

SCARS, MARKS, AND TATTOOS:  
HOW APPEARANCE INFLUENCES REARREST AND RECONVICTION

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by

Andrew J. Martone

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APPROVED:

Erin Orrick, PhD  
Committee Chair

Elisa Toman, PhD  
Committee Member

Peter Lehmann, PhD  
Committee Member

Phillip Lyons, PhD  
Dean, College of Criminal Justice

## ABSTRACT

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This thesis aims to describe the influence appearance has on rearrest and reconviction for individuals within the United States Criminal Justice system and analyze how visible scars, marks, and tattoos influence rearrest and reconviction rates. The dataset for the analysis comes from “The LoneStar Project, Texas Study of Trajectories, Associations, and Reentry” and includes information on a cohort of individuals released from prison between 2015 and 2016. This thesis examines two research questions. First, do visible scars, marks, or tattoos impact the likelihood of rearrest? Second, for those who are rearrested, do visible scars, marks, or tattoos impact the likelihood of reconviction? Each research question is tested through chi-square analyses and binary logistic regression analyses. Results explain that visible scars, marks, or tattoos have a statistically significant relationship with rearrest likelihood.

**KEY WORDS:** Rearrest; Reconviction; Appearance; Scars; Marks; Tattoos

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## CHAPTER I

### Introduction

There are multiple different influences on outcomes for individuals released from incarceration, many of which have been studied extensively by criminal justice scholars (Bontrager, 2013; Bozick et al., 2018; Friedrich, 2023; Pelletier & Evans, 2019; Roessger et al., 2021). When looking at outcomes, particularly post-release outcomes like rearrest and reconviction, it is important to contextualize each factor that may significantly impact success after release from incarceration. For example, previous offense type may significantly influence rates of rearrest (Frendrich & Archer, 1998), whereas participation in parole has less conclusive evidence that suggests a significant influence (Ostermann, 2015; Vito et al., 2017). Other factors, including age, race, education, marital status, number of previous arrests, number of previous convictions, probation, and gang status have also been studied in an effort to determine the influences on rearrest and reconviction (Bozick et al., 2018; Buchanan & Krohn, 2020; Frendrich & Archer, 1998; Gerstenberger et al., 2019; Hall, 2015; Pelletier & Evans, 2019; Roessger et al., 2021; Vito et al., 2017).

Despite this large body of literature that examines the influences on rearrest and reconviction, little is known about the influence appearance has on post-release outcomes. While some have looked explicitly at the relationship between mock juror perceptions and potential criminal justice outcomes (Brown et al., 2018; Funk & Todorov, 2013), no research has comprehensively addressed the relationship between appearance and post-release outcomes like rearrest and reconviction. Looking into this understudied relationship is incredibly important because it outlines the barriers to

successful reentry. Once these barriers are known, policy makers can adapt the way they train police officers, prosecutors, and judges to reduce biases associated with physical appearance.

Understanding the relationship between appearance and criminal justice outcomes like rearrest and reconviction is central to this thesis. Factors that impact individual decision making and individual offending seem to influence rearrest and reconviction (Bruce et al., 2014; Craig, 2011; Hicks et al., 2022; Honegger & Honegger, 2019; Reich et al., 2015; Wong & Hickman, 2022), yet criminal justice processing, police discretion, prosecutorial discretion, and judicial discretion have also been noted as influences on rearrest and reconviction (Baran, 2014; Beckett, 2016; Datta, 2017; Madoshi, 2016; Sutton, 2013). Looking deeper, certain demographic factors like race have been emphasized in the research on criminal justice outcomes and discretionary decision making (Asirvatham & Frakes, 2022; Burch, 2015; Madoshi, 2016; Ramirez, 2022). Regardless, race should not be the only appearance-related factor that researchers consider when identifying the relationship between appearance and post-release outcomes.

### **Statement of the Problem**

There is a gap in the literature in terms of understanding what factors contribute to outcomes in the criminal justice system. Specifically, there is limited research detailing the influence appearance has on rearrest and reconviction. Analyzing variables like scars, marks, and tattoos may provide additional context for how physical appearance may impact rearrest and reconviction. Any additional identification of rearrest or reconviction influences extends the possibility to help individuals overcome post-release barriers. Of



course, some of these physical markers, like scars, are permanent and cannot be overcome. However, the way in which criminal justice actors interact with physical appearance during decision making is something that research-based training can help with.

### **Theoretical Framework**

This thesis uses the theoretical framework provided by the focal concerns perspective. The focal concerns perspective is frequently used to explain disparate outcomes in relation to race, gender, and criminal justice outcomes (Albonetti, 1991; Galvin & Ulmer, 2022; Higgins et al., 2012; Steffensmeier et al., 1998; Vito et al., 2018). However, the main principles of the theory lend themselves to a broader outlook on the interaction between appearance and criminal justice outcomes. Both perceptual shorthand and attribution perspective are used to contextualize the applicability of the focal concerns to appearance. Perceptual shorthand refers to how decision-makers use basic demographics and stereotypes to attribute blame (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000; Steffensmeier et al., 1998). Attribution perspective refers to the process when a criminal justice actor supplements uncertainty with an attribution process (Albonetti, 1991). This process allows for certain stereotypes to be attributed to criminality. When focal concerns, perceptual shorthand, and attributions perspective are combined, the interaction between bias and decision making becomes clearer.

The main principles of the focal concerns theory involve concerns about blameworthiness, protection of the community, and practical constraints (Steffensmeier et al., 1998). Blameworthiness can be influenced by appearance because appearance can

influence judgments, which can result in people characterizing certain physical traits as threatening. Protection of the community can be influenced by appearance, especially when considering how stereotypes can result in law enforcement associating physical appearance with danger. Finally, practical constraints can be influenced by appearance because limited resources may result in shorthand decision making, which allows decisions to be made based on subjective perceptions. These principles can be linked to the use of stereotypes in decision making. Specifically, criminal justice actors may rely on shorthand or attributions to help navigate uncertainty. Therefore, the relationship between outcomes and possible reentry influences like appearance, should be considered through the lens of focal concerns (Steffensmeier et al., 1998), perceptual shorthand (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000; Steffensmeier et al., 1998), and attribution perspective (Albonetti, 1991).

### **Current Study**

The influence of visible scars, marks, and tattoos has not been comprehensively analyzed in terms of rearrest or reconviction. Conducting research on scars, marks, and tattoos will enhance the literature on appearance and criminal justice decision making by determining if rearrest or reconviction are significantly influenced by scars, marks, or tattoos. Once the results are noted, there will be a further contextualization of the influence on criminal justice outcomes, which can be used in future research on appearance, rearrest, and reconviction. Perhaps most importantly, identifying the influences on post-release outcomes may help improve the support options for individuals who have been released from incarceration. An understanding of how

appearance interacts with the criminal justice system can be a key factor in avoiding rearrest or reconviction.

In an effort to fill this gap within the literature on rearrest and reconviction, this thesis will seek to answer two research questions. First, do visible scars, marks, and/or tattoos impact the likelihood of rearrest? The hypothesis for this first question is that the existence of visible scars, marks, and/or tattoos significantly increases the likelihood of rearrest. Second, for those who are rearrested, do visible scars, marks, and/or tattoos impact likelihood of reconviction? The hypothesis for this second question is that for those who are rearrested, the existence of visible scars, marks, and/or tattoos significantly increases the likelihood of reconviction. Each hypothesis relies on the context provided by the focal concerns perspective, perceptual shorthand, and attribution perspective.

### **Importance of the Study**

It is crucial to examine the impact appearance has on post-release criminal justice outcomes. By doing so, additional context can be added to the factors that influence rearrest and reconviction outcomes. This is a necessary step in creating research that accounts for and controls for as many known influences as possible. This thesis adds to a growing body of research by providing foundational information for appearance related research not specifically related to race. In total, the importance of this thesis can be described on two levels. First, it is important to the scholarly community because it reduces the existing gap in research. Second, it is important to individuals released from incarceration because identifying reentry barriers is a primary step in addressing steps to reentry success.

## **Organization of the Study**

This thesis is divided into five chapters that outline relevant information and analyze the influence of visible scars, marks, and tattoos. The first chapter talks about foundational information, provides a problem statement, briefly contextualizes the theoretical framework, and notes the study's importance. The next chapter provides a review of relevant literature relating to rearrest, reconviction, appearance, and the theoretical framework. This review includes a short introduction to the literature, defines key terms, and details the important findings from current studies relating to the research topic. The final three chapters are directly related to the data and statistical analysis used for this thesis. Chapter three explains the methodological requirements for an accurate analysis. This methodology explains the data, variables, analytic strategy, and processing of results. The fourth chapter includes an analysis of the data, which is represented through a series of tables and brief descriptions. The results of the statistical analysis will be provided in this fourth chapter. The final section, chapter five, will discuss the results of the analysis. After discussing the results, certain limitations, policy implications, and directions for future research will be provided.

## CHAPTER II

### Literature Review

#### Introduction

The purpose of this research is to enhance the available literature surrounding rearrest and reconviction in the criminal justice system by answering the following research questions: 1) Do visible scars, marks, and/or tattoos impact the likelihood of rearrest? 2) Among individuals who are rearrested, do visible scars, marks, and/or tattoos further impact the likelihood of reconviction? A better understanding of how physical marks may influence criminal justice release outcomes could improve criminal justice functionality. Specifically, the results of this study will further contextualize the predictors of rearrest and reconviction, which is important for determining where resources should be allocated moving forward. Discovering whether appearance influences release outcomes would likely enhance the policy and research for criminal justice processing. If this research discovers that appearance does influence rearrest or reconviction, police discretion, prosecutorial discretion, and judicial discretion would each require further examination.

In terms of organization, the first section of the literature review outlines the theoretical framework, beginning with the focal concerns perspective. The focal concerns perspective is characterized by three factors including blameworthiness, protection of the community, and practical constraints (Steffensmeier et al., 1998). Each of these factors relies on some form of criminal justice discretion, which can be influenced by something like physical appearance (Beckett, 2016; Bennett & Plaut, 2018, Bushway & Forst, 2013; Funk & Todorov, 2013; Pollis, 2022; Steffensmeier et al., 1998). Perceptual shorthand

and attribution perspective are also discussed in the theoretical framework section. The next section explores rearrest literature and reconviction literature. This will help contextualize the known factors that influence post-release outcomes like rearrest and reconviction. The final section offers insight into how previous research can be used to study the influence of physical factors like scars, marks, and tattoos. Ultimately, the review of the literature investigates current research on rearrest and reconviction, contextualizes the theoretical framework, and explores the remaining gap within the literature.

