Act* were clearly identified as a problem. Then I talk about employment as participants highlighted significant concerns here that expose patterns of (inter)personal and structural stigma. Third, this chapter contains an extensive section on housing and homelessness, an issue identified (and often in great detail) as a significant domain of concern by all frontline practitioners. Finally, I point to a few other barriers identified by practitioners as further examples of how punishment seeps and creeps into various institutional policies, practices, and processes.

4.1 Pardon the Interruption

Participants did not hold back when expressing their frustration regarding the changes made to the *Criminal Records Act* during the Harper decade. Most penal voluntary sector actors were very well-versed in the full scope of the overhaul, with only a few (those who worked primarily with youth) needing a more detailed backgrounder during the interview. Participants verified that the “credentialing of stigma” (Pager, 2007) contributes to further

exclusion and punishment in the community, especially as “[a]n increasing number of Canadian organizations – employers, volunteer managers, educational institutions, licensing bodies and government – are incorporating police record checks into their hiring and management practices” (Canadian Civil Liberties Association, 2014, p.5). Moving from this, they also understood receiving a pardon or record suspension as a necessary “rite of reintegration” (Maruna, 2014) for people with criminal records.

They want to be able to just say, “That part of my life is done.” They want closure... Also, a lot of times they will say, “Well, I have kids now. I have grandchildren. I just want to be able to tell them that I don’t have a criminal record.” (Geneviève, Volunteer Coordinator and Court Support Worker)

I’ve had a lot of women say to me, “You know, if I can get a pardon, I’d change my life around.” (Jodie, Manager of Bail Program)

Essentially, participants described the ability to apply for and receive a pardon or a record suspension as the most effective way to avoid stigma and move beyond at least some of the collateral consequences of punishment.

A consensus among participants, summarized well by Tara (Housing and Reintegration Worker), was that the record suspension application process is “costly and it takes a long time.” Others expressed how people generally “don’t want to deal with it” (Christine, Youth Housing Based Case Manager) or that they have “given up on those kinds of things” (David, Reintegration Caseworker and Community Developer) because the process is so severely intimidating and discouraging:

I’ve seen the women say to me, “Screw it! I can’t even get a pardon, so what’s the point? I’m just going to continue selling drugs,” or whatever it was they were doing for money. And a lot of these women are involved in the sex trade too, and they go right back to it because they can’t get a pardon. (Jodie, Manager of Bail Program)

There's a sense, a more heightened sense of hopelessness, powerlessness. Like, "What's the point?" and, "How am I ever going to afford that? I might as well just... I'm going to be punished forever. What's the point?" (Rebecca, Employment Counsellor)

A lot of the time, when we talk about pardons, it's very deflating for women. It's very, like, "This is never going to happen!... What's the point? It's so unattainable." (Courtney, Residential and Community Support Worker)

While I have already shared some reactions in Chapter 1 related to cost, waiting times, and the application process, that only scratches the surface. Mélanie (Crisis Intervention Worker) and Geneviève (Volunteer Coordinator and Court Support Worker) were both tasked as 'the pardon person'²⁶ within their respective organizations. I will start with their concerns to lay the groundwork, as they had deep knowledge of the entire process.

Mélanie began by explaining that she meets with one or two people a day to determine eligibility and assist with the record suspension application process. She also described the range of "cases" that she deals with and how each individual, with their own history of criminalization, victimization, and punishment, requires a different approach to the application:

I've had people with one charge, which was a DUI when they were like 18 or 19, and I've had people with twenty-nine charges who were applying for record suspensions.

While this only was meant to be a small part of her job, it became quite evident throughout the interview that guiding people through the application could be a full-time job on its own. Geneviève echoed this and disclosed that she was training other staff at her organization, so this task did not continue to fall on her alone. She even provided me with a copy of her incredibly detailed and informative PowerPoint deck.

²⁶ This was one of my roles (or hats) when I worked frontline and why I became so connected to the issue of pardons/record suspensions and reforms to the *Criminal Records Act*.

So, it's not too bad if the person only has one charge, and it was like five years ago – it's pretty feasible. But when it's a person that has charges from like twenty years ago and then has like a twenty-year span of different charges, then that might be more difficult.

Geneviève's executive director, Leila, admitted that helping people apply for record suspensions “would be a full-time job,” but clarified that, “unfortunately, we don't have the funding for that.”

After determining eligibility, the first barrier to the application is cost. Mélanie explained that many of her clients are on social assistance – either Ontario Works (OW) or the Ontario Disability Support Program (ODSP). Therefore, the application fee (which was \$631 at the time of the interview, peaked at \$657.77 in 2021 and is now \$50²⁷) simply puts a record suspension out of reach.²⁸ Geneviève said that many people ask if the organization can pay the fee, but once again, limited funding prevents this. Sometimes OW or ODSP will cover the costs associated with the application – but this is not a guarantee. In fact, Leila joked about how “it really depends on getting your worker on their birthday or something”, to illustrate the inconsistent support provided to criminalized people in the community. Thomas (Crisis Counsellor) mentioned this as well:

It is almost like a discretionary sort of thing. So, if your Ontario Works worker thought they would like to support you, then you were fine, but if not, then you're screwed.

Mark (Executive Director) explained that getting OW to cover the costs is different from city to city. For instance, in Simcoe Muskoka and Toronto, OW covers the full price, but

²⁷ Between 2010 and 2012, the pardon/record suspension application fee rose from \$50 to \$150 and then \$631. Under the *Service Fees Act*, enacted in 2017, the application fee was raised to \$644.88 in 2020 and to \$657.77 on March 31, 2021. In January 2022, after a decade of advocacy from individuals and organizations from across Canada, the federal Liberal government lowered the fee to \$50.

²⁸ Rates for OW and ODSP vary depending on family type. For example, a single person on OW receives a total of \$733 per month and a couple receives \$1,136 – both amounts increase slightly with children. A single person on ODSP receives \$1,169 per month and a couple receives \$1,750 – again, both amounts will increase slightly with children (Income Security Advocacy Centre, 2020).

they refuse to cover anything in Kingston. Ottawa seems to hover in the middle, with some individuals getting funding and others getting no financial support.

Another financial barrier identified by Mélanie, Geneviève, and other participants was unpaid fines or restitution. It is important to note here that the waiting period before eligibility does not begin until the end of someone's sentence, including the payment of any monetary penalties. The issue is that many people are not even aware that these penalties – fines or restitution – are outstanding:

People have fines related to some charges where they absolutely do not remember what they did, right? So, how are they going to remember that they had a \$20 fine or a \$100 fine for that? (Mélanie)

Most of the time it's the victim surcharge, or fines that were added through the years and then they don't really kind of catch on that there's fines to pay... so they just don't pay them... And then they don't really even talk about restitution, but that restitution – it has to be paid. (Geneviève)

I've yet to have anybody that actually came through us that was at the point where they could apply for their pardon. If they were, they didn't realize that they had outstanding this and outstanding that, and fees, and tickets, and all that stuff. So, when they start digging a bit, they realize that there's more barriers than what it looks like. (Luke, Business Developer)

Thomas' (Crisis Counsellor) story of an individual with outstanding fines was particularly distressing:

I was talking with one guy and we were proceeding and going through the [application process] and I asked, "Do you have everything?" Yes, yes... but then it turned out right at the last minute that he had a \$30 fine in British Columbia from twenty-five years in the past that he had forgotten about, and so he had to pay the fine and then his waiting period started over. And this guy was already like sixty years old, right? He had wanted to move on, right? It was a fine! Not restitution!... It was nonsense!

While "[f]ines and fees are often conceptualized as alternatives to harsher sentences like incarceration" (Slavinski & Pettit, 2021, para. 4), this is an infuriating example of how

“fines are often levied on top of and in conjunction with harsher sentences” (*ibid*) and disproportionately impact people living in poverty (Harris, 2016). Dawn (Reintegration Coordinator) told me that having to tell someone that they cannot apply for a record suspension because of an unpaid fine, fee, or restitution is really difficult:

It’s the hardest part of my job. For the people that have changed their life and... it’s so hard. I almost want to cry about this because I’ve seen that they’ve changed their life, they are doing well, but they cannot get past this because it’s another ten years and the restitution is just so high. It’s heartbreaking.

Several participants also expressed frustration with third-party companies that have capitalized on this overly complicated, bureaucratic, and expensive application process, including Mélanie (Crisis Intervention Worker):

Oh, I’ve heard horror stories! I’ve heard of other third-party agencies that have completely ripped off our clients, to be honest. Stuff like they’ve paid \$1,200, and they haven’t even had their court information papers done yet, which is the second step. Like, that is completely ridiculous! I would say most of my first clients were all [from] Pardons Canada or [other] third-party companies who were just completely ripped off, and they just found out through other people that we helped.

These companies will often tell people that they are eligible for a record suspension when they are not and demand a hefty deposit. Mélanie says these companies “give people false hope,” and others echoed her annoyance over this predatory business model:

And then people get duped by companies that are charging an astronomical administrative fee to push paperwork... It’s infuriating when they pitch the line that, “We can do it faster than anybody else!” It’s misleading, and it takes advantage of people who are already in vulnerable situations.” (Amelia, Employment Counsellor)

It’s false advertising... it doubles the cost, right? And there’s no resource there to protect people. (Rebecca, Employment Counsellor)

I have heard complaints about these third-party companies since 2012. The Parole Board of Canada has a warning about them on their website, but unfortunately, these companies

continue to appear at the top of internet searches for ‘pardon’ or ‘record suspension’ because they have paid for advertising space.

This serves as an example of how the prison industrial complex (PIC) operates in Canada. Typically mobilized by critical scholars and carceral abolitionists to describe “[t]he exploitation of prison labour by private corporations” in the United States (Davis, 2003, p.84) and how the expansion of surveillance, policing, and imprisonment is “driven by ideologies of racism and the pursuit of profit” (*ibid*; see also Critical Resistance, 2022), the PIC seeps into aspects of re-entry and (re)integration as well. These third-party ‘pardon’ companies might present a benevolent façade, but it is clear through descriptions of those who have interacted with these companies that their primary concern is profit. More specifically, they view people with criminal records as “sources of profit” (Davis, 2003, p.88) and seek to maintain various “processes of social destruction” (*ibid*), like the record suspension regime, that allow them to “[devour] public funds, which might otherwise be available for social programs” (*ibid*) that *actually* keep people safe and well. Furthermore, because of this direct involvement in ‘the punishment business’ – or the PIC – these companies are unlikely to advocate for changes that will eliminate their profit source, like a free and automatic process to close or seal criminal records. In short, participants were right to share their concerns about these companies that rely on punishment, and the fear of ongoing exclusion and the collateral consequences of punishment, to stay afloat.

Finally, participants identified serious concerns about the application process itself. Once someone is eligible and has the funds to pay the application fee and other associated costs, they can move forward through the multi-step process.²⁹ Most of this involves

²⁹ The steps to apply for a record suspension are outlined in a detailed application package available on the Parole Board of Canada’s website. The steps include getting a criminal record check or proof of conviction

gathering additional information about one's conviction record via the RCMP, courthouses, and local police stations, but the final step of filling in the Measurable Benefit/Sustained Rehabilitation Form was identified as a complicated and sometimes traumatizing process for people with criminal records. I refer to this step as 'the essay' as applicants must respond, in considerable detail, to several questions:

1. Clearly indicate how a record suspension would provide you with a measurable benefit and how it would sustain your rehabilitation into society as a law-abiding citizen.
2. Describe all positive changes you have already made to improve your situation since your conviction. You may include supporting documents.
3. Information on the offence(s). Describe the circumstances and how/why EACH of the offences was committed. (Who, What, When, Where and How)
4. For all sexual offences, include the age of the victim. Provide official documentation if available.

Program Officers and members of the Parole Board of Canada read the answers to these questions as part of the application assessment process. Note how question three fails to ask, "Why?" – leaving no space for applicants to express circumstances that might have led to their offences, such as poverty. Furthermore, these questions also require applicants to take full responsibility for *all* convictions listed on their record, which is problematic if they maintain their innocence. Any answers claiming innocence at this stage actually "preclude [applicants] from being granted a pardon," according to Thomas (Crisis Counsellor).

Answering the questions in the Measurable Benefit/Sustained Rehabilitation Form

documents through the RCMP, collecting court information, obtaining a military conduct sheet (if applicable), getting a local police record check, photocopying identification documents, filling in an exemption form (if applicable), completing the record suspension application form, and answering the questions in the measurable benefit/sustained rehabilitation form (Parole Board of Canada, 2020).

was described as stressful, triggering, overwhelming, and traumatic:

I think the other stressful part of it for them is the Measurable Benefit form. The three questions... For example, I had a client yesterday, and his first charge was in '76. How do you remember what you did in '76? And most of them are little, small charges, petty charges where they completely do not understand what they've done, and that stresses them out. "Am I going to be rejected because I don't remember what it was?" or, "I was completely intoxicated! I have no idea what I did!" So, it's that question can be a little bit tricky for them... It could be triggering for our clients, right, remembering why they did that? It can be triggering for a lot of our clients. (Mélanie, Crisis Intervention Worker)

A lot of times when you are going through the process, it brings up a lot of things - it brings up a lot of trauma because they discuss very specifically the charges and why the charges happened, and they ask very specific questions. So, it's very traumatic for a lot of women because a lot of them have gone through trauma, and bringing this all back... I have women who say, "I need to stop. I can't continue. I need to take a break. I need to get out." I'm like, "Ok! That's completely normal!" (Geneviève, Volunteer Coordinator and Court Support Worker)

Some participants had a good understanding of what kind of answers are sought by the Program Officers and members of the Parole Board of Canada and could better assist individuals:

So essentially, I would say 98% of clients will answer, "Because I want a job." But that's not what they want to see. So, it's trying to find, ok well what is it going to help you do? Is it going to help you give back to your community? Is it going to help you be a better role model for your children? And that's what they essentially want to see. And the second question is, 'describe all positive changes you have already done.' Plain. It's easy. What have you done? Treatment? Education? And then they want you to include documents if you have it. (Mélanie, Crisis Intervention Worker)

Without this guidance, it is easy to see how this part of the application would be overwhelming, especially, as many participants expressed, for people with low literacy skills. Geneviève said that she needs "to act as a cheerleader throughout the process because it can drag on." Her colleague, Elisha (Housing Based Case Manager), also

expressed this need for encouragement:

If anything, it is me pushing it as a ‘light at the end of the tunnel’ type thing. For them, it’s so beyond reach. It’s not something that’s on their radar. It’s not even something they even think about. And so, my thing is like... the doors aren’t closed. And they are like, “They are though, Elisha,” and I’m like, “But they’re not. They’re not. I promise they’re not. It’s not going to be easy; it’s going to be really fucking hard, but the doors are there and you can open them.”

Another participant, Dawn (Reintegration Coordinator), described the processes like a “strengths-based counselling approach” that encourages people to think about their accomplishments and goals. This shift in thinking makes the process a tad more bearable.

Overall, participants described the record suspension application process as “discouraging” (Geneviève, Volunteer Coordinator and Court Support Worker), and many acknowledge it as a massive barrier faced by people with criminal records in the community. These comments reflect what has been said in the media (Bronskill & Cheadle, 2013; Campbell, 2019; Crawford, 2017; Gerster, 2019; McAleese, 2017b; Pate, 2021; Spratt & McAleese, 2019) in public consultation reports (Parole Board of Canada, 2011, 2016b; Public Safety Canada, 2017), and in parliamentary committee meetings (see McAleese, 2019b) since the 2010 and 2012 changes to the *Criminal Records Act*. This process is a massive part of the ‘stigma machine’ that keeps people with criminal records in a state of struggle. The complicated, expensive, exclusive, and bureaucratic requirements align with a system that perpetuates “classificatory violence” (Tyler, 2020, p.33) and prevents people from being defined as anything but criminal. These conversations with participants about pardons and record suspensions were preceded by discussions about the other obstacles and barriers people with criminal records face in the community. First: employment.

4.2 Job Search, Suspended

“What is the point of ‘challenging criminal thinking’ or providing prisoners with suitable job training if upon their release they will be prohibited from finding legitimate employment because of their criminal records.”

(Maruna, 2014, p.126)

My first full-time job in the penal voluntary sector was in a community-based employment readiness program mandated to support people with criminal records in preparing for, obtaining, and maintaining work. While my official role was administrative, I also provided support to the employment counsellors and job developers when caseloads were high, and days were full. A lot of this work involved resume writing, interview preparation, and looking up job advertisements. This third task, searching for jobs to post on the program’s bulletin board, proved difficult, as so many advertisements included a requirement for a criminal record check. I knew going into this position that a criminal record posed a barrier to employment, but it was still a shock to learn just how limited the job pool was for criminalized people. It became quickly apparent why many former prisoners “are more likely to obtain menial employment that is low-paying, low-skilled, seasonal or part-time, and precarious” (Ricciardelli & Mooney, 2017, p.108). My interviews for this research project demonstrate that the situation is certainly not improving. In fact, Leila (Executive Director) noted how even places like “McDonald’s [are] doing CPICs³⁰ whereas historically they didn’t.”

Finding a job is described as “a source of devastation, fear, concern, and a lack of confidence” (Ricciardelli, Evans, & Peters, 2017, p.3) for people with criminal records, and participants spoke to this stressful experience:

³⁰ ‘CPICs’ is a shorthand for criminal record check and refers to the Canadian Police Information Centre: Canada’s criminal record keeping system maintained and managed by the Royal Canadian Mounted Police.

I think they have a lot of anxiety about [finding employment], and they don't feel like they should make the effort because it's going to be a waste of time... It's scary. As soon as they get to that application and it asks, "Do you have a criminal record?" And then right away, they are scared. I think they just lose hope. (Brenda, Administrative Assistant)

There was one woman last week, she was applying to be a cook in a senior's home; and she had a DUI from when she was 18 years old, and she's now 39, and she was stressed out about it. Like, actually stressed out about it. She cried, and she said, "I told them that I had a criminal record, but I've had no charge in the past five years." So that for them is a big thing, right? (Mélanie, Crisis Intervention Worker)

The dread and hesitation experienced by criminalized people looking for work is a common theme in the literature. A recent report from Calgary, Alberta, echoes that "[t]he stigma associated with a criminal record can have detrimental impacts on the willingness of people to look for work and ultimately lead to disengagement from conventional employment" (Greene, Ramsperger, & Williams, 2019, p.23). Furthermore, while labour scholars and activists continue to address various personal characteristics that affect access to the workforce in Canada, including gender, race, ability, age, and citizenship status (Agócs, 2014; Anand, 2014; Cornish, Faraday, & Borowy, 2014), it remains acceptable for employers to refuse work based on criminalized status. As Tara (Housing and Reintegration Worker) put it: "99.99999% as soon as [employers] see that box checked off, [the resume] is going to be thrown in the garbage." Christine (Youth Housing Based Case Manager) echoed the same experience among youth on her caseload: "Employment is not easy for youth that have criminal records, because that is a question on a lot of applications. Like, a lot!" Personal fear combined with interpersonal and structural stigma severely limits employment opportunities for people with criminal records.

Participants identified barriers to employment other than the criminal record itself, including a lack of work experience, not having any recent professional references, and

being without specialized education or training (realities also reflected in research, see: Munn & Bruckert, 2013; Ricciardelli & Mooney, 2017). Having a strong need and motivation to get a job is not enough in an incredibly competitive workforce – even in fields that are typically more willing to hire people with criminal records, like construction or general labour.

It's a lack of work experience. Like, construction is the most lenient, ok? So, the biggest barrier is that they can't find work anywhere else because they don't have a reference, they don't have work experience, and they have a record. Boom! We have those three things, so that's why they're here – that's why they are on our doorstep. (Luke, Business Developer)

Unfortunately, even when people have all the qualifications and experience required for a job, they are still sometimes denied work because of a record that has absolutely no relevance to the position.

I have people who come to me in regards to interviews, and they knew they had all the qualifications and all the education, but that one little charge – like, a DUI – had nothing to do with what they were going to do! Why refuse someone if they are capable of doing it? (Mélanie, Crisis Intervention Worker)

Participants shared examples like the one above in contrast to others, like not hiring someone with sexual offences to work in a school or not hiring someone with fraud convictions to work at a bank. Finally, some participants highlighted that it is not always the criminal record that poses a barrier to employment but instead things like parole, probation, or bail conditions. Having to leave work early for a parole appointment or to fulfill a urinalysis requirement, not being able to take a job because of a curfew, or needing to refuse work at a specific site because it is located in a red zone³¹ are examples of how

³¹ 'Red zones' are the result of zone restriction orders and a form of socio-legal control often imposed by police officers, justices of the peace, or judges. "Pursuant to these orders, people are prohibited to go and be found within small to large perimeters or exclusionary zones, which can extend from certain streets or specific

conditions can also be “extremely punitive” (Sylvestre, Blomley, & Bellot, 2020. p.10).

The other thing is that, what do you tell the employer? Because they already have enough stigma, now we need to tell them that he has to go for urinalysis? And now they want to know what’s this guy’s deal - so it’s like, how much do you disclose? (Luke, Business Developer)

A lot of these guys still have a lot of appointments. They’ve got to be seeing parole regularly... maybe they still have court things to manage... plus doctor’s appointments and whatnot that are all tightly monitored. So, they have to be attending [everything] and... that is problematic for the employer a lot of the time. (Cora, Director of Operations)

Another client, she’s a little bit older. Her issue is that she has human trafficking charges, so, employment is going to be really hard for her, like really hard. She can’t be anywhere where there is people under 16 years of age. So, what does that leave you? She was a personal support worker... she had a really good job, and her charges are so unfortunate. (Elisha, Housing Based Case Manager)

I have lots of youth who have shoplifting records, and then they can’t work in malls because they are banned from the mall, or they are not bondable, can’t work with cash. That’s problematic because it’s usually young females who want to work in retail, but they have multiple shoplifting in retail stores that I would say affects them from doing the job they want to do. (Christine, Youth Housing Based Case Manager)

Someone that’s on federal parole may need to have their parole officer approve where they are working... and all the information can really create more barriers on top of more barriers to get that employment. (Leila, Executive Director)

Sylvestre, Blomley and Bellot (2020, p.164) write that these “spatiotemporal controls” and conditions are a form of structural and “legal violence” that prevent “human flourishing.” They note that former prisoners and criminalized people are not just “carrying a criminal record” (p.4) but are also bound and restricted by conditions that amount “to a severe form of punishment.” These techniques of “regulation and governance” (*ibid*) also feed into the “stigma machine” (Tyler, 2020).

locations (parks, shopping malls, etc.) to the downtown core and to an entire city or province (Sylvestre, Bernier, & Bellot, 2015, p.284).

Participants who worked specifically with women pointed to gender disparities in finding employment with a criminal record. The observation that “it’s worse for the woman than the men” (Jodie, Manager of Bail Program) is confirmed through recent research from the US (Curcio & Pattavina, 2018) and the UK (Unlock, 2021, p.3) that demonstrates although “women overall are less likely to have a criminal record than men, those women who do are more likely to face barriers when accessing employment.” In her doctoral dissertation, Anita Grace (2020, p.7) echoes these findings in the Canadian context, writing that a criminal “record bars women from employment sectors in which they are most likely to have experience, and/or most likely want to work.” Vicky (Manager of Residential Services) noted that “it’s mostly hands-on jobs, like construction jobs... [and] that type of work” that do not require criminal record checks. She mentioned that a couple of women “work with first-response clean-ups” because the employer “used to work for CORCAN” and is trying to do his part to help hire people with criminal records. Robin (Acting Director of Operations) also said that “the most common [employment] is labour work” and shared that a couple of the women on her caseload were working for an “asbestos removal and mould removal company.” Robin’s colleague, Ariel (Residential and Community Support Worker) mentioned that a couple of women “work in environmental clean-up.” But, there was an acknowledgement from participants that generally, women do not want to work in these manual labour positions.

The jobs that are available out there where a criminal record may not impact are basically construction jobs and some labour. For women, [it is] very difficult because women mostly dominate sort of the office work, right? So, all of those jobs asking for criminal background checks. Now, you have some women that absolutely! I think they should be able to do the construction work and stuff like that... but some women are just not physically capable of doing some of that stuff, right?” (Jodie, Manager of Bail Program)

Participants working with youth shared similar concerns about the career limitations placed on young women with criminal records. Sarah (Youth Caseworker) highlighted a trend among “youth who grow up in the system want to be social workers” and gave her thoughts on why this is the case:

I think because they have lived experience, which is important, and they probably have watched different social workers and people helping in the field – like, different approaches over the years – and I think they probably have an idea of what they think works for people and they know what didn’t work for them.

Unfortunately, this desire to become a social worker becomes complicated by the demand for criminal record checks in social work programs. Christine, who also works with youth as a housing-based case manager, emphasized this complication:

I have youth that have criminal records for assault, and they are telling me that they want to be a child and youth worker. Those two things don’t mix until you deal with that... You have to have a police check for even doing a placement in school. That’s not even paid employment! That’s just placement!

Sarah also acknowledged that “you need the vulnerable sector check to do your placement and everything because you are working with kids and vulnerable populations.” Therefore, she worried that a criminal record – especially without access to an equitable pardon system, will prevent youth from realizing their future training and employment goals.

Finally, penal voluntary sector actors who worked specifically with women were worried that without access to meaningful and desirable employment opportunities, women would “spiral out of control” (Jodie, Manager of Bail Program). There is an assumption here that work brings with it purpose and stability and that ‘productive’ employment will help prevent things like relapse and further criminalization (even though “the link between employment and reintegration success is not unanimously agreed upon by researchers, and

definitive claims about employment's reintegrative potential are difficult to make" (Grace, 2021, p. 22)). Also, in sharing stories of success about women who did manage to find 'good work,' some participants chalked it up to personal characteristics like persistence.

I think it has to do with how persistent you are in trying to find employment, because eventually if you knock on one hundred doors, someone is going to be willing to accept you. So, I think a lot of the women that do have jobs really put a lot of effort into it... because if you just kind of quit after the first time, then, you know... (Robin, Acting Director of Operations)

I think part of that is some people are fantastically persistent... I think it really depends on the person. Some individuals are very outgoing, extraverted, quite comfortable, easy to share their stories, where others aren't. (Leila, Executive Director)

If women are "actually reaching out and using the resources... are willing to do whatever it takes... are really motivated... being honest with people about their records" (Ariel, Residential and Community Support Worker), then they will become 'employment ready' and find work. The ability to be disciplined, resilient, and self-motivated to push through constant rejection was posited as an antidote to the collateral consequences of punishment and multiple forms of stigma.

This individualization of the inability to find employment is something that I heard a lot when I worked frontline, but mostly from parole and probation officers who were quick to equate unemployment with personal failure. I was a little surprised to listen to this narrative from penal voluntary sector actors who had just acknowledged the immense number of structural barriers to employment for criminalized people.

