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The Media, Personal Digital Criminal Legacies and the Experience of Offenders Convicted of Occupational Fraud and Corruption

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Abstract

Purpose

This paper explores the impact of media coverage on offenders convicted of occupational fraud and corruption in the UK. It examines the extent of media coverage and provides insights into the experiences of offenders.

Design/Methodology/Approach

The study is based upon interviews with 17 convicted offenders, and on a content analysis of one national and two regional newspapers in the UK.

Findings

The findings suggest offenders convicted of occupational crime and corruption are more likely to experience media coverage than previously assumed and that personal digital criminal legacies create long term labels which lead to economic strains and social fractures that hinder productive reintegration into society.

¹ The authors would like to acknowledge the contribution of Dr Martin Tunley to this article who sadly passed away before its completion.

Research Limitations/Implications

The research is limited by a small sample frame in the UK. Nevertheless, the findings suggest further research is required as they have important implications for privacy and rehabilitation.

Practical Implications

In particular, offenders and their families need support in dealing with their personal digital criminal legacies, accessing their privacy rights and coping with the strains created by online stigmatisation. From a policy perspective, the existing regulatory framework which supports rehabilitation in the UK, especially the increasingly archaic Rehabilitation of Offenders Act 1974, requires close examination and debate to ensure it is fit for the digital era. The findings also suggest that policies, practices and responsibilities of the public sector in employing offenders need to be examined.

Originality/Value

This article is a rare study of the impact of the media on white collar offenders after their release from prison. The findings are of relevance to criminal justice policy-makers, rehabilitation services and academics.

Key words: offenders, resettlement, fraud, corruption, white collar crime, media impact

Introduction

The output of mass media, the press and broadcast entertainment industry, reflects the public's fascination with crime (Reiner, 2007). The news media becomes especially

interested when it encounters the leading edge of a violent crime wave. The statistical novelty of the wave, rather than the crime itself, makes it newsworthy. Although the vast majority of the population remains completely untouched by the emerging wave, the ensuing blanket press coverage stimulates “moral panic”, collective indignation and clarion calls for something to be done (Cohen, 2002, p.1; Young, 1971, p.37). Cohen’s thesis, which examined the press coverage of the confrontations between mods and rockers in the 1960s, is reflected in recent press articles in the UK - “Revealed: Moped gang crime hits epidemic levels ...” (*Evening Standard*, 2017), “Trauma doctors reveal horror of knife crime epidemic” (*The Guardian*, 2018). These articles are typical of the news media’s daily appetite for violent and bloody ‘street crime’ stories (Reiner, 2007).

In contrast, financial crimes do not foment moral panics (Levi, 2009). This is partly a consequence of the scarce reporting of white collar crimes in the press (Ericson et al., 1987, p. 247; Jewkes, 2015, p. 25). Everyday tales of ordinary people who, for example, are involved in breaches of employment trust or commercial bribery, do not make for good press copy because they are generally too mundane and lack the necessary sensationalist and ‘infotainment’ qualities demanded by editors (Levi, 2006). There are a few memorable exceptions in the UK, for example, the exposures of Nick Leeson and Kweku Adoboli, the fraudsters at Barings Bank and UBS respectively (*The Telegraph*, 2015; BBC, 2018, Nov 14), and the MPs’ fraudulent expense claims (*The Telegraph*, 2009). These white collar crime stories had the rare public interest and dramatic ingredients to attract the attention of the mass media: they variously involved unprecedented amounts of money, the abuse of power, celebrities and “folk devils”, those outsiders who visibly remind us of what we should not be Cohen (2002, p. 2).