### **Theoretical Framework**

Past researchers have used theory to better characterize the existence of reentry barriers (Galvin & Ulmer, 2022; Higgins et al., 2012; Vito et al., 2018). Here, the focal concerns perspective, perceptual shorthand, and attribution perspective are used to contextualize the intersections between appearance, rearrest, and reconviction. This is accomplished by expanding the theoretical combination of focal concerns, perceptual shorthand, and attribution perspective to both decision making by criminal justice actors and reoffending barriers (Albonetti, 1991; Hickert et al., 2022; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000; Steffensmeier et al., 1998).

The focal concerns perspective can be broken down into three components: blameworthiness, protection of the community, and practical constraints (Steffensmeier et al., 1998). The first part, blameworthiness, expects judgment based on an offender's culpability. This concept also relates to a more retributive understanding of punishment. When determining blameworthiness, other factors like previous criminal activity are usually considered. The second involves concerns for the protection of the community.

This concern revolves around the offender's chance of recidivism, future prospects, and overall dangerousness. Certain personal information, like education level, family support, use or ownership of weapons, and drug dependency, are also mentioned within protection of the community, because these factors influence available resources and conformity to social standards. The third part is characterized by concerns of practical constraints and consequences. There are individual and organizational considerations within this third concern. Individual concerns are more focused on the offender's health, needs, ability to maintain personal matters, and perceived adjustability to incarceration. Organizational considerations include factors like case flow, system crowding, and availability of resources.

Perceptual shorthand refers to a process where a decision maker uses demographics and stereotypes to attribute blameworthiness to an individual (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000; Steffensmeier et al., 1998). Specifically, certain factors, like race, gender, or appearance, are used to separate an individual by social group, thus making it easier to determine criminality or blameworthiness. For example, if a police officer is in the decision-making process while encountering a female offender, the officer may separate the offender into a broader category based on sex. Due to this separation, the officer looks at the offender as categorically female, which may not be a category frequently associated with criminality and blameworthiness. This use of a perceptual shorthand could result in more favorable decision making by the officer for the female offender. This concept of perceptual shorthand helps expand the application of focal concerns perspective beyond judicial sentencing disparities.

Attribution perspective refers to a process of assessing an individual's future criminality through the use of stereotypes (Albonetti, 1991) and perceptual shorthand (Hickert et al., 2022; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000). Specifically, certain attributions are used to supplement the uncertainty of decision making (Albonetti, 1991). As criminal justice actors encounter criminal situations, they develop patterned responses to frequently observed case factors. This process perpetuates certain stereotypes based on race or gender. Albonetti (1991) explains that female defendants are attributed a lower chance of recidivism compared to male defendants and black defendants are attributed a higher association with criminality compared to white defendants. These attributions are used to decrease the uncertainty criminal justice actors face when making decisions.

The combination of focal concerns, perceptual shorthand, and attribution perspective must be applied to police officers, prosecutors, and judges. This application is important because the current project examines rearrest and reconviction, which are both associated with police officers, prosecutors, and judges.

Steffensmeier and colleagues (1998) explain that focal concern perspective is generally utilized to explain judicial decision-making disparities (Steffensmeier et al., 1998), however, available literature affirms its applicability to police officer and prosecutor decision making as well (Albonetti, 1991; Blair et al., 2005; Ishoy & Dabney, 2018; Maloney & Miller, 2015; Ouellet & Wareham, 2023; Peterson, 2023; Pinizzotto & Davis, 2000). In terms of police officer decision making during arrest, the consideration of the focal concerns is prevalent. For example, police officers frequently consider factors outside of the available evidence when making stops (Pinizzotto et al., 2000). Certain



demographic factors associated with perceptual shorthand influence the way officers interact with suspects, thus influencing the nature of a stop (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000; Steffensmeier et al., 1998). So, if an officer makes a stop based on evidence of speeding, he or she may also consider the way the driver looks when determining danger and blameworthiness (Pinizzotto et al., 2000). A simple stop based on evidence of speeding can then turn into a more confrontational interaction based on perceptions of blameworthiness, possibly resulting confrontation and arrest (Pinizzotto & Davis, 1999; Pinizzotto et al., 2000). Even the decision to search a vehicle during a traffic stop has been linked to concerns surrounding blameworthiness, which can impact the collection of evidence and decision to arrest (Ishoy & Dabney, 2018).

An offender's official criminal history, as well as his or her informal history with an officer, can influence perceptions of protecting the community for police officers (Ishoy & Dabney, 2018). A study of officer perceptions explained that when an officer considers making an arrest, he or she thinks about the evidence in relation to the suspect's previous criminal justice interactions (Ishoy & Dabney, 2018). Police officers are more likely to make an arrest if they believe the suspect's criminal history increases the chance of future offending in the community.

Research on arrest criteria helps explain the connection between practical constraints and police officer decision making. The specific documentation requirements for police officers following an arrest are not consistent across jurisdictions (Peterson, 2023). Some departments require police officers to provide specific context leading up to an arrest, while others require a simple explanation of probable cause. Therefore, many

officers do not have to completely contextualize the influences on their decision to make an arrest. Furthermore, some officers follow their intuition when making an arrest, meaning an officer will rely on a hunch derived from perceptions rather than evidence alone (Brown & Daus, 2015). If an officer does not have time for paperwork at the end of his or her shift, or if an officer does not believe they can properly describe probable cause beyond a hunch, he or she may not make an arrest (Brown & Daus, 2015; James et al., 2018). This consideration of justifying a hunch and worrying about paperwork is directly related to practical constraints. Officers must consider the time, effort, and justifications necessary for making an arrest. Therefore, it can take something extra, like appearance, to make an officer overcome the practical constraints associated with arrest decision making.

In terms of prosecutor decision making, blameworthiness, protection of the community, and practical constraints each applies (Holmes & D'Amato, 2020; Ouellet & Wareham, 2023). Prosecutors must weigh the evidence related to a case, but they also consider perceptions of guilt, likelihood of recidivism, and case-load (Ouellet & Wareham, 2023). For example, in cases involving juveniles, prosecutors consider if the child requires incapacitation or allocation of child-care resources. In both cases, the prosecutor is tasked with balancing the consideration of protecting the community and practical constraints. Additionally, due to the political nature of prosecution, prosecutors likely rely on more extralegal factors (i.e., race, gender, age, or appearance) when making decisions about culpability (Holmes & D'Amato, 2020).

Understanding that the theoretical framework applies to police officers, prosecutors, and judges is crucial to this thesis. Yet, the theoretical framework must also

be applicable to appearance related factors. This is because the current project examines scars, marks, and tattoos, which are closely related to appearance.

In 2020, approximately 41.6% of all death row inmates in America were Black, compared to only 13.4% of the United States population (Gasperetti, 2022). This disproportionality is not entirely explained by differential rates of offending, thus introducing the possibility of discretionary stereotypes stemming from appearance. Data collected in 2021 indicates that only 2% of the counties in America were responsible for a majority of executions following a capital sentence (Zahn, 2021). In Hamilton County, Ohio, defendants with one or more white victims are 4.54 times more likely to be sentenced compared to similar defendants with non-white victims and black defendants with one or more white victims were 3.79 times more likely to be sentenced to death compared to all other similar defendants (Zahn, 2021). Again, this disjunction between case facts and case outcomes must be explained through a third variable. Seeing that the outcome is related to punitiveness, the concepts presented by focal concerns and attribution perspective are relevant (Albonetti, 1991; Steffensmeier et al., 1998).

Certain physical features that are associated with stereotypes have been used by police officers to identify individuals (Blair et al., 2005; Kleider-Offutt, 2019). For example, some Afrocentric features influence perceptions of group membership (Blair et al., 2005). This result is affirmed by the finding that Afrocentric facial features impact perceptions of group criminality (Kleider-Offutt, 2019). Factors like face shape and facial features that relate to “prototypical” Afrocentric faces are commonly associated with perceptions of violence or danger, regardless of race (Kleider-Offutt, 2019). The use of stereotypes to make uncertain decisions easier relates to practical constraints on criminal

justice actors (Steffensmeier et al., 1998), perceptual shorthand (Albonetti, 1991; Hickert et al., 2022; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000), and attribution perspective (Albonetti, 1991).

Recently there have been investigations regarding the impacts of discretionary decision making as it relates to skin tone and facial features (Bennett & Plaut, 2018; Burch, 2015; King & Johnson, 2016; Monk, 2019; Petersen, 2017). When looking at Latino populations, skin tone and facial features greatly impact sentencing variations (Petersen, 2017). Additionally, the Georgia Department of Corrections notes that sentencing disparities exist between white men and Black men, but only for those who have dark to medium dark skin (Burch, 2015). Explaining different outcomes through race and appearance introduces the concepts of cumulative disadvantage (Hickert et al., 2022). Notably, Black individuals, who already disproportionately encounter the criminal justice system, have negative outcomes compounded by factors like skin-tone and appearance (Bennett & Plaut, 2018; Burch, 2015; Hickert et al., 2022; King & Johnson, 2016; Monk, 2019; Petersen, 2017).

The outlined interactions between discretion, physical appearance, stereotypes, and criminal justice outcomes warrant an application of the focal concerns perspective. In terms of the first component, physical appearance seems to have a significant influence on perceptions of blameworthiness. For example, Black defendants were more likely to be sentenced to death than white defendants, regardless of case similarities (Zhan, 2021). Additionally, in a mock trial, defendants with visible tattoos were more likely to be convicted than those without visible tattoos due to perceptions of culpability (Funk & Todorov, 2013). These results suggest that certain physical characteristics, like skin color

or physical markings, may influence perceptions of blameworthiness, thus influencing judgments and decision making.

Physical appearance also influences perceptions and decision making when it comes to protecting the community. Certain physical appearance factors can affect perceptions of danger or criminality (Brown et al., 2018; Kleider-Offutt, 2019). Face shape and Afrocentric features have been linked to negative perceptions of violence and danger (Kleider-Offutt, 2019). Also, the presence of visible tattoos was linked to negative perceptions of danger, wealth, and trustworthiness (Brown et al., 2018). When these factors are considered, it seems logical to connect physical appearance to perceptions of danger and offending, both of which are components within the protection of the community.