I would say that's the one half of it – realizing what an unbelievable barrier it is but then the other half of actually realizing that... if you have an individual who is sort of motivated and otherwise has work skills that, with some help, it's actually pretty easy to navigate through our employment programs. Like, we were able to find work for anyone who wanted to work. (Mark, Executive Director)

Focusing on things like individual resilience, motivation, and desire to work and applauding people's ability to find employment with a criminal record makes it easy to put aside the urgency to address structural barriers. If the barrier to work is not the criminal record itself or hiring policies, or inadequate human rights protections, or a broken pardon system, but rather a lack of personal will, the individual once again becomes the site for reform, and the solution is limited to better employment readiness programs. This approach can leave people behind as "employment is not always an option" (Amelia, Employment Counsellor), especially for those who lack skills, training, and employment experience and even more so for those "struggling with addictions, marginalization, and poverty" (Rebecca, Employment Counsellor). I am also left wondering about how this emphasis on persistence and resilience accounts for people like the individual that David (Reintegration Caseworker and Community Developer) told me about:

So, I've got a client specifically who has applied – since his actual conviction, and he's done his time, and he got out and all that – he has applied to 500 places! He keeps note of every place that he applies to. And this is a guy who works full-time, well, volunteers full-time at [an emergency shelter] doing the exact same work that he applies to do! But they won't hire him to do it.

The limits of an individualized focus become even more apparent when analyzing responses from participants who discussed the complications that arise *after* someone with a criminal record is hired. For example, Amelia (Employment Counsellor) talked about someone who had "a really good job," but they turned down a promotion because the new position required an enhanced security clearance, and they knew he would not pass. Rebecca (Employment Counsellor) nodded along while listening to this story as if it was a familiar one. She highlighted how quickly someone could be "diminished" or "retraumatized" by these moments or opportunities that demand disclosure when all

someone is looking for is acceptance based on their knowledge and skill. They emphasized that people can do “all the right things” and still get “stuck.” Luke and Cora, both of whom work for a social enterprise, spoke to the challenges of keeping someone employed once it is revealed to the employer or other employees that they have a criminal record.

When an employer gets a complaint [or] as soon as there is a conflict between one of our workers and a supervisor, the employer always automatically assumes that it’s our worker’s fault because of the history. (Luke, Business Developer)

Just because the employer is on board doesn’t mean that the crew that the guy ends up working with [will be]... He’s not usually working with the guy that hired him; he’s working with the on-site supervisor and a team. So they go, they Google him, they find out he has a sex offence record... the next thing I know, I’m getting a report that he’s getting his boots pissed in because they don’t want him there, and they will literally make his life as difficult as possible until he cracks and says, “I can’t do this anymore.” (Cora, Director of Operations)

They both shared examples of how quickly a worksite can become a dangerous and harmful place for someone with a criminal record, especially when it is easy to find conviction information online.

Other participants noted what I call ‘the Google problem’ and expressed frustration over the naming and shaming practices that now involve creating a permanent, public, and easily accessible record of arrests and convictions.

What happens is the guys go to work with a crew, an existing crew, so now word gets around that they are coming from a place where guys have records. So, what do you think they do on their phone? They Google the name, ok? Now a name pops up... sex offender! Ok? So now you Google a sex offender. So, the employer doesn’t have a problem, but it’s the crew now that is going to ostracize this person that I’m trying to [help]! So now they ostracize him and now they are saying to the employer nobody wants to work with this guy. (Luke, Business Developer)

And even people who got a job where the employer was aware of the criminal record, but then a fellow employee Googled the guy’s name and demanded that he be fired – and he was. (Cora, Director of Operations)

The media coverage is a really big issue... Employers, instead of doing reference checks, what are they doing? They're Googling. And all of a sudden, articles about [an applicant's] charges, their convictions, or maybe there were charges but there was no conviction – everything is there. (Amelia, Employment Counsellor)

With high-profile cases, their names are in the media – you can't escape that. Your worst day is broadcasted to everyone, and everyone just makes the assumption that you are the worst person. (Courtney, Residential and Community Support Worker)

David (Reintegration Case Worker and Community Developer) referred to this as being “media-bound” and was upset by journalistic practices that allow the media to ‘ruin people’s lives.’ David’s colleague Rick (Reintegration Worker) echoed this sentiment of defeat that comes with telling people that there is yet one more obstacle to their ability to move on with their lives:

It's pretty hard to tell your guys, “Well, you've been doing great, this and that, but you are not allowed to work, you are not allowed to volunteer, because even though you've done your time, you are still being punished... It's very stupid.

Sarah Lageson (2020) writes about this ‘digital punishment’ as yet another collateral consequence of punishment and how “digital records that repopulate across the internet are quickly becoming the norm” (p.10). This ‘digital identity’ is an additional barrier to employment, and while some jurisdictions provide stronger digital privacy protections in this regard,³² opportunities for data erasure in Canada remain limited. Over the years, individuals have told me that they are desperate for options to have their arrest, trial, conviction, sentence, and/or release information removed from the internet. Even people who have received a pardon or a record suspension do not have their records entirely sealed,

³² For example, the *General Data Protection Regulation* (GDPR) in the European Union “gives individuals the right to ask organizations to delete their personal data” in specific circumstances. This clause is referred to as ‘the right to be forgotten’ (GDPR, 2021).

as much of the public record remains online.

According to some participants, the worst part of all of this is how unexpected it is for people with criminal records to realize the challenges in finding (or maintaining) employment. Especially for those returning to the community after being incarcerated, their feelings of freedom disappear when faced with being asked to disclose their criminal record at every turn.

You face other people that are new to the system; they don't really understand how long of a process [it is], how much time it takes up in your life even after you're off parole. For example, they think the end of parole is the end of it, right? Like, "I'm free! I can go work at a coffee shop!" No, you can't. They do criminal record checks. (Courtney, Residential and Community Support Worker)

Courtney went on to explain that for people on her caseload, this inability to find work forces them onto social assistance, like OW or ODSP, and takes away their "financial freedom." Finally, when paid work is not an option (or is not required), many people with criminal records desire to volunteer in their communities. Unfortunately, according to participants, a criminal record also poses a considerable barrier to almost all volunteer opportunities. In fact, many volunteer management handbooks recommend police record checks as a 'best practice' (Public Safety Canada, 2008; Volunteer Bénévoles Canada, 2020; Volunteer Ottawa, 2021). Mélanie (Crisis Intervention Worker) explained how this inability to give back to their community is another source of stress for her clients:

I find a lot of my clients come here because they want to volunteer. They want to apply for a record suspension because they can't volunteer without a clear record. So, that's been also a stressor for some of my clients... I've had people who were very specific about giving back to their community. Like, "I wanna tell kids to not do this... I've been doing this, and I want to be in a position where I can educate them and show them the result of certain actions and explain to them the consequences of their actions." And to other people who are like, "I just want to do something with my life. I can't work. I'm stuck on OW or ODSP, and I

have a criminal record. I can't work. Every door has been shut. I wanna give back to my community somehow, and I'm bored. I just want to do something."

A few participants – Leila (Executive Director), Robin (Acting Director of Operations), Rick (Reintegration Worker), and Jodie (Manager of Bail Program) – expressed specific annoyance with the Humane Society, which they described as a “great volunteer position” and were in disbelief that it “requires a vulnerable sector check to walk dogs.”

While extensive discussions of the barriers to employment faced by people with criminal records were not unexpected, it was still necessary to hear from former colleagues and other penal voluntary sector actors how these barriers have only worsened and multiplied since I stopped working frontline in 2014. What was unexpected was the extent to which all participants identified barriers to housing.

4.3 No Vacancy (for People with Criminal Records)

“The link between incarceration and homelessness is bi-directional: involvement with the criminal justice system contributes to homelessness and street involvement leaves people vulnerable to criminalization.”

(Dej, 2020, p.46)

In her book, *A Complex Exile*, Erin Dej (2020) encourages a shift away from thinking about homelessness and marginalization as a result of “individual deficiency” to “uncovering the ways that structural and systemic parameters... reinforce the social exclusion of already vulnerable people” (p.1). She outlines a (recent) history of Canada’s housing and homelessness crisis and deploys the term *homelessness industrial complex* “to describe a series of sectors, institutions, public systems, community organizations, policies, practices, and funding structures designed to manage and maintain, rather than end, homelessness” (p.9). Like the non-profit industrial complex - “a system of relationships between [government], the owning classes, foundations, and [non-profit organizations]... that

results in the surveillance, control, derailment, and everyday management of political movements” (INCITE!, n.d.; Rodríguez, 2007) - the homelessness industrial complex functions to disguise structural inequalities, bureaucratize social services, and stifle activism and transformative change. DeJ not only details barriers to housing (including highlighting the bi-directional relationship between criminalization and homelessness), but she also emphasizes that “Othering and exclusion have a profoundly negative impact on housing, homelessness, and well-being” (2020, p.195). Homelessness, like unemployment, is yet another collateral consequence of punishment facilitated through interactions, policies, and processes grounded in stigma.

During our conversation, Mélanie (Crisis Intervention Worker) revealed that “about three-quarters of the time” people are coming to her to talk about issues related to housing and homelessness:

I’ve had guys who were recently released who couldn’t find housing, who were put in a shelter, and that was just where they had to wait. I’ve had people who were losing their housing because of drug issues or alcohol issues. Just for an example, we have a client who was recently deported from England back to Ottawa. Three weeks ago, he was deported here with no housing, absolutely nothing. He’s at [the emergency shelter] right now. The only support he has is us. So yeah, I’ve seen terrible things around housing.

Leila (Executive Director) mentioned that when it comes to homelessness, specifically as experienced by criminalized and formerly incarcerated people, the problem is “escalating”:

I don’t ever remember it being this bad. It’s always been difficult, of course, to secure housing, but I don’t remember so many barriers.

Both confirmed what is already known about the difficulty of securing stable housing post-incarceration (John Howard Society of Ontario et al., 2019) and how having a criminal record amplifies the struggle of being poor and unhoused (Desmond & Wilmers, 2019).

All participants echoed these concerns, and housing and homelessness quickly became a primary focus of many interviews.

Luke (Business Developer) told me that finding housing is a problem for the individuals he trains and supports in his employment readiness program, even for those who have secured work and can afford market rent:

First- and last-month [rent] doesn't cut it anymore. You better have references and credit checks, and a lot of times, our guys don't even have a bank account, for god's sake! I'm getting calls from MoneyMart and all of these places because they have no ID and they can't get a bank account, or because of their past...

Geneviève (Volunteer Coordinator and Court Support Worker) pointed to the huge gap between social assistance and market rent and how finding a safe and affordable place to live is especially difficult for single mothers:

A lot of our clients are on OW or ODSP and to try to get housing that is affordable when you are receiving this low amount per month... Like, if you are on OW for one person, you get approximately \$600 that includes rent and everything else.

[It's] especially [hard] when you are working with women that have children. So, I have to try and find housing that can not only house one person, but then housing children, because [then] you are looking for a two-bedroom apartment...in a place that is, how can I say this? In an area where it's not, where there is not - how can I say? There's not always like drug dealers around, or there's lots of like crime around. So that might be difficult. But to get them in that place where there is none of that, then the prices go up.³³

Tara (Housing and Reintegration Worker) echoed the challenge posed by low social assistance rates, particularly in conjunction with criminalized status:

Social assistance and criminal records are just very hard barriers for people to overcome when they are trying to find housing... It's very discouraging for people. I've had clients that are like, "Why am I even

³³ Geneviève was trying very hard at this point in the interview not to stigmatize certain neighbourhoods or buildings or the people that live within them, but she was trying to convey how difficult it is to find housing that her clients can afford and where they can also feel and be safe.

bothering? I'm just going to go and do what I was doing before." It's so discouraging, and it's very frustrating for me to hear that.

Christine (Youth Housing Based Case Manager) described a similar scenario for the young people in her program. Even though many did not have adult criminal records, they were still nervous about a landlord discovering their youth records through a police record check. Furthermore, and as highlighted in other research on youth homelessness (see Oudshoorn & Justrabo, 2020), young people experience age discrimination in the rental housing market – both from landlords who do not want to rent to them and via policies that prevent them from signing a lease (like requiring references):

And because they are young, landlords always will ask for personal references and those youth struggle to have positive personal references. They may never have lived alone before, so they don't have past landlords. They don't have their parents to say anything positive, and the last place they lived may have been jail and they are not going to say that for their last address. So, it's a struggle to come up with personal references that don't mention the justice involvement.

Other participants noted histories of criminalization and living in poverty, a lack of social capital, missing or no identification, and the inability to open a bank account as barriers to finding housing – and this is just the tip of the iceberg.

Similar to the research on employment, much of the literature on criminal records and housing focuses on landlord attitudes and the role of interpersonal stigma (John Howard Society of Ontario et al., 2019; Keene et al., 2018; Leasure, 2019; Leasure & Martin, 2017; Thacher, 2008). Participants expressed that many landlords are quick to discriminate “based on physical appearance” (Elisha, Housing Based Case Manager) and on the basis that someone receives social assistance or is currently homeless and is receiving support from a housing caseworker:

So, I get a lot of, “Sorry, the landlord won't work with your program –

you need to co-sign for the apartment.” A lot of it is, “Sorry, we don’t work with homeless people. (Elisha)

For instance, a lot of my clients are on OW and there are a lot of ads that say ‘working professionals only’ – so by doing that, it cuts people out... And I was calling a rooming house... and [the landlord] was like, “Is your guy homeless?” and I said, “Oh, yes, well he is homeless right now, but we are just looking,” and he goes, “Sorry, I don’t do homelessness.” (Tara, Housing and Reintegration Worker)

The stigma imposed not only on the applicant but also on the housing support program was an issue that was fresh in the minds of many participants. Before I began conducting interviews, a series of damning news stories were released about the city’s Housing First³⁴ program. A landlord who participated in the Landlord Partnership Program (a collaboration between the city and the Salvation Army) went to the media after discovering one of his units had been destroyed by a tenant and program participant (Burke, 2017a). In subsequent articles, housing experts like Tim Richter from the Canadian Alliance to End Homelessness gave assurances that while stories like this expose the gaps that exist in Canada’s Housing First program, cases like this one are sporadic (CBC News, 2017a). Despite this, and other follow-up stories demonstrating the importance of partnerships between landlords and housing programs (CBC News, 2017c; Chianello, 2017), the damage – according to participants – had been done. Landlords across the city had become even more risk-averse, with many refusing to house people experiencing chronic homelessness.

With every interview, I learned more and more about how increasingly narrow the rental housing market is for criminalized people. On top of the barriers listed above,

³⁴ Housing First, “is a recovery-oriented approach to ending homelessness that centres on quickly moving people experiencing homelessness into independent and permanent housing and then providing additional supports and services as needed” (Homeless Hub, 2021, para.1). Furthermore, Housing First – now widely adopted across Canada, the United States, and other jurisdictions – “is a rights-based intervention rooted in the philosophy that all people deserve housing” (Gaetz, Scott, & Gulliver, 2013, p.2).

participants spoke directly to forms of structural stigma, or “policies that consider incarceration or criminal justice history as legal and valid reasons to deny housing” (Keene et al., 2018, p.800). Specifically, many mentioned Ottawa’s Crime Free Multi-Housing Program:

Maybe like eight years ago, a lot of the major real estate companies here who own a lot of the apartment buildings were doing criminal record checks and denying tenancy to people with a criminal record and then advertising their places as ‘**crime free** environments,’ which is nonsense. (Thomas, Crisis Counsellor)

A lot of places in Ottawa are now saying that they are **crime free** buildings, which I think is like a whole big blanket of discrimination. How can you say it’s a crime-free building? What does that really mean?... It means that everyone who lives in the building has had a criminal record check, and there is like neighbourhood watch type stuff going on. (Tara, Housing and Reintegration Worker)

Crime free multi-housing. It’s become an issue as of five years ago. And I’ve consulted a number of people [and] I’ve been told each time it’s legal. (Rick, Reintegration Worker)

When I asked participants to tell me more about the Crime Free Multi-Housing Program, they explained that it was an effort to “clean up these [apartment] buildings” (Sarah, Youth Caseworker) by implementing “crime prevention through environmental design³⁵” (Rick, Reintegration Worker). According to the information available on the Ottawa Police Services (2021) website, the program “is designed to help owners, managers, residents, and police work together to keep illegal and nuisance activity out of rental communities.” It formalizes a partnership between police, landlords, and residents and increases surveillance of rental properties through installation of surveillance cameras and by

³⁵ The goal of crime prevention through environmental design, or CPTED, is to prevent harm “by designing a physical environment that positively influences human behavior” (National Crime Prevention Council, 2021, para.1). CPTED is “is based on the principle that proper design and effective use of buildings and public spaces in neighbourhoods can lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life” (para.31).

“encouraging participation in pro-active [policing] initiatives” (*ibid*). The purported benefits of the program include, but are not limited to: improved property values, stable residencies, and better use of police resources.

Once a building becomes certified through the Crime Free Multi-Housing Program, “then that place is allowed to ask [all applicants] for a criminal record check” (Rick, Reintegration Worker). This component of the program is referred to as “resident selection” (Ottawa Police Services, 2021). Like Rick, other participants challenged the legality and fairness of the program:

Ok, fine. If you want to do a criminal record check because you are concerned about people that have committed ten arsons on their rental unit, that’s a fair concern. You are allowed to be concerned about your own property. But if you are going to say no to someone that’s been charged with like a drunk and disorderly outside of a bar? Like, don’t be so black and white about it. (Courtney, Residential and Community Support Worker)

I talked to our lawyer about it, we have a housing lawyer who looks specifically at our stuff, and he told me that there was a case that had gone to human rights and it was found to be fine... I couldn’t believe it because that was my thing from the beginning! Like, why doesn’t someone take this to human rights? This has to be illegal! Like, how can you possibly do that? (Mark, Executive Director)

I was helping a young lady here with housing, and because of the increase in violence in the city... landlords are doing criminal background checks. How legal is that? I don’t know... And I’ve talked to these landlords, you know, and [they are] pretty adamant: “No, I’m doing criminal background checks because I don’t want no drug dealers living in my building. I don’t want no this, no that, no this, no that!” And it’s just crazy. (Jodie, Manager, Bail Program)

I have since learned from other housing workers and advocates that despite being designated a ‘crime free’ building, landlords can exercise discretion. Unfortunately, once the request for a record check is on an application form, the damage is done:

The truth is, we don’t get to that point. When my youth see ‘criminal

record check' or 'crime-free building' or any of that, they are out of there – like, they don't want to apply there, they don't want to be embarrassed, they don't want to try. (Christine, Youth Housing Based Case Manager)

I advise my guys if they are going out on their own, I will tell them, "If it's a crime free building, don't waste your time. (Rick, Reintegration Worker)

And, "[a]lthough human rights commissions in Canada and many community legal clinics provide educational resources for landlords, these preventative tools are insufficient in the immediacy of a housing crisis" (Oudshoorn & Justrabo, 2020, p.122). Like applying for a record suspension, the bureaucracy involved in submitting a human rights complaint poses a massive barrier for many individuals.

Finally, participants were quick to dispute the claims that the Crime Free Multi-Housing program increases safety in apartment buildings or communities:

Police are not stupid, they know that this actually leads to less safe communities, you know what I mean? They know that like pushing people with records into isolation and creating these kind of ghettos... it creates a less safe community... I really have trouble with that. (Mark, Executive Director)

The fact that participants were able to very clearly make the link between a program that actively discriminates against people with criminal records and decreased community safety is important, as other local non-profits applaud the program. For example, Crime Prevention Ottawa (2015) references the Crime Free Multi-Housing program in their "Safety Guide for Ottawa's Residential Landlords" and even granted a "Business Award" to a local landlord for implementing the program (Gillis, 2018).

The Crime Free Multi-Housing program is now active in cities across the country, including in Halifax, Edmonton, Regina, and Victoria and is quickly becoming one of the largest barriers to safe, secure, and affordable rental housing for criminalized and formerly

incarcerated people. That the program is supported by local non-profit organizations (for example, see Crime Prevention Ottawa, 2015) demonstrates the workings of the homelessness industrial complex and the spread of structural stigma that functions to keep people unhoused. Excluding people with criminal records from the rental housing market contributes not to public safety but to the intensification of a carceral power that strengthens and shortens the cycle between incarceration and homelessness.

Some people are doing well, and they want to move forward and if they are unable to get a pardon for ten years then where are they going to live if landlords are doing criminal background checks? (Jodie, Manager of Bail Program)

Well, where do they go then?... They are going to the slumlords... They are going to go to communities that don't have any supports. They are going to be isolated. They are being slowly pushed out. If we force people who have criminal records out of these big housing places, then they can just kind of pretend like they don't exist, like they don't have to address the issues, right?... You are pushing people out to areas and they have no other choice. They need access to resources [and without that] they are not going to be able to reintegrate and be those perfect social beings that you want them to be. (Courtney, Residential and Community Support Worker)

Handing landlords the tools to actively discriminate against people does not prevent harm, and it certainly is not a winning strategy in the fight to end homelessness.

Moving on, participants shared yet another barrier to housing for the people they try to support in the community – housing and service priority assessments. The reliance upon standardized assessments is nothing new for practitioners who work in or adjacent to the penal system, nor are critiques of these so-called evidence-based classification checklists (Hannah-Moffat, 2013; Hannah-Moffat, Maurutto, & Turnbull, 2009). In fact, recent critical analysis of the psychological risk assessments used by the Correctional Services of Canada inside federal prisons reveals a cultural and racial bias contributing to

“harsher incarceration terms for [Black and Indigenous] people” (Cardoso, 2020, para.30; see also The Standing Senate on Human Rights, 2019). According to the penal voluntary sector actors I spoke to, the discrimination and exclusion facilitated through standardized assessments are not limited to the prison environment, and many shared concerns about the Service Prioritization Decision Assistance Tool (SPDAT)³⁶ that is now required for participation in many Housing First programs – specifically as it affects people with a history of incarceration.

While I was somewhat familiar with the SPDAT because of my work in the penal voluntary sector and on another research project examining experiences of homelessness and housing insecurity among street-level sex workers (McAleese & Schick, 2018), I asked several participants to elaborate on their understanding of this assessment tool when it came up during interviews. Tara (Housing and Reintegration Worker) described it as follows:

So, in order to get on the service prioritization list through SPDAT, you have to be homeless for x amount of time. There’s a whole assessment that’s like over 20 pages, and they look at all kinds of different factors.

She then explained how many of the people she supports score low on this assessment and how it affects their ability to receive supports through Housing First and other housing-based support programs:

The top score you can get is like 60, and a lot of my clients are in the 50s, but because they were in jail a month ago, or whatever, they are not

³⁶ The SPDAT, or VI-SPDAT (Vulnerability Index-Service Prioritization Decision Assistance Tool), is a coordinated assessment tool used within the homeless serving sector. It “was designed for rapid, interview-style administration that can be applied with minimal training, making it a desirable choice for communities tasked with assessing a large homeless population” (Brown & Cummings, 2018, para.5). The SPDAT relies primarily on self-reporting on items listed under four subdomains: history of housing and homelessness, risks, socialization and daily functions, and wellness to group or triage people into three housing types: “a) permanent supportive housing (i.e., permanent housing subsidies with housing support services) for those reporting the greatest range of vulnerability, b) rapid rehousing (short-term housing subsidies or other financial support and temporary support services) for those scoring in the moderate range, and c) mainstream affordable housing (i.e., individuals directed toward mainstream affordable housing options) for those scoring in the minimally vulnerable range” (*ibid*).

considered chronically homeless, so they are not on the list. Even if they were homeless for 20 years before they went into jail for a month, when they are in jail, it is considered being housed. So, I have to do these SPDATs with everyone, but they don't get on the housing list.

Other housing workers also highlighted this flaw in the SPDAT:

When you go from being housed to incarcerated, you're homeless now because you lost your housing. Because you've been in [jail], but you weren't homeless before, you came in [housed], so, good luck! (Elisha, Housing Based Case Manager)

You know what? Our guys don't get [housing] anyways because, with the SPDAT, they score too low. If they've been in prison, they are present as very stable because they have been "housed," they have not been on drugs, and so on. (Dawn, Reintegration Coordinator)

I absolutely hate the SPDAT! Because a lot of people aren't getting the right acuity. Like, I mean, if somebody isn't in the shelter for a certain amount of time, like if someone is in prison, they are not considered to be... they are not "in shelter." So, they get out, and their acuity is totally different than what it *actually* is because they have been absent from the community for like a decade... And then we're like, "Oh no, well in the SPDAT, they are classed as "very good" and they can do this and handle their shit on their own." But it's like, no! Not at all! (David, Reintegration Caseworker and Community Developer)

David was particularly put off by the city's reliance on the SPDAT to determine a person's eligibility for housing and related supports, and told me how he pushed to ensure that participation in his program or residence within the building he managed was not dependent on the results of this assessment:

I'm not bound by the SPDAT. I'm not bound by any of that stuff. I really fought hard for that because I didn't want to be bound by what somebody else put on a form... like, I couldn't! Like, the assessment doesn't work for everybody. Yes, it benefits some people, but just, I knew it wasn't going to benefit everybody, and I would rather have a say on who I'm taking.

He and others felt very constrained by the SPDAT, a tool seemingly incapable of documenting and responding to complexity or nuance.

The SPDAT and other assessments or intake forms attempt to funnel individuals through a singular definition or experience of homelessness. But, as Emily Paradis (2017, p.182) writes: “housing and homelessness [are not] absolute states, but rather...changing positions along a continuum, from inadequate and precarious housing, to hidden homelessness, to visible homelessness and shelter use, to re-housing after a period of time in a shelter.” Paradis suggests that “[i]nstead of zeroing in on visible, chronic homelessness,” as is the tendency within most local housing and homelessness programs and initiatives, “there is much to be learned from the condition we call “risk of homelessness” faced by a much larger group” (p.190) – including people with histories of criminalization, victimization, and incarceration (Desai, 2018). Furthermore, and as mentioned by participants, even when individuals are assessed or scored as deserving of support through the SPDAT, few options are found within the deeply underfunded and under-resourced housing service landscape. Long waitlists are an indicator of this:

People who are trying to find housing will have to wait approximately five to seven years... There’s no way around that, except if you get into some of the programs, like housing-based case management and Housing First – then I can *possibly* get you in by graduating one of my other guys. (Rick, Reintegration Worker)

With [social housing], we still have crazy waiting lists – nothing is coming up for people. I put people on the registry every day, but sometimes they have to wait for like eight years or something. (Tara, Housing and Reintegration Worker)

The housing waitlist is years long, and these are the hardest people to house, right? Like, the people that have mental health or addictions or they’re vulnerable or, you know? (Vicky, Manager of Residential Services)

Emergency shelters have become another non-option, especially for women, people with mental illness, and people in recovery from addiction:

So, if I'm honest with you, a lot of them will refuse to go to [the shelter]. They would rather sleep on the streets than go to the shelter because the other issue is that they get clean when they were in jail, and they don't want to go back to a situation where they are being influenced by all the drugs. I've lost a couple of clients along the way. (Elisha, Housing Based Case Manager)

One of the things for housing, you say to them, "Well, ok, we will provide you with an emergency shelter." Well, there's two emergency shelters for women in this city... that doesn't give them a lot of options. And then if the person is dealing with mental health or addictions, well, we all know where the drug dealers are – they are there. So, if they are dealing with addiction, then that is a barrier. (Geneviève, Volunteer Coordinator and Court Support Worker)

We have housing workers to assist these women to try to find housing, but, it's also a challenge for us to find housing for them because there is a housing crisis in Ottawa, right? So, you know, and then sometimes what happens is that they end up back on the streets and back into what they are familiar with because they don't have stabilized housing and they don't want to go to the shelter. (Jodie, Manager of Bail Program)

While the SPDAT is sold to practitioners on promises of efficiency and effectiveness, "there has been little to no independent research conducted on [its] reliability and validity" (Brown & Cumzming, 2018, para.6). A recent study (Brown, Cummings, Lyons, Carrión, & Watson, 2018) presents several critiques of the tool, including that it does not produce consistent results, it does not fully or adequately measure the concept of vulnerability, and it falls short in predicting whether or not someone will re-enter the homeless service sector after being housed. According to the authors, these weaknesses "may result from problems with the instrument itself, its implementation in real-world practice, or the incentive for recipients of services to over-report in order to compete for housing resources" (p.115). A second study from 2020 concludes that there is clear racial bias in the tool, similar to what we see with the risk assessments used in federal prisons. Cronley (2020) writes that "[t]he intersection of race and gender with homelessness must

be considered through the lens of trauma” (p.2), and she applies this intersectional analysis to her examination of the SPDAT.