The implication of the un-newsworthy assumption is that offenders convicted of occupational fraud and corruption are unlikely to be confronted by an intrusive reporter or experience the negative impacts of adverse publicity; they remain substantially undisturbed by the press and not burdened by notoriety. Perhaps as a consequence of these perceptions, very little research has been undertaken into the white collar criminal's experience of the press. Notable exceptions are Benson (1990) and Dhimi (2007), both of whom interviewed convicted offenders. Benson's research was conducted prior to the advent of the Internet, and Dhimi did not account for the impact of the Internet. This paper makes a significant contribution to this scholarly vacuum. It addresses a sub-set of the white collar crime genus by focusing on fraud and bribery crimes committed during the course of the offender's occupation. The aims of the research were twofold: firstly, to assess the perception that white-collar crimes are rarely reported, and secondly, to explore the accounts of some white collar criminals who experienced the attention of the press. The under-reporting assumption was tested by conducting a quantitative content analysis of three media outlets published online in the UK. The experiences of exposure to the press were gathered through interviews with 17 participants convicted of offences related to occupational fraud and corruption. The article presents and discusses the research findings in the context of the mass, instant reach of the Internet.

The news media as an agent of social control and cohesion

Crime has long been a prominent staple of the mass media, contributing up to 25% of news items in the press (Sacco, 1995). Academic research into the representations of crime in the media is dominated by how those representations are constructed and their impact on

society (Kidd-Hewitt, 1995). A recurring theme in the literature is the contribution of the press to the maintenance of social order through its focus on stories about deviance and control (Reiner, 2007). In a more passive role, the extensive coverage of crime reassures society by reinforcing the boundaries between good and bad, conformist and deviant (Cohen, 2002, p9). In a more active role, the press identifies what it believes are deviant phenomena and exposes the performance of the state agencies in addressing the problems (Dowler, 2003). However, in both roles it often misrepresents or exaggerates the crime threats (Reiner, 2007). Crime stories are socially constructed morality plays which incite collective outrage and reaffirm the individual reader's membership of society (Grabe et al., 2006). The most attractive newsworthy crimes are the mega cases which provoke moral panics and fuel support for harsher criminal justice measures (Dowler et al., 2006). Young (1971, p.37) and Cohen (2002, p.11) demonstrated how "deviancy amplification" is used by the press to create sensationalised fantasies that catalyse these moral panics. These fantasies are often accompanied by the demonic labelling of others, the social outsiders, which leads to oversimplification, stereotyping, bias, prejudice and the unjustified stigmatisation of entire communities (Hall et al., p 395; Jewkes, 2015, p. 68; Young, 1971).

Newsworthiness and white collar crime

News businesses operate in a highly competitive industry that seeks the most efficient way of creating the product in the shortest possible time. Reflecting this need for efficiency and speed, Chibnall (1977, p. 23) set out eight editorial imperatives that guide the construction of news stories whilst sustaining the social control paradigm: "immediacy, dramatization, personalisation, simplification, titillation, conventionalism, structured access, and novelty". He added a further five relevancy rules in the reporting of violence (Chibnall, 1977, p. 77):

“visible and spectacular acts, sexual and political connotations, graphic presentation, individual pathology, and deterrence and repression”. The consequence is a manufactured news product that is selective, unrepresentative and sensationalist (Davies, 2009; Sacco, 1995). The palette of newsworthiness criteria steer journalists towards violent crimes and celebrity offenders (Reiner, 2007; Fox et al, 2007). Most white collar crimes fail to meet these criteria as they are usually mundane and often complex (Davies, 2009; Levi, 2006), ingredients that are not amenable to the construction of simple, sensational, celebrity stories for “infotainment” purposes (Levi, 2006, p. 1037). Consequently, it is claimed that white collar crime stories are rare (Ericson et al, 1987, p.247; Greer, 2007, p. 21) and concentrated in quality newspapers or specialist publications (Levi, 2006; Stephenson-Burton, 1995, p. 137). However, Tunley (2011) held the contrary view, suggesting that minor benefit fraud cases regularly secure press coverage. Unfortunately both of these opposing views were not supported by adequate empirical evidence.