In terms of the third focal concern, physical appearance can influence perceptions of practical constraints. When those working within the criminal justice system have limited resources, they may make decisions based on convenience (Albonetti, 1991; Blair et al., 2005). Blair and colleagues (2005) suggest that physical appearance is frequently used to indicate group membership, which results in short-cuts for police officer decision making. These shortcuts also extend to judges who encounter individuals with traditionally attractive facial features and no visible marks or tattoos, due to the link between positive initial impressions and attractiveness (Johnson & King, 2017). In either case, criminal justice actors are tasked with efficiently performing their duties with little time and resources (Blair et al., 2005; Johnson & King, 2017). Therefore, shortcuts that enhance efficiency are readily accepted among criminal justice actors.

The broadness of the focal concerns perspective creates a framework that can contextualize a complex concept, like discretionary decision making, for those within the criminal justice system. Police, prosecutorial, and judicial discretion impact the application of blameworthiness, protection of the community, and practical constraints and consequences (Albonetti, 1991; Brown & Daus, 2015; Higgins et al., 2012; Holmes & D'Amato, 2020; James et al., 2018; Johnson & King, 2017; Ouellet & Wareham, 2023; Pinizzotto et al., 2000). When combined with perceptual shorthand and attribution perspective, the application of focal concerns perspective is further emphasized for all criminal justice actors (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000; Steffensmeier et al., 1998). Furthermore, a deeper consideration of discretionary influences through the lens of focal concerns perspective, perceptual shorthand, and attribution perspective may significantly enhance the literature on appearance and criminal justice outcomes.

### **Post-Release Outcomes**

A review of rearrest and reconviction literature is necessary to contextualize the known and unknown factors that influence post-release outcomes. This is important because it explains how certain factors may influence differential offending, which also influence post-release outcomes. Notable studies discuss influences like criminal history (Bird & Grattet, 2017; Hicks et al., 2022; Honegger & Honegger, 2019; Reich et al., 2015; Wong & Hickman, 2022), demographics (Bozick et al., 2018; Gerstenberger et al., 2019; Hall, 2015; Pelletier & Evans, 2019; Roessger et al., 2021), and parole or probation (Ostermann, 2015; Schaefer & Little, 2020; Vito et al., 2017; Wo & Park, 2019). After examination, each of these influences seems to have an impact on rates of reoffending,

thus creating a foundation for understanding the possible differences in post-release outcomes like rearrest or reconviction.

Reentry is difficult because it necessitates adjustment for an individual who has been arrested, incarcerated, and stripped of opportunities for societal integration (Western & Harding, 2022). Individuals who have been previously arrested and incarcerated are subject to cycles of criminal justice involvement, with 5-year recidivism rates averaging around 76% in the United States (Cook & Haynes, 2021; Skinner-Osei & Stepteau-Watson, 2018; Western & Harding, 2022). Certain barriers that contribute to this high recidivism rate include weakened social bonds (Cook and Haynes, 2021; Kolbeck et al., 2022), low educational attainment (Visher et al., 2017), limited employment opportunities (Denver et al., 2017; Kolbeck et al., 2022; Visher et al., 2017; Western & Harding, 2022), and exposure to criminality (Wilson et al., 2018). Each of these barriers decreases the availability of positive social and economic opportunities and increases the rate of recidivism for individuals released from incarceration.

The theory of cumulative disadvantage explains that criminal justice outcomes are not equally distributed, with some individuals put at a disadvantage due to demographic circumstances (Hickert et al., 2022). As mentioned, known barriers to successful post-release outcomes include low support, education, and employment (Cook and Haynes, 2021; Denver et al., 2017; Kolbeck et al., 2022; Visher et al., 2017; Western & Harding, 2022). These barriers are compounded by demographic factors, like race (Hickert et al., 2022). For example, a Black individual may have more difficulties than a White individual with the same support, education, and employment opportunities, due to the

cumulative disadvantage introduced by race. It can be argued that this concept can be extended to other factors beyond race, like appearance.

Despite these large barriers within the reentry process, there are known avenues to successful reentry. Individuals who participate in employment programming are more likely to gain employment after reentry (Denver et al., 2017). Overcoming the employability barrier is crucial for a successful reentry and avoiding recidivism. Additionally, access to social support, whether it be family support or community support, helps to decrease the recidivism rates for individuals after release (Cook & Haynes, 2021; Kolbeck et al., 2022). Perhaps the most difficult is avoiding criminal interactions after release from incarceration. This is especially true for individuals who participate in illegal drug use (Wilson et al., 2018). However, participation in treatment programs during incarceration and maintaining levels of participation in programming after release both help with successful reentry.

When looking specifically at rearrest and reconviction literature, there is a well-defined line between individual offending influencing outcomes and criminal justice actors using discretionary practices to influencing outcomes. Individuals with special mental health needs are subject to increased rates of reoffending when they do not participate in mental health programming (Jamieson et al., 2000; Noland et al., 2022; Shepherd et al., 2018). Programming and treatment significantly help reduce recidivism rates, meaning that discretionary decision making by criminal justice actors is not the only influence on rearrest or reconviction for individuals with special mental health needs. This remains true for individuals who have committed sexual offenses (Barnett et al., 2013; Beech & Ford, 2006; Craig et al., 2006; Craig et al., 2007; Friendship & Beech,



2005; Hood et al., 2002). Specifically, rearrest and reconviction are not necessarily experienced at a higher rate for individuals who have committed sexual offenses due to lower rates of reoffending (Beech & Ford, 2006; Hood et al., 2002).

Both offense type and number of previous arrests are known influences on rearrest and reconviction after release (Bird & Grattet, 2017; Frenndrich & Archer, 1998; Hicks et al., 2022; Honegger & Honegger, 2019; Reich et al., 2015; Wong & Hickman, 2022). As mentioned, individuals who have been rearrested in the past have difficulties finding housing and employment, thus impacting rates of reoffending (Denver et al., 2017; Kolbeck et al., 2022; Visher et al., 2017; Western & Harding, 2022; Wilson et al., 2018). However, the discretion of criminal justice actors that recognize an individual with a history of offending may equally impact rearrest and reconviction outcomes (Albonetti, 1991; Brown & Daus, 2015; Higgins et al., 2012; Holmes & D'Amato, 2020; James et al., 2018; Johnson & King, 2017; Ouellet & Wareham, 2023; Pinizzotto et al., 2000). Among a sample of youth individuals who were released from criminal justice supervision, 84% were rearrested within 12 years for nonviolent crimes, including burglary, theft, drug possession, or trespassing (Frenndrich & Archer, 1998). Additionally, quantity of previous arrests influences rearrest rates, regardless of misdemeanor or felony status (Bird & Grattet, 2017). Of course, reoffending is an important factor for both examples, yet the consistency for both misdemeanor and felony cases suggests discretion influences outcomes, especially considering the level of discretion allowed for less serious offenses.

Demographic factors like marital status and housing also seem to influence post-release outcomes (Bruce et al., 2014; Hall, 2015; Steffensmeier et al., 1998). For marital

status, individuals who are married during the three years after release from incarceration are less likely to be rearrested than single individuals (Hall, 2015). This outcome is influenced by the connection between marital status and social bonds, which have been associated with lower recidivism rates. In 2014, a similar study noted that the existence of social support factors decreases the rates of reconviction for released individuals in London (Bruce et al., 2014). When compared, the study by Hall (2015) and the study by Bruce and colleagues (2014) each suggest that social supports, like marital status, housing, and homelife, had a significant impact on post-release outcomes. Though these social supports decrease rates of reoffending, they can also influence perceptions of protection of the community because criminal justice actors consider the second focal concern, which specifically references family support and future prospects (Steffensmeier et al., 1998).

In terms of race and ethnicity, multiple studies identify disproportionate rates of rearrest for individuals who identify as non-white (Hall, 2015; McGovern et al., 2009). Hall (2015) notes that during the three years after release from incarceration, Black individuals have a 77.6% rearrest rate, which is significantly higher than the 69.3% rearrest rate for white individuals. Disproportionalities also exist when examining reconviction. White individuals have the lowest reconviction rates when compared to Black or Hispanic individuals, and Hispanic individuals have lower reconviction rates than Black individuals (Hall, 2015; McGovern et al., 2009). Additionally, reincarceration rates for Hispanic individuals are about the same as rates for Black individuals (McGovern et al., 2009). These disproportionalities seen across race are not completely attributed to rates of reoffending, which suggests discretionary decision making by

criminal justice actors is likely a factor for consideration (Hall, 2015; McGovern et al., 2009).

Both age and education are notable influences on rearrest and reconviction (Bozick et al., 2018; Craig, 2011; Hall, 2015; Pelletier & Evans, 2019; Roessger et al., 2021). An individual's aging is associated with a decrease in rearrest; that is, as an individual ages, he or she is less likely to experience rearrest (Hall, 2015). Age is also characterized as a key influence on reconviction (Craig, 2011; Hall, 2015). When examining post-release outcomes, younger individuals have higher rates of reconviction than those over the age of 24. Higher education levels, specifically completion of a GED, are associated with higher employment rates for formerly incarcerated individuals, which in turn lowers rates of rearrest and reconviction (Hall, 2015; Roessger et al., 2021). Additionally, completion of educational programming while incarcerated helps reduce rates of recidivism after release from incarceration (Bozick et al., 2018; Pelletier & Evans, 2019). As explained by the literature, age and education seem to influence reoffending more than discretionary decision making by criminal justice actors.

Supervision after release from incarceration also has an influence on rearrest and reconviction outcomes. Among a sample of probationers who received vocational services from non-profit organizations, there was a notable decrease in rates of recidivism (Wo & Park, 2019). This study also notes that the probation services provided by non-profit organizations remain impactful regardless of the offense committed by the probationer. When looking at the three years after release from incarceration, it seems that parolees are more likely to experience rearrest shortly after release (Ostermann, 2015). Directly counter to these results, researchers who implemented a new parole

program that emphasized crime-opportunity-reduction found that there was a decrease in the rate of rearrest for participants (Schaefer & Little, 2020). These results are limited to the specific conditions of the parole program rather than outlining the impact of parole as a whole. Yet, the results are useful in determining the influences parole could possibly have on post-release outcomes.