Results from Cronley’s (2020) study show “that the VI-SPDAT may be assessing vulnerability among [white people] based on trauma and abuse, but that its ability to show this relationship among [Black people], particularly women, is masked by their generally lower scores on other items within the measurement” (p.6). For example, the assessment asks about engagement with emergency services and operates on the assumption that more interactions or visits indicate higher vulnerability. But the authors of the study remind us that “[Black people] utilize health services at a lower rate compared to [white people]” (p.7) due to mistrust of these services caused by and perpetuated through systemic and institutionalized racism. Therefore, what might appear as a protective factor – or the absence of an indicator of vulnerability – is actually an example of how racism prevents people from accessing the services needed to keep them safe. These biases mean that “over time more Black people who are experiencing homelessness will be without housing for longer periods of time compared to their white counterparts, and Black women may face elevated risk for chronic trauma on the street” (p.10).

By the time I finished my interviews, the city had implemented a Justice Discharge SPDAT – an adapted version of the original that considers histories of criminalization and incarceration.³⁷ But, like others, I “challenge the technical and neutral rationality of a policy instrument such as the SPDAT” (Namian, 2020, p.315), regardless of how many versions become available to housing practitioners. The reality is that a purely quantitative assessment tool is not sufficient to capture the complexity of homelessness, especially for

³⁷ Various versions of the SPDAT can be found here: <https://org-beehivegroupcadev.nationbuilder.com/spdat>

those who are typically underscored by standardized tests of vulnerability – like Black, Indigenous, and racialized women. Follow-up is required to examine the validity and reliability of this tool and better understand how people with criminal records can access housing and related supports without facing additional barriers or discrimination.

The structural stigma facilitated through the SPDAT leaves people with criminal records and histories of incarceration with few safe housing options, not precisely reflecting the continuum of care promised through the Housing First approach.

This is why I have a job. They obviously know that [housing] is an area of concern, but they are not supporting it via the assessments and the logistical things to support these guys. So, basically, I'm supposed to have this whole other housing thing for these guys, but they are not getting through. I don't really understand that very much. (Tara, Housing and Reintegration Worker)

Considering the mass incarceration, surveillance, and policing of Black and Indigenous peoples (Beaudin & Piché, 2020; Cole, 2020; Maynard, 2017; Reece, 2020), the growing rate of Indigenous peoples experiencing homelessness in urban centres (Homeless Hub, 2021b; Thistle, 2019), and our lack of understanding of the realities and experiences of women who experience homelessness (McAleese & Schick, 2018; Schwan et al., 2020) across Canada, it is crucial that we more closely examine both the cycle between criminalization on homelessness and the impact of current tools, policies, programs, and processes that maintain the homelessness industrial complex (and the adjacent non-profit industrial complex). Homelessness, in its many forms, is yet another output of the stigma machine (Pauly, 2014; Tyler, 2020), with tools like the SPDAT and programs like Crime Free Multi-Housing fueling its power.

4.4 Everything Else

I ended all my interviews by asking if there was anything else that people wanted to share,

and for the most part, they returned to talking about collateral consequences of punishment and the various forms of stigma, struggle, and exclusion that people with criminal records face in the community. Rick (Reintegration Worker) simply, but emphatically, stated: **“Everything. Everything, Sam!”** He was not wrong.

As the interviews went on, it became more and more evident that ongoing experiences of punishment extend beyond employment and housing. Having a criminal record can impact how people navigate everything from child custody to accessing supports for addiction or mental health, travelling, opening a bank account, and fostering and adopting pets.

Also, when you have a family court matter happening, you have a criminal matter happening, you have addictions, you have mental health, you are also dealing with child custody, and then it’s all happening all at the same time! So, it’s multiple. It’s not just one barrier. It’s systemic barriers, and you need help in every kind of every area! (Geneviève, Volunteer Coordinator and Court Support)

There were a number of people who worked in trucking or sales or business or economics...people who had a higher degree of education for instance, or even who had relatives in the States, and they were unable to visit those people easily. In some cases, they were able to get a waiver but that was expensive and onerous and unpredictable as to how it would be handled at the border. (Dawn, Reintegration Coordinator)

I guess a barrier I should have said too is identification and bank accounts... very much for our youth... When people first move in here, that’s like big! We work on getting ID and then getting enrolled in school or finding work.” (Sarah, Youth Caseworker)

We used to send the women [to the bank] with a Proof of Residency letter and we used to send them with... the jail release card... Yeah, so we would send them with that and [the bank] would accept it... Everything was fine! And then one day, a client came back and said, “Yeah, they won’t accept my ID,” and that doesn’t make any sense because a month ago I sent someone with the exact same thing! And so, the bank had changed their policies – across the board – that it has to be these specific documents, it can’t be any kind of alternative. (Ariel, Residential and Community Support Worker)

I've recently seen another area where it's affecting people too, and this is with the [local animal rescue]. They have a program – so, I donate to the [animal rescue], and right now they are having an influx of cats so they've sent an e-mail approaching members on whether or not they want the house these cats temporarily...foster care. If you are interested, you fill out the application to be sent back. Well, they ask if you have a criminal record! So, a criminal record is going to prevent me from getting a cat?! Prevent me from fostering a cat?!... So having a criminal record, it's not just like employment and housing – it's simple things like this too. (Jodie, Manager of Bail Program)

Some participants spoke more specifically to the barriers that people face when released from jail or prison. Some penal voluntary sector actors focused on very individual or cognitive-behavioural concerns:

And, when you've had clients that have been incarcerated for a long time and they are coming back into the community...their communication style, their problem-solving style, their attitudes around what appropriate conduct in the community is, and how to resolve issues...they've become very institutionalized... Just even actively feeling comfortable participating in the community can be a challenge. (Amelia, Employment Counsellor)

Other participants focused on more structural or systemic issues, like how the penal system actively displaces Indigenous peoples from their communities:

Displacement as well, right? So, if someone has lived in Nunavut their whole life and they've never been to Ottawa, but they've come here because of the halfway house, which, we do see quite a bit. The women are displaced. (Leila, Executive Director)

Finally, several participants reiterated the barriers that are inherent to the systems through which people must pass simply to 'build a better life' (to call back to Sabrina's words at the outset of this dissertation) after the trauma of criminalization or incarceration.

A lot of the time, like with The City, you are constantly back-and-forth. And whatever it is that they are promoting, whether it's a pardon, whether it's a housing allowance – they don't actually want to give it, so they make you jump through a hundred different hoops. (Elisha, Housing Based Case Manager)

Navigating the system is so discouraging, and it depends on what person you get and how their day is going. (Sarah, Youth Case Worker)

Requiring people to jump through both interpersonal and structural hoops to meet their basic needs and protect their human rights is everyday violence that goes unnoticed by those who are not under the gaze of carceral power. This pervasive punishment, as detailed throughout these interviews with penal voluntary sector actors, is echoed in media articles, research reports, and in my ongoing conversations with people who have criminal records and those who support them in the community. Taking stock of these collateral consequences of punishment and this structural stigma takes its toll on both practitioners and service users:

It's a tough situation out there... like, my clients just give up. (David, Reintegration Caseworker and Community Developer)

And if people don't have the support, then... It's hard enough for me to get through these hoops! Let alone someone else who has all of these barriers! (Elisha, Housing Based Case Manager)

4.5 Conclusion

Through their work, penal voluntary sector actors are always “[c]apturing and articulating the effects of changing social policies on people’s lives” (Neysmith, Bezanson, & O’Connell, 2005, p.7). Identifying all these effects (like the obstacles and barriers faced by people with criminal records in the community) allows us to document not only the impacts of the changes made to Canada’s pardon program under the Harper government, but also changes to programs, processes, and policies in other sectors like employment and housing. Furthermore, what at first feels like yet another exercise of merely detailing the personal effects of social policy quickly builds into a collective narrative. As Naomi Nichols (2014, p.4) reminds us: “People’s unique experiences [provide] us a starting place from which to

investigate patterns of relating that extend beyond the specific experience of any particular individual.” These experiences can then inform how people move through both moments of exclusion and systems of oppression. It is this day-to-day work of ‘navigating’ collateral consequences of punishment and structural stigma that I focus on in the following chapter.

5. Navigating

“For a sociological analysis of ruling to be practically and politically useful... it also needs to show how ruling relations are (re)produced, resisted, and reformed in the co-ordered activities of actual people.”

(Nichols, 2014, p.8)

Through research grounded in institutional ethnography, Megan Welsh and Valli Rajah “examine the work women carry out in the course of re-entering society from carceral settings” (2014, p.325). By focusing on the work involved in finding a home, they expose “a profound disjuncture” (p.326) between the needs of formerly incarcerated women and institutional requirements and structural conditions that “impede[s] not only their reentry work but also the work of the professionals enlisted to help them” (*ibid*). Importantly, this research highlights “the demands and restrictions of multiple bureaucratic systems” (p.329) and the day-to-day, often invisible, work required to navigate them. Through a feminist criminological lens, Welsh and Rajah expose the inner workings of the “prisoner re-entry industry” (p.325) and the many ways that criminalized women are “systematically position(ed) at the back of the line for needed resources and services” (p.336) despite their efforts, or work, to push back against endless punishment and exclusion.

In this chapter, I take up the work of institutional ethnographers like Walsh and Rajah and others like Naomi Nichols (2014, p.42), who “trace [their] way into the administrative world of policy and institutional requirements in order to see how things work.” But, unlike projects that depart from the standpoint of service users (e.g., criminalized women or unhoused youth), my work departs from the standpoint of service providers – more specifically, people who work within the penal voluntary sector – to understand how they navigate (whether successfully or not) various barriers, obstacles, and disjunctures that arise for the people they support in the community. Analysis in this

chapter is also guided by scholars who examine and theorize the penal voluntary sector and expands on work from Tomczak and Buck introduced in Chapter 2; namely, their “hybrid framework...[that] can direct nuanced accounts of the full spectrum of [penal voluntary sector] activity and contribute to more reflective theory and praxis” (2019b, p.3).

While it is difficult to capture the full scope of the day-to-day work performed by penal voluntary sector actors within one chapter of a dissertation, I have organized about twenty-six pages of coded data into what I believe offers an important glimpse into what navigating collateral consequences of punishment and stigma looks like on the ground. I begin with what participants identified as the more practical components of their work, including supporting people with criminal records on disclosure and connecting them to resources and supports both within and outside their service organizations. Next, I highlight the limitations and barriers penal voluntary sector actors encounter in their work – the largely structural and economic impediments to navigating various institutions, policies, programs, and processes. Then, I focus on the day-to-day advocacy work of penal voluntary sector actors by highlighting moments during interviews when participants used words like ‘advocacy’ and ‘advocate’ to indicate this is how they understand their role. This section on advocacy is followed-up with a reflection on the impacts of this work on penal voluntary actors who, on several occasions, described going beyond their official job descriptions to support individuals in the community. Finally, all this work is situated with Tomczak and Buck’s framework (see Illustration 2 in Chapter 2) to map the spectrum of activity within the penal voluntary sector and discuss whether this activity is sufficient when it comes to successfully navigating the collateral consequences of punishment and structural stigma experienced by people with criminal records in Canada.

5.1 Discussing Disclosure

“To display or not display; to tell or not to tell; to let on or not to let on; to lie or not to lie; and in each case, to whom, how, when, and where.”
(Goffman, 1963, p.58)

Managing stigma through strategic (non-)disclosure of criminalized status is a well-documented topic within criminological, sociological, and psychological literature (Anazodo, Ricciardelli, & Chan, 2019; Hannem & Bruckert, 2012b; Hlavka, Wheelock, & Cossyleon, 2015; Jacobs, 2014; Munn, 2012; Munn & Bruckert, 2013; Pager, 2007; Ramakers, 2021; Ricciardelli & Mooney, 2018; Ricciardelli & Peters, 2017), and therefore not surprising that this part of (re)integration work was top of mind for frontline workers within the penal voluntary sector. When it comes to the complicated task of deciding whether to disclose a criminal record, the solution for some is simple: avoidance. Tara (Housing and Reintegration Worker) said that she often tells people to “skip over” both employment and housing applications that specifically ask for criminal background checks, as it is likely that the applications will be “tossed out if they tick that box.” Mélanie (Crisis Intervention Worker) gives the same advice to the people she supports and tries to direct them towards “other opportunities” or housing options where a background check might not be required:

We don’t refer our clients to [big property management companies] or stuff like that where they require you to declare your criminal record. So, we have a housing list where it’s all independent owners or landlords who don’t necessarily do criminal record checks. So, having those connections in the community helps us to help our clients.

Dawn’s (Reintegration Coordinator) approach was similar:

I validate their feelings. I tell them how crappy it is. I try to be as empathetic as I can, and then I’m like, “Ok. We gotta stop – this is not attainable, so let’s not even think about this... Let’s not focus on what you can’t do... Let’s look at areas where you won’t need a criminal

record check, and let's start from there..." I'm not focusing on stuff that they can't change.

While altogether avoiding disclosure leaves people with fewer employment opportunities and housing options, there was a feeling among some participants that trying to navigate these discriminatory policies and practices was often not worth the effort or frustration. Thomas (Crisis Counsellor) even suggested an entrepreneurial approach, as being your own boss eliminates the risk of having to constantly disclose:

I would also encourage those with a bit more wherewithal financially or educationally to perhaps think about incorporating so that then they could get contracts as a company and then employ other people to do the work that they are not capable of doing because of the criminal record... So, they could employ people. A plumber could incorporate, run a plumbing company, and employ other plumbers.

For those without the resources or desire to start their own business, participants did share some strategies for circumventing the question about criminalized status and navigating conversations with potential employers and landlords. Rick (Reintegration Worker) agreed that a request for a criminal record check means that a call for an interview is highly unlikely for criminalized folks, but elaborated on the advice that he gives to people who might be willing to take the process a step further:

If they put that they have a criminal record, if they mark 'yes,' then chances are the form will be thrown out. So, I tell them maybe it would be wise to leave it blank so that the [employer] will phone them. Maybe [they] will get a chance to do a face-to-face and tell them what it's about... They might contact you and say, "Ok, tell me the story. Do you have a record?" You can tell the story and make it personal, and a lot of times if you are trying to better yourself some of them will say, "Ok, alright, let's check it out." It does happen. This way it's a stall tactic, right?

Creating opportunities for face-to-face conversations was an important strategy for both employment and housing workers. As Devah Pager (2007, p.103) writes in relation to her

work on criminal records, race, and stigma in the United States: “Working against first impressions, one-on-one contact can provide the opportunity to supply personal information that is inconsistent with stereotyped expectations.” A few participants echoed this and reiterated the power of a good story.

There was this one time, one gentleman went to the Board of Directors, it was just kind of landscaping around these apartments, and at first the employer said no and then they said, “Actually, if you want to come speak to the Board of Directors and talk to them about your record...” And so, we went over what he was to say, and how he’s changed and really wants to make a new start, and he was hired! (Tara, Housing and Reintegration Worker)

It’s also how to come up with a narrative about what you learned... because we love redemption stories and if you are able to come up with a story and practice it... “I made some mistakes in the past, but you know I’ve learned and blah blah blah...” People love that kind of shit. (Mark, Executive Director)

Mark was not wrong; people love a good redemption story (Maruna, 2001; Maruna & King, 2009). I have experienced this a lot over the years, especially during interactions with journalists. Whenever the topic of pardons/record suspensions hits the media cycle, I am often approached not only to comment but also to seek out people with criminal records who are willing to come forward and share their stories. However, good intentions to soften public opinion and attitudes towards people with criminal records can quickly turn exploitative.³⁸ Furthermore, many individuals are unwilling to put their name and story out there as media stories, increasingly digital in format, are yet another public record of criminalized status (Lageson, 2021).

³⁸ A well-known example of the media exploiting ‘redemption’ stories is a 2012 reality television show produced by CBC called Redemption Inc., hosted by Kevin O’Leary. The show was a competition between several formerly incarcerated individuals and the winner was awarded \$100,000 of O’Leary’s money (Wong, 2012). While some saw this show as an opportunity for second chances, it served to increase surveillance and harmful media reporting on individuals with criminal records who continued to struggle against interpersonal and structural barriers in the community after the show came to an end (see CBC News, 2012).

Participants were not concerned about generating media stories. Their anti-stigma work was directed more intentionally at employers, landlords, and others in the community with the decision-making power to let people with criminal records in or keep them out of various social domains. Much of this work involves challenging assumptions and stereotypes about people with criminal records (particularly relating to productivity and reliability), questioning discriminatory hiring policies and practices, and building trust.

With new employers, I feel like that's asking a lot of the hard questions around the hiring process: What does their hiring process look like? What screening mechanisms are they using in that process? If they talk about credit checks or security clearance or police record checks, why are those mechanisms in place? What are they concerned about? And trying to do a bit of education, because there's a lot of misinformation out there and often it's derived from stereotypes and stigmas. The hope is that you can gain enough trust with the employers in your communications with them. (Amelia, Employment Counsellor)

But, in Amelia's work, these trust-building exercises sometimes involved disclosing the nature and detail of someone's criminal record to a potential employer. This pre-emptive disclosure was done in the name of "risk management" and "liability" and assuring employers that the organization "wouldn't send them a match up if we thought there was an inherent risk for them." While this disclosure strategy might ensure that people with criminal records do not waste their time meeting an employer who refuses to hire people with specific conviction histories, it struck me that perhaps building relationships of trust with employers sometimes comes at the expense of failing to provide necessary care and support to criminalized individuals through violations of their privacy rights.³⁹

³⁹ I am aware from my own work in this field, and specifically having worked for an employment program, that service users are required to sign various forms and agreements that allow for the sharing of their personal information in certain circumstances. What I am concerned about is the lack of *meaningful* consent in these situations and a general lack of understanding about privacy rights and the long-term impacts of these disclosures. Future research might consider targeted questions to people with criminal records about their experiences with privacy and confidentiality within the social service sector.

Additionally, while many penal voluntary sector actors emphasized the importance of anti-stigma work, examples like this demonstrate their own capacity (intentional or not) to reinforce ‘risky’ and ‘dangerous’ generalizations about people with criminal records. Unfortunately, maintaining a good *organizational* reputation with employers (and in the community at large) meant keeping some folks (namely people with histories of violence) out and away from the workforce.

Housing workers seemed less likely to disclose criminal records to potential landlords and instead focused on the benefits of having a tenant connected to wraparound housing supports.

I don’t volunteer any information that might be detrimental to my client. Just because I have a signed release form from my client, doesn’t mean I’m going to tell the landlord my client’s history. His past has nothing to do with his tenancy. (Rick, Reintegration Worker)

I usually just say I’m a housing support worker, and I just say I have this budget and they say, “I’ve never heard of it!” And I say, “Oh, it’s new, it’s amazing! They get up to a \$500 rental subsidy on top of their OW or ODSP!... And they are fully capable of being able to afford [this apartment] and I can prove to you with financial statements that they can afford it – like, I can get you all of the paperwork that you want. If you are worried about damages, I have a budget for damages. Like, whatever you are concerned about, I’m there. I’m on call 24/7 if there is anything they need – they don’t need to call the superintendent, I can help them...” (Elisha, Housing Based Case Manager)

But, even this disclosure of support can sometimes lead to discrimination as some landlords are hesitant to house people connected to a program or a subsidy. This hesitation was mainly due to the incident I described in Chapter 4 when a tenant connected to a city-run Housing First program destroyed a rental unit, and the incident (complete with images) circulated widely through local media. So, while some housing workers were eager to advertise their resources, others did what they could to avoid disclosing any connections

with community-based housing support programs.

What I try to say, because I try to avoid [disclosing the name of the organization] as much as possible – because I know the stigmas are coming out. So, I usually just say I’m his housing worker, or not even... Yeah, just to kinda avoid a conversation we don’t need to get into. (Tara, Housing and Reintegration Worker)

This strategy presents an interesting departure from other literature on re-entry and reintegration that emphasizes the importance of personal supports and community resources in “reducing the negative effects of a criminal record” (Pager, 2007, p.104; see also Munn & Bruckert, 2013). No longer is the assurance of connectedness, support, and social capital seen as sufficient for tenancy in a strained housing market increasingly driven by profit (Dej, 2020) and structured through increasingly risk-averse policies, practices, and processes (Brydolf-Horwitz, 2020; Leasure, 2019; Leasure & Martin, 2017).

Navigating disclosure remains an important part of the day-to-day work performed by practitioners in the penal voluntary sector, as the penal system “imposes lingering effects” on people with criminal records trying to find employment, housing, or simply participate more actively in their community (Pager, 2007, 71). Through her research on criminal records and employment, Devah Pager urges us to consider race in these discussions of disclosure and reminds us that “employers continue to use race as an easy way to screen out applicants at the first stage of review” (p.158). Essentially, Pager’s research demonstrates that “race continues to play a dominant role in shaping employment opportunities, equal to or greater than the impact of a criminal record” (2003, p.958) – a factor to consider as we push for policy changes to address ongoing structural violence and discrimination (more on this in Chapter 6).

While conversations about racial discrimination did not feature prominently in my

interviews with penal voluntary sector actors, it is a concern that arose consistently at the various conferences I attended over the past several years. For example, at a symposium⁴⁰ held in September 2017, a Director of a Housing First program at a local Indigenous health centre delivered a presentation in which she described the immense discrimination faced by First Nations, Inuit, and Métis in the rental housing market. Furthermore, she explained – as she has elsewhere – that the city’s housing programs do not adequately meet the needs of Indigenous peoples, citing that “nearly half of the 69 homeless First Nations, Inuit and Métis adults who took part in the city-run housing program between Oct. 1, 2015, and Oct. 1, 2016, were either evicted or opted out of the program and ended up back at a shelter” (Burke, 2017b, para. 2). “The historical trauma, oppression, racism, and discrimination Indigenous Peoples have faced because of Canada’s colonial history” (Alliance to End Homelessness Ottawa, 2018, p.4) is something that continues to be discussed at housing forums, conferences, and symposiums across Canada, but there is still a lot of work to do to address the violence, exclusion, and racial discrimination perpetuated through both housing programs and landlords. In other words, “race must not disappear from our discussions of public policy, or our conversations about the problems of prisoner re-entry” (Pager, 2007, p.158).

When it comes to addressing discrimination from employers, there have been efforts elsewhere – for example, the *Ban the Box* campaign in the United States – to alleviate the pressures around disclosure. In February 2015, the New York Times published a story (Appelbaum, 2015) that profiled a man living in New Jersey who had, at that time,

⁴⁰ This two-day symposium on Housing First and homelessness prevention was held in Vanier and organized in reaction to the announcement of a new mega shelter to be built in the neighbourhood (Evidence Exchange Network for Mental Health and Addictions, 2017; Molina, 2017).

been unemployed for more than 30 months due to his criminal record. The article describes the impact of criminal record checks not only on individuals, but also on public safety and the economy, and then provides readers with information about a national movement in the U.S. to ban the box – referring to the box that appears on job applications asking people if they have ever been convicted of a criminal offence. The Ban the Box campaign began in 2004 as an initiative of All of Us or None, “a national civil rights movement of formerly-incarcerated people and [their] families” (“About: The Ban the Box Campaign,” n.d., para. 1). The campaign saw success in cities like Boston, Philadelphia, New York City, Atlanta, Chicago, San Francisco, and others across the U.S. through the removal of the question regarding conviction history from employment applications. While there was initial excitement and praise for the initiative, recent studies have tempered the expectations around anti-discrimination by demonstrating the unintended or unforeseen consequences of the Ban the Box campaign.

Ban the Box attempts to address the issue of disclosure by “[forcing] employers to assess [criminalized] applicants by skill and other job-related qualifications, instead of focusing on their criminal history” (Griffith & Young, 2017, p.502; see also Henry & Jacobs, 2007). In cities that have adopted Ban the Box policies, employers are not privy to information about or records of conviction histories until *after* an offer of employment is made (Sugie, 2017). This process is meant to encourage interpersonal connections between employers and potential employees – a strategy deployed by many frontline practitioners, as I described above. Delaying disclosure might have *some* benefits for *some* job seekers with criminal records in *some* cities, but recent studies demonstrate that “[ban the box] policies are hurting young low-skilled [Black] and Hispanic males” who do not have

criminal records (Barnes, 2020, para.4). Basically, these policies are not enough on their own to eliminate the concerns that employers might have about hiring people with criminal records (whether based on real or perceived risk), and therefore they overcorrect by screening out *all* young racialized men (Doleac & Hansen, 2020). This speaks to what housing workers are saying about Indigenous peoples being excluded from rental housing options, even when they have systems of support in place.

Overall, the issue of disclosure remains uncertain and messy – especially when considered alongside ongoing racial discrimination by employers and landlords, despite what are seemingly robust human rights protections in many jurisdictions. Further discussion about strategies and solutions for resisting and eliminating the stigma associated with criminalized status are discussed in Chapter 6, but here I note the importance of the work done by frontline workers around disclosure – not only with individual service users but also with employers, landlords, and others who need to engage more actively with anti-stigma and anti-discrimination strategies.

5.2 Making Referrals

“When we turn our attention away from root causes, we limit our ability to develop comprehensive and lasting solutions. In effect, we limit our ability to resist and overcome the problem.”

(Oudshoorn & Justrabo, 2020, p.214)

As I continued to talk to penal voluntary sector actors about what they do in the community to support people with criminal records, I learned that much of this day-to-day work involves referring people to *other* resources and supports that exist either within their own organizations or at different locations across the city. As someone who worked in the sector for years and continues to engage with various organizations and practitioners to better understand the service landscape, I can certainly vouch for the fact that navigating this

landscape is, on its own, a full-time job. From the moment someone is released from police custody, court, jail, prison, or any other institutional setting, there is an incredibly long list of places to go and people to see to get things sorted. On the surface, the expansion of the non-profit sector might indicate a proliferation of services and support available to individuals and communities in need. But, and as others have noted, a continuum of care is not always possible within a sector beholden to governments and funders who are more concerned with the surveillance and control of criminalized people in the name of ‘public safety’ (Gilmore, 2007; Ilea, 2018; Tomczak & Thompson, 2017; Welsh, 2019; Wolch, 1990) and who restrict the flow of resources needed to keep people well and safe. Additionally, this referral work can feel very reactive and temporary, and it leaves practitioners in a constant state of putting out fires or providing band-aid solutions rather than meaningfully addressing root causes and achieving transformative change for service users and the communities within which they live.

