



# The Global Rise of Criminal Background Checks

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Received: 9 December 2022 / Accepted: 1 February 2023 / Published online: 20 February 2023  
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## Abstract

The extensive use of criminal background checks—the request for information on prior convictions for non-judicial purposes—creates obstacles to a fair reentry of individuals with criminal records. Previous research has documented the growth in the use of criminal background checks in Western jurisdictions. However, much less is known about the evolution of criminal background checks in other parts of the world. In this study, I present and analyse an original dataset with information on requests for official criminal record certificates for non-judicial purposes in 52 countries. The results show that the reported use of criminal background checks for non-judicial purposes is rising in nearly every country measured. These findings advance our knowledge about the international character of a previously-ignored dimension of the globalisation of punitiveness.

**Keywords** Criminal records · Criminal background checks · Collateral consequences · Punitive expansion · Reentry obstacles

## Introduction

Understanding the evolution of punishment in all of its dimensions is crucial to avoid adopting unfair, ineffective punitive measures with counterproductive effects. Recent research has broadened the definition of what amounts to punishment by paying attention to previously hidden dimensions (e.g. Garland, 2017; Hamilton, 2014; Kutateladze, 2009), such as the burdensome effects of criminal background checks (Díez Ripollés, 2013; Jacobs, 2015; Lageson, 2020). Criminal Background Checks (hereinafter CBCs) are requests for information about previous convictions for non-judicial purposes, such as during recruitment processes or the search of accommodation. The use of CBCs is widely considered as ‘de facto’ punishment since the State is covertly intervening in the exclusion of offenders by facilitating information on prior convictions to members of the community, knowing that a predictable consequence of the

disclosure of this information is the discrimination of those people with a criminal record (Kaufman et al., 2018; Levin, 2017), subsequently diminishing their job and housing opportunities (Pager, 2007; Rovira, 2019; Thacher, 2008).

The global nature of the trends in the use of CBCs has remained elusive. Previous studies on CBCs coincide in depicting a rise of these checks in Western countries such as the US (Denver et al., 2018), the UK (Thomas & Heberton, 2013), The Netherlands (van’t Zand-Kurtovic, 2017), Sweden (Backman, 2012b) or Spain (Larrauri & Rovira, 2019). This growth in different countries points towards the possibility of a global rising trend, although not much is known from other parts of the world. Notwithstanding, the lack of data from other countries is concerning since the evolution in the use of CBCs could have only raised interest in those countries where CBCs were growing. Indeed, comparative studies on punitiveness found heterogeneity in the global evolution of other indicators of punitiveness, such as imprisonment or probation rates (Phelps, 2017; Rodríguez-Menés & López-Riba, 2019; Snacken, 2010; Tonry, 2007). Casting light on the international nature of the evolution of CBCs would help to clarify the sources of its growth and assess the convenience of this dimension in analysing the global expansion of punitiveness. The results may also show academics and policymakers the salience of this issue

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beyond local jurisdictions, emphasising the need to conduct comparative international research on it.

In this article, I first review previous literature on the change in the use CBCs. Next, I present and analyse an original dataset that includes information on the rate of requests for official criminal record certificates for non-judicial purposes per 100 inhabitants for 52 countries between 2002 and 2019, containing data on countries in understudied areas such as Central and South America or Eastern Europe. The results of the analysis show that the reported use of CBCs for non-judicial purposes has grown in almost every country, irrespective of whether there were prior studies on this issue. Finally, I discuss the main contributions of these findings to the research on the collateral consequences of criminal records and the international evolution of punishment.

## Background

### The Massive Growth in the Use of CBCs in the US

The use of CBCs in the US has been increasing at least since the 1980s and is presently ubiquitous (Bushway & Kalra, 2021; Corda, 2018a; Jacobs, 2015). Denver et al. (2018) surveyed a representative sample of US citizens uncovering that 71.1% of the respondents who found employment in the last year mentioned undergoing a CBC during the recruitment process. CBCs are also prevalent in the rental housing market (Thacher, 2008). These CBCs are added to an already rampant collection of ‘Collateral consequences’ of a criminal record in other areas, such as family and domestic rights, immigration, housing or political and civil participation (Uggen & Stewart, 2015).

The growth of these checks has partly resulted from the flourishing of legal and regulatory sanctions, located outside the penal code, limiting the political, social and economic rights of people finishing their conviction (Chin & Colgate Love, 2010; Demleitner, 1999). For instance, in 1975, the American Bar Association found 1948 statutory provisions affecting persons with an arrest or a conviction for the possibility of obtaining a professional license (Laudon, 1986, p. 117). In late 2022, the National Inventory of Collateral Consequences of Conviction (2022) identified 12,935 similar provisions. The increase in these regulations led to a rise in the use of CBCs by non-criminal justice institutions responsible for their implementation, such as social services or civil registries, which needed such checks to implement them.