Among a sample of parolees who took advantage of housing and employment programs, there were decreased rates of recidivism (Vito et al., 2017). These results are especially relevant when considering the association between housing, employment, and rearrest. There are also non-program related factors that influence rearrest among parolees. Specifically, parolees with special mental health needs and substance abuse disorders are more likely to experience rearrest earlier in the reentry process than other parolees (Wood, 2011). Simply put, the increased observation of released individuals with drug or mental health problems resulted in increased rates of rearrest due to technical violations. In terms of the relationship between parole and reconviction, participation in parole decreases the rates of reconviction for both felonies and misdemeanors (Hann et al., 1991; Ostermann, 2015; Vito et al., 2017). However, participation in parole allows for the possibility of revocation following technical parole violations (Ostermann, 2015). Regardless of the possibility of technical violations, individuals who take advantage of parole programming and features like vocational training and housing support have lower rates of reconviction than those who are released without parole conditions (Ostermann, 2015; Vito et al., 2017). This connection between post-release supervision and post-release outcomes is again attributed to individual offending, rather than discretionary decision making by criminal justice actors.

In total, rearrest and reconviction scholars seem to emphasize the significance of demographic factors, parole, and offense type in their research on post-release outcomes (Bird & Grattet, 2017; Bruce et al., 2014; Craig, 2011; Hall, 2015; Hann et al., 1991; Honegger & Honegger, 2019; McGovern et al., 2009; Ostermann, 2015; Vito et al., 2017; Wong & Hickman, 2022). Some studies within this broad body of research conclude that post-release outcomes are influenced by the factors that impact rates of reoffending (Bozick et al., 2018; Craig, 2011; Hall, 2015; Hann et al., 1991; Ostermann, 2015; Pelletier & Evans, 2019; Roessger et al., 2021; Vito et al., 2017). However, as discussed within the theoretical framework and the literature on post-release outcomes, many of these factors can also be linked to the discretionary decision making of criminal justice actors (Albonetti, 1991; Barnett et al., 2013; Beech & Ford, 2006; Bruce et al., 2014; Frenndrich & Archer, 1998; Hall, 2015, Steffensmeier et al., 1998). Therefore, further research on the factors that influence both offending barriers and discretionary decision making by criminal justice actors is required to further fill the gap in rearrest and reconviction literature.

### **Appearance**

Finally, this section discusses previous literature on appearance and criminal justice interactions. The following examples of research provided a basis for the current project. Specifically, outlining research on appearance helped better contextualize the previous methodological approaches for explaining the influence of appearance, as well as the remaining gap in the literature.

Tattoos, as a form of body art, are often linked to perceptions of deviance and negative stereotypes (Adams, 2009; McMullen & Gibbs, 2019). There are police agencies

that decide not to employ individuals with visible tattoos, classified as on the face, neck, or hand of potential employees, due to concerns about societal perception (McMullen & Gibbs, 2019). More recently, tattooing has gained support as an art rather than a form of deviance (Adams, 2009). Yet, this growing acceptance does not negate the stereotypes completely. A nationally representative sample of 500 adults in the United States was surveyed to test the perceptions of deviance that supposedly come along with tattoos. The survey found that despite the changes in public sentiment, tattoos are still linked to perceptions of deviance (Adams, 2009). Understanding this connection, McMullen and Gibbs (2019) explored its impact on police recruitment. After outlining the practices of each state in America, the authors found that the association between tattoos and deviance was strong enough to limit department conduct and policy (McMullen & Gibbs, 2019). This limitation ranged from policies against all tattoos to policies against visible tattoos.

Facial features alone have been observed as an influence on conviction outcomes (Johnson & King, 2017). The data employed as part of a study on appearance were used to explain that facial features play a crucial role in forming initial impressions. Defendants with younger-looking faces and more traditionally attractive features were reportedly less likely to be convicted. This finding was linked to the way appearance influenced perceptions of danger, culpability, and suitability for incarceration, all of which are included in the focal concerns perspective (Johnson & King, 2017; Steffensmeier et al., 1998). The decision to convict defendants with favorable facial features is also influenced by perceptions of fear and blameworthiness (Johnson & King, 2017).

Keeping with the research on appearance and decision-making during conviction, Brown and colleagues (2018) examined how tattoos influenced decision-making within the court room. Mock jurors were used to test the relationship between tattoos and juror perceptions. An emphasis was placed on the different varieties of tattoos and the different perceptions one might have about tattoos. Specifically, different locations, sizes, quantities, colors, and designs were identified. The sample of mock jurors was comprised of 30 first-year psychology students. Defendants with different tattoo types and locations were presented to the jurors. The results found that tattoos significantly impact perception of stereotypes. These stereotypes include negative perceptions of wealth, danger, and guilt, which are very similar to the characteristics associated with decision making during arrest and conviction (Steffensmeier et al., 1998).

A similar study tested the impact facial tattoos had on the perception of guilt and criminal stereotypes (Funk & Todorov, 2013). A sample of 286 individuals was screened based on their perception of tattoos. A scenario involving a fake defendant charged with either assault or tax fraud was read to the participants. In each scenario the researchers presented the defendant with a face tattoo and a defendant without a face tattoo. The result of this test showed that the perception of criminality, guilt, and even the likelihood of reoffending, were each associated with the existence of a face tattoo (Funk & Todorov, 2013). Furthermore, the analysis describes facial tattoos as visible, thus eliciting a connection between visible attributes and decision making. MTurk services helped produce data for a 2020 study on appearance, perceptions, and outcomes (Wasarhaley & Vilk, 2020). The final sample included 174 participants in the United States who were each asked to complete a questionnaire. Before the questions could be answered, a brief

case summary was given to each participant. The hypothetical case involved a female rape victim who had visible tattoos. The questions asked for a guilty verdict, a degree of guilt, a perception of the victim's credibility, and some other contextual questions. The results from the study note that the existence of tattoos significantly impacted certain juror perceptions (Wasarhaley & Vilks, 2020). These perceptions included outlooks on conservativeness, desirability, and other rape-related stereotypes.

Fortunately, the link between tattoos and recidivism for individuals released from prison has received some attention within the literature. A study of Florida prisoners found that inmates with tattoos were more likely to be violent while incarcerated and after release (Bales et al., 2013). Additionally, for released individuals, those with at least one tattoo were more likely to recidivate following a violent offense. Jennings and colleagues (2014) used the Cambridge study to evaluate the influence tattoos have on crime over the life-course. Tattoos were correlated with criminality, yet the results suggested that tattoos relate to a set of developmental risk factors across the life -course, rather than serve as casual factors for criminality (Jennings et al., 2014). These results support the necessity for research on post-release outcomes as they relate to tattoos. However, the study does not distinguish between differential offending based on tattoos and differential treatment due to tattoo visibility.

Rima and colleagues (2023) used Add Health data to examine tattoos' influence on arrest, conviction, and incarceration. Many demographic factors have been examined in reference to criminal justice interactions, but the work by Rima and colleagues (2023) suggests tattoos have a biasing impact on criminal justice actors. The results explain that for both males and females, tattoos increase the risk of native criminal justice outcomes,



even after controlling for demographics (Rima et al., 2023). This research utilizes labeling theory, making it an interesting contribution for the current research on post-release outcomes and appearance.

The literature on appearance suggests that tattoos, facial features, and appearance each have an impact on perceptions (Brown et al., 2018; Johnson & King, 2017; Funk & Todorov, 2013; Wasarhaley & Vilck, 2020). Additionally, the conclusions seem to emulate the principles set forth by the focal concerns perspective (Steffensmeier et al., 1998). When combined, appearance related factors like tattoos and facial features may significantly influence perceptions of blameworthiness, protection of the community, or practical constraints. However, the available research frequently lacks theoretical implications or examines surveys and mock jurors to arrive at this conclusion (Brown et al., 2018; Johnson & King, 2017; Funk & Todorov, 2013; Wasarhaley & Vilck, 2020). Therefore, a gap in the literature remains. This information can be used to aid in the test of influence between appearance and post-release outcomes, as measured with incarceration data.

Though the available research does not explicitly discuss the influence of visible scars or marks, this project suggests the significance will be similar to that explained in the available literature on visible tattoos. So, visible scars or marks may impact perceptions of deviance, innocence, attractiveness, blameworthiness, or social conformity the same way tattoos do (Brown et al., 2018; Johnson & King, 2017; Funk & Todorov, 2013; Wasarhaley & Vilck, 2020). It can be argued that some scars and marks are not actively chosen, but all tattoos are. Though this is true, many of the visible marks existing

in the data are a result of removing a tattoo, which is a choice. This definition of visible scars, marks, and tattoos will be explained further in Chapter 3.

### **Current Study**

This review of rearrest, reconviction, and appearance literature helps contextualize the factors that influence post-release outcomes. Multiple articles affirm the applicability of focal concerns perspective, perceptual shorthand, and attribution perspective to police officers, prosecutors, judges, known barriers, and appearance (Albonetti, 1991; Barnett et al., 2013; Beech & Ford, 2006; Bruce et al., 2014; Frenndrich & Archer, 1998; Hall, 2015, Steffensmeier et al., 1998). Therefore, the current project will add to the literature by contextualizing the specific influence scars, marks, and tattoos have on rearrest and reconviction.

In order to fill the gap within the literature on rearrest and reconviction, this thesis aims to answer two research questions. The first question asks, does the existence of visible scars, marks, and/or tattoos impact the likelihood of rearrest? The second question asks, for those who have been rearrested, does the existence of visible scars, marks, and/or tattoos further impact the likelihood of reconviction? The proposed hypothesis for research question one states individuals with visible scars, marks, and/or tattoos have a higher likelihood rearrest than those without. The proposed hypothesis for research question two states individuals with visible scars, marks, and/or tattoos have a higher likelihood of reconviction than those without. Both hypotheses use the theoretical understanding gathered from the focal concerns perspective, perceptual shorthand, and attribution perspective.

The two dependent variables, rearrest and reconviction, were chosen based on the applicability of the theoretical framework. The focal concerns perspective explains that individuals have concerns about blameworthiness, the protection of the community, and practical constraints (Steffensmeier et al., 1998). Additionally, perceptual shorthand and attribution perspective explain that criminal justice actors can rely on stereotypes when dealing with uncertain decisions (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto et al., 2000). These concerns are relevant to police officers, prosecutors, and judges (Albonetti, 1991; Brown & Daus, 2015; Higgins et al., 2012; Holmes & D'Amato, 2020; James et al., 2018; Johnson & King, 2017; Ouellet & Wareham, 2023; Pinizzotto et al., 2000). These variables are also connected to appearance, as seen throughout the literature (Adams, 2009; McMullen & Gibbs, 2019; Saunders & Midgette, 2023; Wasarhaley & Vilck, 2020). Therefore, choosing variables like rearrest and reconviction will allow for a clear analysis of physical appearance, using the focal concerns perspective, perceptual shorthand, and attribution perspective.

