BENJAMIN D. PYLE

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EDUCATION

University of Michigan

J.D., Magna Cum Laude   August 2018 – May 2021
Journal: Articles Editor for Michigan Journal of Law Reform
Clinic: Workers' Rights/Unemployment Insurance Clinic (2 years)
Awards: Order of the Coif; Book Award for Legal Ethics

Ph.D. in Economics (Expected 2023)   August 2016 – Current
Masters in Economics   January 2018

Fields Completed: Labor, Public Finance
Awards: 2016 - 2017 William Haber Graduate Fellow

Claremont McKenna College

B.A. Philosophy, Politics, and Economics; Mathematics, Magna Cum Laude   May 2013
Awards: Edward J. Sexton PPE Fellow, Robert Day Scholar,
           Dean's List, National Merit Scholar, Rotary Scholarship

RESEARCH AND TEACHING INTERESTS

Primary: Criminal Law and Procedure, Torts, Employment Law, Law and Economics
Additional: Income Taxation, Empirical Methods for Lawyers, Social Welfare/Poverty Law

PUBLISHED AND WORKING PAPERS

Law

- Negligent Hiring: Recidivism and Employment with a Criminal Record (Job Market Paper)

  This paper tackles a difficult legal and policy challenge—reducing the impact of criminal justice records on job applicants' chances in a manner that does not spur more discrimination—by looking at how another area of law, tort liability, impacts employers' decision-making. It uses theoretical and empirical methods to study the most common reason employers report being reluctant to hire workers with a criminal record: legal liability generated by the tort of negligent hiring. While the purpose of the tort is ostensibly to protect and make whole those harmed when an employee misbehaves in a foreseeable manner, I show that, in practice, the tort generates additional criminal behavior and worsens employment outcomes. I first provide a survey of the current doctrine across the states and trace the origins of the tort through the common law. I show that widespread adoption of negligent hiring increased the number of property criminal offenses by over 7%. Next, I examine state legislation clarifying the negligent hiring standard and reducing the likelihood an employer will be found liable. I use newly constructed administrative data from over a dozen states to compare employment and recidivism rates in the states that changed their negligent hiring law to otherwise similar states that did not (a difference-in-differences analysis). I show that the laws increase employment by 9%, wages by 25-35%, and lower reincarceration for a new criminal offense by 25%. Throughout the paper, I also address the impact of related policies by presenting new data and analysis on the impact of legislation restricting the timing of inquiries into criminal histories (Ban-the-Box legislation) and the use of hiring credits (the Work Opportunity Tax Credit).

- *Understanding Violent Crime Recidivism*, 95 Notre Dame L. Rev. 1643 (2020). (with J.J. Prescott & Sonja Starr)

  We show that people convicted of violent crimes constitute a majority of the imprisoned population but are generally ignored by existing policies aimed at reducing incarceration. This omission undermines those policies' effectiveness, amplifies racial disparities, and has had particularly serious consequences during the COVID-19 pandemic. We present empirical evidence—reviews of existing studies and novel analyses–that those imprisoned for violent crime pose less risk of violent-crime recidivism than is commonly assumed. Homicide offenders may be more likely to commit new homicides, specifically, than other releasees, but absolute rates of homicide reconviction are very low, especially for older releasees.

- *Identifying the Impact of Labor Market Opportunities on Criminal Behavior*, 59 Int'l Rev. L. & Econ. 65 (2019). (with J.J. Prescott)

  We study the relationship between labor market conditions and criminal behavior. We begin by qualitatively replicating key results in Raphael and Winter-Ebmer (2001) connecting the state of the labor market to criminal behavior. We also investigate the impact of adding wages to the model, and we conduct a number of additional robustness checks. We conclude that the broad themes of Raphael and Winter-Ebmer's work remain valid, and yet additional research has the potential to reveal a more intricate and nuanced relationship between labor markets and crime.