The requests for CBCs also increased in the private labour and rental markets. The expansion of the use of CBCs by private actors has been related to the growing need for formal reputation credentials, in the context of decreasing social ties and subsequent rising risk aversion (Brackett, 2020; Jacobs,

2015; Pager, 2007). For example, since the 1970s, different public policies have made employers and landlords liable for their clients, employees, or tenants’ safety. Aware of them, employers and landlords are expanding their use of CBCs to show that they followed the appropriate screening procedures to avoid potential legal liability in the future (Bushway & Kalra, 2021; McElhattan, 2022; Thacher, 2008). The professionalisation of landlords and recruiters has sped up this process by facilitating the development of collective knowledge and resources for conducting CBCs (Thacher, 2008).

Technological developments have fuelled the spread of CBCs. The digitalisation of the information on convictions increased the reliability of the records and the efficiency in exchanging this information between databases whilst diminishing the technical expertise needed to access them (Bushway & Kalra, 2021; Corda, 2016, 2018b; Jacobs, 2015; Laudon, 1986). The spread of the Internet made access to this information even cheaper, easier and faster (Corda, 2016). Currently, private data companies in the US buy criminal record information in bulk from the state courts and departments of justice, and then provide ‘non-official’ background reports for a small fee (Corda, 2016; Jacobs, 2015; Lageson, 2020).

### The Concomitant Growth in the Use of CBCs in Other Western Anglo-Speaking Countries

The use of criminal conviction information for non-judicial matters has increased in other Western English-speaking countries besides the US. In the United Kingdom, conviction-based background screening expanded in the mid-1980s when new laws made CBCs compulsory for jobs involving contact with children and vulnerable individuals (Baldwin, 2017; Thomas & Heberton, 2013). Additionally, for other positions, private employers frequently also request information on previous convictions during the recruitment process (Haslewood-Pócsik et al., 2008; Larrauri, 2014b). Concurrently, an increase in CBCs in the labour market has been reported in other countries, such as Australia (Heydon & Naylor, 2018) and Canada (Greene et al., 2019; McAleese, 2019). For instance, Saliba (2013) detected that the percentage of job advertisements containing a request for CBCs in one of the leading newspapers in the Australian region of Victoria increased from 0 in 1993 to 8% in 2010. Collateral consequences in domains such as housing or eligibility for public services also exist in these countries (Fitzgerald O’Reilly, 2018; Henley, 2017b; Pinard, 2010).

In the Anglosphere, the growth in criminal background screening has been associated with adopting a new culture for crime control (Garland, 2001). This culture promotes delegating power to community members in undertaking precautionary risk policies (Saliba, 2013; Thomas & Heberton, 2013). In this context, new legislation facilitated the

access of information about prior convictions to employers, insurance companies and landlords to allow them to make their own informed risk assessment decisions. Henley (2017a, p. 3) has also focussed on the importance of the spread of neoliberal political rationales in legitimising the use of CBCs. Under these logics, offenders are seen as rational actors, so employers and landlords perceive criminal records as a legitimate social mark to discriminate against.

### The Recent Growth in the Use of CBCs in Western European Continental Countries

Less known is that the use of CBCs has also recently increased in Western European continental countries. For example, the number of official criminal record certificates requested for employment-related issues increased by 614.7% between 2004 and 2016 in the Netherlands (van't Zand-Kurtovic, 2017) and 81.9% between 2004 and 2011 in Sweden (Backman, 2012a). Larrauri and Rovira (2020) also reported a 92% increase in requests for criminal records for non-criminal justice matters between 2010 and 2018 in Spain.

This growth may be surprising. The use of criminal record information outside the criminal justice field in continental European countries was traditionally depicted as limited (Jacobs & Larrauri, 2012; McAlinden, 2012). In continental European tradition, criminal records are considered protected private information, and neither private individuals nor entities can access and disseminate criminal history information (Jacobs & Larrauri, 2012; Larrauri, 2014b). Until recently, legislation in most European countries limited CBCs to the screening of job applicants in the public sector and to the process aimed at obtaining professional licences for jobs such as taxi drivers or bouncers (Larrauri, 2014b). Collateral consequences impacting political rights and immigration status were also more limited than in the US (Blitsa et al., 2016; Tripkovic, 2016).

The growth in the use of CBCs in European countries has been mainly triggered by legislation making requests for criminal record certificates compulsory for jobs involving close contact with children (Blitsa & Jacobs, 2012; Larrauri & Rovira, 2019). Backman (2012b) suggests that the introduction of this legislation is related to the expansion of a new social conception of childhood. Under this new conception, children are perceived as asexual beings; consequently, paedophiles are perceived as monstrous beings with irrational impulses (Backman, 2012b). To protect society from these monstrous beings, the right to protect children gains precedence over the privacy protections against disclosing criminal records information outside the Criminal Justice System (Backman, 2012b). In this context, Blitsa and Jacobs (2012) and Larrauri (2014b) suggested the possibility of a process of 'policy transfer' for which European

Continental countries may be importing from the US and the UK the legislation that makes the request for criminal records certificates mandatory for any jobs involving close contact with children.