Visible scars, marks, and tattoos is the first independent variable for the analysis. Visible tattoos alone is the second independent variable. As discussed throughout Chapter II, visible attributes seem to have a significant impact on rearrest and reconviction (Adams, 2009; Fielding-Miller et al., 2020; Jochnowitz & Kendall, 2021; Johnson & King, 2017; Pollis, 2022; Saunders & Midgette, 2023; Wasarhaley & Vilck, 2020). Therefore, using visible scars, marks, and/or tattoos as independent variables will further explain the relationship between post-release outcomes and appearance.

The literature surrounding rearrest and reconviction in the criminal justice system is broad, even when considering specific factors like appearance. A variable like race is

an example of how appearance can impact outcomes, especially when Afrocentric features are examined (Bennett & Plaut, 2018; Burch, 2015; King & Johnson, 2016; Monk, 2019; Petersen, 2017). Additionally, it seems clear that the concepts presented by the focal concerns perspective, perceptual shorthand, and attribution perspective are easily connected to race related factors (Blair et al., 2005; Kleider-Offutt, 2019; Steffensmeier et al., 1998). However, this understanding can be extended to other appearance related stereotypes that influence discretion and know reoffending barriers. For example, the limited literature on scars, marks, and tattoos provides information on visible tattoos creating stereotypes that are linked to criminal justice perceptions of culpability (Adams, 2009; McMullen & Gibbs, 2019; Wasarhaley & Vilc, 2020). Therefore, outlining appearance more broadly can help identify the unknown variance in rearrest or reconviction likelihood.

## **CHAPTER III**

### **Methodology**

#### **Introduction**

Chapter three of this thesis outlines the methodology used to analyze the relationship between rearrest and visible scars, marks, and tattoos, as well as reconviction and visible scars, marks, and tattoos. As outlined in the literature review, this analysis will help fill a gap in research by assessing the link between non-race related visible characteristics and disproportionate rearrest and reconviction. Two research questions are used to accomplish this goal. First, do visible scars, marks, or tattoos impact the likelihood of rearrest? Second, among those who are arrested, do visible scars, marks, or tattoos further impact the likelihood of reconviction? The hypotheses for both research questions stem from the theoretical framework and predict that the existence of visible scars, marks, and tattoos significantly increases the likelihood of rearrest and reconviction.

#### **Data and Sample**

The data employed here are a part of the larger data collection efforts that occurred with the “LoneStar Project, Texas Study of Trajectories, Associations, and Reentry” (Decker & Pyrooz, 2021). The original project assessed trajectories, associations, and reentry among individuals released from Texas prisons. This detailed dataset included incarceration information on a cohort of individuals released between March 2015 and December 2016. These data were combined with criminal histories from the Texas Department of Public Safety (DPS), which included rearrest and reconviction data through December 2019. This results in a minimum follow-up period of three years

for all individuals (December 2016 to December 2019) and a maximum follow-up period of about 4.5 years (March 2015 to December 2019). During this timeframe, a total of 802 individuals were sampled for the dataset. The information collected incorporated demographic variables like age, race, and birthplace. Due to the scope of the project, females were not included in the data collection. Additionally, variables detailing criminal activity were identified, including arrest history, offense type, and conviction information, among other incarceration information. Of primary interest for the purposes of this study, the data from DPS included detailed information on the scars, marks, and tattoos of individuals included in the release cohort from TDCJ, including the specific location and number of each scar, mark, and tattoo.

### **Dependent Variables**

The two outcomes of interest for this thesis include rearrest and reconviction. Descriptive statistics for both dependent variables can be observed in Table 1 and Table 2. Rearrest is characterized as any arrest for a new offense that occurred within the first three years after release from prison. Rearrests that may have occurred after December 2019 are not included, as the data for those arrests are outside the follow-up period of this study. The first dependent variable, rearrest, is coded as a binary variable. For the purposes of this analysis, a dichotomous measure was created (0 = no, 1 = yes) and indicates whether an individual was subject to rearrest during the 36-month follow-up period. For individuals who were rearrested, reconviction is measured as any conviction that occurred within the three-year follow-up period after release from prison. Reconviction is coded as a dichotomous measure (0 = no, 1 = yes). This three-year follow-up used for both dependent variables is in line with commonly accepted

timeframes as found in previous studies on recidivism (Friedrich, 2023; Gallagher et al., 2020; Liberman et al., 2021; Van Ginneken & Palmen, 2023). Focusing on the first 36 months after release provides time for exposure to variability in the outcomes.

Additionally, a majority of recidivism occurs within two to three years of release (Friedrich, 2023). Therefore, analyzing the data within the scope of three years can be considered an acceptable strategy.

### **Independent Variables**

The first independent variable of interest is the presence of visible scars, marks, and tattoos. This variable was created by coding the existing data on appearance. The data set provided appearance-related information for the entire 802-person sample. This information included the location of each individual scar, mark, and tattoo, up to ten different scars, marks, and tattoos. The data included information on scars, marks, and tattoos that were located on any part of the body. Therefore, a new variable that emphasized the visibility of the scars, marks, and tattoos was created. Information on scar, mark, and tattoo inclusion can be found in Appendix A. See Table 1 and Table 2 for more information on the independent variables.

The term visible refers to any scar, mark, or tattoo that is located on an individual's face, neck, or hands. This definition of visible was influenced by the research on police tattoos (McMullen & Gibbs, 2019). To account for the impact of visibility, the creation of a new variable that differentiated between visible and non-visible scars, marks, and tattoos was necessary. The new variable was created by examining the scar, mark, and tattoo data for all individuals and selecting the cases where a scar, mark, or tattoo was located on the face, neck, or hands. All visible scars, marks, and tattoos were

counted equally, meaning a scar on the left cheek holds the same value as a tattoo on the left cheek. The list outlining each scar, mark, and tattoo that was coded into the new visible variable can be found in Appendix: A.

The second independent variable of interest is presence of visible tattoos. As discussed previously, tattoos alone likely have a significant impact on criminal justice outcomes, highlighting the importance of examining visible tattoos as a separate variable. Both independent variables were coded as dichotomous measures indicating the presence of visible scars, marks, and/or tattoos (0 = no, 1 = yes). Descriptive information for each independent variable can be found in Table 1.

### **Control Variables**

Multiple control variables are also included in this analysis. Descriptive information for all control variables can be found in Table 1 and Table 2. The selection of control variables was based on the known characteristics that predict rearrest and reconviction, including demographics and criminal history. A description of each variable, why it is included, and how it is measured within the analysis is provided in the section below.

In terms of demographic factors, there are multiple variables of interest. First, race was chosen as a result of the density of race-related research on rearrest and reconviction. That data separates race into four categories. These categories are Black, Hispanic, White, and Other. For this analysis, the race category was dummy coded (0 = non-Black, 1 = Black), (0 = non-Hispanic, 1 = Hispanic), (0 = non-White, 1 = White), and (0 = non-other, 1 = Other). White is used as the reference category. Second, age is controlled for due to its association with recidivism (Le Blanc, 2020; Piquero et al.,



2015). Age is also used as a control variable in many of the other studies conducted on appearance related bias (Adams, 2009; McMullen & Gibbs, 2019; Saunders & Midgette, 2023; Wasarhaley & Vilc, 2020). The current dataset includes age values from 19 to 90. However, the analyses use a form of age that is centered. This means the average is subtracted from each age value, making it easier to interpret. Marital status is the next control variable, because it specifically relates to social support for released individuals. For example, marital status is frequently linked to recidivism because individuals who are married have more help readjusting to non-incarcerated life (Walker et al., 2020). This control factor is coded as a dichotomous variable (0 = not married, 1 = married). Finally, education level is the last demographic variable included as a control. Education level receives a lot of attention throughout the literature on rearrest and reconviction due to its impact on employability and adjustability (Hall, 2015; Newton et al., 2018). Education is a dichotomous variable (0 = no high school diploma or GED, 1 = has a high school diploma or GED).

In terms of criminal history, gang status<sup>1</sup>, offense type, post-release supervision, and months served are all important factors. First, gang membership can impact arrest rates, conviction rates, and recidivism rates and can be considered during other criminal justice related interactions (Buchanan & Krohn, 2020; Dooley et al., 2014; Griffin, 2007; Poljak & Burke, 2008; Pyrooz et al., 2021). Additionally, gang members can have tattoos or markings that can be used as identifiers for law enforcement (Poljak & Burke, 2008). Therefore, a dichotomous variable of gang membership was controlled for (0 = non-confirmed gang member, 1 = confirmed gang member). Second, offense type is

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<sup>1</sup> \*In the original data collection, participants were oversampled on for gang-membership.

frequently connected to rearrest, reconviction, and recidivism (Hasisi et al., 2020; Paulose, 2022). This variable is coded into four categories. The labels for each category are “violent, property, drug, and other.” Each category was dummy coded for analysis (0 = non-violent, 1 = violent), (0 = non-property, 1 = property), (0 = non-drug, 1 = drug), and (0 = non-other, 1 = other). Violent is used as the reference category. Third, post-release supervision was accounted for due to its relationship with rearrest and reconviction. Specifically, individuals on parole are subject to higher levels of observation and scrutiny (Zapryanova, 2020). These conditions can impact rearrest and reconviction. Post-release supervision is a dichotomous variable (0 = non-parole/DMS/MS, 1 = parole/DMS/MS). Fourth, months served in prison is a key control factor because length of incarceration is associated with different rates of recidivism (Zapryanova, 2020). Depending on sentence length, some individuals age out of crime, while others experience a decrease in social support, thus increasing criminality. Months served in prison is coded at the ratio level.

### **Descriptive Statistics**

The descriptive statistics for each tested variable are provided in Table 1 and Table 2. In terms of the first dependent variable, rearrest, a majority of the released individuals were rearrested within 3-years of release (N=438, 54.61%). For the second dependent variable, reconviction, many of the individuals who experienced rearrest also experienced reconviction (N=236, 85.82%).

The independent variables are uniquely described in reference to each of the dependent variables. Of the 802 individuals assessed for rearrest, 511 had visible scars, marks, and tattoos (63.72%). Additionally, 363 of the 802-person sample had visible

tattoos (45.26%). Of the 438 individuals assessed for reconviction, 311 (71.00%) had visible scars, marks, or tattoos and 236 (53.88%) had visible tattoos.