The impact of the news media on offenders

A fundamental activity of the press is to relocate crime events from the domain of private troubles to the public sphere (Sacco, 1995). This process endows the press with agency power in regulating normative values and shaping the political agenda. The Internet and the World Wide Web brought about an information revolution that transformed the public sphere to an instantly accessible “globalized public sphere” (McNair, 2018, p. 499). As a consequence, the hegemony of the press is being challenged by the emergence of amateur journalists and social media. It is therefore surprising that research into offenders’

experiences of the press and its impact on their lives remain scarce. Accounts of the experiences of white collar offenders are rarer still.

Offenders' negative experiences of the press can be viewed as a form of punishment that flows from the criminal accusations. Penal scholars have conceptualised the penal power of prisons in terms of depth, weight, tightness and breadth (Crewe, 2015). The dimension relevant to this paper is penal breadth: it refers to the formal and informal penalties beyond the prison, but which are a consequence of state sanctions, for example, restrictions on voting rights and employment opportunities, professional banishment and ruined curriculum vitae (Crewe, 2015). We argue that exposure to the press, bad publicity and consequent life course damage are constituents of penal breadth as they can impact on the lives of offenders in unpredictable ways that are beyond the intended, measured sanctions of the state system. The Internet further powers this penal breadth by exposing offenders to the globalized public sphere and the search engine. The impact on female offenders may be particularly acute as the press often amplifies their deviance by portraying them as 'doubly deviant': they both break the law and transgress commonly held standards of feminine behaviour (Easteal et al., 2015; Naylor, 1990). Moreover, the reach of this publicity-fuelled penal power encompasses innocent family members and friends with potentially devastating consequences (Condry, 2007; Murray, 2013, p. 457; Payne, 2016; Robbers, 2009).

The publicity issue has stimulated serious debate over whether those accused of sexual offences should be allowed to remain anonymous until convicted (Hodges 2009; Lloyd 2014). However, empirical research into the impact of the media on white collar offenders remains very rare. This is surprising since it is generally assumed that the degradation of the

criminal process and the accompanying media coverage is particularly painful for white collar offenders with significant investments in their social communities and the prevailing social order (Bandura, 1976, p. 121; Stadler and Benson 2012). Prior to the emergence of the Internet, Benson (1990) observed how press portrayals carve out and magnify the new criminal identity, whilst ignoring other laudable identities, such as being parents, successful professionals or good neighbours. He found that the public humiliation of biased, sensationalist portrayals in the press stoked resentment and anger in white collar offenders. Following labelling theory (Braithwaite, 1989; Schur, 1971), he argued that these strong emotions and the offenders' inability to control the public narrative could encourage them to reject the legitimacy of the law, hinder successful reintegration into society and increase the risks of their recidivism. Dhami (2007) also observed resentment in her interviewees at biased, sensationalised journalism, but these emotions were less salient in her research because the white collar offenders she interviewed received emotional support from those closest to them, from their families, prison inmates and some prison staff. Dhami's research did not account for the influence of online media: her data was collected just as the phenomenon of mass social participation in the online world using mobile devices was emerging (Edosomwan et al., 2011). The present research considers the impact of the global, instant reach of the Internet.

Methods

Extent of press exposure

In order to test the divergent views on the extent of white collar crime copy in the news media, a narrow content analysis of three media outlets was undertaken: a national tabloid,

a high population density city newspaper and a lower population density regional newspaper. This approach was based on the hypothesis that fraud and bribery articles would be proportionately more prevalent in regional with lower readership and less competition for print space. Online searches quantified the number of reported UK fraud cases in one year (2015) for each of the outlets.

The Mail Online was selected for its national coverage of the UK population, 65,110,034 (ONS, 2018), and because it was reported to be the most widely read news site immediately prior to the sample year (Marsh, 2014). The Birmingham Mail covers a high population density of 2,834,490 in the West Midlands (ONS, 2018) including the country's second city. Furthermore, unlike London, the region is not heavily skewed by a concentration of financial institutions and the anti-fraud activities of the City of London Police. The Gloucestershire Echo is adjacent to the West Midlands and encompasses a more rural, less dense population of 617,527 people (ONS, 2018). To contextualise the results, the conviction figures for the two regions were obtained from the Ministry of Justice by a Freedom of Information request.