More recently, researchers reported a parallel circulation of private practices leading to an expansion in CBCs. Corda and Lageson (2020) showed that US-style background-checking companies flourish in Sweden and Poland by exploiting legal loopholes or under-regulation. Rovira (2022) also found evidence that tech companies such as Uber or Cabify are exporting US-based recruitment practices in requesting information on previous convictions in Spain. This author suggested that the new online 'gig economy' needs new types of credentials for checking the reputation and character of the people interacting in its business. In traditional business, these markers were established through local interactions and in-person contact. Still, the online nature of the 'gig economy' requires further formal credentials of trust, such as certificates of criminal records. In this context, with the rapid expansion of the 'gig economy', US tech companies may have been able to spread the use of CBCs as markers of reputation to other countries.

### Anecdotal evidence on the evolution of the use of CBCs in other countries

Anecdotal evidence suggests that the use of criminal record certificates could be growing outside Western Europe and western Anglo-speaking countries. A potential rise in the use of CBCs has indeed been reported in some countries in South America (Carnevale, 2016; Gaston, 2019), Eastern Europe (Lukács & Vig, 2019) and Asia (Abate et al., 2015; Lang & Papaefstathiou, 2020), although without providing data. For Africa, only Mujuzi (2015) reported that CBCs increased from 37,815 in 2007 to 51,622 in 2011 in Mauritius. Research in the reentry of former offenders in Ghana (Baffour et al., 2021) and South Africa (Pinard, 2010; van Zyl Smit, 2003) also briefly mentioned that requests for information on prior convictions are required for some jobs but provided no data on the evolution of this practice. Empirical-based studies on the use of CBCs outside Western Europe and western Anglo-speaking countries regions are, thus far, lacking.

### Challenges in Establishing the Global Nature of the Growth in Criminal Background Checks

We should be careful in establishing whether the detected growth in CBCs in some countries represents an international trend. Selection effects might confuse the picture: the study of CBCs might have only attracted attention in those countries or regions with a rise. If this were the case, the increase in CBCs would be far from generalisable since

this topic has attracted attention only in a limited number of countries and regions.

Indeed, comparative studies on the temporal trends in punitiveness stress the heterogeneity in the global evolution of other indicators of punishment. For instance, the recent development of imprisonment rates varied between European countries (Rodríguez-Menés & López-Riba, 2019; Snacken, 2010; Tonry, 2007). Phelps also stated variations in the recent evolution of probation rates between US states (Phelps, 2017). A fine-grained look at the evolution of probation rates between European countries also shows discrepancies between countries (for instance, see Aebi et al. 2022). Indeed, penologists insist the evolution of punishment seems to be shaped more by local economic and political factors than by global trends (Nelken, 2009; Snacken, 2010; Tonry, 2007). Therefore, similarly, we should also expect heterogeneity in the evolution of CBCs between countries.

Information about the global character of the evolution in the use of CBCs might be crucial in defining public policies to reduce its use. First, observing similarities in the change of this penal form between countries may encourage research about the interdependent mechanisms underlying this growth. Delimiting the mechanisms at play is crucial in defining effective public policies that balance the need for public protection with the reintegration of offenders. Also, observing similar comparative trends between countries may encourage some to consider reform in the use and disclosure of criminal records. For instance, former US president Obama used comparative data on imprisonment trends from the Institute for Criminal Policy Research & World Prison Brief to back up the urgency of reform of the US prison system (see, for instance, Obama, 2017). On the contrary, if we detect local trends, we should stress the need to focus on local and regional dynamics in understanding the use of criminal background checks and controlling it (Nelken, 2009).

## A New Dataset to Study the Evolution of CBCs Across the World

To study whether there has been a global growth in CBCs, I suggest employing data about the rate per 100 inhabitants of criminal record certificates issued by governmental bodies for non-judicial reasons, such as employment, migration or voluntary activities. For most countries, this indicator allows us to analyse the growth in CBCs since official government certificates are the only way of obtaining reliable information on previous convictions. For these countries, information on prior contacts with the criminal justice system is considered specially protected private data (Jacobs & Larrauri, 2012). Therefore, access to this information is severely restricted for agencies or individuals outside the

criminal justice system. In this context, to obtain access to this data for non-judicial proceedings, such as employment purposes, the individual or the institution interested must request a certificate from an official registry (Abate et al., 2015; Carnevale, 2016; Jacobs & Larrauri, 2016). Therefore, the number of criminal record certificates requested for non-judicial purposes can be used as an indicator of the number of times that ‘officially enforced’ information on previous convictions<sup>1</sup> was used outside the criminal justice system.

