Criminal Records as a Barrier to Employment

Amanda Agan
Rutgers University

May 11, 2018
Scope of the Issue

Source: Shannon et al. 2017 *Demography*
Employers Reluctant to Hire People with Records

Self-Reported Employer Willingness to Hire People with Records

Employers Reluctant to Hire People with Records

![Bar chart showing the percentage called back with criminal records vs. no record.](chart)

**Fig. 5.**—The effect of a criminal record on employment opportunities for whites. The effect of a criminal record is statistically significant ($P < .01$).

**Source:** Pager 2003 *American Journal of Sociology*
Ban the Box

Support the Ban the Box campaign to give people with past convictions a fair chance

Become an ally in the struggle to win back our civil rights
Ban the Box Policies Throughout the U.S.

Source: Author created via mapchart.net using dates from “Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies” NELP February 2018
BTB Motivation

- Help people with records to get “foot in door”
- Also put forward as a strategy to increase employment for minorities
BTB Motivation

- Help people with records to get “foot in door”
- Also put forward as a strategy to increase employment for minorities
- May have unintended consequences
  - Employers may make assumptions based on observable characteristics
  - A policy meant to alleviate one barrier to employment (criminal records) could interact with another (discrimination) to reduce employment opportunities for minority men *without* records
Agan and Starr (2018) Field Experiment

- Sent thousands of online applications on behalf of fictitious applicants to entry-level jobs, *both* before and after the law went into effect in two jurisdictions:
  - New Jersey (BTB effective March 1, 2015)
  - New York City (BTB effective October 27, 2015)

- Applications randomly vary race and criminal record status
Agan and Starr (2018) Field Experiment Main Results

Source: Agan and Starr 2018 Quarterly Journal of Economics
Agan and Starr (2018) Field Experiment Main Results

Source: Agan and Starr 2018 Quarterly Journal of Economics
Employment?

- But what about eventual employment?
Employment for Young Black Men Falls in BTB Locales

Effect of BTB on Prob of Employment: Black Men 25-34, No College Degree

Source: Doleac and Hansen 2017 Working Paper available at:
Do Private BTB Laws Increase Employment for People with Records?

- Linked criminal history with Unemployment Insurance records in two jurisdictions:
  - **Massachusetts** (Osborne and Zhao 2017):
    - Slight *reduction* in employment for people with records
  - **Seattle** (Rose 2017):
    - No change in employment for people with records
Key Takeaways from Ban the Box Research

- Decreases employment opportunities for young men of color without records
- Discouraging initial results on employment of people with records
- Tradeoffs are necessary with many policies and important to document
What Else Can be Done?

- Why don’t employers want to hire people with records?
  - Negligent hiring lawsuits?
  - Safety issues? Trustworthiness?

- Other potential policies:
  - Criminal record expungement/sealing?
  - Certificates of rehabilitation?
  - Wrap-around services (mental health, drug counseling, family counseling/reunification...)?
  - Job training/education?
  - Reduce occupational licensing barriers for people with records?

More research needed on alternative policies.
What Else Can be Done?

Why don’t employers want to hire people with records?
- Negligent hiring lawsuits?
- Safety issues? Trustworthiness?

Other potential policies:
- Criminal record expungement/sealing?
- Certificates of rehabilitation?
- Wrap-around services (mental health, drug counseling, family counseling/reunification...)?
- Job training/education?
- Reduce occupational licensing barriers for people with records?

More research needed on alternative policies