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## Overview of Selected Current Research on Employment and Crime and on the Causes of Reoffending Prepared for the Consumer Data Industry Association (CDIA)

by  
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Some criticism of the use of criminal backgrounds for employment screening is predicated on the assumption that employer use of those background checks on Blacks and Hispanics, given their records of incarceration, is a fundamental, even dominant cause of the difficulties they face in re-entering the job market and readjusting to post-incarceration life. Although successful re-integration through employment is important and cannot be wholly discounted in this context, reliance on this single factor is excessive and overly simplistic. This paper highlights two facts that are often ignored: (1) that the relationship between employment and crime is not causal, simple, or straightforward; and (2) that there is no predominant cause of reoffending. A number of non-employment related factors are as or more determinative of whether a person will transgress a second time as employment.

**The relationship between unemployment and criminal conduct is not one of cause and effect.** This is demonstrated by several facts commonly known in the social science community, such as:

- *Two-thirds of inmates in State prisons were employed during the month before they were arrested for their current offense; over half were employed full time.*<sup>1</sup>
- *From 1979 to 1997, the property and violent crime rates (adjusted for changes in demographic characteristics) increased by 21% and 35%, respectively, in the United States despite no change in the long term unemployment rate;*<sup>2</sup> and
- *Decreasing wage trends for low skill workers account for over 50% of the increase in both the property and violent crime indices during the same period. A sustained long-term decrease in crime rates thus depends on whether the wages of less skilled men improve.*<sup>3</sup>

<sup>1</sup> Department of Justice, *Survey of State Prison Inmates, 1991*. (Washington, DC: Bureau of Justice Statistics, 1993) 3. See also, Department of Justice, *Mental Health and Treatment of Inmates and Probationers*. (Washington, DC: Bureau of Justice Statistics, 1991)

<sup>2</sup> Eric D. Gould et al, "Crime Rates and Local Labor Market Opportunities in the United States: 1979-1997," *The Review of Economics and Statistics* 84, no. 1 (2002): 57-8.

<sup>3</sup> *Ibid.*, 58.

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The mere presence of employment does not provide a pathway to successful reentry into legitimate society as much as having the job skills that allow access to better-paying jobs.

**Successful reentry to legitimate society is shaped as much or more by factors that have nothing to do with employment.**<sup>4</sup> These factors include not only the individual's characteristics, but also offending and substance abuse histories, family relationships, community contexts, and State policies. Discouraging the use of background checks will not automatically enhance re-integration into society. It will certainly, however, expose employers and the public to the harm of re-offense due to factors that have nothing to do with the regular presence of a paycheck. The following characteristics of state inmates make clear that their problems upon re-entry extend far beyond issues related to background checks. Consider the following facts<sup>5</sup>:

- **Over 60% of inmates had been incarcerated in the past.** A Department of Justice study of 272,111 inmates released from prison in 1994 found that they had accumulated 4.1 million arrest charges before their most recent imprisonment and another 744,000 charges within 3 years of release.<sup>6</sup> *This is an average of 17.9 charges each.* The number of times a prisoner has been arrested in the past is a good predictor of whether that prisoner will continue to commit crimes after being released.<sup>7</sup>
- **Substance abuse is a significant contributing factor to the likelihood of incarceration.** *Thirty-one percent of inmates committed their offense under the influence of drugs, and 17% committed their offense to get money for drugs. Thirty-two percent of inmates committed their offense under the influence of alcohol having consumed on average the equivalent of three six-packs of beer or two quarts of wine. Half of these had been drinking for six hours or more before their offense.* Studies of released prisoners report that their success or failure to confront their substance abuse problem often emerges as a *primary factor* in their post-prison adjustment.<sup>8</sup>
- **The presence of stable marital and family relationships greatly reduces the likelihood that an offender will re-offend.** *Fifty-five percent of inmates had never married, while 27% were widowed, divorced or separated; yet 43% of female inmates and 32% of male inmates had 2 or more children under age 18.* Although the day-to-day role of husband or parent and reintegration into a family are not social roles that ex-offenders (particularly men) necessarily adopt immediately upon release, acceptance of that role is highly significant in the transformation toward law-abiding citizen after release. Indeed, interpersonal conflict with heterosexual partners is mentioned by recidivists as a common problem leading to failure *second only to problems involving substance abuse.* In an inmate's early life, it is well-known that the absence of such stable relationships can serve as a harbinger of trouble to

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<sup>4</sup> Christy A. Visher and Jeremy Travis, "Transitions from Prison to Community: Understanding Individual Pathways," *Annual Review of Sociology* 29 (2003): 91.

<sup>5</sup> *Survey of State Prison Inmates, 1991.*

<sup>6</sup> Department of Justice, *Recidivism of Prisoners Released in 1994.* (Washington, DC: Bureau of Justice Statistics, 2002) 1.

<sup>7</sup> Visher and Travis, p. 95.

<sup>8</sup> *Ibid.*

come.<sup>9</sup> Most inmates did not live with both parents while growing up; over 25% had parents who abused drugs or alcohol; and 37% had an immediate family member with a jail or prison record.

- **Lack of educational advancement leads to enhanced risks of incarceration.** Thirty-four percent of inmates had completed high school while another quarter had gotten a general equivalency degree (GED). Limited education often translates into poor job skills, creating diminished prospects for stable employment and decent wages upon release.

*Jeffrey L. Sedgwick was appointed on January 2008 by President George W. Bush to serve as Assistant Attorney General for the Office of Justice Programs; he was confirmed by the Senate of the United States in October 2008 and served until January 2009. Mr. Sedgwick also served until October 2008 as director of the Bureau of Justice Statistics, the statistical agency of the Department of Justice, a position to which he was appointed by President George W. Bush in January 2006. Prior to his appointments, Dr. Sedgwick taught for 30 years at the University of Massachusetts - Amherst. He is currently Professor Emeritus of Political Science at the University.*

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<sup>9</sup> Visher and Travis, p. 99.

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