

Executive Summary: State Policies and Employment Outcomes among Fathers with Criminal Records

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Contact with the criminal justice system is widespread in the United States, with serious implication for individuals and their families. Nearly one-third of American adults have criminal records (Goggins & DeBacco, 2018), and 10% are currently incarcerated (The Pew Charitable Trusts, 2010). The majority of these individuals are men, most of whom are parents of minor children (Glaze & Maruschak, 2010; The Pew Charitable Trusts, 2010), making it particularly important to understand the implications of criminal justice system involvement for fathers. Individuals with criminal records or a history of incarceration face both employment and wage deficits that can last for years after the initial offense (Western, Kling, & Weiman, 2001; Pager, 2003; Pettit & Lyons, 2009; The Pew Charitable Trusts, 2010). For fathers, this economic impairment also has serious implications for their ability to support their children (Geller, Garfinkel, & Western, 2011).

State-level policies can play a key role in shaping economic opportunities available to fathers with criminal records. States have adopted a variety of policies to regulate the use of criminal records during the hiring process. Broadly, these approaches fall into three categories: 1) policies regulating what information employers can legally consider for employment or licensing decisions, 2) those regulating what information on criminal records employers can access, and 3) policies regulating what information employers can ask on job applications (e.g., "ban the box"). However, existing research on the effects of the first two kinds of policies has been limited and evaluations of ban-the-box policies have been mixed.

Our research investigates how policies regulating the information employers can legally consider and the availability of official criminal record information shape the employment of fathers with criminal records. We use newly collected

data on policies across the U.S. over time linked with nine years of longitudinal survey data from the Fragile Families and Child Wellbeing Study, a population-based study of 5,000 children born in large U.S. cities between 1998 and 2000. Our study includes data on 3,120 fathers interviewed up to five times over a nine-year period. We take advantage of variation in policies between states and over time to explore how these policies are related to employment outcomes among fathers with and without a criminal record, controlling for important characteristics of individuals, families, and state-level contexts.

Our research resulted in four major findings. First, contact with the criminal justice system was widespread among families in our sample. More than one-third of the fathers in our study reported having a criminal record, including 43% of black fathers and 29% of Hispanic and white fathers. Second, while most fathers were employed, those with criminal records were less likely to report being employed. After adjusting for differences in fathers' characteristics and state contexts in multiple regression models, fathers with a criminal record were five percentage points less likely to be employed than those without one (80% versus 85%). This disadvantage is approximately the same across fathers of all racial and ethnic backgrounds. Third, in states with more protective regulations regarding whether criminal records can legally be considered in hiring and licensing decisions, black fathers are less likely to be employed. For black fathers with records, those living in states with the most protective policies are 15 percentage points less likely to be employed than those in the least protective states (64% versus 79%). This lower likelihood of employment is paralleled among fathers who do not have records—we estimate that black fathers with no criminal records are also 10 percentage points less likely to find work in the most protective states compared to the least protective states. This finding is consistent with prior research on ban-the-box policies, which indicate that policies regulating the use of criminal records can harm the employment of black men, either because employers are intentionally using race as a proxy for criminal records (statistical discrimination) or because employers default to racial stereotypes about criminality in the absence of evidence to the contrary (racial discrimination). Finally, father employment is less sensitive to the availability of state online criminal record databases. Unlike in the previous finding, living in a state with such searchable databases neither improves nor impairs the employment of fathers with criminal records.

In conclusion, our work and that done by many other researchers has demonstrated that having a criminal record or history of incarceration has serious implications for fathers' employment. These fathers face significant disadvantages in the formal economy, despite the importance of stable, high-quality work for self-sufficiency, support for children, and desistance from criminal activity (Apel & Horney, 2017; Uggen, 2000). Furthermore, our study suggests that these policies are not a panacea for addressing discrimination based on criminal records or ensuring access to the formal economy for vulnerable fathers. Addressing discrimination on one front (criminal records) without the other (race) appears to backfire at worst or have little impact at best, suggesting that alternative policy approaches are needed to improve fair access to the formal economy.



References

- Apel, Robert, & Julie Horney. (2017). "How and Why Does Work Matter? Employment Conditions, Routine Activities, and Crime Among Adult Male Offenders." *Criminology* 55(2): 307–43. <https://doi.org/10.1111/1745-9125.12134>.
- Geller, Amanda, Irwin Garfinkel, & Bruce Western. (2011). "Paternal Incarceration and Support for Children in Fragile Families." *Demography* 48(1): 25–47. <https://doi.org/10.1007/s13524-010-0009-9>.
- Glaze, Laren E., & Laura M. Maruschak. (2010). "Parents in Prison and Their Minor Children." Bureau of Justice Statistics Special Report. Washington, D.C.: U.S. Department of Justice. <https://www.bjs.gov/content/pub/pdf/pptmc.pdf>.
- Goggins, Becki R., & Dennis A. DeBacco. (2018). "Survey of State Criminal History Information Systems, 2016: A Criminal Justice Information Policy Report." 251516. SEARCH, The National Consortium for Justice Information and Statistics. <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.
- Pager, Devah. (2003). "The Mark of a Criminal Record." *American Journal of Sociology* 108(5): 937–75. <https://doi.org/10.1086/374403>.
- Pettit, Becky, & Christopher J. Lyons. (2009). "Incarceration and the Legitimate Labor Market: Examining Age-Graded Effects on Employment and Wages." *Law & Society Review* 43(4): 725–56. <https://doi.org/10.1111/j.1540-5893.2009.00387.x>.
- The Pew Charitable Trusts. (2010). "Collateral Costs: Incarceration's Effect on Economic Mobility." Washington, D.C.: The Pew Charitable Trusts. https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf.
- Uggen, Christopher. (2000). "Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism." *American Sociological Review* 65(4): 529–46. <https://doi.org/10.2307/2657381>.
- Western, Bruce, Jeffrey R. Kling, & David F. Weiman. (2001). "The Labor Market Consequences of Incarceration, The Labor Market Consequences of Incarceration." *Crime & Delinquency* 47(3): 410–27. <https://doi.org/10.1177/001128701047003007>.

