

The Society Pages' Sarah Lageson and We Are All Criminals' Emily Baxter discuss the project for TSP's Office Hours. A recording of the interview can be found on the site on the site's [About](#) page.

Sarah Lageson: Emily Baxter is the creator of the documentary project “We Are All Criminals,” where participants describe crimes they committed for which they were never caught. She’s also the Director of Public Policy and Advocacy at Council on Crime and Justice and the fall 2013 Robina Institute visiting fellow at the University of Minnesota Law School. Today, we talk about her recent launch of her documentary project online, which can be found at the website weareallcriminals.com.

Tell us about the project.

Emily: Weareallcriminals.com is a website that features interviews with people who have criminal histories but no record—so in other words, people who have gotten away with crimes. As you know, one in four people in the US has a criminal record. It’s a record that decision-makers use to shape policy and to determine the true character of an individual, but the question is, how useful is that? Should we as a society treat those who have records or people who have been caught as somehow deeply or inherently different from the rest of us? And this project is an attempt to flesh that out—to destigmatize criminal records by marking everyone—but also to provide a starting point for people to consider the role of race, class, and privilege in the juvenile and criminal justice system, and the practical and moral need for second chances.

So on the site, viewers first notice 50+ photographs and a handful of graphics. The photos are of participants—in their home or office, in their kitchen, of a bookshelf, or a bulletin board; or where the offense occurred, in a park or the neighborhood; or even the participant herself—taken to relay individuality and personality but without revealing identity.

And the graphs are an attempt to illustrate the profundity of this issue with criminal records and the inability to move forward. So there’s a graph on just how many people in Minnesota are under correctional control right now in 2013: 1 in 26. Back in 1982, it was 1 in 98. That population has just ballooned in the last few decades.

And then viewers can also find a “Call to Action” tab where they can find clear steps to follow, say, if it’s an employer or a landlord, a decision-maker interested in changing their policies. They can find really clear steps on how to do that, as well as local resources for employers seeking to partner with organizations or agencies that train people with criminal records to work in certain industries.

If an individual is so moved to become legislatively involved, there’s an opportunity for that. And then, of course, there’s also a tab to participate anonymously - which I would encourage all of your listeners to do.

So tell us how you got the idea for this project and sort of how it started as an idea and then developed into an actual display.

Sure. So it’s a bit of a back story. Coming out of law school, I worked as an assistant public defender with the Regional Native Public Defense Corporation, representing enrolled and enrollable members in the Leech Lake and White Earth bands of Ojibwe, and I represented them when they were charged with crimes in state court. I found, not after being there too long, that sometimes even the youngest

clients were already well-worn vets of the criminal and juvenile justice system before they really even got a chance in life, and that interaction with the system was seriously foreclosing opportunities in the future.

The inability to complete schooling, to find a job, to obtain or maintain professional licensure—things that really allow economic mobility and stability and a deep feeling of self-worth—I was finding that more and more of my clients were prohibited from that.

So I left that position and started working at the Council on Crime and Justice in reentry, really delving into the collateral consequences of criminal records. Through that position, I spent several years advocating on behalf of people with criminal records, speaking to legislators and landlords, employers and licensing boards and the general public about the need to give people who have criminal records second chances. In truth, it kind of felt like I was ramming my head against a brick wall for quite a bit of the time.

Of course there were exceptions—there always are—but for the majority of the time, I felt terribly ineffective in what I was trying to do, and the opportunity came up with the Bush Foundation to reexamine what I was doing in my day job—to really challenge myself to think about a new way of looking at the same problem and ideally looking at it through a more sustainable and effective lens but then also a more personal lens, and that really struck a chord with me. I don't think that law has ever been my natural language. It's very calculating. It's very cold. It does everything it can to take the human being—the individual person—out of the equation. This was an opportunity to put the person back in.

So I turned the lens on this. Rather than looking at the 1 in 4 people who has a criminal record—rather than focusing on that particular population—I instead started looking at the 3 out of 4, the other 75%: the people who have committed crimes and gotten away with those crimes.

And so how did you get people to participate? 'Cause you're kind of asking them to do an interesting thing, which is reveal this personal thing that they didn't get caught for, so what was your recruitment strategy?

Well, first let me say that I am still—and it's been a year and a half now since I started collecting stories—I am still *astounded* that people are participating. I am so grateful but also so shocked that complete strangers are willing to, within the first few moments of meeting me, reveal something that is so intensely personal.

So that said, what I did was, I created a flyer at CCJ, and the flyer was sent out to our social network, asking people to forward it on to their social networks, and the simple ask was to tell me stories of crimes they'd gotten away with.

So I wanted to interview people who were three, four, five times removed from me. I started getting emails and phone calls, and I got in my car and traveled all over the state with my recorder and my camera and started collecting these stories.

And you took photographs, and so tell us about what that decision was to add a photograph to the story.

Through this, I tried to provide as many avenues for similarities for people so that, when you pull up the website—you know, the accusation should be offensive. You should have a visceral reaction to somebody—a complete stranger—saying that you are a criminal, right? There's a reason why that population has been so stigmatized.

And the entire project tries to make that labeling closer to home, and so there's a wide range of offenses, from petty misdemeanors to felonies. There are personal crimes, and there are fraudulent crimes. There are drinking and driving crimes. There are crimes that people committed when they were kids. There are ones that people committed just a few months ago. There are really well thought-out crimes. There are crimes that people didn't even realize were unlawful until we had the conversation.