To my knowledge, this is the only available indicator to study the evolution of CBCs. Nonetheless, this indicator has drawbacks. First, this indicator is limited to only capturing the number of ‘official’ CBCs. This is a severe limitation for the US, where private vendors frequently provide ‘unofficial’ checks (Jacobs, 2015; Lageson, 2020). Nonetheless, I decided to include US data in the comparison: If we detect growth in official CBCs in the US, we could infer a growth in the less-costly non-official checks. In the rest of the world, private providers of CBCs do not appear to be common (Abate et al., 2015; Carnevale, 2016; Jacobs & Larrauri, 2016). In addition, this indicator does not capture the extent of informal requests for information about previous convictions. For example, UK and US employers frequently ask for information on prior convictions during the recruitment process, without requiring an official certificate (Larrauri, 2014b). Future research should examine whether the trends in official vs. unofficial and formal vs. informal practices for requesting CBCs differ. Even with these drawbacks, the number of requests for criminal record certificates records has already been used in previous research to show the evolution in the use of CBCs in a select few countries (Heydon & Naylor, 2018; Jacobs & Larrauri, 2016; Larrauri, 2014b; Larrauri & Rovira, 2019; van’t Zand-Kurtovic, 2017).

To compile this original database, I gathered information on this indicator from 52 countries between 2002 and 2019, or as many years as possible. By the end of the fieldwork, I had requested information from 78 countries (response rate of 66.7%). I compiled information through a comprehensive search of previous literature (Backman, 2012b; Blitsa, 2014; van’t Zand-Kurtovic, 2017), contacting the national registries of criminal records and submitting freedom of information requests. To build the database, I first focussed on English-speaking and Spanish-speaking countries. Complementarily, I contacted all member states of the European Union (EU) and the Organisation for Economic Co-operation and Development (OECD).

The database holds information from countries in Europe, Oceania, North and South America and the Caribbean. I also

<sup>1</sup> The main component of criminal records certificates in all countries are records of a conviction by a judicial court. However, some countries as in the UK might also include police data for especially sensitive positions (Larrauri 2014a).





**Fig. 1** Countries according to the state of request

obtained information from three Asian countries<sup>2</sup>: Cyprus, Israel and South Korea. For Africa, I could only include the data about Mauritius already published in Mujuzi (2015). Data from Denmark also contains the number of certificates requested in its autonomous territories of Greenland and the Faroe Islands. I received no response from several countries, as shown in Fig. 1 below. Regarding temporality, most of the responding countries could only provide data from recent years.

I used the rate of requests per 100 inhabitants instead of the absolute number for my analyses, allowing me to control the effect of changes in the population over time in the variations in the number of requests. I calculate the rate using data on population provided by the UN.<sup>3</sup> In countries with federal and regional registries (i.e. Argentina and Brazil), I only included information on the federal registry to avoid potential duplicates if certificates were requested at the two levels for the same purpose. The only exception is Mexico, on which the request of CBCs is mainly channelled through state registries, so I only included information from the state of Puebla (data for the capital region of Mexico City could not be found). For Greece, Paraguay and Uruguay, I was only provided with consistent information for the number of certificates issued in the country's capital region (Athens, Asunción and Montevideo, respectively). I adapted the population

data for these countries to include only the population of the abovementioned areas.

For the US, I compiled the data published in the reports contained on the website of the SEARCH (The National Consortium for Justice Information and Statistics). Between 2006 and 2018, this consortium conducted bi-annual surveys requesting US states and territories to provide statistics about the number of CBCs using their databases. Utilising data from these reports, I calculated the number of criminal background checks issued for non-judicial issues summing up the number of fingerprint checks for non-criminal justice purposes and the number of name-based non-criminal justice repository checks. Data was not provided for some states, particularly on the first waves. Then, I only calculated the number of checks for the 27 states that provided the data for all waves (hereinafter “SEARCH complier” states),<sup>4</sup> to avoid variations due to changes on which states provided data between waves. I also calculated the rate using only population data from the “SEARCH complier” states.

<sup>4</sup> The SEARCH complier states are (in alphabetical order) Arkansas, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Vermont, Virginia, Washington, Wisconsin). I considered responses coded as ‘0’ as a no response, since it was not feasible that extraordinarily there were 0 requests in a single year. SEARCH reports can be found at: <https://www.search.org/resources/surveys/>. As stated in the 2018 report, caution in drawing comparisons between different surveys because of potential shifts in jurisdiction’s technological capabilities or fiscal priorities over time.

<sup>2</sup> Hereinafter, I follow the UN at classifying countries inside regions.

<sup>3</sup> <https://population.un.org/wpp/>.

For most countries, the information refers to calendar years (from January to December). Only for UK, Ireland and Australia does the data correspond to the financial year (from April to March of next year), and for Luxembourg, information from 2013 corresponds to the judicial year (from September to August). For Honduras, the data refers from February to January.

