

# Criminal-legal Systems and Undergraduate Students: An Exploratory Survey

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*Abstract:* Research has documented the impact of criminal-legal systems on incarcerated people, formerly incarcerated people, and the family of incarcerated people, especially minor children and intimate partners. Less is known about how these systems impact the extended family, adult children, and friends of justice-involved people. A survey of students at a public regional University in the northeast part of the U.S. was conducted to build knowledge about the extent to which college students are impacted by criminal-legal systems. A convenience sample of 195 undergraduates found that 57% of them had a friend or family member who had been incarcerated or supervised by parole or probation. These findings speak to the intersecting oppressions that college students negotiate and the need to provide them with supportive services and programs related to criminal-legal impact. Future research can further explicate how relationships with justice-involved people impact college students' psychosocial outcomes.

Keywords: Incarceration, college students, family of incarcerated people

There are over 6 million people in the United States who are currently under the supervision of criminal-legal systems, including approximately two million incarcerated people and four million people on probation or parole. This system of corrections has been widely criticized as unnecessarily harsh and discriminatory against people of color (Alexander, 2012). Black and Latine people are disproportionately confined and surveilled by US criminal-legal systems (Jeffers, 2019). The conditions within US prisons and jails are largely punitive and do not align with rehabilitation goals or consistently

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reduce recidivism (Grady *et al*, 2021; Loeffler & Nagin, 2022). Prison overcrowding, lack of access to physical and mental health care, including substance use treatment, and the indiscriminate and widespread use of solitary confinement are all examples of systematic failures (ACLU, 2015; Carda *et al.*, 2022; Piper & Berle, 2019; Wennerstorm *et al.*, 2022). For people living under community supervision, the conditions of parole and probation inhibit personal relationships, professional opportunities, educational access, housing stability, and food security (Blankenship, *et al.*, 2005).

In addition to its detrimental impact on justice-involved individuals, research has demonstrated that correctional systems have a negative impact on the psychosocial and health outcomes of the family and friends of justice-involved individuals (Enns *et al*, 2019; Petterson, Talbert & Brown, 2021; Wildeman *et al.*, 2012). A study conducted in 2018 found that 45% of the U.S. population, and 63% of Black Americans, report that an immediate member of their family had ever been detained in prison or jail (Enns *et al.*, 2019). Female-headed households with incarcerated male family members report experiencing housing instability, food insecurity, and poverty (Cavanaugh *et al.*, 2023). The stress of familial incarceration causes emotional strain on relationships between the non-incarcerated family members (Besemer & Dennison, 2018). Children of incarcerated parents are more likely to become involved in criminal justice systems and report higher rates of anxiety and trauma than children who have parents who are not justice-involved (Murray & Murray, 2010; Giordano *et al.*, 2019). The National Longitudinal Study of Adolescent Health found that women had higher BMIs and levels of depression if they had an incarcerated parent (Roettger & Boardman, 2012).

While evidence about the vulnerabilities experienced by the friends and families of justice-involved people is compelling, it tends to focus on the outcomes of minor children and intimate partners. In other words, research describes the stress created by the incarceration of a parent or spouse/partner. Less is known about how incarceration and community supervision impact extended family and friends. Given that incarceration is an "ubiquitous experience" in the United States (Enns *et al.*, 2019, p. 10), more research is needed to articulate the myriad consequences of this correctional and judicial policy. For example, Enns *et al.* (2019) found that sibling incarceration was the most common familial incarceration experience among the people they surveyed, yet little is known about how individual lives are shaped by the detention of a brother or sister.

Research with college students offers a pathway to building knowledge about family and friends of justice-involved people that expands upon existing studies about minor children and intimate partners. While having a college degree does lowers risk for familial incarceration from 63% to 30%, college graduates and, from that, college students are still impacted (Enns *et al.*, 2019). University communities are likely to

include many people who have been personally impacted by criminal-legal systems, however, the extent of this impact is not known. Existing research about college students and criminal-legal systems has focused primarily on formerly incarcerated people's exclusion from college opportunities and how to overcome these barriers (Hernandez, Murillo & Britton, 2022; Tiejen, Burnett & Jessie, 2021). While 29% of U.S. adults have completed college, less than 4% of formerly incarcerated people have earned a college degree (Couloute, 2018). Socio-economic disadvantages and institutional policies related to criminal background checks have prevented justice-involved people from accessing higher education and federal forms of financial aid (Couloute, 2018; Stewart & Uggen, 2019). In contrast, knowledge about the impact of familial incarceration on college students is scant. Our review of the literature found only one article on this topic: Zhang and Flynn (2020) found that higher education is particularly challenging for students who are experiencing familial incarceration, and that strong family support can foster resilience. Our project begins to address this gap in knowledge about the impact of familial incarceration on college students by assessing the extent to which undergraduate students at a public, regional university have been impacted by criminallegal systems.