Interviews with convicted offenders

Interview based research into the experiences of white collar criminals is rare, challenging and has, as a result, largely been ignored (Hunter, 2009; Shover and Hunter, 2010, p.220). As Gill (2011) notes, drawing on offender' perspectives remains a marginal interest within criminology. There is a small cohort of research based on interviews with fraudsters, for example welfare fraudsters (Hessing et al., 1993; Sainsbury, 2003) and professional fraudsters (Copes and Vieraitis, 2007; Levi, 2008), but only a handful of studies involved white collar fraudsters who committed their offences during the course of their occupation.

The studies that have been undertaken have accessed participants in prisons or under the auspices of probation services (Benson and Cullen, 1988; Benson, 1990; Cressey, 1953; Dhami, 2007; Dodge, 2007; Gill, 2005; Goldstraw-White, 2012). These approaches have been criticised because the offender is motivated to impress officials and to obscure the truth of their crimes in order to gain favours (Copes and Hochstetler, 2010, p. 52).

To address these criticisms, this research followed Schuchter and Levi (2015) to interview *released* offenders. The target population encompassed any persons convicted for occupational offences involving fraud or bribery. A database of 465 offenders was created by searching law databases, the websites of relevant regulators and the wider Internet for cases between 2004 and 2013. Commercially available people tracing tools were then used to locate and invite 165 offenders to participate in interviews. The method initially secured 13 volunteers. Snowballing through the offenders' networks increased the number of participants to 17. Table 3 sets out the key participant data; their ages ranged from 30 to 65. The unstructured interviews utilised open and closed question prompts to encourage the participants to deliver their accounts in their own words, for example, "Please describe your experience of the press", and "What kind of impacts did you experience?" The interviews were recorded and later transcribed for coding and thematic analysis. As the sample was non-probabilistic and self-selecting, it would be imprudent to generalise findings from this research to the wider population of white collar offenders.

Extent of media exposure

Table 1 sets out the number of fraud cases reported in the three newspapers during 2015. A total of 457 cases were covered during the twelve month period. The table also includes the regional Ministry of Justice conviction figures obtained by FOI and the published national

figure (MoJ, 2016). The table covers all fraud offences, not just occupational frauds. No reliable official data were available for bribery offences. However, as one estimate of the national convictions for bribery was just 38 in 2015 (Ernst and Young, n.d.), its exclusion has only a marginal impact. Table 2 is a simple frequency analysis for the fraud typology featuring within the three publications.

Table 1. Reporting of fraud cases during 2015

	Mail Online	Birmingham Mail (Online)	Gloucestershire Echo (Online)
Convictions for fraud offences	12,676 (E&W)	592	133
Fraud reports in publication	325 (UK)	80	52
% of convictions	2.6%	13.5%	39%
Population	65,110,034 (UK)	2,834,490	617,527

Table 2. Top six fraud types reported

Fraud Typology	Number of Reports	%
Occupational fraud	163	52%
Benefit fraud	71	23%
Financial fraud against relative/patient	45	14%
Income tax fraud	13	4%
Courier fraud	12	4%
Charity fraud	11	3%
Total	315	

The results indicate that fraud features almost daily in the national news outlet and at least weekly in the regional media. Furthermore, far from focusing on sensationalist frauds of an unusual nature or those featuring celebrities, the fraud type receiving the most attention is occupational fraud, accounting for 35.7% (163) of all fraud related reports (n=457), followed by benefit fraud (16%). The following selection of typical headlines from the three

publications further supports the argument that fraud reporting is not confined to high profile, sensational cases.