For the control variables, mean, standard deviation, minimum, and maximum are uniquely reported for rearrest. Descriptive information on the 802-person rearrest sample can be found in Table 1. When looking at the 802-person rearrest sample, centered age has a range of values between -20.89 years from the average and 34.11 years from the average. Additionally, the average age of the 802-person sample is around 2.55 years from the center (SD=11.23). The categories White (N=242, 30.17%), Black (N=246, 30.67%), and Hispanic (N=311, 38.78%) represent a majority of the 802-person sample. The fourth category for race, other, is represented in the data far less (N=3, 0.37%). A minority of the 802-person sample is married (N=163, 20.32%), but 585 individuals have received a high school diploma (HSD) or GED (72.94%). In terms of offense type, violent offenses are the most common for the rearrest sample (N=317, 39.53%). The other offense categories property (N=158, 19.70%), drug (N=135, 16.83%), and other (N=191, 23.94%) are less represented in the 802-person sample. The control variable for post-release supervision, parole, includes 678 out of 802 individuals who participate in parole or some other form of post-release supervision (84.54%). Months served is controlled for within the rearrest sample, with values between 7.13 months and 435.65 months. The average amount of time served is 77.45 months (SD=79.94). Finally, gang status is the final variable that received descriptive analysis within the 802-person sample. A total of 368 individuals were involved with gang membership (45.89%).

Mean, standard deviation, minimum, and maximum are also reported uniquely for the 438-person reconviction sample. Descriptive information for reconviction can be

found in Table 2. First, centered age has a range of values from -20.89 years from the average to 31.11 years from the average (mean=-2.23, SD=10.45). Second, White, Black, and Hispanic are all represented similarly (130, 130, 177 respectively). Third, 77 individuals are married (17.58%) and 314 have a high school diploma (HSD) or GED (71.69%). Fourth, the values for crime type are similar (Violent=133, Property=106, Drug=95, Other=104). Fifth, 357 individuals are under some form of parole supervision (81.51%). Sixth, the average time served was 68.74 months, with values ranging from 9.76 months to 435.65 months. Finally, seventh, 241 individuals were identified as gang members (55.02%).

**Table 1***Descriptive Statistics for Rearrest and All Relevant Predictor Variables (N=802)*

<b>Variables</b>	<b>FRQ</b>	<b>Mean/%</b>	<b>SD</b>	<b>Min.</b>	<b>Max.</b>
<b>Dependent Variable</b>					
Rearrested	438	54.61%			
Not Rearrested	364	45.39%			
<b>Independent Variables</b>					
Visible SMT	511	63.72%			
No Visible SMT	291	36.28%			
Visible TAT	363	45.26%			
No Visible TAT	439	54.74%			
<b>Control Variables</b>					
Age	802	40.89	11.24	20	75
White (Reference)	242	30.17%			
Black	246	30.67%			
Hispanic	311	38.78%			
Other	3	00.37%			
Married	163	20.32%			
Not Married	639	79.68%			
HSD or GED	585	72.94%			
No HSD or GED	217	27.06%			
Violent (Reference)	317	39.53%			
Property	158	19.70%			
Drug	135	16.83%			
Other	192	23.94%			
Parole/DMS/MS	678	84.54%			
No Parole/DMS/MS	124	15.46%			
Months Served	802	77.45	79.94	7.13	435.65
Gang Member	368	45.89%			
Not Gang Member	434	54.11%			

**Table 2***Descriptive Statistics for Reconviction and All Relevant Predictor Variables (N=438)*

<b>Variables</b>	<b>FRQ</b>	<b>Mean/%</b>	<b>SD</b>	<b>Min.</b>	<b>Max.</b>
<b>Dependent Variable</b>					
Reconvicted	236	85.82%			
Not Reconvicted	39	14.18%			
<b>Independent Variables</b>					
Visible SMT	311	71.00%			
No Visible SMT	127	29.00%			
Visible TAT	236	53.88%			
No Visible TAT	202	46.12%			
<b>Control Variables</b>					
Age	438	36.66	10.45	20	72
White (Reference)	130	29.68%			
Black	130	29.68%			
Hispanic	177	40.41%			
Other	1	00.23%			
Married	77	17.58%			
Not Married	361	82.42%			
HSD or GED	314	71.69%			
No HSD or GED	124	28.31%			
Violent (Reference)	133	30.37%			
Property	106	24.20%			
Drug	95	21.69%			
Other	104	23.74%			
Parole/DMS/MS	357	81.51%			
No Parole/DMS/MS	81	18.49%			
Months Served	438	68.74	72.26	9.76	435.65
Gang Member	241	55.02%			
Not Gang Member	197	44.98%			

**Plan of Analysis**

There will be three parts to the statistical analysis. The first part involves a descriptive analysis of the dependent, independent, and control variables. The second part involves a bivariate analysis between the dependent variables and each of the independent variables. A bivariate analysis assesses the initial significance between the key variables in this thesis. Finally, due to the dichotomous nature of the dependent variables, binary logistic regressions will be conducted for the rearrest and reconviction

variables. The full final models will include the primary independent variable as well as the other control variables.

## CHAPTER IV

### Results

#### Introduction

Chapter 4 includes the quantitative results from each of the analyses proposed in Chapter 3. The included findings help to address this project's research questions regarding the relationship between scars, marks, and tattoos and rearrest or reconviction. There are three sections to Chapter 4. The first section includes a diagnostic test of the dependent and predictor variables. The second section uses a chi-square analysis to determine if the categories within the dependent variables can be predicted by the categories within the independent variables. This section also explains the tested assumptions for the chi-square analysis. The third section outlines the findings derived from the binary logistic regressions. Section four also includes a detailed description of each included variable and tests the assumptions required for an accurate binary logistic regression.

#### Diagnostics

In order to assess the reliability and validity of the current statistical analyses, diagnostics were run for the dependent and independent variables. Specifically, rearrest, reconviction, the existence of visible scars, marks, and tattoos, and the existence of visible tattoos were all tested for missing values. This test helps to assess the key variables which are used throughout the statistical analyses.

Rearrest has no missing values with the 802-person sample splitting between 364 individuals not experiencing rearrest within the 3-year follow-up period and 438 individuals experiencing rearrest within the 3-year follow-up period. Reconviction had



163 missing values. This can be related to the filtering effect of individuals only being eligible for reconviction if they were rearrested. Of the 438 individuals who were rearrested, 39 were not reconvicted and 236 were reconvicted, leaving 163 individuals without reconviction information. Again, these values are likely tied to the data collection timeframe. If an individual was rearrested towards the end of the 3-year follow-up period, there may not have been time to process him through conviction.

The final diagnostic check involved a test for multicollinearity and outlier assumptions. Multicollinearity was assessed using variance inflation factor's (VIF). All VIF scores were below the threshold, thus meeting the assumptions (Field, 2018). Additionally, the normal distribution of values was tested. There were no notable issues with multicollinearity or value distribution, thus meeting the assumptions for analysis.

### **Bivariate Assumptions**

There were multiple assumptions that required testing before the chi-square analysis could be performed. First, it must be understood that a chi-square analysis is testing if the categories of the independent variable significantly predict the categories of the dependent variable. Second, all of the variables must be measured at the nominal or ordinal level. Third, the number of observations for each variable must be large enough to produce significant results. Specifically, the expected frequency of N must be five times larger than the number of cells and 80% of the cells should have an expected frequency greater than 5. Finally, the fourth assumption requires that all categories are mutually exclusive and exhaustive.

Due to the categorical nature of the variables, the number of observations, and the exhaustive and exclusive nature of the variables, the chi-square test can be conducted.

Each of the chi-square assumptions are met for this data.

### **Bivariate Analysis**

All results pertaining to the chi-square analyses can be observed in Table 3 and Table 4. For the first test, there is a statistically significant relationship between rearrest and existence of visible scars, marks, and tattoos ( $\chi^2=22.18$ ,  $p=0.00$ ) at an alpha of .05. However, the association measured with Cramer's V (0.17), notes that there is a relatively small association between the variables. For the second test, there is a statistically significant relationship between rearrest and existence of visible tattoos ( $\chi^2=28.94$ ,  $p=0.00$ ) at an alpha of .05. However, there is a relatively small association between the variables (Cramer's V=0.19). For the third test, the relationship between reconviction and visible scars, marks, and tattoos is not statistically significant ( $\chi^2=.34$ ,  $p=.56$ ) at an alpha level of .05. For the final test, the relationship between reconviction and visible tattoos is not statistically significant ( $\chi^2=.43$ ,  $p=.51$ ) at an alpha level of .05. Regardless of initial significance, further analysis is necessary to account for variance while controlling for other predictors.

**Table 3***Chi-square Analyses Between Rearrest and Visible Scars, Marks, and/or Tattoos*

	Model 1		Model 2		Total
	SMT=0	SMT=1	TAT=0	TAT=1	
Rearrest=0	164 132.1	200 231.9	237 199.2	127 164.8	364
Rearrest=1	127 158.9	311 279.1	202 239.8	236 198.2	438
Total	291	511	439	363	802

*Note.* Cell Values Represent Frequency and Expected Frequency, Model 1 Pearson  $\chi^2 = 22.18$ ,  $p < 0.001$ , Cramer's  $V = 0.17$ , Model 2 Pearson  $\chi^2 = 28.94$ ,  $p < .001$ , Cramer's  $V = 0.19$

**Table 4***Chi-square Analyses Between Reconviction and Visible Scars, Marks, and/or Tattoos*

	Model 1		Model 2		Total
	SMT=0	SMT=1	TAT=0	TAT=1	
Reconviction=0	27 28.5	12 10.5	24 22.1	15 15.9	39
Reconviction=1	174 172.5	62 63.5	132 133.9	104 102.1	236
Total	201	74	156	119	275

*Note.* Cell Values Represent Frequency and Expected Frequency, Model 1 Pearson  $\chi^2 = 0.34$ ,  $p = 0.56$ , Cramer's  $V = -0.04$ , Model 2 Pearson  $\chi^2 = 0.43$ ,  $p = .51$ , Cramer's  $V = 0.04$

### Multivariate Assumptions

There were multiple assumptions that required testing before a binary logistic regression could be performed. First, binary logistic regression analyses must test the independent effect each independent variable has on the dependent variable.

Additionally, a binary logistic regression must assess how each of the variables explains the dependent variable when combined. Second, the dependent variable in the analysis

must be measured at the nominal level. Third, all relevant variables should be included in the model, and all irrelevant variables should be excluded from the model. Finally, the independent variables should not be highly correlated with each other.