I will start here by highlighting Geneviève’s work in her role at the courthouse. She clarified that her organization is “the only organization in the courthouse that helps individuals released from custody,” meaning that she, and volunteers in the court support program, must immediately connect individuals to various services, programs, and resources in the community. Here is a list of the resources she mentioned throughout her interview, many of which were listed by other penal voluntary sector actors as being integral to the re-entry and (re)integration process:

- lawyers and other legal supports such as community-legal clinics;
- education and training programs;
- employment counselling;

- mental health, harm reduction, and drug treatment supports;
- foodbanks;
- emergency shelters, and housing workers;
- transportation vouchers;
- financial aid services (like OW and ODSP);
- pharmacies, walk-in clinics, and community health centres;
- child and family services;
- community ID clinics (to obtain birth certificates, health cards, and other forms of identification required to access other services); and
- connecting with parole or probation officers when needed.

Geneviève explained that making all these referrals can quickly become overwhelming for people, especially when “your client didn’t even know those services existed” before meeting with a worker or volunteer. This referral work can also overwhelm penal voluntary sector actors who must keep up with an always-already changing service landscape while supporting people in crisis:

I feel like this job has given me the full picture of the stress and the day-to-day that these women go through... Supporting someone at this point in their life is difficult. Maybe challenging is the right word to use. It’s really challenging to get someone to access programming or to seek counselling or education when there is like this doomsday clock on them.
(Courtney, Residential and Community Support Worker)

Many participants talked about making referrals to services and supports in response to a crisis and as a preventative measure. For instance, housing workers refer people to community supports *after* they are housed in order to keep them housed – acknowledging that Housing First does not mean housing only (National Alliance to End Homelessness, 2019):

It is about finding people housing, but all the other supports that go with that. So, it's a lot of referrals to different employment programs, it's talking to their OW workers, it's finding community supports for them...It can be anything from finding furniture to finding rehab - so it's a wide range of supports. (Tara, Housing and Reintegration Worker)

The job isn't just to get them housed, more the bulk of the time I am with them is about housing retention and eviction prevention. So, like life skills, housing skills, landlord conversations, employment, whatever – you know? (Christine, Youth Housing Based Case Manager)

These aftercare supports, including day programs, cultural events, access to free public transportation, counselling, and other wraparound supports, serve to foster inclusion and increase the likelihood that an individual stays housed (Dej, 2020). Some participants indicated that referrals to culturally specific programs and supports are especially important for Indigenous peoples who are often displaced from their communities after being criminalized and incarcerated.

Depending on their position within an organization, making referrals was either described as administrative work to be done from behind a desk or work that required ongoing engagement in the community. For example, Ariel (Residential and Community Support Worker) explained that for her, much of this referral work is facilitated through paperwork, e-mails, and phone calls:

I do a lot of the administrative stuff. So, I e-mail the parole officers regularly... I write a lot of support letters... helping them to get to proper ID clinics so they can get help with that. It could be...helping them find a family doctor if they need that...it's about getting them on OW or ODSP...But it's just really, it's a lot of paperwork and a lot of phone calls.

For Rick (Reintegration Worker), referral work included an extensive community development piece that requires him to be a part of the community – and the broader service landscape – in a more active and visible way. He emphasized that the work is about

“building partnerships” and “helping other agencies out,” including sitting on various boards and committees and “networking” heavily within the sector. In fact, apart from knowing Rick as a former co-worker, he is often someone I run into at various community events, conferences, and presentations. For him, “getting to know people” is key to making successful referrals and ensuring success for the people he supports in the community. These two approaches illustrate the ‘casework’ versus ‘community or care work’ that Chapman and Withers (2019) outline in their critiques of the social service sector. I note that participants seemed to be very evenly split in their approaches to making referrals and connections, with most alternating between working from behind the desk and getting out into the community.

Regardless of how referrals are made from one agency or practitioner to another, the most crucial thing to participants was their desire to connect people to supports that were “safe” and “non-judgmental.” There was a recognition that despite assumptions that social service agencies are generally trauma-informed, client-centred, or, by default, caring and compassionate spaces – this is often not the experience for criminalized or formerly incarcerated people. This echoes what Megan Welsh (2015, p.56) exposes in her institutional ethnography of re-entry work: “The trying conditions under which formerly incarcerated people must struggle to rebuild their lives after incarceration are made even worse by the various institutions they must navigate.” For Dawn (Reintegration Coordinator), this meant connecting *directly* with practitioners at other agencies, asking questions about their previous experience working with criminalized people, and then arranging a warm transfer once she felt assured:

I *have* to make sure that whoever or wherever I’m referring them to is going to be understanding and not going to be judgemental.

Luke (Business Developer) needed to know that he was not sending someone somewhere where they were just going to get stuck, frustrated, and left with no options or additional resources. He was well aware of the limitations of care within the sector – especially for criminalized folks – and often witnessed people bouncing back-and-forth between agencies trying to piece together what they needed to survive.

I can refer you to a housing worker, I can refer you to an anger management counsellor, I can refer you to... wherever! There's *people* in these places, but really what I want to know is what are the *resources* of the resource that I'm sending you to?

Luke and others were deeply concerned about funding cuts across the sector and the impact of austerity measures on their day-to-day work (more on this in the following section).

Finally, when it comes to referral work, a concern shared by a few participants was that the people they support in the community are required to tell and re-tell their story to every practitioner they encounter (bringing us back to the issue of disclosure). Part of navigating the social service landscape is completing an endless stream of intake assessments. Every agency, and every program within an agency, requires individual 'clients' or service users to document not just their basic personal information, but often their entire personal histories. Furthermore, these personal histories and experiences (often steeped in trauma) "must be translated into institutionally actionable categories in order to get the things [they need]" (Nichols, 2014, p.30). In other words, individual narratives must be carefully crafted to meet eligibility requirements determined by standardized assessments (recall the SPDAT from Chapter 4). David (Reintegration Caseworker & Community Developer) summarized this experience, and his feelings about it, as follows:

You have to re-explain yourself to OW, you have to re-explain yourself to ODSP, you have to re-explain yourself to your social service worker. If you end up in a shelter, you gotta explain it to them. You're always

telling somebody what's going on. We're trying to get our clients to move past their bullshit and all their stuff that's caused their issues, but, "Hey! Can you tell me for the *thirtieth time* today how you got here?" That's the first question on my assessment... I need to know, but how many people are asking them that?

David's frustration resonated strongly with me, as I am sure it does with other frontline workers who have been charged with conducting intake assessments that often interfere with the care and support that they hope to provide for people in the community. These program requirements are not an ideal way to begin a relationship between a practitioner and a service user, as this initial interaction is reduced to checkboxes and categories on forms that place limits on what is needed and possible in caring for others and meeting their needs (Clare, 2017). So, while making referrals remains an important component of the day-to-day work in the penal voluntary sector, the institutional standards and practices that exist across the social service sector are yet another form of structural violence (Oudshoorn & Justrabo, 2020) that people with criminal records must endure.

5.3 Hitting Brick Walls

"Despite the significant role NPOs and charities play in our communities and in the Canadian economy, the sector is subject to a number of challenges that affect its future vitality. It stands to reason that an NPO or charity cannot be effective in its advocacy if it is struggling to find funding to keep its doors open."

(Liao, 2017, p.84)

In Chapter 4, I highlighted some barriers to services and supports in the community such as waitlists, unnecessary bureaucracy, and problematic assessments. Throughout our conversations, participants continued to talk about obstacles to providing care and support for people with criminal records, highlighting things like the impact of limited resources granted to social services across the city. David (Reintegration Case Worker and Community Developer) described these obstacles, frustrating moments, or interruptions in

his work, as “hitting brick walls.” To illustrate the disturbances and interruptions created by funding cycles (determined mostly by political priorities), and the impact of this instability on frontline workers and service users, we can look at an example of social enterprise⁴¹ within the context of this research project.

A few of my participants worked for a social enterprise that trained people in asbestos removal and pest extermination and then employed people to do this work in cities across the province (mostly in Ottawa, Kingston, and Toronto). I was already aware of this initiative because of my previous role working frontline in the penal voluntary sector. I knew that it was a valuable resource and program – especially for men on parole who needed updated training credentials and recent work experience to get back into the labour market after being incarcerated. Unfortunately, as I was conducting interviews, this particular social enterprise started experiencing some financial turmoil. The program was popular because of their high rate of training completions and securing employment for people following graduation, but there is only so much work to go around and – as we know – jobs are limited further for people with criminal records. The social enterprise had a hard time securing big contracts because of the people they employed and had recently lost a huge source of jobs and revenue due to a local housing corporation that no longer wanted to use their services. Additionally, the cost of running the training and providing wraparound supports for individuals who come through the program was also starting to take its toll.

⁴¹ Innovation, Science and Economic Development Canada defines social enterprise as “a revenue-generating organization whose objective is to have a social impact” (2019, para. 1). Social enterprises are relatively new in Canada with “[t]he past decade [being] one of rapid change as social enterprises and supporting organizations have begun to grow at a significant pace” (Liao, 2017, p.88). Legislation and regulation continues to be blurry when it comes to social enterprise and profit-making goals within the non-profit sector, and research on the social value and contribution of this business model remains contentious (Ganz, Kay, & Spicer, 2018; Mendell, 2010).

A reminder that these things cost money and that the people we employ tend to require more support than other employees. So, we have to make *a lot* of money because we have to afford to pay the men, but we also have to afford to pay [program staff]. So, there is really significant costs because we are not as efficient, and we can't be as efficient, as a private business. A private business, when their employees don't do well, tend to cut them because they are costing money. We give you a second chance, we will spend money on you and make an investment. And so, with social enterprise... it's very difficult to make the bottom-line work. (Cora, Director of Operations)

Other participants offered high praise for this social enterprise but could also sense that this support would not last forever. David (Reintegration Case Worker and Community Developer), for example, did not work for the social enterprise but referred many of his tenants there and could see from the outside that this program model was not sustainable:

When you think of things like [the social enterprise], right? How many organizations are there like that, where they actually have a turnover of giving people opportunities to work, right? I mean, it's a great thing! Fantastic! But, if you look at somebody like [Luke, Business Developer], like, you can't even get an answer back from that guy because he's so fucking busy! Do you know what I mean? And they can't find the amount of work that is necessary for these guys, but they are a perfect example that our guys can work.

Not long after I completed my interviews for this research project, the social enterprise did have to close its doors, leaving many people with criminal records without a vital employment and training resource in the community.

David noted that a pattern or cycle occurs in many service areas, including social enterprise and others like housing. It is a pattern with which many of us who have worked frontline are familiar. It starts with funding for a pilot project or program, then after the pilot is successful and people start benefiting from the program the funding runs out. Staff and volunteers continue do what they can with limited resources until they burn out and the funding is depleted. Eventually, the program ends, and people are once again left

without supports – but soon, something else will take its place. I realize that this might not be the most academic analysis of the process, but the experience of this cycle is as simple and as frustrating as that.

The pilot will be done in a year, and they will pretend that it was a beautiful success and that everything is fantastic, and they will come up with some other thing and say, “This is the new wave of housing!” And then they’ll do that and then all us social service workers will have to conform to whatever bullshit they want because all of the money comes from the city, right? So, when you are working with a non-profit organization, this is what we do, right?

Part of the ‘conforming’ work that David brings up is adjusting to things like staff shortages or new demands from funders that place parameters – or walls – around what services and supports can be provided when and to whom. For example, there were forty-five tenants and only one staff member in David’s housing program. This ratio obviously limits the care and support he can provide to each person every day. Additionally, jumping through bureaucratic hoops and all the policies and procedures required by various organizations, funders, and regulators often leaves him and his fellow housing workers feeling like they are not doing enough to *actually* help people when they need it.

Things don’t go the way they are supposed to, and that’s what we try to explain to our clients. And even more so with this like bureaucracy of the city... and all of these different policies and this and that... Because the thing is, like [at this organization] we have a bunch of policies, well, the city has a bunch of policies too, and OW has a bunch of policies, and [the community centre] has a bunch of policies and procedures. So, it’s like, you are always almost fighting in a sense. And then you have all the waitlists and this... It’s like, a client wants help, but by the time it’s his turn on this list, they are already done – they are like, “Fuck it. I’m already done with this shit! (David, Reintegration Case Worker and Community Developer)

I really do think that we are not supporting reintegration. Like, I want to support it! That’s my job! And I’m trying to support it as much as possible. But... if anything, we put up barriers and barriers and more barriers as each day goes by. There’s like more barriers for people as

opposed to less... Yeah, so, it's just very tough. We try to navigate the system, but it can be very frustrating. It's frustrating! (Tara, Housing and Reintegration Worker)

Rebecca (Employment Counsellor) commented on how a lack of funding limits who can access the resources at her organization, and that often it means leaving those with the highest needs to go without support.

We are only allocated – every program is allocated just so many dollars. So, we have to use discretion around who is the priority... who would be a better success.

While David emphasized that his work (along with the work of his colleagues in the penal voluntary sector) is “client based, not business based” it is clear that funders do not see things that way.

Other participants shared examples of not having enough, or not being able to do enough, because of a lack of resources or due to policies and processes that leave both workers and service users hitting walls. I will start with Rick (Reintegration Worker), who emphasized the importance of resource centres and day programs while noting the lack of funding for them:

Most of the buildings I'm in have a resource centre downstairs... I will go cook breakfast for the tenants, and this is one way I get my guys out socializing – I get them out to breakfast, to the meals. And it's kinda cool because they will come because they know me... But, we need more help. We need stuff for people to do during the day, and it's not just our guys – this is anybody who's been homeless and is now housed and doesn't have money. We need stuff for them to do.

Next, Elisha (Housing Based Case Manager) elaborated on an experience where an appointment policy at the social assistance office almost derailed the progress she was making with an individual she was trying to support in the community:

What would you do with no money, no phone, you go to the OW office – which was my experience on Thursday, OK? I picked up a client on

her release day, we went to the OW office to get her all set up with a case meeting to set up with emergency shelter. The OW worker looked at me and said, “Here’s a card, you need to call 311.” I said, “Excuse me?” They said, “You need to call 311 to make an intake appointment with us because their file has been closed for over six months.” And I said, “Are you joking?” And they said, “No, we are sorry, we can’t help you.” So, I looked at my client and I said, “I’m sorry, ok, let’s make this phone call.” We make the phone call, she talks to them, they called the office and made an appointment for her... And my favourite part is that they go, “Yeah, we don’t make same-day appointments. You need to come in 48-hours later.” Where the fuck is my client going to be 48-hours later? I have no idea. I mean, she could be in a ditch somewhere 48-hours later. Are you kidding me? I don’t have 48 hours to play with here... That is my main window and it is literally life or death. Like, either I keep them in my grasp, or I’m going to lose them.

Finally, Vicky (Manager of Residential Services) shared a story about a woman who was continuously falling through the cracks because the system is not equipped to provide the necessary supports:

I spoke to our housing-based case manager last week about a specific individual at [the Ottawa-Carleton Detention Centre] and this person is just like almost impossible to house and she’s 33 years old. At this point, it’s like, she has met with so many people in the community and what is wrong that nobody can help this person? Right? It’s like severe mental health, severe addiction, but there has to be a resource, or like a way that, you know, maybe a [mental health] worker? [We], like different people, can set up a case conference and understand what the client’s needs are and who can do what to support the client. Because, I mean, we’re here to help the most vulnerable people, but how are you going to help when some people say, “Oh, this is too much for us!” But if everyone says that, then there’s people falling through the cracks. Pushing it off to the next person, and this person is just going to keep going through the cycles of services... How have we failed her?

It was difficult to listen to my former colleagues putting the blame on themselves for the failings of the system, but it was a familiar feeling. As a frontline worker in the penal voluntary sector you quickly become restrained in your day-to-day work by the “overlapping effects of policies across systems” (Oudshoorn & Justrabo, 2020, p.123) that keep people in a constant state of crisis and struggle. The structures within which you work

actively prevent you from doing the job you are supposed to do, and “Conservative agendas that enact cuts to social services in the name of fiscal restraint... perpetuate this violence” (p.210). As much as actors within the sector come to the work with good intentions, the system does not always allow for them to flourish (Pérez & Sisters in Action for Power, 2007). This institutional reality, dripping with carceral power and social control, is perhaps what makes it even more impressive that participants continued to push and move forward every day (even after hitting the wall multiple times) in what they described as advocacy.

5.4 Advocating

“Advocacy has always been a core function of the non-profit sector... Yet advocacy is still one of the most contentious aspects of relations between the non-profit sector and governments.”

(DeSantis & Mulé, 2017)

Amidst the head shakes, eye rolls, face palms, clenched fists, tight jaws, and heavy sighs, most participants were able to take some space in our conversations to speak to the moments in their work when they were successful in supporting people with criminal records in the community. Many described this work as advocacy and referred to themselves as advocates. Whether related to finding housing, securing employment, informing people of their rights, or just offering general guidance, this advocacy work is important to frontline workers – it is why they do what they do. And while there are certainly limits placed on advocacy within the non-profit sector (see Chapter 2) highlighting this work should remain an important focus for researchers who wish to build a more robust understanding of the role of the penal voluntary sector, and the actors within it, in broader social justice movements.

In Chapter 2, I outlined how I have conceptualized advocacy for the various discussions of it throughout this dissertation. Returning to the standard dictionary

definition is a good place to start for this section, as most participants described their day-to-day work of navigating structural stigma and the collateral consequences of punishment as “helping and supporting people to speak up for what they want” (Harris & White, 2018, p.11). I also bring forward the various advocacy types outlined in Table 2 and focus on professional advocacy to categorize the activities described by participants. Finally, I ask readers to keep in mind a note from Naomi Nichols' (2014) research on youth homelessness, where she describes an advocate as “someone with comprehensive knowledge of... policy directives” (p.31) who can help people navigate institutional policies and norms after spending several years doing so themselves. In other words, an advocate is someone who can support others in overcoming what “can feel like an insurmountable task” (p.32). A focus on policy advocacy and more collective forms of organizing will come later in Chapter 6.

“I’m a huge advocate for youth.” This is how Christine described her work as a Youth Housing-Based Case Manager.

I meet them when they are looking for housing, or don’t even know how to look for housing. I help them look for housing. I advocate to the landlords or programs...and I stay with them so the eviction doesn’t happen... I make sure their rent is paid, that kind of thing.

This day-to-day advocacy is necessary, according to Christine, because it is “exhausting and demoralizing” for people, especially youth, to have to do these things on their own.

Luke agreed, and described his work as a Business Developer for a social enterprise in a similar way:

It’s having an advocate who can go and speak directly with employers...I think that’s what really makes the difference. Providing job counselling supports and training is one thing, but it means nothing if you don’t have employers on your side who are willing to hire people with criminal records.

Employment counsellors like Rebecca and Amelia echoed this – agreeing that “it’s the advocacy piece that makes the difference” when it comes to getting people with criminal records employed.

I think that with an employment service program there is more chance of success, you know? Successfully accessing employment if you do have somebody advocating for you. We’re kind of like the middleman. (Rebecca)

They also emphasized that part of this advocacy work is motivating and empowering individuals to eventually take on this role for themselves – knowing that they will not be connected to the employment supports, or the organization, forever.

I see our biggest role...is that motivational piece, right? I think that’s the biggest piece of engaging and maintaining and inspiring individuals to try to engage in remaining hopeful...Yes, there’s many barriers and roadblocks along the way, but just bear with us, bear with yourself, trust in the big picture. I think that takes a lot of energy and a lot of practice and experience around dealing with individuals. (Rebecca)

This ability to self-advocate and engaging in what Rebecca referred to as “myth busting” is especially important if individuals ever experience a violation of their rights in the workplace:

Understanding the resources that are available and how we can support them to maneuver through those channels and resources to, you know, advocate. Learn to advocate for themselves and communicate these unjust things that are happening in the workplace or that have happened [elsewhere]. (Amelia)

Housing and reintegration workers emphasized the importance of legal knowledge for their clients as well:

There is one thing that I do teach my guys though. I talk to them about the residential tenancy act. It’s really important because they have rights... and one of the main rights is the landlord cannot come into your place whenever he wants unless it’s an emergency. They have to know this stuff. (Rick, Reintegration Worker)

What was interesting about the way penal voluntary sector actors described their advocacy work is that, in comparison to the rigid guidelines, policies, and practices imposed by funders, this advocacy work requires flexibility (Juhila, 2008). This everyday advocacy is all about “meeting people where they are at” and doing what is needed in the moment to “keep them moving forward towards their goals,” or to simply “get them what they need to survive” that day.

I can go with them, I can advocate for them, I can help fill out forms or I can just give them a housing list. (Tara, Housing and Reintegration Worker).

What I am here to do is you tell me what you want to do and then my job is to like support you in doing that. And if it's me sending emails to the right people or calling the right people that's my part of it and if you just show up that's enough for me.” (Sarah, Youth Caseworker)

Brenda (Administrative Assistant) explained that sometimes advocacy looks like writing letters of support, Robin (Acting Director of Operations) also put forward writing reference letters (specifically for housing) as important advocacy work. Supporting people through frustrating moments and turbulent interactions with other service providers and professionals is also a type of advocacy highlighted by frontline practitioners. For example, Elisha (Housing Based Case Manager) described a situation when a woman she was assisting went to the bank to open an account but was refused access by the teller because she did not have the proper identification:

So, naturally, for my client it was pure defence mode. Like, “Let's go! I'm right! You're wrong! We're going to brawl!” But, because I was there it was like, “Let's take a deep breath. Can we talk to a manager?” ... So, even just being able to support them in the little things like that.

Elisha went on to explain that the women on her caseload are always “getting doors slammed in their face” and she sees it as her job to “keep those doors open.” Her co-worker,

Courtney (Residential and Community Support Worker), expressed the same: “We are her advocate. We are the only crew she has.” Rick (Reintegration Worker) also emphasized the importance of this conciliatory role – “I’m a mediator a lot of the time... I’m their advocate. I’m not going to let my guys get bullied” – along with his housing colleague, Tara (Housing and Reintegration Worker):

I had a guy who basically destroyed the room he was living in, but the reason that I maintained that relationship [with the landlord] is like... that we kind of fixed it. We paid to get the room cleaned. So, knowing that we were able to have that support for them – and that’s something I always offer, that I can help mediate.

This persistence and willingness to “push further” is something that Christine (Youth Housing Based Case Manager) highlighted in her work with youth. Strong and ongoing advocacy is important with young people in the system because “so many of them have heard ‘no’ in the past and they just accept that.” Vicky (Manager of Residential Services) endorsed this approach and stressed the importance of always asking more questions instead of accepting ‘no’ as an answer: “What are the gaps in the system? What is stopping us from moving forward and helping this person? How can we collaborate? What can we do that we haven’t tried?”

While all this day-to-day advocacy work is tremendously important, it often remains at an individual level, with many practitioners either unable or unwilling to address bigger structural issues that impact the people they are trying to support in the community. For example, Cora (Director of Operations) talked about how she wants to encourage more employers to hire people with criminal records, and people with “riskier” conviction histories, but tempers her advocacy and expectations so that she does not burn any bridges:

We will speak to an employer, but we just have to be careful about how we do it. We can’t be too finger-shaky, you know what I mean? We have

to be reasonable... How do you get that person to turn around and change the environment in their workplace? It's not always likely to happen. I would love to change hearts and minds, but... we have to keep employers happy.

In her teachings on anti-oppressive practice for social workers, Donna Baines (2011, p.79) encourages practitioners “to think of collective social change and individual advocacy as central to one’s career as well as integrated into everyday life.” In keeping advocacy at the forefront of their work, especially advocacy informed by anti-oppressive practice, practitioners have a better chance of changing the conditions that keep people in a state of struggle. But Baines also acknowledges that “[g]iven other constraints and demands on their time and energy, [frontline practitioners] may not take action immediately, but they can reflect on what can be done and how to do it” (*ibid*). In Chapter 6, I will talk about how I experienced conferences as spaces where practitioners are able to engage in this reflection and direct their day-to-day advocacy work into more collective efforts for meaningful and transformative social change. For now, I will take a bit more space to reflect on the impact of this everyday, individualized advocacy work, which often requires that penal voluntary sector actors go above and beyond their formal job descriptions for what is often limited and temporary success.

5.5 Going Above and Beyond

“Penal voluntary organizations’ work is always likely to involve some, albeit variable, degree of power and carceral control, but the nature and extent of this control varies. Establishing how and under which conditions inclusionary outcomes can prevail within controlling contexts is a useful project for penal reform.”

(Tomczak & Thompson, 2017, p.16)

I could not write about how frontline practitioners navigate structural stigma and the collateral consequences of punishment without illustrating the full extent of what participants told me about the reality of their day-to-day work (beyond the specific activities I have already highlighted in this chapter). I included this content not just to elaborate on the everyday advocacy work performed by penal voluntary sector actors, but to illustrate with more specificity the “inclusionary outcomes” (Tomczak & Thompson, 2017) that are possible within the penal voluntary sector. This is not to dismiss the concerns about the sector’s role in expanding carceral power in the community, but to highlight the very real and very complex nature of the work within it – work that does serve to “change the substance of the carceral net” (p.16), thereby reducing suffering and harm. This section highlights moments in interviews when practitioners got more emotional about their work. In fact, one participant likened the interview to a therapy session, letting out a big sigh at the end and saying: “You need to come back here once a week! We can just spill this out every week!” The frank descriptions about the job of navigating pervasive punishment and systemic violence for and alongside people with criminal records demonstrate the challenges inherent to the work. It is also my hope that if managers, executive directors, and board members within the penal voluntary sector ever come across the pages of this dissertation that they take a moment to pause here – for it is the decisions that you make,

the priorities that you set, and the partnerships you foster, that create the conditions for what frontline practitioners describe below.

First, practitioners noted the unpredictable nature of their work: “You can plan your day, but in this kind of work it is all over the place” (Brenda, Administrative Assistant). “It often feels like a juggling act.” (Courtney, Residential and Community Support Worker). Mélanie (Crisis Intervention Worker) explained that in one moment she might be facilitating an ASIST⁴² in response to suicide ideation and the next moment she is “sitting down at a computer teaching someone how to login to their email account.” But, because “whatever the problem, people are in crisis” she must respond with the same urgency and care to both requests. As a result of these unpredictable crises, some participants told me about how they choose to work at home occasionally so they can catch up on paperwork.

Some days I do work from home so that I can *actually* get the admin work done. (Brenda, Administrative Assistant)

While others who did not have this option told me how they often feel overwhelmed by the multiple and intersecting barriers faced by people with criminal records in the community, with new obstacles presenting themselves every single day.

Sometimes I have a client that’s going through criminal court, they are going through family court, they have mental health concerns, they have addictions, they are also having to deal with unstable relationships, so it’s like all of this – it’s overwhelming! Like, I just listen to their story and I’m overwhelmed. (Geneviève, Volunteer Coordinator and Court Support Worker)

Furthermore, the desire to resolve all these issues, but the inability to do so, left some practitioners feeling defeated.

I would love to just snap my fingers and make all of this go away, but I can’t. (Geneviève, Volunteer Coordinator and Court Support Worker)

⁴² Applied Suicide Intervention Skills Training

It's like Groundhog Day. I just do the same thing over and over and over again with a lot of clients. It's just the nature of the beast. (David, Reintegration Case Worker and Community Developer)

This exhaustion was felt strongly throughout the interviews. And while both Geneviève and David are known within the local service sector as people who “will make it work” because of their strong networks and knowledge of the service landscape, I left both interviews wondering what happens when they cannot make it work? What happens when key individuals like this burnout? Just like I expressed several times when I worked frontline in the penal voluntary sector, I knew that this way of working to support people was not sustainable.

While I can capture their work here, participants also noted that part of the problem within the sector is that most of the things they do day-to-day are not recorded or reported in official ways. For instance, regular program monitoring activities and evaluation reports that get submitted to directors and funders do not often reflect the full scope of the work, as some of it falls outside of the mandate of the program.