Recruitment firm worker who stole more than £4,000 from clients by fiddling their holiday pay avoids jail

Caravan park receptionist who rifled through resident's post and stole £6,000 to spend on fake tans and false eyelashes is jailed

Bishops Cleeve dry cleaner jailed for cheating his boss out of £20k and blowing it on gambling

If the results were replicated across the country, 13% of city and 40% of rural fraud offenders could expect media exposure and an enduring criminal identity on the Internet. These estimates exclude the additional specialist media outlets which only report cases relevant to their fields.

Participants' experiences of the media and its impacts

The types of media coverage experienced by the participants is set out in Table 3. It ranged from articles in specialist trade publications to frenzied tabloid headlines. Their stories remain online.

Insert table 3 about here.

Humiliated until proven guilty

For the participants with more sensationalist aspects to their cases, the public degradation began well before their guilty findings, and was further amplified as family members were

regarded by the press as fair game. Simon's case had the necessary newsworthy attributes to attract pre-conviction coverage. He was charged with involvement in a substantial fraud and was a relative of a minor celebrity. The purpose of the press coverage in this instance was not about Simon or ensuring fair justice, their motivation was the prospect of humiliating the minor celebrity:

I had [*press*] people jump out at me from the van to try and interview me as I'm walking up the road with the dogs they were driving up to the front taking pictures of the house. They were taking pictures of my son, who was only 13/14 at the time. [Simon]

Walter, a local politician, lived with his elderly mother. He was at a friend's house when his distressed mother telephoned and told him that there were a large number of police searching their home. The police suggested he should make his way to the station to avoid the press camped outside his house. The attention on Carole, a former prison worker, turned her into a minor local celebrity during her trial with crowds of people and the press watching as she made her way home:

And one bloke, young lad actually walked up to me and said are you a film star? I went I wish! there were long lens photographers in bushes, all sorts. And then none of them are flattering pictures either, none of them. [Carole]

Stoking public resentment and violence

The combination of an arrest and negative press caricatures which focused on the criminality of the participants was sufficient evidence of their evil characters to fuel resentment, extreme anger, racism and violence:

When I was first arrested and it hit the press, I had hate mail coming through at home. One of the pieces of hate mail had said, you're going to get your comeuppance, you're going to go to [*X prison*], you're going to lose absolutely everything, you'll be locked up with a big black man and you'll be fucked repeatedly by him. [Walter]

I come out [*of a shop*] and this guy just started on mePeople like you shouldn't be in this country, he started. A few words, racist words, and that was it, I just put my bag down and I looked at him and he goes, all you've done, this and this, you've taken money off people, you know, you shouldn't be allowed, and, showing your face round here..... And then he went to punch me and that was bad news for him. [Simon]

The newsworthiness of some of the participants' cases was constructed by juxtaposing the negative criminal label against specific positive social roles, a technique which promotes journalists as moral denouncers-in-chief. Morris, for example, felt his contribution to local civic activities was cynically exploited by the press to make the most of his fallen status:

Photograph on the front of the ##### Express, it was taken when I was Chairman of #####, and opening something for them. So it was totally out of context, 'cause it gives one laughing, as if you're putting two fingers up. And that's what everybody said. [Morris]

The female participants experienced the double-deviant 'fallen woman' label (Heidensohn, 1985; Naylor, 1990, p. 4). Despite her minor role in a corrupt conspiracy, Carole became the

most prominent theatrical exhibit because she is a woman. Similarly, Jayne felt that her case was sensationalised due to her gender:

And their (*males*) case...you're lucky if it's page three. And they might get reported in something like the FT or the Times, and they go oh... But the tabloids got hold of mine. The red tops really went mad for my story. [Jayne]

Carole and Carl are former prison workers, and Graham is an ex-police officer. Their press portrayals meant that they faced both societal rejection and hostile ostracism inside prison. Carole and Carl avoided excessive hostility by being transferred to open prisons. However, Graham remained in a high security prison. From the outset he coped with imprisonment by denying his former profession. He embraced the new criminal label, conforming to the expectations of violence:

So I'm in the dinner queue and you've got to give your name off as you get your meal, and he said, #####. I went, yeah, 'Graham #####'. He went, ###. Fucking hell, you're old bill isn't you? He'd got a paper in his cell, it said ### cop remanded. I had to front it. You could have heard a pin drop. You can imagine, I've got 20 prisoners behind me and it's just fucking gone quiet. I either run or I front it out. So I said, who the fuck are you talking to mate? I stuck it on him. He was only a little weedy geezer. So I went up to him, I said, see this pen, I'll ram it through your fucking eye if you ever call me a copper again. I said, I ain't a copper, I don't know where you got that shit from. Oh, sorry mate, I made a mistake. I thought, fucking hell. Gone back to the cell, six o'clock bang up, my cellie's going to me, fucking hell, what's happened there. I said, he's a mug isn't he? Oh, thank fuck for that, he said, for a minute I thought you was old bill. No mate, don't worry. [Graham]

Impact on families

The participants' greatest regrets and feelings of guilt were associated with the impacts on family members. Eight (nearly 50%) of our participants separated from their spouses or long-term partners, in part because of the social pressures created by the press coverage. The press physically intruded into their families' lives through surveillance and by photographing family members, including their children. Most of all, the participants resented the way the press stimulated ostracism and hostility against family members within their communities. During Paul's incarceration his wife feared going to the local shops as a consequence of frequent hostile confrontations and the humiliation of people physically turning their backs to her. Former friends would no longer visit her or talk to her. In the eyes of her local community, the media articles were symbolic proof of her immorality due to her intimate association with the fraudster in the newspaper.

Immediate and long term impacts of the Internet

The globalized public sphere (McNair, 2018) has extended the immediacy and breadth of the ritualised degradation ceremony. Walter's mother received a call from his ex-girlfriend after reading an article in New Zealand within hours of his arrest:

I was on BBC, I was on ITV, I was in all the local...in ##### press, I was in ##### press, I was all over the Internet.... I mean, she knew I'd been arrested in New Zealand, before I got home, on the day I was arrested. [Walter]

The enduring online content hovers over the lives of offenders and their families, placing strains on intimate relationships, as indicated by the near 50% separation rate amongst our participants, and bearing down on the development of new relationships:

I mean, and with my personal life now, trying to find someone to go out with
 Everyone can Google. And the next thing, I get a text message - this is the
 consequences of it - where are we [*shows phone*]. That's what she text me. 'Sorry,
 "Walter", but you're not for me.' [Walter]

The shift in the occupational profile of the participants is telling (Table 4). Overall the group became less economically productive: two remained long-term unemployed and five could only find work in the gig economy where fewer questions are asked. The association of stymied employment opportunities, a permanent criminalised digital identity and Google was keenly felt by our participants:

I was all over the Internet, all over the BBC news, so if I typed in my details on
 Google you will find everything about me. [Tony]

That's what kills people, you can't erase Google. And the problem is that...again, it's
 the media portrayal of what went on. It wasn't the truth and it's rarely the truth. But
 that's what people read, and if they read it, they believe it. [Frank]

Table 4: Impact on occupation profile

Occupation type	Pre-conviction	After release
Public employee	4	0
Company employee	8	4
Own business	5	1
Gig economy	0	5
Long-term unemployed	0	2
Retired	0	4

Discussion

Like Benson (1990), we do not propose that white collar offenders should be afforded special consideration, nor do we suggest that our findings are only relevant to white collar offenders, but further research is required to understand the impacts of the digital media on other types of offenders. Our interviews differed from Benson's in that our participants appeared less angry and more stoic about their experiences. Furthermore, in contrast to Dhami's (2007) participants, half of our interviewees experienced serious social strains culminating in separation and divorce. We argue that these findings reflect the emergence of digital era social pressures, a phenomenon which has implications for the formal justice system and broader social justice.