- Estimating the Impact of the Age of Criminal Majority: Decomposing Multiple Treatments in a Regression Discontinuity Framework (with Michael Mueller-Smith and Caroline Walker)

  This paper studies the impact of adult prosecution on recidivism and employment trajectories for first-time felony youth criminal defendants. We use extensive linked Criminal Justice Administrative Record System (CJARS) and socio-economic data from Wayne County, Michigan (Detroit). Using the discrete age of majority rule, and a regression discontinuity design, we find that adult prosecution reduces future criminal charges over 5 years by 0.48 felony cases ($\downarrow 20\%$) while also worsening labor market outcomes: 7.6 fewer employers ($\downarrow 19\%$) and $613 less earnings ($\downarrow 21\%$) per year. We develop a novel econometric framework that combines standard regression discontinuity methods with predictive machine learning models to identify mechanism-specific treatment effects that underpin the overall impact of adult prosecution. We leverage these estimates to consider four policy counterfactuals: (1) raising the age of majority, (2) increasing adult dismissals to match the juvenile disposition rates, (3) eliminating adult incarceration, and (4) expanding juvenile record sealing opportunities to those prosecuted in the adult system. All four scenarios generate positive returns for government budgets. After accounting for increases in recidivism generated by many of these policies and the corresponding victim costs borne by society, we find positive social returns for expanding the reach of juvenile record sealing and increasingly dismissing marginal adult charges, while raising the age of majority breaks even. Eliminating prison for first time adult felony defendants increases net social costs. Any opinions and conclusions expressed herein are those of the authors and do not reflect the views of the U.S. Census Bureau. The U.S. Census Bureau reviewed this data product for unauthorized disclosure of confidential information and approved the disclosure avoidance practices applied to this release (Approval number: #CBDRB-FY22-291).

- Who Benefits from Corporate Tax Cuts? Evidence from Banks and Credit Unions around the TCJA. (with Edward Fox)

  The TCJA of 2017 made large changes to the taxation of corporate and pass-through businesses in the U.S. Understanding the effects of these changes is complicated by the difficulty of finding control firms whose taxation was not altered by the Act. We study the effect of the TCJA on small and medium size banks using credit unions—which compete with these banks for deposits and in making loans—as a novel control group. Credit unions were not taxed both before and after the Act. Using a difference-in-difference framework, we find that an important fraction of the incidence of the tax cut goes to depositors. We find little evidence that employees or borrowers from banks receive a share of the tax cut in the form of higher wages or lower interest rates on loans or that banks increase their investment in fixed assets as a result of the Act.

- EEOC Title VII Enforcement and Ban-the-Box (with Romella El Kharzazi and EEOC staff) [Manuscript available pending final review by the EEOC Chair's Office]

    In 2012, the Equal Employment Opportunity Commission (EEOC) issued guidance regarding how inappropriate use of criminal histories in hiring decisions was a violation of Title VII's race-based protections. This guidance faced both legal challenges (particularly in the 5th Circuit) and practical challenges (it is difficult for applicants to show that it was the criminal record that prevented their hiring). However, as many Ban-the-Box (BtB) laws require a conditional offer to be made prior to a criminal background check, applicants in jurisdictions with BtB laws may be more able to identify criminal history-based hiring discrimination and to file complaints with the EEOC. We show that this is the case: BtB laws allow for a larger number and more successful EEOC complaints alleging improper use of criminal history in hiring, demonstrating the importance of timing restrictions for successful discrimination litigation.

- Washtenaw County's Prosecutor Office Racial Disparity Evaluation (with Grady Bridges and J.J. Prescott) [Manuscript available soon]

    Community involvement in prosecutor priorities is a hallmark of the progressive prosecutor movement. How the law and prosecutorial decision-making ought to respond to local preferences and demands for transparency is the next frontier. This paper assesses potential sources of racial disparity in the Washtenaw Prosecutor's Office using the full set of data available in the prosecutor's office, including approved and denied warrants and case documents. It documents trends in racial disparity since 2017, including differential rates of warrant approval, charging decisions, plea offers, diversion, and access to other community programs. It also includes a deeper dive assessment of resisting and obstructing charges (and potential charges) using hand-coded data from police complaints and charging decisions.

- A Second Look at Ban-the-Box: Evidence From Many States' Administrative Data [Work in progress]

    Previous research on Ban-the-Box has been limited by data availability. Research has either focused on well-identified call-back rates via correspondence studies around a small number of reforms, administrative data from a single state, national surveys with small sample sizes and only self-reported information, or larger surveys without the ability to match criminal records to earnings data. This study first shows that translating an interview call-back rate to earnings and employment gaps requires a structural labor-search model with a number of currently unknown parameters. It implements three plausible search models from the literature and shows how current call-back rate estimates support a broad range of labor market outcomes. It then uses national administrative data to estimate the impact of Ban-the-Box on those with criminal records as well as other groups that may face statistical discrimination.