Each of the included variables for the binary logistic regression has been tested before the analysis. Reported VIF scores are under the threshold, which satisfies the assumption regarding multicollinearity (Field, 2018). Furthermore, all assumptions of the binary logistic regression analysis have been met. This means the analysis can provide insight into the relationship between the dependent variables and the independent variables, while controlling for other relevant variables.

### **Multivariate Analysis**

Table 5, Table 6, Table 7, and Table 8 detail the results of the binary logistic regressions between the dependent variables and independent variables, while controlling for multiple other relevant variables. Both the first dependent variable (rearrest) and the second dependent variable (reconviction) were included in the analyses.

The first regression analysis, which tests rearrest and existence of visible scars, marks, and tattoos, produced interesting results. All results can be observed in Table 5. In terms of the model's ability to account for variance, the results show that the overall model is significant ( $\chi^2=.00$ ). In terms of the main independent variable, existence of visible scars, marks, and tattoos has a statistically significant relationship with rearrest ( $p=.02$ ). Specifically, existence of visible scars, marks, and tattoos was significantly related to an increase in rearrest (Beta=.39). Therefore, existence of scars, marks, and tattoo increased the log odds of rearrest by a factor of 1.49, all else equal. Other significant variables include age ( $p<.001$ , Beta=-.04), property ( $p<.001$ , Beta=1.06), drug

( $p < .001$ ,  $Beta = 1.26$ ), other ( $p = .01$ ,  $Beta = .68$ ), parole/supervision ( $p = .01$ ,  $Beta = -.20$ ), and gang status ( $p < .001$ ,  $Beta = .73$ ). When looking at these variables in more detail, it becomes clear that age, property, drug, other, and gang status were associated with more rearrest. Parole/supervision was associated with less rearrest.

**Table 5**

*Binary Logistic Regression for Rearrest and Visible SMTs, with Controls*

Rearrest	Coefficient	S.E.	95% Confidence Intervals		Odds Ratio
Visible SMT	.39*	.17	.07	.72	1.49
Age	-.04***	.01	-.05	-.02	.97
Black	-.24	.20	-.64	.16	.79
Hispanic	-.27	.19	-.65	.12	.77
Other	-.85	1.39	-3.59	1.89	.43
Married	-.38	.19	-.76	.01	.69
GED/HSD	.10	.18	-.26	.46	1.11
Property	1.06***	.22	.63	1.49	2.88
Drug	1.26***	.24	.78	1.73	3.51
Other	.68**	.21	.26	1.09	1.97
Parole/Supervision	-.20**	.22	-1.04	-.16	.55
Month Served	.00	.00	-.01	.01	1.00
Gang Status	.73***	.17	.41	1.07	2.09

*Note.*  $N = 802$ ,  $\alpha = .05$ ,  $\chi^2 = 125.85$ ,  $\chi^2$  Prob. = 0.00, Pseudo  $R^2 = 0.114$ , \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ , Reference Categories (White and Violent), Age Represents Centered Age

The second regression analysis, which tests rearrest and existence of visible tattoos, produced notable results. All results can be observed in Table 6. In terms of the model's ability to account for variance, the results show that the overall model is significant ( $\chi^2 = .00$ ). In terms of the main independent variable, existence of visible tattoos has a statistically significant relationship with rearrest ( $p = .02$ ). Specifically, existence of visible tattoos was significantly related to an increase in rearrest ( $Beta = .39$ ). Therefore, existence of visible tattoos increased the log odds of rearrest by a factor of

1.48, all else equal. Other significant variables include age ( $p < .001$ ,  $Beta = -.03$ ), property ( $p < .001$ ,  $Beta = 1.09$ ), drug ( $p < .001$ ,  $Beta = 1.27$ ), other ( $p = .01$ ,  $Beta = .68$ ), parole/supervision ( $p = .01$ ,  $Beta = -.61$ ), and gang status ( $p < .001$ ,  $Beta = .70$ ). When looking at these variables further, the results note that property, drug, other, and gang status were associated with more rearrest. Age and parole/supervision were associated with less rearrest.

**Table 6**

*Binary Logistic Regression for Rearrest and Visible Tattoos, with Controls*

Rearrest	Coefficient	S.E.	95% Confidence Intervals		Odds Ratio
Visible TAT	.39*	.17	.06	.72	1.48
Age	-.03***	.01	-.05	-.02	.97
Black	-.24	.20	-.64	.15	.79
Hispanic	-.28	.19	-.66	.11	.76
Other	-.92	1.39	-3.64	1.80	.39
Married	-.36	.19	-.75	.02	.69
GED/HSD	.13	.18	-.23	.48	1.13
Property	1.09***	.22	.66	1.52	2.98
Drug	1.27***	.24	.79	1.74	3.56
Other	.68**	.21	.26	1.09	1.97
Parole/Supervision	-.61**	.22	-1.05	-.17	.55
Month Served	.00	.00	-.00	.00	1.00
Gang Status	.70***	.17	.37	1.04	2.02

*Note.* N=802, Alpha=.05,  $\chi^2 = 125.50$ ,  $\chi^2$  Prob.=0.00, Pseudo  $R^2 = 0.114$ , \* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$ , Reference Categories (White and Violent), Age Represents Centered Age

The third regression analysis, which examines reconviction and existence of visible scars, marks, and tattoos, produced fewer notable results. All results can be observed in Table 7. In terms of the model's ability to account for variance, the results show that the overall model did not account for a significant amount of the existing variance ( $\chi^2 = .17$ ). In terms of the main independent variable, existence of visible scars,

marks, and tattoos did not have a statistically significant relationship with rearrest ( $p=.55$ ). Additionally, all other predictor variables did not meet the threshold for statistical significance ( $p>.05$ ). These null results will be discussed further in Chapter 5.

**Table 7**

*Binary Logistic Regression for Reconviction and Visible SMTs, with Controls*

Reconviction	Coefficient	S.E.	95% Confidence Intervals		Odds Ratio
Visible SMT	.24	.41	-.55	1.04	1.27
Age	.01	.02	-.03	.05	1.01
Black	-.52	.46	-1.42	.38	.59
Hispanic	.29	.47	-.64	1.22	1.34
Other	-	-	-	-	-
Married	-.54	.44	-1.39	.32	.58
GED/HSD	-.36	.44	-1.22	.50	.69
Property	.41	.54	-.65	1.48	1.52
Drug	-.81	.48	-1.74	.13	.45
Other	.26	.57	-.86	1.37	1.29
Parole/Supervision	-.35	.56	-1.44	.75	.71
Month Served	-.00	.00	-.01	.01	.99
Gang Status	-.37	.81	-1.14	.40	.69

*Note.* N=275, Alpha=.05,  $\chi^2=16.49$ ,  $\chi^2$  Prob.=0.17, Pseudo R<sup>2</sup>=0.07, \* $p<.05$ , \*\* $p<.01$ , \*\*\* $p<.001$ , Reference Categories (White and Violent), Age Represents Centered Age

The final regression analysis, which looked at the relationship between reconviction and existence of visible tattoos, also produced null results. All results can be observed in Table 8. In terms of the model's ability to account for variance, the results show that the overall model is not significant ( $\chi^2=.15$ ). In terms of the main independent variable, existence of visible tattoos did not have a statistically significant relationship with reconviction ( $p=.35$ ). Other null variables include age, property, drug, other, parole/supervision, and gang status ( $p>.05$ ). These results will be discussed further in Chapter 5.

**Table 8***Binary Logistic Regression for Reconviction and Visible Tattoos, with Controls*

Reconviction	Coefficient	S.E.	95% Confidence Intervals		Odds Ratio
Visible TAT	-.37	.39	-1.15	.41	.69
Age	.01	.02	-.03	.05	1.01
Black	-.48	.46	-1.38	.43	.62
Hispanic	.38	.48	-.56	1.31	1.46
Other	-	-	-	-	-
Married	-.54	.44	-1.39	.32	.59
GED/HSD	-.41	.44	-1.27	.46	.67
Property	.49	.54	-.57	1.55	1.64
Drug	-.79	.47	-1.73	.134	.45
Other	.29	.57	-.82	1.41	1.35
Parole/Supervision	-.41	.56	-1.49	.69	.67
Month Served	.00	.00	-.01	.01	1.00
Gang Status	-.23	.40	-1.02	.56	.79

*Note.* N=275, Alpha=.05,  $\chi^2=17.02$ ,  $\chi^2$  Prob.=0.15, Pseudo R<sup>2</sup>=0.08, \*p<.05, \*\*p<.01, \*\*\*p<.001, Reference Categories (White and Violent), Age Represents Centered Age

### Synthesis of Results

Chapter 4 explored the relationships between the two dependent variables, the main independent variables, and multiple control variables through a series of statistical tests. The chi-square analysis reported that there is a statistically significant relationship between rearrest and the visible scars, marks, or tattoos. However, there was no statistically significant relationship between reconviction and the visible scars, marks, or tattoos. A binary logistic regression was used to further analyze these relationships. The first regression analysis reported that visible scars, marks, and tattoos had a statistically significant relationship with rearrest while controlling for other relevant variables. The second regression analysis reported that existence of visible tattoos also had a statistically significant relationship with rearrest. Similarly to the chi-square results, reconviction was



not significantly influenced by either independent variable. These results are notable and will be discussed further in chapter 5.

## **CHAPTER V**

### **Discussion**

Chapter 5 discusses the results provided in Chapter 4 and contextualizes the significance surrounding the main variables discussed in this thesis. This discussion includes a breakdown of the regression analyses, suggests policy implications, acknowledges certain project limitations, explains future steps for research on the topic, and notes some conclusive thoughts about the current thesis.

### **Significance**

The results presented in this thesis are notable contributions to the literature. Prior research on rearrest, reconviction, and appearance provided a strong foundation for the current project. Rearrest and reconviction scholars frequently discuss demographic factors and criminal history when looking at the barriers to successful post-release outcomes (Bird & Grattetm 2017; Bruce et al., 2014; Craig, 2011; Hall, 2015; Honegger & Honegger, 2019; McGovern et al., 2009; Vito et al., 2017; Wong & Hickman, 2022). The significance of marital status, race, age, and education is explained in detail within multiple pieces of literature (Bozick et al., 2018; Gerstenberger et al., 2019; Hall, 2015; Pelletier & Evans, 2019; Roessger et al., 2021). Additionally, there are examples of how appearance related factors (Afrocentric features and tattoos) influence perceptions of punitiveness for mock juries and criminal justice actors (Bennett & Plaut, 2018; Blair et al., 2005; Brown et al., 2018; Johnson & King, 2017; Funk & Todorov, 2013; Wasarhaley & Vilks, 2020).