I defined the indicator to be consistent within each country; however, differences between countries remain. In overall terms, I compiled three different types of data. First, for most countries, I received information referring to requests per year for non-judicial purposes for any reason. This data should be interpreted as the rate of officially enforced CBCs for non-judicial purposes. Data for countries providing information on the reason behind the request suggests that employment is the main reason for requesting a certificate. For example, employment-related CBCs represented 44% of those checks in Argentina in 2014 and 77% in the Dominican Republic for 2015–2017. Employment-related requests were followed by migration-related requests (30% in Argentina and 10% in the Dominican Republic and for the same periods), requests to obtain a driving licence (26% and 9%, respectively) and other licences or for personal interest (3% and 2%). Requests for personal interest are petitions of criminal record certificates required by the individual in question with no explicit reason for the request. Second, for Ireland, the Netherlands, Poland and the United Kingdom, I only received information on the number of employment-related requests plus the number of requests for personal interest. Third, as stated, US available data only covers official CBCs conducted through state databases, and not ‘unofficial’ checks using information compiled by private agencies. The data for the US also excludes firearms and gun license background checks. Therefore, between-country comparisons on the levels of CBCs should be carefully executed. This dataset together with a technical report explaining the creation of the indicator for each country are published can be downloaded at: <https://doi.org/10.5287/bodleian:G25oV NPD4>. Replication materials can be downloaded at: <https://osf.io/w7e6f/>.

## The Expansion of Criminal Background Checks Across the World

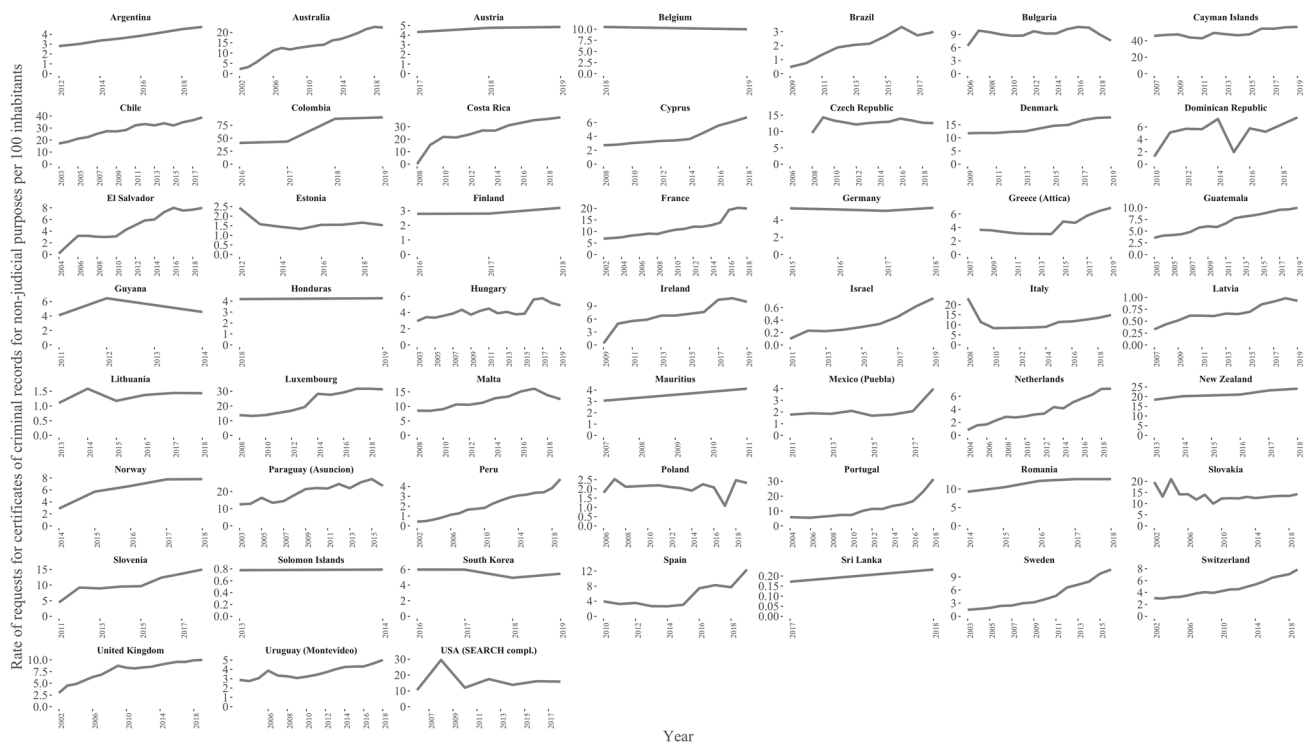
Figure 2 shows the rate of requests for criminal record certificates for non-judicial purposes per 100 inhabitants (vertical axis) per year (horizontal axis) for every country with available data. The scales of the axis vary for each country to maximise the visualisation of the temporal evolution within countries. Countries are sorted alphabetically. Caution should be used when comparing trends between countries because of differences in data measurement and collection.