So it's a wide range of offenses, and I hope that people are able to find themselves in that, but even if they aren't, not in that—Let's say they don't have the patience, perhaps, to comb through every story to find the one that resonates with them, then maybe the photograph. Maybe there's a picture of a bank teller's kitchen shelf, and there's a little Buddha on there as well as a can of turtle chowder soup, you know? How many people have little Buddhas? Had them at some point, you know? I think that that's one more kind of hook to draw people in. While you recognize that that's that teller's very individual personality, you see a piece of yourself in there.

So the photographs are another attempt to draw people in but also to fully flesh out the person as a human being, right? Criminal records do everything they can to flatten people out—to reduce someone to theft or assault or substance abuse or crim sex—whatever it might be, and to reduce that person to a statutory number and say that this is the identity of that person.

This is looking at criminal histories but really bringing that person forward so you see their story from their point of view, and you also see a piece of them: their junk drawer, their kitchen shelf, their refrigerator, you know?

And what was the experience like for the people who participated? Was it sort of a confessional experience for them? What kind of reactions did they have to just telling their story?

You know, just like how so many of the stories are just all over the map, so too have the responses been. Some people have treated it as almost a confessional. Some have been gleeful in their retelling of what they got away with. Some have been profoundly sorry for what they've done, and they've felt ridden by guilt for decades.

It's been an interesting response. I guess I was surprised by the wide range of reactions that people have had. The process for this—just so that your listeners know—is, I get a phone call or somebody in some way reaches out to me and says that they're interested in participating; I meet with them; it's typically a two-hour conversation where we talk about any number of offenses, but we also talk about where they've come since then, and we look at all of the opportunities in life that would have been prohibited had they picked up a record.

Then, after the interview and after the photo shoot, I go back home and process all of what was said into a four-paragraph story—that's the ideal length, is about a four-paragraph story—and then send it to the participant for their approval, and we go through an editing process, both with the story and also with the photograph, so that the final product—the record that is created of the offense—is actually made by that person.

Who did you picture your audience to be when you were creating this?

So first of all, I thought the only people who would participate would be people who lived through the '70s and did a lot of drugs in the '70s, you know? Or maybe the occasional recent grad with a few drug stories. But really, I thought it was all going to be fifth degree controlled substances, and I was very surprised by the wide range of people and offenses that came forward.

Much the same way, the audience—I really had just hoped to get it in front of a few employers. Specifically, I was looking at employers in the North Woods surrounding the Leech Lake Reservation. I really feel like I need to give back.

The impact has been far greater than that. I've been really surprised. I've received responses from New York and Ohio, but also from a wide range of people here: not just employers and not just landlords, but police officers and police officers in training and probation officers and future business leaders and current business leaders. It's been really astounding.

Our audience is social scientists and students, and thinking of this project as a way to kind of get at fundamental issues in the criminal justice system, how do you think through that? How does your project help us to grapple with these big problems that we know are apparent?

The majority of participants—at least ones you can discern race and class either from their picture or their story—are middle-class white participants, and quite a few of the stories involve actually being stopped by the police but being let go, and not being let go as in, "That's all right, kid, I'll turn my back this time," but, "I'm sorry to have inconvenienced you."

I think one of the most dangerous things in our criminal justice system, both in our policy but also in the way that we practice, is this belief that there's a very clear line between us and them, and the project attempts to blur that line between criminal and clean, and it's a lot more difficult to justify our prison population. I just think it's easier for us as a society to justify locking people up and perpetually punishing them if we can convince ourselves that they're nothing like us, that they're deeply flawed, and that they're permanently flawed, and therefore, they must be permanently marked.

So where does this project go next? It's online, so the world has access to it, but now you're opening the door for a lot more participation, so what do you hope to see happen next, or what's your plan?

So I intentionally started off with a focus on Minnesota. Everything right now on the site says, "1 in 4 Minnesotans." It focuses on Minnesotan statistics. That was a very intentional launch to the project. I wanted to make it clear, in our own backyard, that there are problems. It's so much easier to pass the buck when you can say somewhere else. Like, "That's a great project, Em. Great job illustrating the problems in Texas," you know? No. No, this is here. I mean, it's everywhere, but it's also here, and we have the ability and the obligation to fix it here first.

There was a very intentional decision to start the project in Minnesota. I think, come 2014, I would like to bring that nationwide, so, start partnering with organizations and agencies in other states that can give me similar statistics and what I'm looking for. Also connections to local orgs so that

employers who access the site in those jurisdictions can connect.

But I also want stories from all over, you know? I really want this to be something that we as a nation pay attention to and that we as a nation respond to.

So to that end, I would like the website itself to have a more nationwide focus next year. I also travel with a set of retractable banners—a traveling exhibit—and I've recently been invited to Sioux Falls, South Dakota, so I can't wait to fill up the hatch-back and head on down.

But I would like to build that exhibit and bring it to more places. I think that it should be in company headquarters in the atrium, you know? I think it should be in law firms. I think it should be in government centers. Outside of courtrooms.

It has a dual purpose. The bulk of the purpose—the real thrust—is asking people to be introspective, asking people to be humble, for just a moment, and to recall what they've done, and then to think about the nuances and the context that they allow in their own story: "I was drunk, I was stupid, I was a kid, I was with the wrong crowd." Those are all justifications that we allow in our own personal stories, but we don't allow them in others.

And then to take that context, take those nuances forward when they're considering criminal records—when they're considering either somebody with a criminal record who's applying in a position at their job *or* considering criminal records policies at a governing agency.

But the second part of that—and I know that was a huge first part—but the second part, and I think this is to a lesser degree but nevertheless, just as important, is to reach out to people who have criminal records in an attempt to show them that they're not alone. I've had some good feedback to that end as well. People with records, either clients or just people that have come up to me after an exhibit or reached out on the website, saying that they were grateful that, for the first time since the record really started haunting them, they felt maybe just not as broken...