There's a lot more happening at [this organization] that people don't really know about – the work we do here is really important. It's not just getting an apartment for someone... it's supporting them in moving in, getting what they need, helping them keep their housing. It takes a lot of time, care, planning, support... and this job is messy and unpredictable. But this part of the job doesn't count, it doesn't get measured... only a tiny part of my job is actually accounted for. (Sarah, Youth Case Worker)

The invisibilization of this care work, and the emotional labour that goes with it, is common within the social service sector (Klostermann, 2020, 2021; Stuart, 2020), and is especially the case for women carers (Acker, 1990; Baines & Armstrong, 2019) and even more so for working class and racialized women (Acker, 2006). Many practitioners are regularly “going out of their way” to navigate “difficult and wonky” processes and making note of

what people *actually* need to stay safe and healthy in their homes and communities – whether it gets officially documented or not. This includes everything from food to bus tickets to building lasting relationships that keep people connected to services even after they have ‘moved on’ from a program.

One thing I do with everybody moving into a new place is I take them grocery shopping... from my budget and I spend \$250 on food and their cupboards are stocked because the first month is really hard. (Rick, Reintegration Worker)

You know, there’s even times when people don’t have food and so I’ve actually – I mean, I have one person as an example who was going through a lot: four children, wife in the hospital with a very serious illness... I had the guy crying in my office and I felt so bad and we were trying to get him work but it was difficult with his schedule and his kids but we were doing our best but it was really rough. He couldn’t even get welfare because he owned a house... but in the meantime he had no money to feed the kids, so I just went to everybody I could and asked for food cards and anything to help. I took garbage bags out of the closet and took whatever I could find that would help with the kids. I gave food to him... bus tickets... I gave him toilet paper. He was so appreciative, that was a huge help that day. (Brenda, Administrative Assistant)

I always say just because you leave [the halfway house] doesn’t mean that the support here stops. If you are at home one day and you just want to be around people, just come by the house for a few hours, we would be more than happy to see you. (Ariel, Residential and Community Support Worker)

Although these gestures might not seem significant, participants were adamant that this everyday care and moments of kindness and connection, keep everything moving forward.

Life on the frontline, you know? It’s tough, but then you have these beautiful moments. You get to celebrate successes and see people moving on. (Rebecca, Employment Counsellor)

But are these gestures – these moments of everyday advocacy – enough to eventually affect broader, and much-needed, structural and systemic transformation?

As Paul Kivel (2007, p.130) writes in his work discussing social service versus

social change: “While there is some overlap between social service provision and social change work, the two do not necessarily go readily together.” Penal voluntary sector actors do “provide services for those most in need, for those trying to survive, for those barely making it” (*ibid*) and they may be making a “gentler inclusionary net that has more routes out of its grasp” (Tomczak & Thompson, 2017, p.17), but when we situate this work within the broader project of dismantling violent systems – including the reach of structural stigma and the collateral consequences of punishment – it continues to fall short.

5.6 Mapping the Work and Advocacy in the Penal Voluntary Sector

“The initial values, intentions, and politics of an organization can be sound, radical, and inspiring, but it can also be clear from the outset that social change efforts can be susceptible to bad practices.”

(Pérez & Sisters in Action for Power, 2007, p.91)

In this chapter, I presented what penal voluntary actors shared about the work they do in the community to support people with criminal records in navigating the collateral consequences of punishment and various forms of structural stigma and systemic violence. What I noticed throughout the interviews and in my analysis, perhaps more than I did when I worked frontline myself, is that practitioners within the penal voluntary sector are also susceptible to the harm that emanates from the punitive policies, programs, and processes that make up “prisoner reentry industry” (Welsh & Rajah, 2014, p.325). Navigating the “complexities and contradictions” (Pérez & Sisters in Action for Power, 2007, p.92) of working within the penal voluntary sector, or social service sector more broadly, takes its toll – especially for those who envision engaging in more transformative work that actually changes the conditions within which people live and struggle. Despite building up a repertoire of skills and knowledge that allows them to (sometimes) successfully navigate the service landscape, many practitioners expressed feeling like they are not doing enough

and acknowledged the ongoing punishment and exclusion that people experience through the programs and initiatives that they are also told to promote.

Before moving on to conversations about political advocacy and efforts to resist and eliminate the collateral consequences of punishment experienced by people with criminal records in Canada, I first want to situate the work and advocacy outlined in this chapter with Tomczak and Buck's (2019b) framework of penal voluntary sector activity. In Chapter 2, I explained that this model was developed to offer “a systemic means of more fully conceptualizing” the penal voluntary sector (p.3). It pulls from various social theories (Burrell & Morgan, 1979; Hassard & Wolfram Cox, 2013; Howe, 2016) to group “the varied, wide-ranging practices” identified by those who work within and alongside the sector. As visualized in Illustration 2, you can see that the core of the framework includes four roles for organizations and practitioners in the penal voluntary sector:

1. Functionalist regulator or fixers of individual ‘flaws’:
 - Functionalist regulators work under the assumption that the system mostly works as it should and that their job, whether as individual practitioners or organizations, is to mend individuals to function within the system.
2. Interpretive regulator or enabling individuals to fix their own ‘flaws’:
 - Interpretive regulators adopt client-centred approaches in their work and aim to foster trust with service users. The focus here is on empowering individuals to manage their own problems.
3. Radical humanists, thought changers, or agent of radical change:
 - Radical humanists give more weight to structural inequities in their work and attempt to raise awareness of the ways in which people are made vulnerable, marginalized, and oppressed.
4. Radical structuralist, distribution changers, or agent of radical social change:
 - Radical structuralists strive towards transformative change that involves dismantling current social structures and redistributing resources in a more fair and equitable way.

The fifth role – that of ‘brokers’ – will become more relevant in Chapter 6.

Although the model is not intended to neatly categorize anyone's work into a single box, it does provide researchers who are beginning to map the sector in their respective contexts a good baseline from which to expand analysis. Tomczak and Buck (2019b) completed their initial analysis using the model through a document analysis of finance statements and annual reports from various penal voluntary sector organizations in England and Wales. This analysis "focused on how [penal voluntary sector] organizations conceptualized their work" (p.9) and demonstrated both the complexity and fluidity of these activities. What follows is my own attempt at analysis through the lens of this framework, focusing first on the activities outlined throughout this chapter.

First, the work of navigating disclosure is mostly *functionalist* in nature. Providing guidance to people with criminal records about when and how they should disclose their criminalized status to others can be helpful, but it maintains a narrow focus on managing (not even fixing) individual flaws rather than addressing the broader failings of the system or the impacts of public attitudes and opinions informed by stereotypes about 'risky' people. Engaging with employers and landlords might reduce experiences of punishment and exclusion for some, but it is not the kind of public education or anti-oppression work that will influence much-needed structural shifts. Moreover, by selecting who should and who should not be referred to employers based on conviction history and perceived or assumed risk, penal voluntary sector actors are "shoring up structural inequality and exclusion by providing selected individuals with [band aid] solutions for chronic social needs" (p.10). This is particularly concerning for Indigenous, Black, and racialized people with criminal records for whom background checks are only one layer of the discrimination they face in the community (Pager, 2007). Overall, this work of 'fixing' or merely

managing the impacts of interpersonal stigma leaves people with some skills “to better endure unjust social conditions” (Goddard & Myers, 2017, p.130 as cited in Tomczak & Buck, 2019b, p.9) instead of building collective capacity to change those conditions.

Next, the work of making referrals starts to shift practitioners into the role of the *interpretive regulator*, but largely remains *functionalist* in nature. Participants talked about referring people to emergency shelters, food banks, financial aid services, and other places where they will encounter more ‘fixers’ who might temporarily mend whatever problem(s) they are facing that day. Moreover, these programs largely function to maintain well-disguised stigma power (Link & Phelan, 2014) through various policies and processes that inflict structural violence (Oudshoorn & Justrabo, 2020) and sustain structural stigma (Tyler, 2020). While some referral destinations – like legal clinics, employment and training programs, and housing services might begin to support people in challenging and changing their material conditions, this certainly is not the stated aim of these supports. As Tomczak and Buck (2019b) state: “Functionalist work can be experienced as very supportive” (p.10), but the reality of much of what practitioners described during interviews is that they are providing people with “stand-alone ‘fixes’” (*ibid*) – sometimes several per day.

The everyday advocacy work described by practitioners is perhaps where we really start to see the activities shift into the *interpretive regulator* box of Tomczak and Buck’s model. It was through the descriptions of these moments of advocacy that practitioners embodied a more client-centred approach by ‘meeting people where they are at’ in the community and just doing what needs to be done. Some focused on the importance of empowering individuals to eventually advocate for themselves, and others spoke to the

value of motivation as part of their day-to-day practice. This advocacy work acknowledges the ways in which different programs and institutions worsen the post-incarceration or post-criminalized experiences of the people they support, but the individual nature and focus of most of the activities described does not yet place them at the level of radical change. Some workers, like housing-based case managers and employment counsellors, did attempt to ‘raise consciousness’ and change the hearts and minds of some employers and landlords, but for the most part the focus remained on securing the future of the program rather than radically transforming systems.

It was evident that many penal voluntary sector actors truly value the lived and living experiences of service users – another characteristic of interpretive regulators. But, they often stopped short of mobilizing these experiences and knowledge to push for social change. Unfortunately, the work remains somewhat paternalistic in nature within the penal voluntary sector, and actors across the sector continue to mask structural and systemic sources of marginalization, exclusion, and oppression – whether intentionally or not. Overall, after analyzing these discussions with penal voluntary sector actors about how they navigate the collateral consequences of punishment, the work remains largely at a micro level. I relate Tomczak and Buck’s work to Stanley Cohen’s metaphor that I shared in Chapter 2. Even though practitioners probably do not want to think of what they do as expanding the carceral net, as long as their work remains within the ‘regulator’ boxes they will contribute to the systems, processes, and institutions that keep people caught up.

5.7 Conclusion

As this chapter highlighted, the penal voluntary sector is very much still concerned with managing individual problems. This is not to say that practitioners are not aware of structural issues; in fact, many clearly identified the very obvious forms of structural stigma that limit the work they can do within the confines of their respective organizations. Unfortunately for participants and the people they support in the community, it is difficult to focus on pushing back more strongly against this structural violence when workers are focused on “charts and tables that demonstrate how successfully the work has satisfied foundation-determined benchmarks” (Pérez & Sisters in Action for Power, 2007, p.93). In other words, administration impedes transformation. Reflections from Paul Kivel (2007, p.129) on his work to end male violence exemplify this dilemma:

I look around and see many shelters and services for survivors of domestic violence, but no large-scale movement to end male violence. I see many batterer intervention programs, but few men involved in challenging sexism. The loss of vision that narrowed the focus of men’s work reflects a change that occurred in other parts of the movement to end violence, as activists who set out to change the institutions perpetrating violence settled into service jobs helping people cope. Why does this narrowing of focus continue to happen in so much of our community work?

Kivel asks of the sector: “Can we provide social service *and* work for social change, or do our efforts to provide human services maintain or even strengthen social inequality?” (*ibid*). It is this question that I endeavour to answer in my final analysis chapter as I focus on efforts both within and alongside the penal voluntary sector to resist and eliminate the collateral consequences of punishment in Canada.

6. Resisting and Eliminating

“Not only resistance and protest should count as activism, but also building relationships between people that foster change in the community.”

(Hodgson & Brooks, 2007, p.20)

To this point, I have provided a snapshot of the work performed by various actors (mostly frontline) within the penal voluntary sector as they identify and attempt to help people navigate various ‘invisible punishments’ (Travis, 2002) in the community. I hope it is made clear through the narratives in Chapters 4 and 5 that the work and everyday advocacy performed in the sector has become increasingly complicated, not only because of the multiple and intersecting barriers faced by people with criminal records in the community but also because of institutional policies, practices, and processes that impede (or in some cases, halt) attempts at care and support. It is not only the changes made to Canada’s pardon system, along with other punitive shifts, that keep people “down, in, or away” (Link & Phelan, 2014). Various sources of stigma power and structural violence, like housing and service priority assessments, require constant navigation. While frontline practitioners, managers, directors, and others in the penal voluntary sector might be well-positioned to expose the misalignment that exists in the system(s) within which they work, many are (or at least, they feel) limited in their ability or capacity to resist or eliminate these disjunctures.

In this final substantive chapter, I reflect on what participants shared when asked what they think can be done to better support people with criminal records in the community. While some participants felt uncertain and conveyed that, “it’s hard to say what needs to be done” (Sarah, Youth Caseworker), others were quick to offer solutions and strategies. They talked about the importance of raising awareness and engaging in anti-stigma work, called for additional funding and resources, expressed their desired reforms

to Canada's *Criminal Records Act* and other related legislative and policy changes, and voiced concerns about the continued reliance on punishment in response to harm, conflict, and social issues more broadly. I will situate these responses within Tomczak and Buck's (2019b) framework, continuing the mapping work I started in Chapter 5. Next, I will shift into the last phase of this dissertation which is to reflect on my own advocacy work related to this research project.

Like Naomi Nichols who, throughout her research with unhoused youth, “deepened her relationships with activist lawyers, academic colleagues, and government workers, exploring how they might work together with community service providers to promote policy changes suggested by her findings” (Devault, 2020, p.90), I also endeavoured to foster relationships between academics, activists, practitioners, and people with lived and living experience to bring about meaningful change. Throughout my doctoral studies, I have remained very active in community-based settings and have engaged in a lot of advocacy work around the *Criminal Records Act* and other issues related to my research interests – such as homelessness, surveillance, and policing. In addition to being a member of the Criminalization and Punishment Education Project earlier on in my research, I am currently a co-chair of Ottawa's Community Adult Justice Network, a Director at Large for the St. Leonard's Society of Canada, I have volunteered with Circles of Support and Accountability, I am a member of the Alliance to End Homelessness Ottawa's Research and Evaluation Working Group, and a founding member of the Coalition Against More Surveillance. Furthermore, I have served as an expert witness on two constitutional challenges related to the 2010 and 2012 changes made to the *Criminal Records Act*, I have engaged with several local, provincial, and national penal voluntary sector organizations

on the issue of criminal records, and I have collaborated with other advocacy groups, like Cannabis Amnesty, and several politicians at all levels of government. These networks, connections, and resources have been invaluable to my research, and I will write in more detail about this work and the lessons learned from it later in this chapter. For now, I return to data collected through interviews to continue the discussion of advocacy within the penal voluntary sector.

6.1 Awareness and Anti-Stigma Work

Participants were keenly aware of the constant rejection and exclusion experienced by people with criminal records in the community. Consequently, many of their solutions or suggestions for how to better support criminalized folks included awareness-raising and anti-stigma work. A few participants focused specifically on the importance of public education and myth-busting around criminal records, even admitting the prejudices they held about criminalized people when they started working in the field:

We need to educate the public. When I first came here many, many years ago, I knew that these were ‘ex-cons’ in here, and all I knew was what I saw in movies and crap, right? Seriously! So, I didn’t know what to expect when I walked in here. I thought maybe I would see these big hairy guys with tats all over and blood in their eyes. I didn’t know! And I realized that, you know what? It’s so much nicer when we just treat people like people and not their past. It’s challenging at times, ok? To be able to do that. It certainly is. And I’m not 100% great at it, but I try. We have our biases, right? We do. And we have to just admit them to ourselves, so we don’t hurt the client. (Rick, Reintegration Worker)

Others confirmed these generally held views about equating criminalized status with violence (Denver, Pickett, & Bushway, 2017; Lehmann, Pickett, & Denver, 2019) and called for greater attention to and understanding of root causes of harm:

It’s the stigma of a criminal record. “Oh, they are bad people!” “Oh, lock them up!” ... A lot of people are really negative about it. (Brenda, Admin Assistant)

We need a greater public understanding of what it means to have a criminal record. Everyone makes this assumption that you're this big, scary person if you have a criminal record, whereas it could be a person that had a bad day or made a wrong decision or has mental health, or addiction, or [experienced] homelessness, or whatever perpetuated the criminal record to come to be. I think having a better understanding from the community at large would make a world of difference. (Leila, Executive Director)

For some people their perception of [criminalized people] is, "Oh, they are bad people, and we need to put them all in jail!" They don't really get that it can be anybody. It can be you. Me. Tomorrow I can be charged. It doesn't mean that a person is going to jail that they are monsters... That perception in society should be for sure worked on. I think that's something that's missing. (Tara, Housing and Reintegration Worker)

Workers across the penal voluntary sector insist that "the education piece is huge" (Robin, Acting Director of Operations), and it is the reason why many organizations will, at certain times, engage with media outlets to do some of this myth-busting work. In fact, Courtney (Residential and Community Support Worker) expressed frustration towards journalists who, she says, often reduce stories to common tropes about 'criminals' because that is what grabs attention from readers and viewers:

Stop just trying to sell a story... Create a conversation that is a little bit more dynamic than, "That is a bad person. We should all hate this bad person. Do we hate this person? Yes, we do." It's like, what story does that tell? It's not very complex and you are not giving me a chance to think for myself.

Courtney explained that frontline workers often must undo the harm caused by mainstream media by telling the stories of the people they support in the community. She emphasized the need for "compassion and empathy" to counter the "reactionary sensationalism" that often causes "a lot of pain to [her] clients and their families."

A recent public education campaign from the Calgary John Howard Society provides a counter-narrative to what is often written about people with criminal records in

the media. “I Am More Than My Criminal Record is a storytelling initiative... that aims to reduce the stigma associated with a criminal record, raise awareness of the discrimination faced by those with a record, and show how that can impact reintegration” (Calgary John Howard Society, 2018, para. 1). The website features a couple of dozen profiles⁴³ of people with criminal records with titles like “I Am a Mom,” “I Am Caring,” “I Am a Volunteer,” and “I Am a Student To Be.” This campaign was spearheaded by frontline workers who were finding it increasingly tough to find jobs for people accessing their employment program. After drawing some attention to the website, they successfully reached mainstream media sources (see CBC News, 2017b). Overall, this offers an important example of a public education and awareness campaign that centres on the experiences of criminalized people.

During interviews, participants also focused on the importance of doing public education and anti-stigma work specifically with employers. Amelia (Employment Counsellor) stated that just because “we do it every day” (referencing the work she does with her colleague as employment counsellors) does not mean that others cannot take on the work of “challenging assumptions” as well. Others agreed, while also challenging the practice of conducting criminal record checks generally:

Maybe having a liaison, or someone that speaks to different employers... advocating on behalf of clients to try and work with different employers to kind of reduce stigma. (Vicky, Manager of Residential Services)

My first thought is really that dispelling of myths and debunking the idea that you can't hire someone with a criminal record, or that a CPIC is in some way a very valuable thing, right? I think that there's this sort of prevailing idea that, “Oh! Well of course every job we need to have a criminal record check!” And well, no! Yes, there are some jobs where I would absolutely say a criminal record check is essential and to not have that would be negligent, but there would be other jobs where I don't

⁴³ You can read the stories here: morethanarecord.com

really understand the relevance. I don't know what you are going to get from that other than creating some kind of arbitrary benchmark or [hoop] for someone to have to go through. So, I think, I don't know how you would do that, but the gap would be that all employers – the whole sector of employers – need to get some education around things and to try to help them see the other side too. Like I mean, if we are not providing employment to these guys then what does that mean? (Cora, Director of Operations)

A brand-new initiative from the John Howard Society of Ontario in partnership with the City of Toronto called the Fair Chances Coalition attempts to address these concerns.

According to their website:

Fair Chance Hiring refers to policies, best practices, and training that any employer can use to help fairly assess candidates with a criminal record... [I]t's about creating a level playing field – it gives employers the knowledge and awareness they need to break down systemic, unfair barriers to employment. (John Howard Society of Ontario, 2021)

The campaign also highlights how systemic racism in the penal system disproportionately impacts Black and Indigenous peoples in Ontario. The coalition acknowledges that while “Fair Chance Hiring isn't a radical shift in policy... small changes to hiring practices can lead to more equitable and effective recruitment” (*ibid*).

Finally, regarding awareness and anti-stigma work, participants highlighted an immediate need to address discrimination in the housing market and returned to the discussion around the Crime Free Multi-Housing program (see Chapter 4). Christine, a Youth Housing Based Case Manager, really focused on this in response to my question about needs and potential solutions. She makes it a personal choice to avoid property management companies and landlords who insist on conducting criminal record checks as part of their application process, and thinks that if more people actively challenged this practice that it might have renters thinking twice about this discriminatory practice:

I have a really big problem with 'crime-free' buildings. Like, I will not,

as an individual, move into a ‘crime-free’ building even though I don’t have a criminal record because I don’t want to perpetuate the idea of that being a sell-point – because I think that is discrimination. If enough people also thought that was discrimination and wouldn’t move into a ‘crime-free’ building, then that wouldn’t be a sell-point and they wouldn’t do that anymore. The only reason those signs are on front porches and whatever is because it’s a sell-point, and it shouldn’t be...It’s legal discrimination which really sucks... It’s discouraging, but it can change if enough people realize that it’s discrimination.

Currently, there is no specific campaign in Canada to address the Crime Free Multi-Housing program or discrimination in the housing market based on criminalized status, but I have had several conversations with lawyers, academics, penal voluntary sector organizations, and housing advocates over the past decade about this issue. Given the federal government’s commitment to ending homelessness through a rights-based approach under the *National Housing Strategy Act* (see Government of Canada, 2021) and plans to end homelessness in cities across Canada (see Canadian Observatory on Homelessness, 2021), there are plenty of spaces within which to mobilize public education campaigns. Later in this chapter, I will speak more about my own efforts to initiate conversations around housing, homelessness, and criminalization.

Imogen Tyler (2020a, p.248) reminds us that while “anti-stigma initiatives have become central to charitable and public health campaigns aimed at ‘raising awareness’ and ‘combatting stigma’” these ‘benevolent social actions’ (Goffman, 1963) do little to address systemic issues. Furthermore, she warns of “the commodification of personal stories” by organizations “to raise operating funds during times of economic constraint” (Tyler, 2020, p.251; see also Costa et al., 2012). Especially when collecting and sharing the stories of people with criminal records, organizations and advocates must be aware of the additional harm, punishment, and exclusion that might result as people are named in the media –

especially online. This is not to discount efforts at public education and awareness, but to recognize the limitations of this approach in resisting and eliminating structural stigma and root causes of inequity and harm.

6.2 Secure More Funding and Resources

In my interviews, participants clearly felt the effects of austerity in their day-to-day work as plenty of their solution-focused responses had to do with needing more funding and resources. Leila, an executive director, said that “it’s the same anywhere else [she’s] worked.” Non-profit organizations are always expected to do “more with less,” which obviously impacts what can be done to support people in the community (Baines & Armstrong, 2019; Hemmings, 2017; Quinn, 2019). Tara (Housing and Reintegration Worker) agreed and noted additional challenges with fundraising efforts within the penal voluntary sector:

I think one of the major things, and I think every staff member would tell you this, would be more funding. We don’t, as a non-profit organization, we don’t have any core funding. So, we have to re-apply all the time and we are not a popular choice. When you want to go in the community and say, “Hey, do you want to give money to people that are involved with the criminal justice system, or may become involved in the system?” People are like, “Yea, no, not really.”

Participants shared thoughts about where injections of dollars and resources are desperately needed. The list included: mental health supports, safe-consumption sites and addiction treatment centres, housing supports, employment centres, and more social enterprises:

I wish I could win the [lottery] because I would be opening up some type of employment centre where all of these people with criminal records could come and work. (Jodie, Manager of Bail Program)

When it came to housing, the specific ask was for more *transitional* housing supports. Many frontline workers shared concerns about people being released from prison

and going directly into emergency shelters. They wanted to see more housing programs available to stop the cycle between incarceration and homelessness (Desai, 2018).

It just shouldn't be so hard to get a roof over somebody's head... I think that transitional housing is really important for people. (Tara, Housing and Reintegration Worker)

So, as soon as someone gets out of jail, if they don't already have a place lined up, we need some place for them to go so that they don't have to go to the shelter. So, it would just be transitional – short-term – until we can find them permanent housing. We need an intermediate step there because with the shelter they just go right back in the fire. So, we need a space where they can go which is safe. (Dawn, Reintegration Coordinator)

...there needs to be more of that! More transitional housing for people. (Jodie, Manager of Bail Program)

While there was hope from some penal voluntary sector actors that higher-ups at the city's housing department were at least listening to their concerns and a general sense that “things are definitely moving in the right direction” (Leila, Executive Director), others expressed frustration with a lack of follow-up on promises:

They know we need more housing, more resources in the community for addiction and mental health. But again...we need more funding to provide those things. (Geneviève, Volunteer Coordinator and Court Support Worker)

People were also exhausted by changes in government leadership that often means having to “start the fight all over again.”

We're on the right track now, but what happens after [the next election]? Depending on who is the government will make the difference, right? What the agenda will be if it's, you know, back to tough-on-crime? Bye-bye community supports! Or, are we going to continue to invest in what we've been doing and look at alternatives and support systems for those who have been criminalized, and giving folks the opportunities that anyone else would have? (Leila, Executive Director)

Rebecca (Employment Counsellor) wants all levels of government to “invest in people...

invest in them as human beings.” Others agree that funding needs to support not just *more* resources but more low-barrier, judgement-free services and supports that people can access without the bureaucratic nightmares that currently exist and often prevent people from accessing what they need to stay safe and well:

How about treating them like people?... Could you imagine if you were being punished your whole life because one thing? We need supports... We need to be able to not fight with social services. We need funding. We need more places like this that’s don’t judge and just try to help.
(Rick, Reintegration Worker)

The phrase “continuum of care” (Dawn, Reintegration Coordinator) is used a lot in the sector, with frontline workers constantly wishing for greater communication and movement between programs and services. Elisha (Housing Based Case Manager) had a lot (and rightfully so) to say about this issue, and noted specific challenges for people working to support criminalized folks in the community:

You know what I would love to see? More communication between resources. I think that’s been a huge barrier for me, even as a worker. I get so beyond frustrated with the system that I want to punch someone in the face, and my clients are like, “Elisha, it’s going to be ok!” And I’m like, “It’s not - it’s not ok!” Like I will sort this out and they are like, “Elisha don’t waste your time, there’s other things we could be doing,” and I’m like “I’m going to waste my time, because if it’s not you it’s someone else!” And this is where the vicious cycle starts. And like, I have no fucking time for it! This is fucked up! For example, based on this thing **points to the SPDAT assessment** they have to be homeless. Once they are homeless, they are allowed to be on my caseload. Ok, well, when I complete the social housing registry, which is also funded by my people, they are not considered homeless, so they don’t qualify because they were incarcerated. Why has that not been discussed? **hand gestures in frustration** So, stuff like that drives me bonkers! And so, like, where can we start fixing those connections for these people? Because... the little blips in the system deter them, and that’s not their fight to fight – that’s our job. And we’re failing them in that regard because they hear one thing from one person and they go to someone else and hear another thing and they are like, “Well fuck this! It’s easier to go use drugs.” And then so you find them a couple of days later and they haven’t slept in three days, and you are like, what’s going on? “Well, I’m stressed, Elisha.

I tried and I tried and it's so hard!" It's the same story over and over.