# Methods

This exploratory study sought to understand the extent to which undergraduate students have been impacted by criminal-legal systems. Specifically, how many students have friends or family members who are or have been incarcerated or supervised by parole or probation? The protocol was reviewed and approved by the University's Institutional Review Board.

# Survey Instrument

To answer these research questions, we developed an anonymous online survey. The survey began with a short explanation of the study and a participant screening: Potential participants were asked if they were over 18, currently enrolled as an undergraduate at the university, and willing to participate in a brief online survey. When individuals answered "yes" to all three questions, the survey was initiated. The survey included up to 23 questions that asked if the participant or any of the participant's friends or family members had ever been incarcerated or supervised on parole of probation. If participants answered affirmatively about the incarceration or supervision of a family member, they were prompted to report which member had this experience (i.e., parent, sibling, cousin, etc.). At the end of the survey, there was an open-ended question that allowed impacted participants to share the ways in which criminal-legal systems had affected their lives. No identifying information was collected.

#### Participant Recruitment

Participant recruitment took place at one regional public state university in the northeastern region of the United States that has about 6,000 undergraduate students. This university's undergraduate student population is 46% white, 24% Hispanic/Latino, 18% Black/African American, 4% Asian/Asian-American and 4% multiracial (SCSU, 2023). More than half of the undergraduates (62%) identify as women (SCSU, 2023). Many students are low income: During the 2019-2020 academic year, 41% of the institution's undergraduates were eligible for Pell Grants (SCSU, 2020). In 2022, 39% of the undergraduate student body were first-generation students, meaning that neither of their parents completed a four-year college or university degree (Struyk, 2022).

Flyers with a QR Code that linked to the survey website were distributed throughout campus (i.e., in bathrooms, on bulletin boards, and through tabling at the campus student center, library, and residential halls). This recruitment effort was conducted by a team of five undergraduate Research Assistants (RAs) who were trained in research methods and had completed human subjects training. These RAs used their knowledge of the campus community and student life to recruit their peers. In total, 400 flyers were distributed.

#### **Data Collection**

All participants completed the survey on their cell phones. On average, it took participants 5 minutes to complete the survey. No compensation was provided to participants. Participants who engaged with the research team during tabling events on campus received a small snack bags (value <\$2).

#### Results

In total, 226 individuals initiated the survey. There were 16 people who did not meet the eligibility criteria (i.e., under 18 years of age, not currently an undergraduate, unwilling to participate) and 15 who started but did not complete the survey. As a result, 195 people completed the survey. There were 18 people who declined to respond to the optional demographic questions. Among the 177 participants who did provide demographics, 72% were female and 55% were white. The average age was 21 years old. Participants included seniors (31%), juniors (23%), sophomores (22%), and first year students (24%). See Table 1 for more information about participant demographics.

More than half (57%, n=112) of the participants reported that a family member or friend had been either incarcerated and/or supervised on parole or probation. A small portion of the sample had first-hand experience with corrections: Seven respondents (4%) had been incarcerated and eight (4%) had been supervised by parole or probation. None of the participants were currently under community supervision. Many

participants reported that members of their family had been incarcerated (41%, n=79) and/or on parole or probation (29%, n=56). When asked specifically about which family member had been incarcerated, the most common response was parent (n=37), aunt/ uncle (n=30), and cousin (n=22). Regarding friends, 27% (n=52) of the participants reported that one of their friends had been incarcerated and 25% (n=48) reported that friends had been on parole or probation. Eleven participants (6%) had a family member who was incarcerated at the time of the survey and thirteen (7%) had a friend in prison. See Table 2 for additional detail about participants' responses.

Crosstab analyses by race found that students of color (i.e., Black, African American, Latine, Hispanic, Asian American, multiracial) were more likely to report being impacted by criminal-legal systems than white students: 62% of students of color reported impact versus 54% of white students. This disparity was even greater when comparing responses about incarceration: 53% of the students of color reported that family, friends, or themselves had been incarcerated versus 39% of white students.

One open-ended question on the survey invited participants to describe the impact of criminal-legal systems on their lives. A quarter of the 195 participants (25%, n=49) entered a response to this optional question. These remarks provide information that illuminates the quantitative data. Many of the participants described negative experiences with the police. For example, "My uncle was pulled over by a cop and beat to the point where he permanently lost vision in one eye. Police negative interactions are common and mostly affect my male family members who are labeled as sketchy," (female/gender non-binary, Asian American, age 20). Several people described how friends or members of their family had been wrongfully accused of a crime by police. Participants also described the collateral consequences of family members and friends who had been convicted of a crime. They reported that these kin had problems getting jobs, securing housing, and accessing mental health care. Two women reported that members of their family had been deported after their release from prison.