Data shows that reported requests for criminal record certificates have increased in recent years in almost every country represented. The growth in requests has continued in Western Anglo-speaking countries or continental Western-European countries on which we had previous evidence, such as Australia, the Netherlands, Spain, Sweden, the UK and the US. The rate also increased in countries in these same regions, but on which we did not have information previously, such as New Zealand or countries in Northern Europe (see Denmark, Finland, Ireland, Norway and Latvia), Southern Europe (Greece, Portugal and Slovenia) or Western Europe (Austria, France, Luxembourg and Switzerland). In addition, the rate of requests for criminal record certificates has also risen in regions in which there was previously no information, such as the Caribbean (Cayman Islands and Dominican Republic), Central America (Costa Rica, El Salvador, Guatemala, Honduras and Mexico), Eastern Europe (see Czech Republic, Hungary, Poland and Romania), South America (Argentina, Brazil, Chile, Peru, Colombia, Uruguay and Paraguay), Southern Asia (Sri Lanka) or Western Asia (Cyprus and Israel). Data from Mauritius, the only African country in the database, also shows an increase in the request of certificates of criminal records.

Few exceptions exist to this widespread growing trend. The only clear decreasing trend is found in South Korea. There is also a decrease in Belgium (10.50 for 2018 and 9.98 for 2019), but there is only information for two years, and the difference is small. In Slovakia, there was a decreasing trend from 2002 to 2009, but this decrease was followed by an increasing trend from 2010 to 2019. Similarly, in Guyana, there was a decrease in the rate from 2012 to 2014, but the overall pattern suggests an increase. For Italy, Lithuania and Estonia, the declining trend seem to reflect the existence of outliers in the first years of the series. If these outliers are ignored, a growing trend is observed. On a separate issue, notwithstanding a growing long-term trend, there has been a recent decrease in the rates for Bulgaria, Hungary and Malta for two years or more. In Germany, Honduras and Solomon Islands the rate seems stable, but this is based on only a few years’ information.

Nonetheless, further evidence is still needed to assert that there has been a worldwide growth in CBCs. First, information for more parts of the world is required, particularly for African and Asian countries. Second, the high variations in the rate found in countries such as the Cayman Islands, Dominican Republic, Lithuania, Guyana, Poland and the US<sup>5</sup> suggest that in some cases, the evolution of the data

<sup>5</sup> The exceptionally high rate in 2008 in the US is only driven by a massive increase in the number of name-based CBCs in the state of Washington in 2008, with an increase of more than 2000%, which was reduced to a very similar proportion in 2010. Therefore, this exceptional rate is probably an outlier due to a typo of government officials or a different strategy for calculating this number in 2008. If



**Notes:**  
 · Countries are sorted by alphabetical order.  
 · Year corresponds to natural year (Jan-Dec) for most of countries, except for UK, Ireland and Australia (Apr-Mar), Luxembourg (Sep-Aug from 2013), and Honduras (Feb-Jan).  
 · In most cases, data refer to the whole country, except for Greece, Mexico, Paraguay, Uruguay and the US (region stated between parentheses).  
 · Data for most countries refer to all requests for issues not related with the criminal justice system. Data for Ireland, the Netherlands, Poland and the United Kingdom refer only to the number of employment-related and personal-related requests. Data for the US only refers to official checks using fingerprint or name and the data does not include widespread non-official criminal background checks or data on checks for acquiring a gun or getting a gun licence.  
 · The scales of the axis varies for each country to maximize the visualization of the temporal evolution within countries. Caution should be used when comparing trends between countries because of differences in data measurement and collection.

**Fig. 2** Evolution of the rate of requests of certificates of criminal records for non-judicial purposes per 100 inhabitants (2002–2019)

might reflect changes in the database structure or the collection of information, instead of changes in the use of CBCs. In consequence, the analyses should always prioritise the interpretation of long-term trends. Also, data should ideally be shared by the purpose of the request (work, immigration and gun licensing) and using the same format. Only with fine-grained data, can we conduct more complex analyses directed at understanding the drivers of this growth. Alternatively, additional indicators should also be considered in future research. As already stated, the rate of requests for criminal record certificates per 100 inhabitants only captures ‘officially enforced’ background checks. This rate, then, does not incorporate the effect of informal considerations of information about previous convictions, such as including questions on prior criminal history in job application forms, searching for information on the Internet or acquiring a “non-official” certificate. International surveys

on the general population or employers would be an excellent resource to continue researching in this area (see, for instance, the research in the US by Denver et al., 2018; Holzer et al., 2007).

Even with these final caveats, these results suggest a widespread growth in requests for officially enforced CBCs. This new dataset has provided evidence of the increased rate of reported requests for criminal record certificates for non-judicial matters for countries in the regions of Australia and New Zealand, the Caribbean, Central America, Eastern Africa, Eastern Europe, Melanesia, Northern Europe, North America, South America, Southern Asia, Southern Europe, Western Asia and Western Europe. This generalised increase suggests that the signs of global growth detected by previous research were not due to selection effects: the positive pattern was found regardless of whether or not the country had previous research on this matter.