In other words, according to participants, resourcing the community with things like housing, mental health supports, treatment centres, and employment programs is not just about more money – it must also involve building the capacity for more coordinated access and compassionate navigation through these systems so that people do not get lost or simply give up (Dej, 2020; Nichols, 2016; Schwan et al., 2020; Welsh, 2019; YWCA Canada, 2009). Like what was highlighted in previous chapters, it is these systemic failings that keep people in a state of struggle and leave frontline workers unable to *actually* support people who access their programs.

More recent conversations around a universal basic income, or guaranteed liveable income, could be considered when talking about funding and resources that *actually* help people meet their needs. During the COVID-19 pandemic, we saw how quickly the Canadian Emergency Response Benefit (CERB) was mobilized to support people who lost income due to lockdowns. While “CERB is not a guaranteed basic income because it is conditional on previous earnings and designed for a limited amount of time... it [demonstrated] the government's ability” to provide people in Canada with the money they need to stay housed, fed, and alive (Office of Senator Kim Pate, 2020, p.3). Keeping people in poverty is a policy choice, and while non-profit organizations – including penal voluntary sector organizations – can help alleviate the impacts of poverty through various resources, supports, and programs, participants in this project clearly demonstrated the inability of the sector to do that work in a sustainable way. Also, they shared a desire to end suffering (e.g., by lifting people out of poverty) instead of supporting people through a series of crises. While more funding might improve service provision in select areas for

brief periods, we must acknowledge the role that the non-profit industrial complex plays in maintaining inequitable systems through a failure to distribute resources directly to individuals and communities in need (Smith, 2007). Instead of merely filling gaps with piecemeal funding and pilot projects, and strengthening service systems through improved coordination (Kivel, 2007), it is better to ask, as Nils Christie (1977, p.12) did: “Can we function without them?” At the very least, considering options like a universal guaranteed liveable income might alleviate some of the pressures experienced by frontline workers.

6.3 Reform the Criminal Records Act

Given the lengthy discussion in most interviews around criminal records and the impact of the record suspension regime, it was not surprising that many solutions or directions for advocacy from participants were related to Canada’s *Criminal Records Act*. The suggestions range from lowering the costs and wait times before eligibility to implementing an automatic pardon process that requires no fees or burdensome application.

I hope that the government will make it less financially onerous to get a pardon. (Thomas, Crisis Counsellor)

They need to lower those wait times... It needs to go back to what it was, where the cost is not high, or people don’t have to wait as long in the process. They could probably streamline the process a little bit as well. (Jodie, Manager of Bail Program)

I think there could be an automatic expunging of the record... I know there’s some other countries that do [that]. And so, I mean those countries haven’t collapsed because of this, right? So, there could be an automatic expunging. What’s the purpose of creating a sub-class of people who are always going to be lesser than because of the restrictions imposed by having a criminal record, right? (Cora, Director of Operations)

Additionally, because the current process involves a lot of paperwork that gets submitted to various courthouses, police stations, and other institutions, some participants specified

that penal voluntary sector organizations need financial support for all their work to guide people through that process.

We could use some financial supports around the pardon, for sure.
(Rebecca, Employment Counsellor)

It would be fantastic to be able to have funding to have someone dedicated to this cause... A lot of the staff are doing this off the side of their desk on top of their regular mandate for their program. So, if we could start by adding some resources to provide support for the pardons would be fantastic. (Leila, Executive Director)

Participants were still willing to support people through the record suspension application process, whether they were remunerated, but highlighted this as another example of the unpaid and unrecognized work within the sector.

Beyond calling for reforms to the *Criminal Records Act*, penal voluntary sector actors hinted at changes required to other laws and policies to support people with criminal records in the community. First, Rebecca (Employment Counsellor) returned to the issue of media articles and search engines generating digital records (Lageson, 2020) that are more easily searchable by employers, landlords, and others:

And some kind of legislation done on the media – social media – some laws, some legislation... When we came on board, disclosure was private, it was confidential, and now you just Google somebody's name and it's all there! So, people are just stripped bare with no rights and no protections!

In response to this, many advocates within the penal voluntary sector have suggested reforms to privacy laws that align with the *General Data Protection Regulation* (GDPR) in the European Union. The GDPR “gives individuals the right to ask organizations to delete their personal data” in specific circumstances through a clause titled “the right to be forgotten” (GDPR, 2021). Others support these privacy reforms (see McAleese, Johnson, & Ladouceur, 2020) as erasure clauses are being considered at both federal and provincial

laws are being reviewed in Canada (Gratton, Nagy, & Du Perron, 2021; Special Committee to Review the Personal Information Protection Act, 2021).

Another suggestion from Amelia (Employment Counsellor) included creating “a national platform and regulation about how records checks are used and what information can be disclosed.” She felt as though recent changes in Ontario through the *Police Record Checks Reform Act* (see Canadian Civil Liberties Association, 2018) “didn’t go far enough” and wants to see greater protection for people with criminal records who often are not aware of their privacy rights. Other participants, like Luke (Business Developer), echoed these concerns and want to see stricter guidelines for employers and others about when and how they can impose background checks – particularly more in-depth screenings like vulnerable sector checks:

I’m just thinking out loud, but it should just be banned altogether unless it’s a vulnerable sector, and even in a vulnerable sector, it should have to be relevant to that position. I just don’t see any usefulness in it otherwise.

These directions for advocacy and reform are already reflected in ongoing initiatives like the Fair Chance Hiring campaign mentioned previously and the Fresh Start Coalition, which I will return to in a moment.

6.4 Move Beyond Punishment

A final and significant theme that emerged from my conversations with penal voluntary sector actors continues the awareness and anti-stigma work mentioned at the outset of this chapter and pushes it (albeit only slightly) towards more critical and transformative work. Near the end of almost every interview, participants started to challenge carceral logics and vocalize their frustration about ongoing reliance on prisons and punishment in reaction to social harms and problems.

It's gotta stop. We can't keep punishing everybody. It's just getting sadistic. It's ridiculous. I mean, if someone wants to work and have a life, what the hell are we doing? (Rick, Reintegration Worker)

And it's not great for reintegration...Like, what is the point of putting them in jail? If it's punishment, fine, but if it's rehabilitation, then you can't be saying that these people are going to come out and be happy-go-lucky members of society when there's so many freaking barriers for them. So, in Canada, we are supposed to be rehabilitating people in there, so that's supposed to be what we should be worried about doing, but we are not helping them when they come out, and then the cycle is just going to perpetuate itself. (Tara, Housing and Reintegration Worker)

It's so hard to over-state how destructive and terrible our system is... Ultimately, if what we want is a safer society, then what we need is to help people, to bring people from marginalization and social exclusion into inclusion, you know? (Mark, Executive Director)

People working in the community to support people with criminal records acknowledge that “there is life after incarceration” (Rebecca, Employment Counsellor), and their day-to-day advocacy involves reminding people of this. Some opt for fiscal arguments:

I mean, come on! I don't care where you are from – it just doesn't make sense! It costs, what, like \$300 a day to incarcerate someone? Like frig! Come on! Use the \$9,000 for something else! Give them housing! (Rick, Reintegration Worker)

And others challenge notions of what is assumed to foster public safety, urging people to think about community-based approaches and solutions:

I always think it's back to public safety. Like, anything that we do, we can just go back to public safety and building a stronger community, right? Because at the end of the day, our clients are a part of the community, and they need to be safe in the community. (Dawn, Reintegration Coordinator)

Further to this, participants emphasized once again that individualized approaches to resolving harm and conflict are entirely insufficient. “Why do we keep doing this?”, David (Reintegration Caseworker and Community Developer) asked about criminalization, punishment, and incarceration. “People know what needs to be done to fix

the structural issues, but no one wants to do it.” He expressed annoyance with what he called “talking in circles” with his managers, directors, and other decision-makers across the city. “I’m tired of having to tell them what works. You need a combination of everything... there is no perfect solution.” (A reminder that David was the one who highlighted issues with funding structures and the seemingly endless cycle of pilot programs in Chapter 5). Others shared David’s disappointments, including Mark (Executive Director), who elaborated on problematizing the rehabilitative ideal that ignores structural and systemic barriers in favour of ‘fixing the individual’:

If you are putting somebody back into the same socio-economic situation, into the same community, with the same barriers... this would be like my fundamental critique of the correctional system. I mean, there is a lot of critiques, but one of the big critiques is that the whole thing focuses on this idea of rehabilitation. The idea is that you have people who have psychological deficits or whatever, and so the whole idea is you go in, and they meet with a behavioural scientist, and they go through all of this psychometric testing and whatnot. Then it comes out, and they have scores, and they say, “Ok, this needs to be brought up to this score,” and they do programming, they do cognitive-behavioural therapy, they do anger management and all this stuff. And the whole idea is about fixing the individual, and if you do that, then the individual is rehabilitated, and they will go out and be fine. But, what that neglects is all of the socio-economic factors, right? So it takes out of the equation poverty, it takes out of the equation community and family, it takes out of the equation housing and employment. Like... I don’t care what kind of CBT skills you have; it’s the socio-economic factors which are really deterministic. You know what I mean?

While it is powerful and important to witness individuals working within the penal voluntary sector pushing back against ideals and philosophies of punishment, like rehabilitation, that have long been upheld in Canada and elsewhere (Canton, 2017; Moore & Hannah-Moffat, 2005), rarely does it translate into them joining collective efforts to begin to dismantle these harmful policies, processes, and programs. In fact, and as I will explain further below, the penal voluntary sector often blocks (whether intentionally or

not) the meaningful and transformative changes that many participants outlined in their responses to my interview questions.

6.5 Striving for Change

I now return to Tomczak and Buck's (2019b) work to situate what has been presented in this chapter regarding attempts at resisting and eliminating the collateral consequences of punishment and structural stigma in Canada. In Chapter 5, I used the framework to start mapping the work and advocacy in the penal voluntary sector – based on information gathered through interviews. A reminder that the core of the framework includes four roles for organizations and practitioners:

1. Functionalist regulator or fixers of individual ‘flaws’.
2. Interpretive regulator or enabling individuals to fix their own ‘flaws’.
3. Radical humanists, thought changers, or agent of radical change.
4. Radical structuralist, distribution changers, or agent of radical social change.

In this chapter, I will also expand on the role of ‘brokers’ – a coordinating individual or organization that “connect[s] like-minded organizations and facilitate allegiances and solidarity across punishment, criminal justice and broader social movements” (Tomczak & Buck, 2019b, p.15) – to frame and expand upon my efforts at public criminology.

While the everyday work in the penal voluntary sector (e.g., disclosure, referrals, day-to-day advocacy) remains very regulatory in nature – focused on fixing individual flaws or enabling individuals to fix their own flaws – discussions near the end of each interview began to lean into more ‘radical’ work (as defined in this framework). As described earlier, radical humanists, or thought changers, give more weight to structural inequities in their work and attempt to raise awareness of how people are made vulnerable,

marginalized, and oppressed. Such “[c]onsciousness-raising practitioners appreciate that individuals’ subjective conditions exist within an inequitable society, which can be changed by raising awareness of oppression” (Tomczak & Buck, 2019b, pp.12-13). The work undertaken by radical humanists in the penal voluntary sector resembles anti-oppressive practice, in that “raising consciousness and pointing to alternative social relations” (p.13) becomes “a building block for a broader social justice agenda” (El-Lahib, 2017, p.20). By making people more consciously aware of how people are made and kept vulnerable and marginalized by various systems, policies, processes, and practices, actors in the penal voluntary sector can build capacity and momentum for much-needed changes.

As participants described the importance of public education efforts, myth-busting, sharing counter-narratives, and generally raising awareness about the harms of criminalization and punishment, they embodied this radical humanist position and perspective. In these moments of expressing frustration about the ongoing discrimination and exclusion experienced by the people they are trying to support in the community emerged solutions about how individuals, organizations, and communities might start to address the injustices and inequity they witness and navigate every day. There was also an acknowledgement of the ‘thought-changing’ activities they undertake day-to-day in their roles as workers in the penal voluntary sector (e.g., meeting with employers and landlords to break down interpersonal stigma), but an understanding of the unsustainability of this micro-level approach to eliminating the collateral consequences of punishment and structural stigma. Furthermore, and as others have noted, “[t]aking time to reflect on the systems in which we operate is, sadly, usually considered a luxury” (Whitmore, Calhoun, & Wilson, 2011, p.160) – especially for those working in frontline positions.

The initiatives named above – I Am More Than My Criminal Record and the Fair Chances Coalition – are examples of consciousness-raising. Sharing personal stories of challenges and hardships caused by criminalization and connecting with employers to challenge the reliance on criminal record checks serve to open space for much-needed conversations. The penal voluntary sector has a history of engaging in such radical humanist practice, lobbying for reforms that aim to improve conditions for individuals and communities, but often the reach, scope, and results of these efforts are limited and eventually corrupted by carceral power. For example, ‘benevolent’ and ‘therapeutic’ reforms like drug treatment or mental health courts (Moore, 2011) that seemingly prioritize care and treatment over punishment and criminalization but instead “shore up coercive carceral regimes” (Tomczak & Thompson, 2017) and widen the carceral net. So, while the role of creating spaces for lived and living experiences to be heard and prioritized remains essential (Calhoun et al., 2011), and efforts to instigate change might *seem* radical, the results are typically anything but revolutionary. Through careful compromise, and as a result of the caution that remains due to previous threats to funding (Elson, 2008), we are often left celebrating “vanilla victories” (Stroup & Wong, 2017) or “cosmetic changes... [that] do not improve conditions for [criminalized people]; rectify faults and abuses; enforce or introduce better methods; or abandon evil ways” (McKinnon, 2021, p.41).

As for the fourth role or category outlined in Tomczak and Buck's (2019b) model for conceptualizing activity within the penal voluntary sector, I do not think I can classify any examples within my interview data as ‘radical structuralist’ nor any of the organizations (as they were structured at the time of my interviews) as ‘distribution changers’ or ‘agents of radical social change.’ While there are certainly hints at the need

for transformative change and general understandings of the importance of rights-based approaches to issues like housing and employment, I think this role demands more substantial and sustained efforts at dismantling current social structures that keep people in a state of struggle. Participants had a strong desire to “reduce unnecessary imprisonment and promote community solutions” (p.14), but, once again, limitations are placed on both the ability to advocate more publicly for these necessary shifts. As others have noted, “[t]he nature of non-profit structures, the power and influence of foundation funding, and the relationship of both to social change organizations present complex and challenging questions for the movement” (Pérez & Sisters in Action for Power, 2007, p.91; see also Woolford & Hogeveen, 2014). Specifically a movement that favours abolitionist solutions, like decarceration and dismantling prisons or disarming and defunding the police, versus more reformist aims like community policing and new surveillance technologies (Abolitionist Futures, 2020; Davis, 2003; Kaba, 2021). This is why calls for more caring, equitable, and anti-carceral policies, processes, and structures from brokers (in this case, public criminologists) can play a key role in resisting and eliminating the collateral consequences of punishment – albeit a position that itself comes with limitations.

6.6 Reflections on Doing Public Criminology

“If criminologists are concerned with trying to effect social change, how should they intervene at a time when there is notable resistance (e.g., people again taking to the streets in large numbers) to interpersonal and institutional violence, state impunity, and capitalism’s excesses in Western democracies?”

(Piché, 2015a, p.71)

In this section, I discuss and reflect upon my experiences of doing public criminology – situating this work alongside that of the penal voluntary sector in Canada. Like others who have done similar work during their doctoral research, I want to talk about public

criminology not only as “an after-product of [criminological] knowledge” but “as a reflexive, praxis-based, and interdisciplinary model [that is] part of the research process” (Fairbairn, 2015, p.147). As a reminder, in Chapter 3, I outlined arguments for a more organic, engaged, and politically active form of public sociology/criminology (Feagin et al., 2009; Hanemaayer & Schneider, 2014; Piché, 2014). Rather than simply positioning myself as an ‘expert’ to reassert the discipline's relevance in public and political spaces, I attempted to move beyond a “unidirectional transmission of knowledge” (Nelund, 2014, p.70). I did not move forward in my work thinking about research and advocacy as separate processes – but as complementary. I assert that a public criminology informed by methodological frameworks like institutional and political activist ethnography acknowledges that research and advocacy can (and do) happen simultaneously and that one can (and should) inform the other. In other words, I was not prepared to hide the fact that I am a political being throughout my doctoral research process. As Lorenzetti (2013, p.456) writes:

A social justice researcher is an activist who has already discovered a new set of lenses, evolving tools, and pathways. It is not a separate self called “an academic” but an extension of one’s role as someone invested in human rights, social change, and collective well-being.

To set parameters around discussion and reflection in this section (because realistically, I could write an entire dissertation on this work alone), I have identified three types of activities that I believe best capture my work and advocacy since 2013. Therefore, this is not a chronological review but rather a thematic re-telling of the work. The first is **public writing**, which includes blog posts, op-eds, public reports, and social media content. The second is **public consultation**, which includes not only traditional consultation processes (and working with others to involve them in these processes), but also engaging

directly with public servants, policymakers, politicians, legal professionals, and others regarding reforms to the *Criminal Records Act* and related policies and legislation. The third and final category is **public events**, which includes a discussion of the various spaces I have shared with penal voluntary sector practitioners over the years, like conferences, annual general meetings, and community meetings. I will discuss and reflect upon these activities through Tomczak and Buck's (2019b) framework and supplement analysis with work from others that push the boundaries of what it means to be an activist-academic (Belknap, 2015; Hannem & Bruckert, 2012a; James, 2003; Nelund, 2014; Piché, 2014; G. W. Smith, 1990; Woolford & Hogeveen, 2014).

6.6.1 Public Writing

I begin with public writing, not only because it is a more common or traditional form of public criminology, but because this work planted the seeds for ongoing, and more relational and interactive, work to flourish. Often referred to as 'newsmaking criminology', this strategy uses "mass communication for the purposes of interpreting, informing, and altering the images of crime and justice, crime and punishment, and criminal and victims" (Barak, 2007, p.191). Similar to policymaking efforts taken up by public criminologists (Petersilia, 2008), newsmaking criminology attempts to shape the conversations that people are having about criminalization and punishment in both public and political spaces. For some, engaging in newsmaking criminology might be done to uphold existing narratives about how individuals and communities should respond to harm (like offering 'evidence-based solutions' to police reform), while others engage in this work to disrupt the status quo and insert more transformative and abolitionist language, tools, resources, and approaches into the mainstream discourse (Piché, 2015b).

My public writing activities started small, with a few reflection pieces and blog posts as part of my advocacy work with the Criminalization and Punishment Education Project [CPEP]. The first piece summarized a public forum I helped organize in April 2013 at the University of Ottawa.⁴⁴ The forum took place just over a year after the full range of changes were made to the *Criminal Records Act* under the Harper government and highlighted the immediate and detrimental impacts of the new record suspension regime. I have included most of the testimonials shared at that event in Appendix B. These stories demonstrate the hardships caused by these unnecessary reforms – all of which have been repeated and affirmed throughout this dissertation and over the years as I have continued to engage with and support people with criminal records through the record suspension application process.

I contributed a few blog posts alongside other CPEP members following this event. The first from March 2015 outlined the criteria and limitations of the record suspension regime to continue to raise awareness around this issue.⁴⁵ A subsequent post in the same month drew attention to the backlog of pardon applications at the Parole Board of Canada.⁴⁶ In 2012, the backlog was reported at 22,500 applications (Cheadle, 2015c), and by 2014 it dropped to around 7,000 (Cheadle, 2014; Cheadle & Dib, 2013). But, in March 2015, the Parole Board of Canada announced that it could “no longer dedicate its resources to clearing [the] backlog” (Cheadle, 2015a, para.1). This announcement left around 6,000 people unsure when or if their applications would ever be processed. Therefore, the blog

⁴⁴ You can read the summary here:

https://sciencessociales.uottawa.ca/criminology/sites/socialsciences.uottawa.ca/criminology/files/crm/CRM/cpep_fact_sheet_-_pardon_who_-_samanthamcaleese_-_dec2013.pdf

⁴⁵ This blog post can be found here: <http://tcp-canada.blogspot.com/2015/03/on-disintegration-and-destruction-of.html>

⁴⁶ This blog post can be found here: <http://tcp-canada.blogspot.com/2015/03/pardon-backlog-update-and-call-for.html>

post was a call to action that included a letter template that people could send to Stephen Blaney (the Minister of Public Safety at the time) to demand immediate attention to this issue. In May 2015, after the letter-writing campaign, Blaney assured folks that the Parole Board of Canada would receive the resources required to clear the backlog (Cheadle, 2015b). The backlog was not fully cleared until the end of March 2017, and while this was an unacceptable amount of time for people to wait to have their records sealed, I do not believe the resources would have been shifted without public awareness and pressure on elected officials from both individuals and organizations across the country.

My next blog post, from April 2015, highlighted the Ban the Box initiative that was, at the time, gaining traction across the United States.⁴⁷ It was important for me to draw attention to the barriers to employment for people with criminal records, especially since I was working frontline in an employment program at the time, and this grassroots movement and anti-stigma campaign seemed like significant work. As I highlight in Chapter 5, recent studies demonstrate the limits of this campaign and resulting policies – but folks involved in this advocacy laid some essential groundwork for others fighting against discrimination based on criminalized status (for example, see: Collateral Consequences Resource Centre, 2020). This blog post led to a connection with frontline workers at the Calgary John Howard Society, which I will speak to more in a subsequent section. Relatedly, the final post I contributed to the CPEP blog summarized an event I attended in Halifax in April 2015.⁴⁸ I was invited to this event because of my public writing and involvement in organizing the 2013 forum in Ottawa. Again, I will speak to these

⁴⁷ The blog post can be found here: <http://tcp-canada.blogspot.com/2015/04/is-it-time-to-ban-box-in-canada.html>

⁴⁸ The blog post can be found here: <http://tcp-canada.blogspot.com/search?q=mcaleese&updated-max=2015-03-16T08:23:00-07:00&max-results=20&start=0&by-date=true>

additional connections with the penal voluntary sector and other advocates across the country below.

As I began my doctoral studies and found myself out and away from the restrictive zone of doing political advocacy work within the penal voluntary sector, I continued “to create knowledge in the service of social transformation” (Wilson, Whitmore, & Calhoun, 2011, p.19). While this certainly involved writing and mobilizing my research in academic spaces (McAleese, 2017a, 2019a, 2019b; McAleese & Kilty, 2019), it also included other more public writings in the form of op-eds and public reports. I collaborated with the John Howard Society of Canada on a report funded by the Canadian Bar Association to raise awareness of the impacts of the record suspension regime and to offer suggestions for reform (see: McAleese & Latimer, 2017). The report presented two options: (1) reversing the 2010 and 2012 amendments to the *Criminal Records Act*, and (2) closing criminal records automatically as an operation of law. This report has informed subsequent advocacy alongside the penal voluntary sector and has supported public consultation work – which I will return to in the following sections. Additional public writing started in 2017 when I published my first op-ed.⁴⁹ I wrote this piece as the federal government was working on the *Cannabis Act* and wanted to raise awareness on what was a glaringly missing piece from the proposed legislation – automatic record expungements for people with cannabis-related convictions. Furthermore, I used the piece as an opportunity to advocate for broader reforms to the *Criminal Records Act*, based on my work with the penal voluntary sector and my ongoing research on the collateral consequences of punishment and structural stigma.

⁴⁹ You can read the op-ed here: <https://ottawacitizen.com/opinion/columnists/mcaleese-heres-why-canada-needs-more-automatic-pardons-for-crimes>

Subsequent opinion columns in the Ottawa Citizen in 2018 and 2019 continued raising awareness about the ongoing harms caused by the record suspension regime and the challenges faced by people with criminal records in the community.^{50, 51} Furthermore, these pieces challenged the federal Liberal government to make good on their promise to overhaul the process (Crawford, 2016) and support efforts from others like Senator Kim Pate, who has now on several occasions introduced a Bill that outlines a free and automatic spent record system (see: Chen, 2021). These op-eds, along with others in The Conversation⁵² and in The Hill Times,⁵³ have allowed me to more consistently mobilize my research (and information from other academics and penal voluntary sector organizations) that supports a new approach to criminal records management in Canada. Participating in media interviews has also helped this work, but not in the same way. Journalists are very interested in speaking to criminalized people when writing stories about pardons and criminal records and would often connect with me in the hopes that I could encourage others to come forward and tell their stories. The people I knew were rightfully concerned about doing so, given that it would result in yet another internet search result that tied their name to a criminal record (Lageson, 2021), and therefore I usually had to decline the request. Thankfully, I have connected with many journalists over the years who adopt a more responsible approach to reporting on these stories (see Gerster, 2019; Zingel, 2019), but op-eds remain my preferred approach to disseminating research via

⁵⁰ You can read the op-ed here: <https://ottawacitizen.com/opinion/columnists/mcaleese-liberals-were-still-waiting-for-real-change-on-pardons>

⁵¹ You can read the op-ed here: <https://ottawacitizen.com/opinion/columnists/spratt-and-mcaleese-canadas-record-suspension-system-is-punitive-and-must-be-fixed>

⁵² You can read the op-ed here: <https://theconversation.com/canadas-new-lacklustre-law-for-cannabis-amnesty-119220>

⁵³ You can read the op-ed here: <https://www.hilltimes.com/2019/10/30/will-a-minority-government-bring-a-renewed-approach-to-cannabis-amnesty/222029>

mainstream media.

Finally, and undeniably my most prolific form of public writing, is social media – namely, Twitter. In 2012, Leslie Regan Shade and Normand Landry wrote that “[t]here is considerable debate over the power and influence of social media in political discourse and for activism” – a conversation that continues today (Hu, 2020; Khiry, 2020; Loreto, 2020; Nixon, 2021). While we have indeed witnessed “the potential that communication technology holds for social resistance and mobilization” (Regan Shade & Landry, 2012, p.302), concerns remain about privacy and surveillance, especially as it significantly impacts Black, Indigenous, racialized, and other marginalized communities and activists (Chase, 2011; Crosby & Monaghan, 2017; Uldam, 2018). While my tweets have never resulted in a trending hashtag, I have found this platform helpful in raising awareness, networking, and mobilizing snippets of my research. For example, because of my tweets about the record suspension regime, criminal records, collateral consequences of punishment, the penal voluntary sector, and homelessness, I have connected with other researchers, advocates, organizations, frontline workers, people with lived and living experience, journalists, and politicians. Specifically, my tweets about cannabis records in 2017 and 2018 led to connections with the Campaign for Cannabis Amnesty⁵⁴ and former NDP MP Murray Rankin (more on this in the next section).

As social media continues to be “an integral component in contemporary social and political struggles... [allowing people] to tell their stories about social justice in creative, passionate, and imaginative ways” (Regan Shade & Landry, 2012, p.313), it becomes yet

⁵⁴ The Campaign for Cannabis Amnesty organized around Bill C-93 – *An Act to provide no-cost, expedited record suspensions for simple possession of cannabis* – pushing instead for full and automatic expungement of criminal records relating to cannabis. More information about the Campaign available here: <https://www.cannabisamnesty.ca/>

another tool in the kit for the public criminologist.

In thinking about brokerage in the context of Tomczak and Buck's (2019b) framework, I believe this is the role I have played with my public writing. While the framework focuses on organizations that "connect like-minded organizations and facilitate allegiances and solidarity across punishment, criminal justice and broader social movements" (p.15), I think that individuals outside of these organizations can also take up this mediating work. Tomczak and Buck do acknowledge that "academics have a larger role to play" (see also: Belknap, 2015), primarily because of the restrictions placed upon penal voluntary sector organizations that prevent them from being more heavily involved in more overt forms of political advocacy and broader social movements (Elson, 2008; Hemmings, 2017; Rodríguez, 2007; Woolford & Hogeveen, 2014). My public writing is just one form of this brokering work – next, I will discuss consultation as another form.