The most in-depth response came from a 20-year-old Latina woman who was a sophomore in college:

My brother was incarcerated when I was around the age of 6 and he spent quite a long time in prison. He served time in federal prison and was not released until my 8th grade graduation. He was recently put back in prison when I was in 12th grade. It took [Department of Corrections] two years to release him. During this time, my mother wrote many appeals to the judge who was placed on his case. My family was heavily impacted because of this event, especially my mother. My sister and I were not able to form a real connection with my older brother because he was not present in our lives... My mother was impacted because, well, that is her eldest child and losing a child to the justice system can be very emotional.

This narrative eloquently presents the myriad ways that a family member's incarceration impacts the entire family unit. Her brother's incarceration removed her opportunity to bond with him and caused heavy stress for her entire family, especially her mother. While she does not state this directly, her remarks about her mother's dedication to appealing the case and her "emotional" response to the incarceration of her "eldest child" suggests that the mother's experience with having her oldest child incarcerated may have impacted how she parented her two younger children, including the participant. There is also frustration in the participant's words, as she describes the extended length of her brother's incarcerations. This survey data demonstrates that many people in this sample of college students have been deeply impacted by criminal-legal systems.

# Limitations

There are several limitations to this exploratory inquiry. The non-probability convenience sampling used in this study means that the findings cannot be generalized. In addition, the data only reflect participants' knowledge of their family and friends' interactions with criminal-legal systems which could result in under-reporting. It is possible that there are people in their lives who went to prison or were placed on community supervision without the participants' knowledge. Finally, while the sample demographics did reflect campus demographics, women and white people were over-represented. The student population is 62% female and 46% white, and the sample was 72% female and 55% white.

# Discussion

This survey sought to understand the extent to which undergraduate students at a regional public state university have been impacted by incarceration, probation, and parole. The survey of 195 undergraduates found that 57% had a family member, friend, or had themselves had been incarcerated or supervised on probation or parole. While students of color were more likely to report that criminal-legal systems, especially incarceration, had impacted their social networks, over half of the white students reported criminal-legal interactions. While the results of this small study cannot be generalized to our entire campus, these numbers suggest that our campus has been deeply impacted by criminal-legal systems and speaks to the tremendous reach of carceral systems into the lives of all Americans.

# Intersecting Oppressions

An intersectional framework is useful in understanding these results (Crenshaw, 1991). While criminal-legal systems disproportionately impact people of color, many

white people are incarcerated and under community supervision. Among sentenced prisoners, 32% are Black, 31% are white, and 24% are Hispanic; among people on probation, 38% are white, 21% are Black, and 9% are Hispanic; and among people on parole, 33% are white, 28% are Black, and 13% are Hispanic (Carson, 2022; Kaeble, 2021). Across racial categories, justice-involved people are disproportionately low-income. People with incomes below the poverty line are more likely to be arrested, be charged with a felony, and receive a long sentence than people with higher incomes (Hayes & Barnhorst, 2020). Prior to their arrest, 57% of incarcerated men and 72% of incarcerated women were living in poverty (Hayes & Barnhorst, 2020). These statistics depict intersecting systems of oppression that place low-income people at high risk for criminal-legal involvement. While the white participants in this study benefit from race privilege, the high prevalence of low-income and first-generation students on this regional state university campus suggests that many survey participants may have experienced economic disadvantage. Low socio-economic status makes students vulnerable to criminal-legal impact, regardless of race.

### Student Support

Mental health wellness among undergraduate students has deteriorated since the COVID epidemic, marking individual and institutional distress (Flannery, 2023; Salimi *et al.*, 2023). College students negotiate myriad stressors as they work to balance work, school, and family responsibilities (Pedrelli *et al*, 2014). Socio-economic factors, including financial stress, food insecurity, and being a first-generation student, may aggravate these stressors and undermine mental health (Oh *et al.*, 2022). These psychosocial challenges were further aggravated by the social isolation and insecurities of the COVID-19 pandemic (Garcia Colato *et al*, 2022; Giovenco, 2022). The campus survey findings reported here illustrate that in addition to these demanding circumstances, many undergraduates are also negotiating the stressors produced by the incarceration of family and friends. Familial incarceration may exacerbate intersecting experiences of oppression and further hinder the academic opportunities, relationships, and independence of college students (Noel & Hoeben, 2022). From this, institutions of higher education are invited to create campus programming that can address the unique stressors faced by justice-impacted students.