Footnote 5 (continued)

we take Washington state from the analysis, a steady positive trend emerges.

## Discussion

With few exceptions (Jacobs & Larrauri, 2016; Larrauri, 2014b; Loucks et al., 1998), most part of previous studies about the use of criminal records outside the criminal justice system had developed their research on single jurisdictions. This methodological choice probably hindered them from engaging in substantive debates with scholarship, policies and practices in other regions of the world. In contrast to this approach, in this paper I have taken an international approach in studying the rising evolution of the use of criminal records outside the criminal justice system. I have presented data beyond the ‘usual suspects’ in research on criminal records, including countries in regions of Eastern Europe, Central and South America and a few Asian and African countries, where, to my knowledge, no data had been published on this topic. The results indicate that the use of CBCs is growing in almost every country measured, irrespective of whether there were previous studies on this topic in those countries. Additionally, the detection of an increase in the use of CBCs in previously understudied areas, such as Eastern Europe and Latin America, suggests that this growth could also have occurred in areas where we still have no information. This widespread global growth points towards the need to address the evolution in the use of CBCs and the policies directed to control it using an international scope. This widespread growth also shows that research developed in a single jurisdiction can be of interest in other parts of the globe.

I hope this article will encourage future international research on the use of CBCs. In order to proceed, several steps should be taken. First, I hope this first study encourages officials in countries without data, particularly in Africa and Asia, to appreciate the salience of this issue and share their data on the evolution in the use of CBCs. Second, academics and government officials should agree on the format to share the data. With more refined and comparable indicators, future research will be able to conduct robust between-countries comparative analyses. In addition, surveys about the use of non-official CBCs and informal requests for information on prior convictions should complement these studies.

A challenging topic to develop in future international studies on the growth of CBCs should be the possibility of a global policy transfer process. Previous research already suggested the dissemination of conviction-based background-checking policies and practices from the US to continental Western European countries (see, for instance, Blitsa & Jacobs, 2012; Corda & Lageson, 2020; Larrauri, 2014b; Rovira, 2022). At first glance, the widespread growth detected in this research directs us towards the same conclusion and adds that this policy transfer process could have had

a global reach. Notwithstanding, close observation of the patterns of change within countries shows that the rising pattern does not take the same form everywhere. For instance, on the one hand, a steady pattern of growth is observed in Argentina, Australia, Denmark, Guatemala, Latvia, New Zealand, Peru, Sweden and Switzerland. On the other hand, sharp increases are observed in Colombia, France, Greece, Ireland and Spain. This heterogeneity in the patterns of growth suggests that cultural, economic, social and political idiosyncrasies in every country may configure the expansion and impact of these processes of policy transfer. In-depth studies about the specific drivers of the evolution of CBCs in key countries are much needed to understand how these processes of globalisation take place or are resisted.

I also hope that this research endorses those claims stating that research on the evolution of punitiveness would benefit from considering punitive practices carried out by members of the community, such as the use of CBCs (Díez Ripollés, 2013; Garland, 2017; Kutateladze, 2009). The widespread growth of CBCs depicted in this study contrasts with prior studies showing wide heterogeneity in the evolution of other indicators of punishment, such as probation or imprisonment rates (Phelps, 2017; Rodríguez-Menés & López-Riba, 2019; Snacken, 2010; Tonry, 2007). This independent pattern of evolution further supports that in encompassing the global evolution of punishment in all of its dimensions, one needs to take into account the specific dynamics in the use of CBCs. Until very recently, literature on the evolution of punitiveness had mainly put the focus on largely symbolic policies such as, imprisonment (Rodríguez-Menés & López-Riba, 2019; Snacken, 2010; Tonry, 2007) or sexual offender registries (Jones & Newburn, 2013; McAlinden, 2012), not giving much attention to more invisible forms of punishment (Travis, 2002), such as the use of CBCs outside the criminal justice system, that may be increasingly transforming global crime control and prevention landscapes in an independent way.

The possibility of a widespread expansion of the use of CBCs should alert experts and policymakers. Introducing the use of CBCs in new professions may seem a justified response to public safety concerns, mainly when linked to socially sensitive activities, such as employment involving contact with children (Lang & Papaefstathiou, 2020). These concerns are not unfounded, as a previous conviction is the best predictor of committing a crime (Gendreau et al., 1996)—but not necessarily a very accurate one, see DeWitt et al. (2017). CBCs could also be a deterrent against would-be lawbreakers by increasing the costs of offending (Funk, 2004). Nonetheless, to my knowledge, there is almost no evidence that these measures effectively prevent crime. Only in the Netherlands has there been an attempt to evaluate the outcomes of this policy, the results of which suggested a minimal impact on crime reduction (Kruize & Gruter, 2016). Indeed, these policies seem to be



adopted uncritically by governments, most times as a reaction to public scandals, without clear evidence of effectiveness (Backman, 2012b; Chen, 2020; van't Zand-Kurtovic, 2017). Then, these populist measures might be diverting government efforts from more effective policies for tackling crime, whilst also unfairly reducing the possibilities of desistance from crime amongst people with criminal records (Demleitner, 1999; Henley, 2018), undermining societal efforts to support ex-offenders in their reentry (Rovira, 2019) and leading to further recidivism (Denver et al., 2017).