6.6.2 Public Consultation (and Confrontation)

Due to the controversial nature of the changes made to the *Criminal Records Act* and ongoing awareness of the increasingly pervasive nature of (the collateral consequences of) punishment in Canada, I have participated in various forms of consultation related to these issues. I consider this work a type of public criminology, or brokering, as it requires translating knowledge into various spaces and places outside of the academy along with a collective and collaborative approach to ensure adequate representation of concerns and experiences. I will write specifically about two examples of consultative activities. The first, a more traditional example, entails experiences engaging in two public consultation processes facilitated through the federal government – one through the Ministry of Public Safety and the other through the Parole Board of Canada. And the second, more informal

moment and opportunities I had for consultation (and confrontation) with bureaucrats, policymakers, and politicians around laws and policies related to criminal records in Canada. While the results of these have certainly led to what Lydia Miljan (2018, p.100) calls “democratic frustration” resulting from a “disconnect between public opinion and government policy-making” there are still important lessons to take forward in the work and other advocacy around specific social issues.

Generally speaking, public consultation is supposed to allow for “a two-way communication between the government and the electorate” (Miljan, 2018, p.101; see also Culver & Howe, 2004) and is used to lend legitimacy to eventual policy decisions (Catt & Murphy, 2003). While public consultation processes went dormant throughout the Harper decade, there was optimism in 2015 that the newly elected Liberals would not only revive this practice but reinvigorate the federal government’s reliance on evidence and expertise (including lived and living experiences) more broadly (*ibid*). Public participation, facilitated through targeted consultations, is “one of the cornerstones of democracy” (Saab, Bermejo, Garcia, Pereira, & de Silva, 2018, p.796), but can also be experienced as “mere bureaucratic procedure” (p.797) that often fails at being truly inclusive and equitable. For example, Tom Perreault (2015, p.434) writes about this form of engagement with Bolivia’s mining sector, highlighting that “public consultation processes are tightly managed... [and serve to depoliticize] unequal and unjust social relations.” Overall, there is a pessimism around the purpose and value of public consultations, but they often provide the only direct line between frontline workers, people with lived and living experiences, and decision and policymakers.

In Spring 2016, the Parole Board of Canada conducted an online public consultation

process on the record suspension program user fee.⁵⁵ This was the first consultation after the fee went from \$50 to \$631 in 2012. As I became aware of the consultation, I shared the links with my immediate networks, including academics, people with lived and living experiences, and folks working and volunteering in the penal voluntary sector. I also shared the links regularly on social media, providing additional context for those who might not have been aware of the changes that were made to the fees and the application process overall. A summary of the results (from a total of 1,607 responses) indicates that people think the record suspension process is “too long and complicated,” and 96% of respondents agreed that the \$631 user fee is a modest to significant barrier (Parole Board of Canada, 2016a). Despite this, and as I mentioned earlier, the application fee continued to rise under the *Services Fees Act* to \$657.77 (plus the additional costs associated with the various pieces of the application). The report claimed that these findings would “contribute to the broader criminal justice review relative to the Record Suspension Program” (*ibid*), but again, this statement was made without a sense of urgency (the fee was not dropped to \$50 until January 2022).

Following this, Public Safety Canada launched another consultation process in the Fall of 2016 to examine the entirety of record suspension regime. This started with an in-person meeting downtown Ottawa in September 2016 with selected stakeholders from the penal voluntary sector. I attended this meeting as part of my work with the John Howard Society of Canada, and we used this as our first opportunity to advocate for a free and automatic spent record regime. After this roundtable, Public Safety launched another online survey, and I once again went to work. I created a template of answers to the questions in

⁵⁵ More information here: <https://www.canada.ca/en/parole-board/programs/user-fee-consultation.html>

the consultation based on my research and input from penal voluntary sector actors and people with lived and living experiences. I shared this document within my networks and anyone who would have it. What I did differently this time, though, intending to increase the participation of people with criminal records in the consultation process, was I facilitated a series of in-person workshops. I organized one with members of the Community Adult Justice Network and another with staff, volunteers, and core members from Circles of Support and Accountability [CoSA]. For the second workshop with CoSA, I made sure that we had access to several laptops and computers so that people with limited literacy skills, people with no access to technology at home, and people with conditions that prevented them from going on the internet unsupervised, could participate. This workshop was a great success, with around twenty people taking the time to fill out the survey. Attendees were thankful that I took the time to explain the consultation process to them and helped them articulate their experiences and responses concisely. Most expressed that they “never usually participate in this stuff” because “no one cares,” and they “never know when these things are happening.”

Public Safety released the consultation report in January of 2017 with a disappointing disclaimer:

Due to the consultations online delivery and self-report nature, the results compiled from this study may not be generalizable to the general public. The consultation was open to any person who wanted to take part, however, it may be that those already interested in the criminal justice system review and records suspension program were more likely to respond. As such, this sample of responses may not be representative of the values of Canadians as a whole. (EKOS Research Associates Inc., 2017)

In one fell swoop, this statement undid all the work I and others did to encourage participation in the survey and assumed that “the values of Canadians” do not align with

those impacted by the penal system. This consultation confirmed what we saw in the first one from the Parole Board of Canada and what I had heard on the ground since 2012: most participants described the record suspension application process as either very hard or somewhat hard; 86% of participants agreed that certain convictions warrant complete expungement; 83% supported an automatic spent record process for certain convictions, and 74% of participants indicated that they think the waiting periods before eligibility are too long. These findings align with the information provided by penal voluntary sector organizations regarding policy directions, but the disclaimer at the beginning of the report effectively allows the government to dismiss the results of this consultation.

It is certainly disappointing to witness the federal government ignore various consultation processes and multiple constitutional challenges (see Spratt & McAleese, 2019) that confirm the violence and exclusion facilitated through the punitive record suspension regime – especially after the promises made by then Public Safety Minister Ralph Goodale to overhaul the entire process. It is even more disheartening that the government, at least as demonstrated through the response (or lack thereof) to these consultation results, does not take seriously the experiences of those who work in the penal voluntary sector and those caught up in the penal system. This dismissiveness was on display once again in 2018 as the federal government moved forward on their promise to address criminal records for cannabis-related offences.

In October 2018, the federal government passed the *Cannabis Act*, which effectively legalized cannabis possession in Canada. The legislation primarily addressed public health and safety issues while sidelining social justice concerns (Wesley, 2019a; 2019b). Most notably, and despite the disproportional impact of cannabis prohibition on

Black and Indigenous peoples and communities (Maynard, 2017; Owusu-Bempah, Luscombe, & Finlay, 2019), this monumental policy shift did not address the issue of outstanding cannabis-related criminal records. It was not until the day before legalization that Ralph Goodale announced a plan to address this issue and months later introduced Bill C-93 – *An Act to Provide No-Cost, Expedited Record Suspensions for Simple Possession of Cannabis*. The legislation was widely critiqued by advocates, lawyers, practitioners, politicians, and researchers who instead wanted to see a full and automatic expungement of these records. For example, Annamaria Enenajor from the Campaign for Cannabis Amnesty declared the effort “woefully deficient” (Balkissoon, 2018, para. 18). The debate around C-93 came down to a choice between two policy instruments – record suspension or record expungement. This is where consultation played an important role.

After a series of tweets I published in reaction to C-93, I was contacted by two individuals. The first was from Dr. Akwasi Owusu-Bempah (Assistant Professor, Sociology, University of Toronto), who asked me to help with some research for the Campaign for Cannabis Amnesty. The second was Murray Rankin, who at the time was an NDP MP, who had introduced his own legislation for consideration: Bill C-415 – *An Act to Establish a Procedure for Expunging Certain Cannabis-Related Convictions*. Rankin described C-93 as “a half-measure” (Aiello, 2018) and was looking for support for his expungement bill. Through Rankin’s office, I joined the Campaign for Cannabis Amnesty, the John Howard Society of Canada, and Senator Kim Pate in an informal but collaborative consultation process. We shared research and resources to help Rankin strengthen his bill and the arguments for it. On 6 December 2018, we gathered for a press conference at Parliament Hill to express our concerns for the government’s bill and to push for an

expungement process. Unfortunately, despite growing support for C-415 and criticism of Minister Goodale’s lacklustre efforts at righting historical wrongs, C-93 passed in June 2019. To date, just 484 people have been granted reprieve through the cannabis record suspension process (Zimonjic, 2021), even though upwards of 500,000 people across Canada continue to live with active criminal records for minor possession. The low uptake is likely due to several factors including: inability to afford associated costs, unwillingness to navigate the still complicated application process, a lack of awareness about cannabis record suspensions, and the fact that “some applicants might have cannabis-related charges other than simple possession” on their record (*ibid*).

While the lacklustre result of all this consultation and advocacy reflects a government bent on maintaining the status quo, I want to highlight the successes in this work. First, these public consultation spaces – both formal and informal – allowed people to mobilize knowledge and lived experiences in spaces of political significance. Whether they agreed with it or not, policymakers and politicians still took the time to consider, debate, and reflect on the information provided by researchers, practitioners, and people with lived and living experiences – and for some, it did have an impact. For example, a few Conservative MPs shifted in favour of expungement, with MP Michael Cooper stating the following in the House of Commons: “it seems...fundamentally unjust that individuals can be burdened with a criminal record for an activity that today is perfectly legal.”⁵⁶ Cooper also pointed to other jurisdictions, like California, who chose the expungement route.

Next, these opportunities to engage in public consultation processes allow actors within the penal voluntary sector to move beyond their service delivery roles as ‘fixers’

⁵⁶ Canada, Parliament, House of Commons 2019a: 27419

and ‘enablers’ towards a more deliberate campaigning role (Tomczak & Buck, 2019b) to raise awareness of the harms of criminalization and punishment. Working alongside various penal voluntary sector practitioners and organizations throughout these consultative processes was important community-building work that continues today as more than 80 organizations, community leaders, academics, and people with criminal records have already signed on to the Fresh Start Coalition (Bronskill, 2021; Canadian Civil Liberties Association, 2021; Makinde, 2021). This collaborative effort is a decade in the making, and while it is certainly frustrating that we are still petitioning the government for a change in this area, the movement and desire for meaningful and transformative change have grown exponentially. As Calhoun, Wilson, and Whitmore (2011, p.133) remind us: “Steps along the way to broader goals may be in the moment experienced as successes in themselves and – vice versa – achievements may be retrospectively identified as steps along the way to different outcomes.”

In this regard, my reflection and contribution to public criminology is the importance of not doing this work alone. Engaging solely in public writing, or what Barak (2007) termed ‘newsmaking criminology’ to “affect public attitudes, thoughts, and discourses about crime and justice” (p.192) was not enough – especially as I envisioned an “empowerment-oriented public criminology” (Carrabine et al., 2000; Feagin et al., 2009) more closely aligned with Nelund’s (2014) ask to go beyond the “translation and dissemination of professional criminological scholarship” (p.71). Additionally, newsmaking criminology can leave public criminologists acting alone as the so-called ‘expert’ to be easily dismissed (especially within comment sections and Twitter threads) and disregarded within various political spaces. Like political activist ethnographers who

encourage scholars to learn from and interact with others (Frampton et al., 2006b) with shared political commitments, principles, and goals (Kinsman, 2006) in more intentional and relational ways, I saw the value of taking on more than individual instances of knowledge mobilization. Making the shift from writing blog posts and op-eds to engaging in collaborative consultation efforts was just one of the ways I strengthened my research and analysis and laid the groundwork for sustainable advocacy moving forward. Another strategy was actually *being more public*.

6.6.3 Public Events and Shared Spaces

Woolford and Hogeveen (2014, p.32) remind us that “[p]ublic criminology cannot simply occur in press galleries and halls of government; it also needs to take place through relationship formation and a politics of care that moves beyond the specifications of neoliberal managerialism.” It is this more intentionally relational work that I wish to highlight in this final, brief, but deeply important (to me) section of this dissertation. This work of *being in community* with practitioners, researchers, advocates, and people with lived and living experiences has kept me moving forward throughout the timeline of this project. Research on the penal system and the symbiotic harms and pervasive punishments that emanates from it is, unsurprisingly, difficult – especially when the goal of that work is to disrupt and begin to dismantle that very system. Add to that, years of public writing and public consultation (and confrontation) only to complete a project many years later still raising awareness and fighting for the same things. Critical and engaged public academic work is unsustainable without caring community connections that make it far less lonely and far more fulfilling.

While I have already shared examples throughout this section about working

alongside others at public events and in public spaces (starting with the CPEP forum in April 2013), there are plenty more. Since that first public forum in Ottawa, I have done similar work in other cities like Halifax (2015), Edmonton (2015), and Vancouver (2016) – liaising with penal voluntary sector organizations in each of those cities to present at public conferences and events to talk specifically about the impacts of the record suspension regime. In Edmonton, I connected with frontline workers from the Calgary John Howard Society who started the I Am More Than My Criminal Record initiative – they invited me here after reading my blog post about the ban the box campaign. Meeting in person allowed us to learn more from each other and how we could support each other’s work and advocacy. I supported them by providing additional context around provincial and territorial human rights laws across Canada, bolstering their work in advocating for increased protections in Alberta. Their public education work was also crucial in raising awareness of the issues I was advocating for here in Ottawa, and that others were grappling with across the country.

Additional community-based conferences and symposiums that I have attended over the years include:

- The A Word: Reclaiming Advocacy, Canadian Association of Elizabeth Fry Societies, June 2016, Ottawa.
- The National Restorative Justice Symposium, November 2017, Ottawa.
- No Woman Left Behind, Canadian Association of Elizabeth Fry Societies, June 2019, Ottawa.

I have also attended various annual general meetings (AGMs) over the years for organizations like the John Howard Society of Ottawa, the St. Leonard’s Society of Canada, the Collaborative Justice Program, and in 2019 I was invited to be the keynote

speaker at a local penal voluntary organization's AGM. This experience was exceptional, as I was asked by one of the women who participated in my project. She wanted to hear some results from the research and wanted new staff to learn more about the issues with the record suspension regime and the ongoing advocacy around it. I took this opportunity to highlight the day-to-day advocacy of frontline workers. Afterwards, I continued to hear from practitioners that the barriers, challenges, obstacles, and collateral consequences of punishment I highlighted in my presentation still resonated – and had, in some cases, worsened since completing my interviews.

Finally, since 2015 I have regularly attended the annual housing forum hosted by the Alliance to End Homelessness in Ottawa – sometimes as a presenter and other times as an attendee and participant. In attending these events, I really started to understand not only the root causes of homelessness as *structural*, but also the ongoing violence and exclusion facilitated through housing systems and programs. “The machinery of the bureaucratic field” (Woolford & Hogeveen, 2014, p.31), or the stigma machine (Tyler, 2020), became more and more visible with each presentation, conversation, and roundtable discussion. In these spaces, frontline workers stepped back from the everyday chaos of identifying and navigating barriers for the people they try to support to openly discuss their own needs and concerns. It reminded me of what Pérez and Sisters in Action for Power wrote in INCITE!’s *The Revolution Will Not Be Funded* about being out and away from the gaze of funders and other gatekeepers: “The occasions we do come together to discuss our own needs, based on our own agendas, and without the gaze of funders, are few and far between” (p.93) – but these are crucial occasions that serve to expose disjunctures and misalignments in a system that keeps people in a state of struggle.

At these community-based forums and conferences (including those listed above), it became apparent that at least some within the voluntary sector had thawed from the freeze on advocacy under the federal Conservative government (Elson, 2008). Over the years since the end of the Harper decade, collectives and coalitions started to re-emerge to push penal voluntary sector activity outside of the confines of day-to-day advocacy. Typically, penal voluntary organizations cannot afford to critique or “unmask the social suffering” (Woolford & Hogeveen, 2014, p.28) caused by the systems and institutions within which they work, but in these spaces, there was a collective sense of urgency. Practitioners were quick to express outrage at how bad things were getting. Whereas before, and like others have noted, “[i]nstead of speaking out on behalf of the suffering other, organization officials were more or less muted lest their contrarian position raise the ire of the government on whose funding they depended for running programmes and their paychecks” (Woolford & Hogeveen, 2014, p.28).

These spaces – conferences, forums, symposiums, AGMs – demonstrate the hybridity and fluidity of the sector (Tomczak & Buck, 2019b) and give us a sense of what could be possible if penal voluntary sector actors, specifically frontline workers, were given more time and space to express what they experience day-to-day. In these spaces and places (even as they happen virtually now during COVID-19 pandemic), practitioners begin to focus on more structural and systemic issues. While the conversations might start from the everyday work, it builds to broader discussions about problems with institutions and policies and practices that exert violence and control over people who are simply trying to survive.

6.7 Conclusion

It was the activity discussed in this chapter – being in community and in conversation with practitioners outside of the confines of an interview and within the context of broader conversations about equity and social justice – that I highlight as the pinnacle of my public criminology work. As others like Piché (2014), Nelund (2014), and Woolford & Hogeveen (2014) remind us, public criminology “cannot simply endeavour to find channels for communicating complex theoretical and empirical insights into sound bites and policy recommendations” (p.30). Before this research began, I never envisioned myself being a public writer, a public speaker, a community organizer, or someone who was so heavily involved in advocacy and activism work. And while I do not want to discount the weight of the emotional labour that comes with all of it, I also want to emphasize the importance of this more engaged, more critical, more collective, more public way of *doing* academia. The spaces I have identified above have become critical sites for developing communities of care through which academics, practitioners, advocates, and people with criminal records can work towards a just transition from penal and other related systems.

I can think of no better way to end this chapter than with words from Rebecca, my former colleague in the employment program. She had this to share about the importance of advocacy to her and the people who access her program:

You know, when I have a really discouraged client who has lost all hope or faith in society, and in the government, and in laws, the whole system, I tell them, “Listen. Have hope. Don’t lose heart and complete faith. You have no idea...” And I didn’t have any idea until I came into this career. I said, “Oh my goodness! There are people out there like you and me who have invested their talents, their brains, their money; they are there lobbying the government and confronting them and building good arguments. There are people who are fighting for you, ok? And for change.

7. Conclusion

“What stigma devalues are people and the places where they live. What stigma destabilizes are local communities and social bonds. What stigma shortens is lives.”

(Tyler, 2020, p.33)

Throughout this dissertation, I have explored the role of the penal voluntary sector in supporting people with criminal records in the community as they identify, navigate, resist, and attempt to eliminate interpersonal and structural barriers to various social domains and activities (like employment or housing). This day-to-day work of different actors within the penal voluntary sector is considered in light of increasingly risk-averse policies and practices that directly impact people with criminal records – namely the 2010 and 2012 changes to the *Criminal Records Act* that resulted in a record suspension regime that prevents many from applying to have their records sealed. These broader legislative changes, paired with other persistent and pervasive forms of punishment and exclusion, contribute to immense anxiety, hopelessness, and despair among criminalized people and those trying to support them in the community. A combination of policies, practices, and programs overlap and intertwine in a multitude of ways to exploit, manage, control, or exclude individuals (Link & Phelan, 2014; Nichols, 2014; Tyler, 2020; Welsh & Rajah, 2014) – and this project makes visible these collateral consequences of punishment and structural stigma and exposes the disjunctures and misalignments between what people need to stay safe and how the system *actually* functions.

Through heavy sighs, anxious laughter, tight jaws, clenched fists, and tired eyes, participants shared stories that “provided a basis for probing for deep levels of understanding and analysis” (Whitmore et al., 2011, p.159). While I came to this research after having worked frontline in the penal voluntary sector myself for several years, and

therefore with critique and frustration of my own, this more intentional engagement with my former colleagues and other practitioners served to broaden the scope of that critique and frustration. These conversations confirmed that the penal voluntary sector, despite renewed attempts from some organizations at more engaged political advocacy, remains entrenched in broader systems of oppression (Woolford & Hogeveen, 2014) alongside other ‘helping’ or ‘social service’ sectors, like the homelessness sector (Dej, 2020). This is not to discount the importance of the everyday advocacy performed by individuals and some collectives within the sector – as this is essential, life-saving work amid rampant, systemic violence (Oudshoorn & Justrabo, 2020; Tomczak & Thompson, 2017) – but to recognize the limits of advocacy (and care) within spaces that remain partnered with, funded by, and monitored through the penal system. It is a difficult, if not impossible, task to take down the stigma machine (Tyler, 2020) from the inside – especially when its various mechanisms are purpose-built to drain energy from collective efforts to dismantle it.

What became clear throughout this project is that while individual actors within the penal voluntary sector must quickly become experts in identifying and navigating the multiple and intersecting obstacles and barriers faced by people with criminal records in the community, they are limited in their capacity to resist and ultimately eliminate them. We know that to “reduce prevailing inequities, we need to focus on the society’s structural and cultural conditions and its distribution of power” (Samuelson, 2012, p.397). Unfortunately, the bureaucratized nature and “business culture” imposed through the non-profit industrial complex (and associated systems like the homelessness industrial complex) often “pre-empts the radical work so urgently needed” to realize meaningful and transformative change (Pérez & Sisters in Action for Power, 2007, p.95). From the

standpoint of penal voluntary sector actors, though, we can better understand how carceral power weaves its way through our communities and mobilize this knowledge to address structural and cultural conditions and concerns. Building and maintaining relationships between academics, advocates, practitioners, and people with lived and living experience can help ensure that this broader political advocacy work takes place while providing immediate and necessary care to those caught up in systems built to keep them in a state of struggle. Without acknowledging the expertise held by those who work within the penal voluntary sector we are missing out on essential knowledge about “not only how stigma is lived and managed but how it is refused, reworked, and resisted by those it objects” (Tyler, 2018, p.759).

7.1 Shifting Contexts and Commitments

The urgency of this collaborative work becomes even more apparent when considering the changes that have occurred, both locally and globally, since I completed my interviews in July 2018. First, the toxic drug crisis (also referred to as the opioid or overdose crisis or epidemic) has worsened dramatically. A 2021 report from the Ontario Drug Policy Research Network (see Gomes et al., 2021) shows that “2020 was the most tragic year on record in opioid-related deaths,” with numbers showing a 60% increase from 2019 – up from 1,516 deaths to 2,426 (Canadian Mental Health Association, 2021). The presence of fentanyl in unregulated street drugs remains the top concern here, as it was found in 87% of these deaths (*ibid*). While Ottawa, like other cities across Canada, does have several safe consumption sites and organizations across the city that do offer harm reduction services, supports, and supplies, many frontline workers assert that “our current responses to this growing problem are utterly insufficient” (Attar, 2021). This inadequate response is

evidenced by local public health information that deaths in Ottawa related to the toxic drug crisis increased by 95% between 2019 and 2020 (Deachman, 2021).

Leila Attar, a local drug policy and harm reduction advocate, reminds us that “[b]ehind these numbers are individuals and communities in a perpetual state of grief” and that statistics represent “the loss of community leaders, family members, friends, mentors and human beings who deserved so much more” (2021). Frontline workers across Ottawa, both in and out of the penal voluntary sector, work through this immense grief with little to no reprieve. Too many times, I have sat beside friends and former colleagues at memorial ceremonies for people I met while working frontline or through other community-based research projects and local advocacy work. This heaviness is made worse through ongoing inaction and a lack of political will from all levels of government to increase access to a safe drug supply, to decriminalize drug use, to increase access to treatment, or to act on any of the other demands from people who use drugs and those who support them in the community. Elisha (Housing Based Case Manager) detailed the effect of this crisis on her work (Chapter 5) as she worried about her client being “found in a ditch somewhere” before accessing service or getting housed.

Next, of course, is the COVID-19 pandemic – a global event that continues to impact frontline workers and people who access community and social services. I know through my work with the Community Adult Justice Network and as a board member for the St. Leonard’s Society of Canada about so many of the immediate and incredible shifts that organizations made to ensure that people were still supported during this unprecedented crisis. Many local organizations increased their outreach services and food security programs, worked with local libraries to get people quick and affordable access to

technology, shifted entire programs online, supported people in getting vaccinated, and made countless other moves to support people most marginalized and made most vulnerable. On top of this, many workers have supported grassroots mutual aid efforts to fill the resource gaps (like crowdfunding to help people pay their rent).

Despite being hailed as heroes by elected officials, frontline workers within the penal voluntary and surrounding sectors remain deeply underpaid, and organizations remain severely under-resourced. This underfunding and undervaluing of frontline care work was the case long before March 2020, yet it still comes as a sore shock that cities like Ottawa chose to invest more in policing than in public health, libraries, housing, public transit, and community-based resources in the middle of a pandemic (McAleese, 2022).

While the pandemic both exposed and exacerbated existing and intersecting inequalities of all kinds (gender inequality, economic inequality, racial inequality, etc.), we have also witnessed moments over the past couple of years where governments have proven the ability to act quickly to get people what they need to survive. The first example of this is the aforementioned CERB: a nationwide financial benefit created and distributed with relative efficiency via the Canada Revenue Agency. Another example is the rate at which provincial jails in Ontario were depopulated to avoid significant COVID outbreaks:

In the early weeks of the pandemic, police, lawyers and judges acted in concert to reduce the pressure on the jail system, primarily through an increase in the number of people released on bail. Those serving weekend sentences were also granted more temporary absences. (Duffy, 2021, para. 8)

Piché (as cited in Duffy, 2021) shares that these decisions “reduced the province’s prison population by about 30 per cent” (para. 9) and “paid dividends from a public health perspective” (para. 10), given that the jails did not experience major outbreaks during the

first wave. Unfortunately, this depopulation effort was short-lived, and fifteen out of Ontario's twenty-five jails are currently (as of February 7, 2022) in an outbreak due to the Omicron variant (Toronto Prisoners' Rights Project, 2022).

Researchers will be tracking the short- and long-term impacts of the COVID-19 pandemic for years to come, and it will be important to focus some of this work on the effects of this global crisis – and responses to it – on the penal voluntary sector and the carceral system more broadly.

Finally, but certainly not the least important of recent shifts, are the local, national, and international calls to #DefundThePolice and invest in alternative approaches to preventing and addressing harm. On May 25, 2020, George Floyd, a 46-year-old Black man, was murdered in Minneapolis by a white police officer named Derek Chauvin (Hill et al., 2022). Following Floyd's death, people began protesting in cities across the United States and worldwide to support Floyd, his family, and the Black Lives Matter movement (Silverstein, 2021). Out of these racial justice protests came widespread calls to defund the police and invest in "more effective methods of providing safety and security to our communities – methods that reject the murder and brutalization of Black people" (Black Lives Matter Canada, 2022). More mainstream conversations about police abolition, combined with a growing awareness of the inequities and injustices exposed throughout the pandemic, have led to meaningful discussions about the harms of punishment more generally. Robyn Maynard (2021) writes:

Across Canada, many people are questioning — some for the first time — the role played by policing, jails, and prisons in Canadian society. This is because the pandemic has exposed to the public what Black and Indigenous communities have long known well: the status quo, for too many of us, has been deadly.

That policing and incarceration cause harm — especially to Black and Indigenous communities — had already been well documented in pre-pandemic times. This reality became more visible — and more acute — in the context of the pandemic.