The powerful stigmas associated with criminal-legal involvement is an example of one challenge that campus programming could confront. Enacted and anticipated stigma related to incarceration and/or community supervision can prevent people from securing jobs, housing, friendships, and custody of children (Earnshaw & Chaudoir, 2009; Van Olphen *et al*, 2009; Williams *et al.*, 2019). Similarly, identifying as the family member or friend of a justice-involved individual can result in an associated stigma

(Brew *et al.*, 2022; Comfort, *et al.*, 2016; Enns *et al.*, 2019). This stigma of criminallegal involvement "sticks" to families, negatively impacting perceptions of "personality traits, parenting quality, and financial deservingness" (Brew *et al.*, 2022, p. 1928). Friend groups may be categorized as deviant and hyper-criminalized if members of their social network are arrested or convicted of a crime (Rios, 2006). Internalized stigma can fuel "feelings of shame", lower self-esteem, and lead one to feel unworthy (Phillips & Gates, 2011, p. 290). Educational programming and campus forums that encourage personcentered language and community dialogue about criminal-legal systems may help to diminish the stigma that justice-impacted students experience.

# **Community Organizing**

College students' connection to justice-involved people may lend itself to campus organizing around criminal-legal issues. Nurturing organizing coalitions dedicated to criminal-legal reforms could produce two important outcomes. One, organizing on campus may support reform and abolition efforts by expanding of the number of impacted people working to reduce the harm created by criminal-legal systems. Our data illustrates that many college students have relationships with justice-involved people and are concerned about the policy and programs that impact these family members and friends. Engaging college students with lived experience and expertise about criminal-legal policies would strengthen the criminal-legal reform movement (Brock-Petroshius & Wray-Lake, 2022). Two, organizing efforts may help to reduce stigma and anxiety among impacted college students by promoting a sense of campus belonging. As members of a shared community, students, faculty, and staff are uniquely positioned to build relationships through community organizing (Waite, 2020, **§**6).

# Conclusion

The goal of this inquiry was to build knowledge about the extent to which undergraduate students have been impacted by criminal-legal systems. Among the college students (n=195) who participated in the survey, 57% reported that they had family or friends who had been incarcerated or supervised on parole or probation. The prevalence of this experiences sheds new light on the challenges faced by college students. Further research is needed to better understand how the criminal-legal involvement of people in their social networks impacts college students' health and psychosocial outcomes. Development and evaluation of programs that amplify the strengths and resilience of these justice-impacted students and facilitate opportunities for them to connect with each other, faculty, staff, and community leaders is needed to promote students' academic success and invigorate organizing efforts to decrease the harm of criminal-legal systems.

Gender							
Female	128	72%					
Male	35	20%					
Gender Non-Binary	7	4%					
Female, Gender Non-Binary	5	3%					
Transgender Male	2	1%					
Race							
White	98	55%					
Latine/Hispanic	24	13%					
Black/African-American	19	11%					
Asian American	15	8%					
Black Latine	9	5%					
Multiracial	14	8%					
Aş	ge						
Mean	21 years	s old					
Median	20 years old						
Range	18 - 54						
Academic Standing							
First Year	42	24%					
Sophomore	40	22%					
Junior	41	23%					
Senior	55	31%					

#### Table 1: Demographics

#### Table 2: Familial and Friend Impact

Family					
Family Member Currently Incarcerated	11	6%	Aunt or Uncle (6); Cousin (4); Sibling (2)		
Family Member Incarcerated in the Past	77	39%	Parent (37); Aunt/Uncle (33); Cousin (22); Sibling (11); Grandparent (5); Niece Nephew (1)		
Family Member Currently on Probation or Parole	18	9%	Sibling (8); Aunt/Uncle (4); Cousin (3); Parent (2); Husband (1)		
Family Member on Probation or Parole in the Past	55	28%	Parent (25); Aunt/Uncle (19); Cousin (13); Sibling (11); Grandparent (3); Partner (1)		
Any Family Impact	84	43%	Total number of participants who reported any family impact.		
Friends					
Friend Currently Incarcerated	13	7%			
Friend Incarcerated in the Past	51	26%			

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Friend Currently on Probation or Parole	22	11%	
Friend on Probation or Parole in the Past	43	22%	
Any Friend Impact	61	31%	<i>Total number of participants who reported any friend impact.</i>
Any Impact	112	57%	Number of participants who reported any family, friend, and/or self-impact.

#### Table 2: Cross Tabs Race x Any Impact

Count of Any Impact					
Row Labels	No		Yes		Grand Total
BIPOC	31	38%	50	62%	81
White	45	45%	53	54%	98
Grand Total	76		103		179

#### **Race x Any Prison**

Count of Any Prison					
Row Labels	No		Yes		Grand Total
BIPOC	38	46%	43	53%	81
White	60	61%	38	39%	98
Grand Total	98		81		179

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