## Conclusion

This paper is an invitation to study the spread of CBCs using an international perspective. I have first reviewed previous literature on the evolution in the use of CBCs worldwide. I have shown that all prior literature on this topic indicated a rise in the use of this penal form in the US, in other Western Anglo-speaking countries, and in continental European countries. Some anecdotal evidence also suggested the increase in the use of criminal records checks in a few Asian, Latin-American and African countries. I, then, cast doubt that this growth denotes a global expansion of criminal background checks, since the study of CBCs could have only taken place in countries or regions in which there was a rise, and data from the evolution of other penal forms suggest that there is significant heterogeneity in the evolution of punitiveness.

Then, for this research, I presented and analysed a new original dataset that includes information on the rate of requests for criminal record certificates for non-judicial purposes for 52 countries per year between 2002 and 2019. The descriptive analysis of this dataset shows that the rate of requests for criminal record certificates had grown between 2002 and 2019 in almost every country with available data in the regions of Australia and New Zealand, the Caribbean, Central America, Eastern Africa, Eastern Europe, Melanesia, Northern Europe, North America, South America, Southern Asia, Southern Europe, Western Asia and Western Europe. Notwithstanding, this widespread rise in the use of CBCs shows how the growing trend detected by previous studies was not an artefact created by selection effects: the increase has occurred in countries regardless of whether previous research on the issue had been conducted. Additionally, the detection of an increase in the use of CBCs in previously understudied areas, such as Eastern Europe and Central and South America, suggests that this growth could also have occurred in regions where we still have no information.

Finally, I discussed how these findings might stimulate an international approach to studying the evolution of CBCs. I

stated how this first approach towards studying the evolution of CBCs could inspire government officials to share data, ideally from African and Asian countries, as well as develop comparable indicators between countries in the future. I have also stated how these findings show the salience of conducting an in-depth analysis of the evolution of CBCs in specific countries to understand whether a policy transfer process has occurred or has been resisted. I have next emphasised that the widespread growth in the evolution of CBCs, contrasting with the more heterogeneous trends for imprisonment and probation rates, draws our attention to the need to consider the evolution of the use of CBCs in understanding the global expansion of punitiveness in all of its dimensions.

The use of CBCs is rising in countries across the world. Therefore, a massive conviction-based background checking system, with its potential for 'de facto' exclusion of people with criminal records from jobs, migration and housing opportunities, might be a growing possibility to consider for most countries worldwide. Considering the international dimension of this rise would benefit future studies and policies directed to control this growth, in order to avoid governments around the world indirectly supporting unfair, ineffective and counterproductive barriers to the reentry of individuals with a lived experience in the criminal justice system.

**Acknowledgements** I am deeply grateful to David McElhattan, Tadeo Luna, Min Kyung Hyun, Lewis Anderson, Marco Bodnar, Sergi López-Torres, Wioletta Kamieńska, Dimitra Blitsa, Luc Robert, Said Hassan, Elina Van't Zand-Kurtovic, Christel Backman and José Manuel Aburto who helped in obtaining data. Additionally, Lewis Anderson, David Kirk and Alessandro Corda made thoughtful comments on previous drafts. David Brazel and other members of the Leverhulme Centre for Demographic Science provided helpful comments on how to improve the data visualization. I am also grateful to Mary Corcoran, Charles Brackett, Stavros Demetriou and the other participants at the ESC Working Group of Collateral Consequences of Criminal Records for their comments at the seminar devoted to this article. Helen Kosci provided great language proofreading. Finally, I would also like to show my gratitude to the government officials who shared the data for this research.

**Funding** The author acknowledges the support of the British Academy through the project "Invisible stripes? A field experiment on the mark of a criminal record in the British labour market" (Ref. PF19\100020). In the later stages, this work has been supported by a Maria Zambrano Fellowship funded by European Union-NextGenerationEU, the Spanish Ministry of Universities and the Spanish Recovery, Transformation and Resilience Plan, through a call from Pompeu Fabra University (Barcelona).

**Materials and Code Availability** The dataset created for this research together with a technical report explaining the creation of the indicator for each country has been published at Oxford University Research Archive <https://doi.org/10.5287/bodleian:G25oVNPD4>. Replication materials can be found at: <https://osf.io/w7e6f/>.

## Declarations

**Conflict of interest** The author states that there is no conflict of interest.

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