The extent of white collar crime reporting indicates that fraud cases are reported in the press far more frequently than previously assumed. Whilst Chibnall's (1977) criteria and Levi's (2006) infotainment quality are highly relevant to the national media, their salience reduces for regional outlets seeking to fill print space. Using our estimates, the likelihood of a rural paper printing an article about a fraud case in its area (39%) is 15 times greater than a national newspaper (2.6%), and the likelihood of a regional city paper publishing a fraud story (13.5%) is 5 times higher.

The advent of the Internet means that the stigmatisation risks associated with even mundane, local stories have increased. The Internet enabled device is becoming the deliverer of news. It is blurring the boundaries between news publishers and it is displacing the exclusive interpretive hegemony of the traditional national news publishers. At the

same time the Internet is amplifying the power of the stories through sustained accessibility and reach.

The press deliberately constructs narratives which emphasise the fall from grace of white collar offenders occupying roles of higher social status or greater expectations of probity (Benson, 1990). These are, as Garfinkel (1956) pointed out, the most successful degradation ceremonies. Prior to the Internet the stigmatisation risks provoked by this coverage receded relatively quickly as stories were consigned to the archive room. However, the archive, search and sharing features of the Internet now ensure the exposed offender's online digital identity remains dominated by his or her criminal identity. In the absence of robust counter-narratives, the digital criminal identity becomes an enduring master representation of the offender, their 'personal digital criminal legacy' (PDCL). It disrupts their lives and the lives of their families long after the reported incidents. This is how we were able to identify offenders for this research. Consequently, though the traditional newsworthiness criteria (Chibnall, 1977) remain highly relevant to the major news brands, they are no longer the dominant determinants of stigmatisation risks. Any kind of press exposure, sensational national news or local court news, has the potential to trigger immediate and long term negative impacts.

The media representations of moral outrage stimulated hateful real world behaviour, ranging from back turning and verbal confrontations to physical violence. These pains were reinforced by social media reactions to the press coverage with frequent trolling and hate messages. It is also concerning that the press still seems to pursue a gendered narrative that can make female offenders especially vulnerable to the impacts of the PDCL. Although

Carole was a minor conspirator, the disproportionate focus on her role damaged her mental health, created a drinking problem and led to divorce.

A critical impact is the reduced access to secure employment. The ruined curriculum vitae and poor employment prospects are acknowledged symptoms of the breadth of penal power (Crewe, 2015). The PDCL has greater potency than the old analogue version in reinforcing barriers to employment as employers increasingly use the Internet to screen applicants; they check the surface of the web, scan social media and access specialist databases for adverse indicators (Tunley et al., 2018). The shift in employment profile is a prominent feature of the research sample. Excluding the four retirees, about half the sample did not find economically secure employment, suggesting that the search engine is rendering the confidentiality of criminal records and the employment protection provisions of the Rehabilitation of Offenders Act 1974 redundant. It is further striking that none of the participants secured jobs in the public sector. The implication is that, having punished offenders, the state is passing the responsibility and risks of productive reintegration to the private and charity sectors.

The participants' experiences suggest that the negative vitality wrapped into personal digital criminal legacy can place excessive strains on offenders and their close relationships. It is difficult, if not impossible, for offenders to sever the connection between themselves and their digital identities. However, intimate partners and prospective relationships can seek escape by means of divorce or separation. We posit that an explanation for the difference between our findings and Dhimi's (2007) is the increased economic and social strains

arising from the increased prevalence of the enduring digital criminal identity, a technology era phenomenon created by the press and reinforced by social media.

A concerning aspect arising from the interviews is the extent to which the press intrudes in the lives of accused persons prior to court verdicts. Many of the negative reactions and confrontations reported by the participants were experienced prior to their guilty verdicts. This suggests that that the public often accepts these graphic accusal narratives as truthful representations, and implies the press can act as a conduit of reputational damage and social strains despite the absence of a guilty verdict. This observation suggests that further research is warranted into the experiences of those accused but subsequently not found guilty.