This questioning of the status quo is also happening within the penal voluntary sector. Many organizations are now engaging more intentionally in equity, diversity, and inclusion work to address racism within their structures. For some organizations, including one of the organizations involved in this project, this meant more clearly stating their carceral abolitionist position in public-facing documents – like annual reports. Other organizations have not made similar radical shifts. Future research is needed to track the impact of the defund movement on the penal voluntary sector, specifically how it relates to police partnerships that are often core to most of the programming offered through the sector. If more organizations shift away from reform and towards abolition, this will undoubtedly impact the potential for more ‘radical humanist’ and ‘radical structuralist’ activity (Tomczak & Buck, 2019b).

While I have briefly outlined some of the impacts of the toxic drug crisis, the COVID-19 pandemic, and the #DefundThePolice movement on the penal voluntary sector and those who work within it, there are links to be made to the issue of criminal records and pardons/record suspensions as well. First, as people continue to advocate to decriminalize drugs across Canada, this broadens the scope for potential expungement of records related to possession, use, and possibly trafficking. For example, a legal case from CAPUD (2022) – The Canadian Association of People who Use Drugs – seeks “to have all references to drug possession struck from the [Controlled Drugs and Substances Act].” If successful, groups like CAPUD could join others like Cannabis Amnesty and the Fresh Start Coalition to strengthen advocacy around free and automatic expungement of all drug-

related convictions. If all levels of government are serious about their willingness to shift from a carceral response to a public health approach to drug use, then free and automatic expungement of records must be part of that shift.

Next, the COVID-19 pandemic undoubtedly slowed, if not halted, reforms to Canada's *Criminal Records Act*. With all government resources being directed towards managing a global public health crisis, there has been no movement (apart from a minor development that I outline in the next section) to alleviate the harms caused by the record suspension regime. Even as I write this in February 2022, advocates are struggling to meet with the Minister of Public Safety due to his preoccupation with pandemic-related matters. Additionally, as more and more workplaces are becoming permanently virtual, there is potential for further exclusion of people with criminal records. Opportunities for meaningful disclosure (Chapter 5) are reduced as employment application processes shift entirely online. Without having the chance to tell an employer face-to-face about the circumstances surrounding what appears on a police check, people with criminal records will be more likely to avoid all job advertisements that require this box to be checked. This change in the labour market makes it even more essential that we keep pressing for an overhaul of the record suspension regime.

Finally, the #DefundThePolice movement and widespread racial justice protests have also shed more light on the collateral consequences of punishment in Canada and elsewhere. People are now more aware of the harms of policing and incarceration, especially for Black and Indigenous communities, and have become more involved in movements, collectives, and coalitions that advocate for much-needed alternatives. I have heard from various government representatives over the years about the hesitancy to

overhaul the record suspension regime in favour of a free and automatic process due to fear of being criticized for being ‘soft-on-crime.’ While I have never been convinced that this is a real concern, but merely an excuse for inaction, the growing momentum behind the defund movement – and the increasing engagement with abolitionist visions – provides me even more comfort in that regard. We have already seen praise for very small steps taken to undo the harms caused by the Harper government (see the next section), so now is the time for bigger and bolder moves.

7.2 Recent Developments

“The struggle for social justice can be difficult and discouraging work. Change can be slow – at times, barely perceptible.”
(Whitmore et al., 2011, p.140)

After almost ten years of advocacy around reforms to the *Criminal Records Act*, I had hoped to finish this dissertation with better news of a fully implemented free and automatic spent record regime. But alas, this is not the case. There is some progress to report, however. In December 2021, the Parole Board of Canada announced that as of January 1, 2022, the record suspension application fee would drop from \$657.77 to \$50.00 (Parole Board of Canada, 2022). While alleviating the cost is a significant first step and will allow many people to apply for a record suspension – especially those on a fixed or low income – it must only be applauded as that: **a first step**. As I have already reminded those at Public Safety, the astronomical application fee was only one of many concerns. Other issues that were highlighted in Chapter 4 include:

- the additional costs associated with applying for a record suspension, like the fees for collecting court documents and local police record checks;
- the wait times that for some mean they have to wait ten years after their sentence is completed before applying;

- the eligibility requirements that leave some people with criminal records unable to have those records sealed;
- the ‘measureable benefit’ form that requires people to relive the trauma of their experiences of criminalization and punishment; and
- the overall burdensome and complicated process of applying for a record suspension that for some, especially those with lower literacy skills, is a sufficient deterrent.

So yes, while dropping the application fee does address one of the biggest concerns participants shared with the record suspension regime, there is still a lot of work to be done.

Many federal Members of Parliament were quick to take credit for this change; however, the application fee would not have dropped without consistent and persistent advocacy from the penal voluntary sector, legal professionals, researchers, and most importantly, people with lived and living experiences of criminalization and punishment. The Fresh Start Coalition (Chapter 6), of which I am a member, will continue to push for a free and automatic record-sealing process. This work includes ongoing communications with policymakers, political staffers, and relevant Ministers and will require active participation in any consultation processes that follow once new legislation is drafted. I intend to mobilize this research as part of that process, analyze discussion and debate as I did with cannabis pardons (McAleese, 2019b), and continue to engage in advocacy alongside the penal voluntary sector on this issue.

7.3 Contributions

As outlined in my introduction, this project contributes broadly to several areas of scholarship:

- the empirical literature on punishment, on re-entry and desistance, on the collateral consequences of punishment, and the management and disclosure of criminal records;

- the theoretical literature on structural stigma, stigma power, and stigma resistance;
- the literature on the form, role, and purpose of the penal voluntary sector;
- the growing body of literature on public sociology and criminology, and academic activism; and
- the literature on critical and engaged qualitative research methods, including institutional and political activist ethnography.

More specifically, this dissertation adds much-needed nuance to the literature on the penal voluntary sector in Canada – alongside other recent doctoral projects (Quinn, 2019; Salole, 2019) – by highlighting the everyday advocacy performed by individual actors within the sector and the limits that remain on political advocacy due to the proximity of the sector to carceral systems. This work also provides more detailed accounts of the collateral consequences of punishment in Canada and demonstrates that these ‘invisible punishments’ extend beyond the box on a job application. For example, while other research speaks broadly to the cycle between incarceration and homelessness, this project provides important and specific accounts of what contributes to that cycle – like the Crime Free Multi-Housing program, the reliance on flawed housing assessments, and the frustrations created by a system filled with gaps, hoops, and brick walls.

As advocacy work continues in Canada, especially around changes to the *Criminal Records Act*, this research provides more evidence about the harms of criminalization and the lasting effects of a criminal record. Of note is the relatively new issue of digital records created through media stories about arrests, court appearances, convictions, and releases. While research on this issue has begun in other jurisdictions like the United States (see Lageson, 2020), it also deserves attention in Canada. As policymakers attempt to reform the record suspension regime, other privacy concerns around the inadvertent disclosure of

criminal records – especially after a record is sealed – must be considered. This project offers an important starting point for further research in this regard.

Finally, while the findings from this research certainly contribute something to the literature on experiences of (inter)personal stigma, it is the focus on structural stigma that I hope is carried forward. To reduce suffering and harm created by carceral systems and processes, we must move beyond relying on redemption stories and forgiveness to regularly exposing and disrupting stigma power. While it is easier to take on this work from outside the non-profit industrial complex as an academic or an activist, this research emphasizes the need to engage with and work alongside various actors within it. From the standpoint of penal voluntary sector actors, we can better understand how stigma power manifests in their day-to-day work and help broker this knowledge and experience to inform more effective and targeted advocacy. What I hope comes from this ongoing work is the creation of systems that do not actively work against people but instead give people (and their families and communities) what they need to be safe and well.

7.4 Limits and Possibilities

“As a young organizer, I was introduced to this work with the idea that it could be a career, housed in a non-profit structure and funded by foundations, and that these structures could sustain the movement. Ten years later, I think we need to re-examine the model, assess its sustainability, and determine its political direction. Foundation funding and non-profit management not only exhausts us and potentially compromises our radical edge; it also has us persuaded that we cannot do our work without their money and without their systems.”

(Pérez & Sisters in Action for Power, 2007, p.98)

When I read the words above in INCITE!’s collection that examines the non-profit industrial complex, I had to sincerely do a double take because I could have written these words myself. I think the realization captured above reflects a lot of what people experience

in the non-profit sector and within the penal voluntary sector more specifically. If you come to the sector with broader goals of transformative justice and abolitionist futures (brown, 2020; Dixon & Piepzna-Samarasinha, 2020; Kaba, 2021), you very quickly learn how existing structures and institutional norms can limit that work. The policies, programs, and processes that structure your day-to-day slowly chip away at your radical imagination (Haiven & Khasnabish, 2014) as you focus on meeting people's survival needs within a 'stigma machine' that keeps them (and to a certain extent, you) in a state of struggle (Tyler, 2020). I am reminded here of Elisha (Housing Based Case Manager), who described her work as "the same story over and over again," and David (Reintegration Worker and Community Developer), who was exhausted from "talking in circles." For me, the solution was to leave this work for academia: a space where I felt better able to draw attention to the multiple and intersecting obstacles and barriers faced by people with criminal records in the community while also exploring further the work of my colleagues within the penal voluntary sector in Ottawa.

While academia provided me with the theoretical concepts and methodological tools to conduct this research, it also has limits. I speak specifically here to the limits of public criminology. "Although it is intended to bring scholars out of the ivory tower, public criminology [still] appears to be set at a distance from those who are in need of care," and academics who engage in this work must be careful not to act "without pausing to consider the conditions of struggle that exist" (Woolford & Hogeveen, 2014, p.30). This is why considering political activist ethnography alongside public criminology was essential for this project. This research approach, informed by feminist and community-based methodologies, allowed me to keep at the forefront the "actual experiences of actual

individuals” (G. Smith, 2006, p.48). So, once again, while I came to this work with my own frustrations and ambitions, it is the day-to-day work and experiences (D. E. Smith, 2006) of various actors within the penal voluntary sector that remained the focus of analysis and guided my public writing, consultation, and engagement activities.

Furthermore, taking up elements of political activist ethnography alongside public criminology eliminated the ‘distance’ between myself, practitioners, and people with lived and living experiences of criminalization and punishment – allowing me to engage in research and advocacy not as separate endeavours but instead as necessarily connected ones. Research as a solo pursuit, while normalized, is not ideal, especially when the purpose of that research is to expose institutional, systemic, and structural forces that keep people “down, in, or away” (Link & Phelan, 2014, p. 24) and to offer solutions and strategies to resist and eliminate this systemic violence. More relational work, facilitated through public criminology, created space for building the collective support, voice, and power required to make change happen (albeit slowly).

Finally, while this project focuses only on two penal voluntary organizations within one city, it begins a larger project of mapping the activity of the sector across Canada. Tomczak and Buck’s (2019a) framework is an excellent guide for this work, especially with its consideration for the role of academics who work alongside the sector. I repeat Tomczak’s (2017, p.170) assertion that the penal voluntary sector is “complicated, concerning, and full of potential” – and we must consider these complications, concerns, and potential in light of recent cultural shifts, like the defund the police movement and broader engagement with abolitionist principles. While the net-widening functions of the penal voluntary sector remain an important site for inquiry and critique, highlighting

moments of advocacy – specifically within the spaces and places where frontline practitioners meet (e.g., conferences, community meetings) is vital.

Fostering communities of trust and care within which academics, practitioners, advocates, and people with criminal records can work together towards a just transition from penal and other related systems of oppression is necessary. While individuals can take on the work of identifying and navigating the collateral consequences of punishment as they support people with criminal records in the community, this day-to-day advocacy is insufficient for resisting and eliminating the many forms of structural stigma highlighted throughout the pages of this dissertation. Collective work, grounded in shared understandings of the harms of maintaining the status quo, is required to not only pull people out from under the bus but to eliminate the possibility of being thrown under it in the first place.

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Employment Equity Act, SC 1995, c 44.

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National Housing Strategy Act, SC 2019, c. 29, s. 313

Police Record Checks Reform Act, SO 2015, c. 30.

Rehabilitation of Offenders Act 1974, c 53, Parliament of the United Kingdom.

Safe Streets and Communities Act, SC 2012, c 1.

Service Fees Act, SC 2017, c 20, s 451.

Appendices

Appendix A

A.1 CUREB-A Ethics Clearance

CERTIFICATION OF INSTITUTIONAL ETHICS CLEARANCE

The Carleton University Research Ethics Board-A (CUREB-A) has granted ethics clearance for the research project described below and research may now proceed. CUREB-A is constituted and operates in compliance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS2).

Ethics Protocol Clearance ID: Project # 106888

Project Team Members: Mrs. Samantha McAleese (Primary Investigator)
Aaron Doyle (Research Supervisor)

Project Title: "Do you have a criminal record?": Navigating and resisting the collateral consequences of punishment in Canada [Samantha McAleese]

Funding Source (If applicable):

Effective: June 26, 2017

Expires: June 30, 2018

Restrictions:

This certification is subject to the following conditions:

1. Clearance is granted only for the research and purposes described in the application.
2. Any modification to the approved research must be submitted to CUREB-A via a Change to Protocol Form. All changes must be cleared prior to the continuance of the research.
3. An Annual Status Report for the renewal of ethics clearance must be submitted and cleared by the renewal date listed above. Failure to submit the Annual Status Report will result in the closure of the file. If funding is associated, funds will be frozen.
4. A closure request must be sent to CUREB-A when the research is complete or terminated.
5. Should any participant suffer adversely from their participation in the project you are required to report the matter to CUREB-A.

Failure to conduct the research in accordance with the principles of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans 2nd edition* and the *Carleton University Policies and Procedures for the Ethical Conduct of Research* may result in the suspension or termination of the research project.

Please contact the Research Compliance Coordinators, at ethics@carleton.ca, if you have any questions or require a clearance certificate with a signature.

CLEARED BY:

Date: June 26, 2017

Andy Adler, PhD, Chair, CUREB-A

Shelley Brown, PhD, Vice-Chair, CUREB-A

Appendix B

B.1 Ray's Story

I began the process of applying for a pardon in January of 2012. There is a lot of paperwork to be done and a lot of waiting as well, and before I knew it, I was faced with several barriers that would make this process much more difficult.

My first obstacle occurred in February of 2012 when the price went up to \$631, and my second obstacle arose on March 13th when a new law passed that extended my wait period. Before March 2012, I took a custodial training course and have since been looking for employment in the field. I have easily sent out over 200 resumes in the past year and have attended several interviews for jobs that I am fully qualified for. I have been declined for every single one of those positions because of my criminal record.

Without a job, there is no way that I can afford the \$631 application fee, but without paying the fee there is no way that I can get a job.

I have employers who have written letters in order to support my pardon application and who are willing to hire me as soon as my record is concealed.

I am a skilled worker, I am a hard worker, and all I want is to move on with my life.

B.2 Rolf's Story

I was denied a pardon.

I was wrongly convicted seven years ago for an assault charge, ran out of money during the appeal process and could not pursue it further. To add insult to injury, I applied for a pardon during the allotted time frame. I was eligible and had no police issues during the past seven years but was still denied a month ago for no logical reasoning at all.

I was going to go into business with my daughter but as a mortgage broker I needed a pardon to be able to work in the field. I have a degree in IT but am not able to use it because of all the security checks required these days.

I still have student loans to pay.

I feel like a third-class citizen in this country.

I believe the system wants to create criminal activity by denying people the ability to move on in their lives. This permanent condemnation only serves to create more hate, resentment, and to destroy people.

B.3 Mike's Story

My name is Mike, and I became aware of this project through an online news article published in the CBC.

I currently have a criminal record in relation to a domestic altercation I was involved in approximately five years ago. I'm not currently in the process of applying for a pardon due to the recent increase in waiting periods for pardon eligibility, however my obligation to the court was fulfilled in December of 2010 and I have not been arrested or charged with any other crime since.

This change in legislation has severely limited my ability to find employment.

I am currently enrolled a Bachelor of Commerce with one year remaining in my studies. I knew that finding employment with a criminal record would be difficult, however before this legislation was passed I would have been able to apply for a pardon soon after I would finish my degree. This change means I will no longer be eligible for a pardon until the year 2019 now and I fear that I will not be able to find employment in the meantime.

I had not been charged with any criminal offense prior to the aforementioned altercation, and as I stated earlier, I have not had any legal issues since. While I have always assumed responsibility for my actions and the effect they have had on others, I feel I have not given the impression that I am enough of a threat to society that this type of restraint be imposed on me for as long as 6 more years.

I greatly appreciate the opportunity to educate others about the negative impact this legislation and the current state of our criminal justice system has on people like me who have done everything possible to better themselves and become a peaceful and contributing member of society.

B.4 Darren's Story

My name is Darren. I am 57 years old.

Sixteen years ago, my fiancée and I sexually abused a young girl. For two years my life spiraled out of control, as my cognitive distortion allowed me to believe I was not “harming” my victim. Each day my conscience would be pricked a little more as my cognitive distortion did not let me escape from the logic that this can't be good.

The day that my fiancée physically attacked our victim in a fight was the day my brain woke up. I fell into a state of depression after realizing what I had done. I chose to commit the crime, there is no denying that, as I never have, but I chose to do something about it.

For the next five years I took it upon myself to “undo” the damage I had done, at the very least I had to try. I asked my fiancée to leave my house and my life.

Over the next four and half years, my relationship with my victim went from abuser to that of a parental guardian. When my victim was in high school, I told her that I had to report myself to the police for the crime I had committed. She asked me to wait till she was finished high school before I turned myself in. I voluntarily went to the police department and divulged all of my criminal actions to a detective there.

After the interview and my subsequent arrest, the detective asked me if I felt better getting it off my chest. I replied no. He said to me that he usually wants to “kill” the guy in the interview chair, but he was surprised at my honesty and my deep desire to correct and make up for my callous and selfish actions. His advice was to plead out early and someday seek a pardon so I could continue being on the right side of the law and to put this past me.

I employed a lawyer and spent fourteen days in jail awaiting a bail hearing because my victim would not accuse me. Only after me telling my victim through the detective to tell the truth and all the truth did she acquiesce and back up my story of the abuse that happened to her by me.

On the day of sentencing my victim accompanied me to the courthouse. I would not see her again for sixteen months.

How has the loss of obtaining a pardon affected me? I missed my chance by 32 days.

On December 21, 2011 I incorporated a new company with my brother and sister as business partners that would assist seniors to stay in their own homes. We would look after the maintenance and general upkeep of their houses. One of the many services that we would like to offer was protecting our clients from unscrupulous contractors who would take advantage of the general trusting nature of our seniors.

The contradiction of a criminal trying to protect seniors has made me a hypocrite. For eight years every person or professional I encountered told me after hearing my story that

my hard work and determination to make something good out of a bad choice was well within my grasp and to continue working towards it. The very nature of my business plan is the antithesis of criminal thinking and clearly demonstrates my desire to be a contributing member of society.

I invested every last cent I had into this company and was just about to launch when a year ago today I became a criminal forever.

My pardon paperwork arrived thirty-two days too late.

Now that my daughter has children of her own, I can no longer see her unless she leaves her kids, my grandkids at home.

Each day becomes more difficult to get through. Each day I get a little closer to bankruptcy. Each day I devote more time to thoughts of suicide as I cannot wind up on the public purse to carry me. Each day I feel less “normal” and more of an outcast.

The irony of having my victim plead with me not to end my life, so that I will be here to be her Dad which she calls me publicly and with as she says is pride is a conundrum that I can't reason out.

I am angry, first with myself, and now with the Harper Government for not letting me be one of the 96% of those that received a pardon and moved on with their lives committing no further crimes.

There are no skeletons in my closet because I told the truth, the whole truth, as I've learned you cannot move forward until you clean up the past.

Now I cannot move forward.

B.5 Mary's Story

My name is Mary. My husband began the process for applying for a pardon in 2010. He was 33 at the time and had a few minor property offences on his record from when he was 18-20.

In the process of getting the information from the courthouses we realized that there was a \$75 fine that he had not paid. We immediately paid it but as a result of the eligibility requirements and the fact that you are not considered to have completed your sentence until any fines are paid, his waiting period started over again.

There were no reminders sent out about the fine, it did not show up on his credit report and the only way he could have been aware of it was by contacting the original courthouse. Even our local courthouse couldn't see it when we went to pay it. He was obviously in a bad place at the time of the offences so to expect him to remember to pay a fine when he had bigger issues to deal with is ridiculous.

So now he is 35 and the reality is that it will be over 18 years since his last charge before he will be eligible for a pardon since he now must wait five years instead of three.

Someone who messes up in their young adulthood committing petty criminal offences who then turns their life around is not a risk to society. There is no reason to continue to hold their past against them.

I actually don't believe in giving these young people a criminal record in the first place. It doesn't benefit society, it hampers the person's ability to become a productive member of society and as in my case, it doesn't just hurt that young person it also hurts their family.

Unfortunately, those who have the power don't have the clue.

B.6 Scott's Story

My name is Scott. Today, I am going to share my story about how my life, and the life of my family, has been affected by the Harper Government's changes to the pardon system. My story to you today is a condensed version of the past six years of my life.

Six years ago, I had a pretty good life ahead of me. I had recently finished graduate school, I had a girlfriend who I was planning the rest of my life with, and I had a full-time job. Then, in a moment of what can only be described as some very bad judgement on my part, I got into trouble with the law. From beginning to end, my conflict with the law happened in less than two hours, and it changed my life forever.

I will say that what I did, did not involve violence of any kind, and no living person was affected by my criminal act, except for myself. I could provide more details about "what" I did, but I do have real privacy, safety, and employment issues to consider which is why my story is being told by a volunteer today.

I was convicted of a single criminal offence. I did not go to jail because I was not considered to be a threat to the public. I was considered a low risk to re-offend. I served a conditional sentence, which included house arrest and a curfew. I was subject to random police checks, random telephone calls to make sure I was home, and had regular visits with a sentence supervisor. I "did my time" so to speak and completed my sentence without incident. In the time since, I have not had any further conflict with the law.

I now have a criminal record. I am unemployed. I went from living on my own and being self-sufficient to having to live with my parents. I lost contact with my girlfriend, friends, colleagues, and job references. I became radioactive to people I had interacted with for years.

To try to move forward with my life, I volunteered with organizations to establish more recent work experience and job references. I took training programs to update my skills. I applied to lots of jobs. Any job would do after being unemployed for so long. I was invited to quite a few interviews for jobs that matched my prior education and experience. I aced quite a few of the interviews and received several job offers over a period of years.

Every single one of these offers was dependent on having a criminal record check done. I was told that having a record would not necessarily disqualify me. In the end, it did disqualify me from every single one.

The kind of record I have had nothing at to do with the kind of work I was offered. Employers simply did not want a person with a record working for them. As soon as an employer saw that I had a record, it may as well have happened yesterday, even though my offence was more than six years ago.

In these tough economic times, it is really easy for employers to find someone who is just as qualified but who does not have a record.

I held out “hope” that I might be able to turn my life around if I obtained a pardon. My lawyer and even the prosecutor recommended I obtain one. I had to wait for several years because of a five-year waiting period. Just as I was about to qualify, the Harper Government changed the rules. They extended the waiting period to ten years. They also made some crimes ineligible for what was now being called a “record suspension”. They said they were doing this in order to protect the public from criminals.

The only impact their changes had on me was to make it even harder to get a job. It makes little sense to me how making it harder for people with criminal records to get jobs protects the public. All it does is creates a permanent class of unemployed Canadians who will either commit more crimes to obtain the necessities of life, or it will put more people on provincial welfare.

Either way more victims will be created, and taxpayers will pay more for jail and welfare costs. It is not a way to get “tough on crime”, it is not even a smart way to address crime.

The Harper Government made these changes because of public outrage over two people, Karla Homolka and Graham James. The Harper Government changed a pardon system that had a 97% success rate since 1972. 97% of all Canadians who had received a pardon since 1972 went on with their lives and were not convicted of additional offences. Of the 3% who did re-offend, their pardons were revoked under the old system.

In the James’s example, the existing legislation would have revoked James’s pardon. But the Harper Government couldn’t wait that long. In my opinion, it was too much of a wedge political issue for them to ignore with their “tough on crime” agenda. So they trashed a system that had a 97% success rate and replaced it, using only two examples as justification. The 97% number I am mentioning here comes from the National Parole Board’s own statistics. It is not very often that we see government program have that high of a success rate to begin with, and now it has been gutted.

The Harper Government never said their new “record suspension” system will create more victims and additional costs to society in the long run. But by making it near impossible for people with criminal records to get jobs, this is the only logical result that can come from it.

All I want is a job. I want to have the kind of life most other Canadians have. With a job, I can support myself, buy things, have positive relationships, pay taxes, and contribute to society.

Without a job, I am forced to survive on the charity of others and on government handouts.

People in my situation are also at a higher risk of re-offending. I do not want that, but the current policy on record suspensions is likely leading others to reoffend.

I did not have a criminal record before this. My offence was over and done with in the

span of two hours, which ended with my arrest. My offence did not hurt anyone. My offence did not cause damage to anything. I served my time. I have not had any further conflict with the law since completing my sentence. I am ultimately a good person, who made a mistake, and I cannot qualify for a record suspension under the new system. Even if I did qualify, ten years is far too long to wait when all a suspension does is make it easier for a person to get a job.

I could have committed a more serious offence, where I could have injured someone for life and still received a record suspension. The “record suspension” system does not make sense if the goal is to reduce crime and reintegrate offenders back into society.

Thank you for listening to my story. It is one that is shared by thousands of other Canadians who cannot get a job because of the Harper Government’s record suspension system. If you believe like I do, that the changes to the record suspension system are unfair and put Canadians at greater risk, then I strongly urge you to mention your concerns to your local Member of Parliament.

This issue was created by Parliament, and it can only be addressed there.

I would like to take this opportunity to thank the person who is speaking for me today. I am very grateful. Thank you.

Appendix C

C.1 Semi-Structured Interview Schedule

This semi-structured interview guide is designed to facilitate a conversation about the barriers faced by people with criminal records in the community. Changes to the pardon system under the previous government (in 2010 and 2012) combined with an increase in requests for criminal record checks by employers, landlords, volunteer coordinators, etc. impacts access to a variety of social domains that are an essential part of successful (re)integration and re-entry. While many individuals cite increased hardship because of their criminal record, others have successfully navigated barriers and have overcome this stigma associated with their criminal status – this resistance to stigma is also a focus of this research project.

1. Tell me a bit about yourself.
 - PROMPTS: Role at organization; work you do with people who have criminal records.
2. Can you talk about the current barriers/issues your clients face because of their criminal records?
 - PROMPTS: Trouble finding employment? Housing? Accessing volunteer opportunities? Education? Travel? Personal relationships?
3. What steps do you take with your clients to help them address these barriers?
 - PROMPTS: Counselling? Referrals to other organizations/supports? Outreach to employers?
4. How much do you know about the changes that were made to Canada's pardon system in 2010 and 2012?
 - Allow participant to describe what they know about the changes – fill in the gaps if necessary.
 - Change in fee (from \$150 - \$631)
 - Change in wait times (now up to 10 years)
 - Eligibility (certain people unable to apply for a record suspension)
5. Have these changes affected the work that you do with people who have criminal records?
 - If so, how?
 - If not, why do you think you see no impact?
6. What do you think could be done to better support people with criminal records as they work to (re)integrate into the community?
7. Is there anything else that you want me to know that we have not covered today?
 - If you have any other thoughts, want to talk more about this issue/project, please get in touch and let me know (provide participant with contact information).