After examining this body of existing research, it became clear that there was still a gap in the literature. Scholars that have tested the relationship between appearance and

post-release outcomes generally limit predictors to race and ethnicity (Hall, 2015; McGovern et al., 2009; Roessger et al., 2021). Even when other appearance factors were considered, analyses were limited by methodological and theoretical understandings (Brown et al., 2018; Johnson & King, 2017; Funk & Todorov, 2013; Wasarhaley & Vilks, 2020). In an effort to fill this gap within the literature, this thesis asked two research questions. First, does the existence of visible scars, marks, or tattoos impact the likelihood of rearrest? Second, does the existence of visible scars, marks, or tattoos for rearrested individuals further impact the likelihood of reconviction? Data on a cohort of 802 men released from incarceration was utilized to test the two research questions (Decker & Pyrooz, 2021). This sample was particularly useful because it included information on appearance (scars, marks, and tattoos).

The bivariate analysis helped contextualize the initial significance between rearrest, reconviction, and visible scars, marks, and/or tattoos. Specifically, Table 3 uses a chi-square test to affirm the statistical significance between rearrest and visible scars, marks, and/or tattoos ( $p < .001$ ). However, the chi-square results of Tables 4 explains that scars, marks, and/or tattoos do not have a statistically significant relationship with reconviction ( $p > .05$ ).

Binary logistic regression analyses were used to examine the relationship between the dependent and independent variables, while accounting for theoretically supported control variables. Similarly to the bivariate analysis, existence of visible scars, marks, and tattoos was a statistically significant factor for rearrest ( $p = .02$ ). Existence of visible tattoos alone was also statistically significant ( $p = .02$ ). Unfortunately, the existence of

visible scars, marks, and/or tattoos did not account for a statistically significant amount of variance in reconviction ( $p > .05$ ).

The multivariate results explain that visible scars, marks, and/or tattoos increase the likelihood of rearrest. This result affirms the hypothesis for research question one. When broken down further, it seems that tattoos alone seem to be driving the change in rearrest likelihood, because the overall model significance and change in log odds is incredibly similar for tattoos alone and scars, marks, and tattoos.

These results are significant for two main reasons. First, these results serve as a supplement to focal concerns perspective, perceptual shorthand, and attribution perspective. Simply put, if rearrest likelihood is influenced by the existence of visible scars, marks, and/or tattoos, some form of differential treatment or differential offending is taking place. In either case, appearance is impacting the existence of reentry barriers or the existence of negative police perceptions, both of which are considerations explained by the theoretical framework.

Second, the significance of scars, marks, and tattoos supports the consideration of appearance specifically, within focal concerns perspective, perceptual shorthand, and attribution perspective. For example, police officers may be more likely to rearrest an individual with visible scars, marks, and/or tattoos if they believe the individual is more blameworthy (Adams, 2009; McMullen & Gibbs, 2019; Steffensmeier et al., 1998), if they believe it will protect the community (Blair et al., 2005; Kleider-Offutt, 2019), or if they are exposed to practical constraints (Brown & Daus, 2015; James et al., 2018). Additionally, officers may be more likely to rearrest an individual with visible scars, marks, and tattoos because of the existence of perceptual shorthand and attribution

perspective. Police officers are often tasked with making difficult decisions quickly and efficiently. Of course, an officer cannot obtain all evidence or facts from an initial interaction. Therefore, an officer will use stereotypes to guide in uncertain decision making (Albonetti, 1991; Maloney & Miller, 2015; Pinizzotto & Davis, 1999; Pinizzotto et al., 2000).

In total, these results highlight the relationship between appearance and post-release outcomes. Relationships between appearance, bias, and stereotypes contribute to a framework which explains the possibility of differential treatment on the part of criminal justice actors. Relationships between appearance, employability, gang-status, and other barrier related factors contribute to a framework which explains the possibility of differential offending. Luckily, the contextualized theories offer support to either of these frameworks. Therefore, outlining these interactions begins to fill the gap in rearrest literature and contributes to the foundation of focal concerns, perceptual shorthand, and attribution perspective.

### **Policy Implications**

The results of this thesis suggest that appearance has a statistically significant influence on rearrest. Therefore, an issue of appearance related bias that contributes to arrest decision making by police officer must be addressed. Increasing the accessibility to bias related training is perhaps the most potent policy implication relating to the results. If police officers are exposed to more training on bias, they are more likely to avoid discretionary practices that stem from bias.

## **Limitations and Future Steps**

This study was able to successfully analyze the relationship between visible scars, marks, or tattoos and rearrest or reconviction. Regardless of this success, there are multiple limitations to this research and its analysis. First, the sample used for analysis was limited by a couple of factors. Specifically, the sample used for this thesis consisted of 802 male individuals released from prison between 2015 and 2016. Though this sample was representative, it did not include women. Additionally, the data over-sampled gang members. Future data collection could incorporate a more generalizable sample that includes women and proportionately accounts for gang-membership.

Second, the measurement of the second dependent variable (reconviction) was limited. The data used for this analysis only looked at the three-year period after an individual was released from prison. Furthermore, information on individuals who experienced rearrest or reconviction was strictly limited to this timeframe. This resulted in some missing data on individuals who experienced rearrest towards the end of the three-year period. Due to the pace of criminal justice processing, the reconviction status of recently rearrested individuals may not have been known. Also, plea bargaining likely influenced the reconviction results. With such a large portion of cases resulting in a plea bargain, it is difficult to determine the influence of conviction factors. Future research should actively account for plea bargaining. This will help differentiate between reconviction cases and significant influences.

Third, as mentioned above, this study uses the combination of focal concerns, perceptual shorthand, and attribution perspective as a theoretical framework. The framework, as it is contextualized for this thesis, relies on an assumption of police,

prosecutor, and judicial consideration of extralegal factors. However, outcomes can be influenced by both individual decision making and differential rate of offending. Future research should consider additional theoretical explanations in order to extend the scope of rearrest and reconviction predictors to both differential treatment and differential offending.

Finally, the fourth limitation to this project involves the characterization of visible scars, marks, and tattoos. Previous research helped outline the criteria for visibility (McMullen & Gibbs, 2019). However, citing the hands, neck, and face as exclusively visible may have limited results. For example, scars, marks, and tattoos on the hand or neck may not always be visible. Inversely, scars, marks, or tattoos on other parts of the body, like the forearm, may be visible. Diversifying the consideration of visibility would be an acceptable step for future research on scars, marks, and tattoos. Identifying quantity, precise locations, and design of all scars, marks, and tattoos might provide more insight on the relationship between appearance and post-release outcomes. As more data becomes available, tattoos can be specifically identified in terms of their relation to art, gang membership, or culture. Even examining the moderating and/or mediating effect that race has on the relationship between tattoos and post-release outcomes would add to a more specific consideration of visibility and appearance.

## **Conclusion**

It seems that the uncertainty surrounding criminal justice outcomes is present for many individuals reentering society. Therefore, it is crucial to examine the factors that influence successful, or unsuccessful, reentry. This thesis approached the issue by contextualizing the relationship between appearance and post-release outcomes.

Specifically, the relationship between rearrest, reconviction, and visible scars, marks, and tattoos was analyzed. Unfortunately, rearrest seemed to be the only variable influenced by appearance. However, the results for both rearrest and reconviction still contribute to the growing body of research on post-release outcomes. As more data becomes available, the gap in appearance related research will continue to narrow.



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## APPENDIX

Visible Scar Coding	Visible Scar Location
SC CHIN	Scar on chin
SC CHK	Scar on cheek
SC FACE	Scar on face
SC FHD	Scar on Forehead
SC L CHK	Scar on left cheek
SC L EYE	Scar on left eye
SC L FGR	Scar on left finger
SC L HND	Scar on left hand
SC LOW LIP	Scar on lower portion of the lips
SC UP LIP	Scar on upper portion of the lips
SC NECK	Scar on neck
SC NOSE	Scar on nose
SC R CHK	Scar on right cheek
SC R EYE	Scar on right eye
SC R FGR	Scar on right finger
SC R HND	Scar on right hand

Visible Mark Coding	Visible Mark Location
DISC R CHK	Discoloration on right cheek
DISC L CHK	Discoloration on left cheek
DISC NECK	Discoloration on neck
RTAT	Removed tattoo

Visible Tattoo Coding	Visible Tattoo Location
TAT FACE	Tattoo on face
TAT HAND	Tattoo on hand
TAT FHD	Tattoo on forehead
TAT L CHK	Tattoo on left cheek
TAT L EAR	Tattoo on left ear
TAT L FGR	Tattoo on left finger
TAT L HND	Tattoo on left hand
TAT NECK	Tattoo on neck
TAT R CHK	Tattoo on right cheek
TAT R EAR	Tattoo on right ear
TAT R FGR	Tattoo on right finger
TAT R HND	Tattoo on right hand

## VITA

### ANDREW MARTONE

#### EDUCATION

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<b>MA</b> August 2021-Present <i>Sam Houston State University</i>	Criminal Justice and Criminology
<b>BA</b> 2021 <i>Saint Anselm College</i>	Criminal Justice and History

#### RESEARCH INTERESTS

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- Corrections
- Recidivism
- Reentry
- Sentencing
- Mental Health

#### RESEARCH EXPERIENCE

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<b>Graduate Research and Teaching Assistant</b> <i>Sam Houston State University</i> Dr. Erin Orrick	2021-Present
<b>Bridging the Gap (Grant)</b> <i>Texas Department of Criminal Justice</i> Dr. Erin Orrick Quantitative analysis for data summaries Monthly data presentation Research and drafting of literature review	2021-Present
<b>TCJS Risk Assessment</b> <i>Texas Commission on Jail Standards</i> Dr. Yan Zhang Data entry Data coding	2022

#### PRESENTATIONS

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<b>American Society of Criminology</b> Poster Presentation	November 2022
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*Organizational Failures: Fatal Interactions Between  
Unarmed Black Individuals and the Police*  
Dr. Michael Vaughn

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**HONORS AND AWARDS**

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Rolando del Carmen CJ Scholarship  
Awarded to students for academic achievement: \$2,000

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**PROFESSIONAL MEMBERSHIPS**

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Criminal Justice Graduate Student Organization  
*Sam Houston State University*

Graduate School Ambassador  
*Sam Houston State University*

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**COMPUTER SKILLS**

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IBM SPSS Statistics 27

StataMP 17

Microsoft Access