The accounts of our participants demonstrate the power of the press as an agent of social control (Reiner, 2007). In this role, the press has a synergetic relationship with criminal justice in reinforcing moral boundaries. However, the digital online era has empowered the destructive side of this agency, engendering rejection, confrontation, violence and social fractures. These unhealthy outcomes directly conflict with the penal idea that criminal justice is most successful when it marshals the constructive reintegration of offenders into society (Braithwaite, 1989). Benson (1990) cautioned that resentment stoked by contact with the criminal justice system and fuelled by humiliation in the press could lead to increased rates of recidivism amongst white collar offenders. The Internet makes his warning more relevant today. These findings suggest that the governance of the relationship between criminal justice and the digital press would have to change in order to

accommodate the kind of re-integrative shaming policies advocated by Braithwaite (1989) and Benson (1990).

From a public policy perspective, transparency in the operations of law enforcement and the judiciary is fundamental to a progressive, democratic society. The law and the governance of the legal processes have and always will struggle to keep pace with technology developments. It is starting to grapple with the penal implications of the sustained vitality of the PDCL. The “Google Spain” decision in 2014 regarding the ‘right to be forgotten’ brought attention to the impact of the internet and search engines on offenders (European Commission n.d.).² These rights were subsequently enshrined in the General Data Protection Regulation (GDPR) in 2018. It remains to be seen how well these rules will be implemented, how easy it will be for individuals to obtain remedies, and how much impact they will have. Nevertheless, our findings suggest that researchers and policy makers ought to carefully examine the regulatory framework which supports rehabilitation, especially the provisions of the Rehabilitation of Offenders Act 1974 (ROA). The Internet is evolving into an open access criminal record database, increasingly undermining the confidentiality of the official database and the purpose of the ROA. At the very least, the Ministry of Justice, probation and rehabilitation services should consider how they could support offenders and their families in managing their digital identities, pursuing their privacy rights and dealing with the strains of online stigmatisation.

Conclusion

² Google Spain v AEPD and Mario Costeja González (2014) Court of Justice of the European Union

Research into the impact of media coverage on white collar type offenders is surprisingly rare. This paper has contributed to this field by firstly challenging the notion that white collar crimes are rarely reported in the press, and secondly by exploring the experiences of convicted offenders. The findings show that fraud crimes appear in the press more frequently than previously assumed. With the emergence of the Internet, even local press stories have sustained destructive vitality through the creation of a personal digital criminal legacy (PDCL). The resulting widespread and enduring stigmatisation impacts for offenders, as well as for families and those wrongly accused, have significant implications for productive reintegration, criminal and social justice. As an open access database, the Internet poses a major challenge to the confidentiality provisions within the Rehabilitation of Offenders Act 1974. An important limitation of this research and previous studies is the absence of family members and accused persons subsequently found not guilty. Examining these groups would provide crucial insight into the unintended and uncontrolled effects of the PDCL. It is unlikely that the findings are peculiar to white collar offenders: further research is required to understand the impacts of the PDCL in relation to other categories of offences.

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Table 3: The interviewees and their level of media coverage

Pseudonym	Conviction	Sentence	Media interest
Walter	Bribery related	Prison	Local and national
Carl	Misconduct in Public Office	Prison	Local, national and tabloid
Carole	Misconduct in Public Office	Prison	Local, national and tabloid
Graham	Fraud Related	Prison	Local, national and tabloid
Jim	Fraud Related	Prison	Local and national
Jayne	Fraud Related	Prison	Local, national and tabloid
Tony	Fraud Related	Prison	Local
Morris	Fraud Related	Prison	Local
Simon	Fraud civil and regulatory	Suspended prison	Local, national and tabloid
Harvey	Bribery related	Prison	Local and national
Phil	Bribery related	Suspended prison + Community service	Trade press
Brian	Bribery related	Prison	Trade press and national
Fred	Fraud related	Community service and Fine	Local
Chris	Fraud related	Suspended prison	Local
Frank	Fraud Related	Prison	Local
Paul	Fraud Related	Prison	Local
Nigel	Fraud Related	Prison	Radio, TV and local tabloid