- Ban-the-Box in Higher Education: Criminal Histories, Common Application Redesign and College Admission [Work in progress]

    This in-progress project studies the removal of questions about criminal history from college and graduate school applications. It uses two sources of variation: statutes from a small number of states (Louisiana, Maryland, Washington, and Colorado) and the removal of the question from the Common Application. Using public data on school performance and admissions from IPEDS, criminal offending data at schools federally reported through the Clery Act, and difference-in-differences and synthetic control identification strategies.

Economic Letters
- Benjamin Pyle & John C. Williams, *Data Dependence Awakens*, FRBSF Econ. Letter 2016-12 (2016).
- Mary C. Daly, Bart Hobijn, & Benjamin Pyle, *What's Up with Wage Growth?*, FRBSF Econ. Letter 2016-07 (2016).
- Glenn D. Rudebusch, Daniel J. Wilson, & Benjamin Pyle, *Residual Seasonality and Monetary Policy*, FRBSF Econ. Letter 2015-27 (2015).
- Mary C. Daly, Fernanda Nechio, & Benjamin Pyle, *Finding Normal: Natural Rates and Policy Prescriptions*, FRBSF Econ. Letter 2015-22 (2015).

AWARDS, GRANTS, AND PROFESSIONAL ENGAGEMENT

- The University of Chicago's Donald M. Ephraim Prize in Law and Economics ($5,000) (2021) ("Negligent Hiring, Recidivism, and the Employment of Workers with a Criminal History")
- Vital Projects at Proteus ($20,000) (2019) ("Understanding Recidivism Rates for Homicide Offenders") (Co-PI: J.J. Prescott)
- Invited Presentations: Conference on Empirical Legal Studies (UVA, 2022); Program on Empirical Legal Studies (Claremont, 2018)
- Referee: American Law and Economics Review; International Review of Law and Economics
- California Bar (Exam, C&F, MPRE complete; pending final registration and oath)

TEACHING EXPERIENCE

University of Michigan   Ann Arbor, MI
Graduate Student Instructor   August 2017 — May 2021
- Crime & Public Policy (Upper Level Writing Course); Fall & Winter 2018, Fall 2019, Winter 2021
- Ethics & Economics (Upper Level Writing Course); Fall 2020
- Principles of Economics II; Winter 2019
- Economics of Education (Upper Level Writing Course); Fall 2017, Summer 2018

Claremont McKenna College   Claremont, CA
Teaching Assistant   September 2012 — December 2012
- Introduction to Economics with Eric Helland

RESEARCH AND LEGAL EXPERIENCE

Washtenaw Prosecutor's Office and ACLU Michigan   Ann Arbor, MI
Special Assistant to the Prosecutor   March 2022 — Current
- Assist with writing *amici curiae* and background legal research.
- Coordinate with various office departments to improve data gathering techniques.
- Conduct independent research to provide policy-relevant information on the impact of various potential reforms.
- Analyze data generated within the prosecutor's office to evaluate the impact of previous and ongoing policy changes to most effectively use resources informed by recent social science literature.

University of Michigan   Ann Arbor, MI
Graduate Research Assistant   May 2019 — Current
- Researcher at the Criminal Justice Administrative Records System for Michael Mueller-Smith.
- Harmonize court records to link data between state criminal justice administrative agencies and Census data.
- Developed code and statistical methodology for research on the interaction between labor markets and the criminal justice system (both theoretical and empirical work).
- Summarized and synthesized criminal justice research.

Freelance   Ann Arbor, MI
Litigation Consultant   2017 — Current
- Provide analysis and consulting for employment law cases to support expert witness (joint with J.J. Prescott).

Equal Employment Opportunity Commission Ann Arbor, MI
Graduate Research Fellowship June 2021 — December 2021
- Provided legal and economic analysis on federal sector employment, criminal records, and credit histories.

National Employment Law Project Ann Arbor, MI
Researcher June 2021 — August 2021
- Provided analysis of unemployment insurance programs and laws for litigation and advocacy.

Older employment pre-2017
- Research Associate at the Federal Reserve Bank of San Francisco (2013-2016); Research Assistant at the Claremont McKenna's Financial Economics Institute (2011-13); Summer Analyst at Deutsche Bank (2012); Research Assistant at the White House Council of Economic Advisers (2011); Research Assistant at RAND Corporation Institute for Civil Justice (2010-2011)

TECHNICAL SKILLS

- Skilled in Microsoft Office Suite, VBA, STATA, Matlab, CUDA (GPU parallel computing), Eviews, Gauss, Bloomberg, Lexis, Westlaw, Haver, and LaTeX.
- Some experience in Java, Python, and Mathematica.

REFERENCES

Professor J.J. Prescott
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