

# BENJAMIN D. PYLE

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## ACADEMIC APPOINTMENTS

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**Boston University School of Law**

*Associate Professor of Law*

Boston, MA

July 2023 — Current

- Teaching IL Criminal Law and Employment Law
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## EDUCATION

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**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

University of Chicago's Donald M. Ephraim Paper Prize in Law and Economics

*Ph.D. in Economics*

August 2016 – 2023

*Master's of Arts in Economics*

January 2018

*Fields Completed:* Labor, Public Finance

*Awards:* 2016 - 2017 William Haber Graduate Fellow; 2023 John E. Parker Memorial Prize  
in Labor Economics and Human Resources

**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

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## PUBLISHED AND WORKING PAPERS

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### Law

- [Negligent Hiring: Recidivism and Employment with a Criminal Record](#)

This paper uses theoretical and empirical methods to understand the most common reason employers report reluctance 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 find 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. Using a difference-in-differences strategy, I show that adoption of negligent hiring increased the number of property criminal offenses (7%). Next, I examine state legislation clarifying the negligent hiring standard and reducing the likelihood that an employer will be found liable. I use survey and administrative data from over a dozen states to document that the states that reformed their negligent hiring law increased employment for people with criminal records by 2-5 p.p. (5-9%) and lowered reincarceration for a new criminal offense by 2 p.p. (10%) relative to people in non-reforming states. The Census Bureau's Disclosure Review Board and Disclosure Avoidance Officers have reviewed this information product for unauthorized disclosure of confidential information and have approved the disclosure avoidance practices applied to this release. This research was performed at a Federal Statistical Research Data Center under FSRDC Project Number 2295. (CBDRB-FY22-P2295-R9926 and CBDRB-FY23-P2295-R10669).

- [\*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 (↓ 20%) while also worsening labor market outcomes: .76 fewer employers (↓ 19%) and \$613 less earnings (↓ 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 present empirical evidence on this argument.
- Washtenaw County's Prosecutor Office Racial Disparity Evaluation (with Grady Bridges and J.J. Prescott) [Manuscript available soon]
- A Second Look at Ban-the-Box: Evidence From Many States' Administrative Data [Work in progress]
- Ban-the-Box in Higher Education: Criminal Histories, Common Application Redesign and College Admission [Work in progress]

### **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).

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## AWARDS, GRANTS, AND PROFESSIONAL ENGAGEMENT

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- Vital Projects at Proteus (\$20,000) (2019) ("Understanding Recidivism Rates for Homicide Offenders") (Co-PI: J.J. Prescott)
- Conferences & Presentations: Association for Public Policy Analysis & Management\* (scheduled 2023) University of Texas at Austin Law and Economics Workshop\* (scheduled 2023); NBER Summer Institute, Crime Session (2023); American Law and Economics Annual Conference\* (2023), Midwest Economics Association\* (2023); NBER's Program for Children Meeting (2023); Conference on Empirical Legal Studies\* (UVA, 2022); 2022 Interactions: Bringing Together Econometrics and Applied Microeconomics (University of Wisconsin Madison, 2022); Program on Empirical Legal Studies\* (Claremont McKenna College, 2018) (Star indicates presenter)
- Referee: American Law and Economics Review; International Review of Law and Economics
- Bar membership: California

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## TEACHING EXPERIENCE

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**University of Michigan**  
Graduate Student Instructor

Ann Arbor, MI  
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

- Introduction to Economics with Eric Helland
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## RESEARCH AND LEGAL EXPERIENCE

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### Washtenaw Prosecutor's Office and ACLU Michigan

*Special Assistant to the Prosecutor*

Ann Arbor, MI

March 2022 — June 2023

- 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

*Graduate Research Assistant*

Ann Arbor, MI

May 2019 — July 2023

- 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

*Litigation Consultant*

Ann Arbor, MI

2017 — 2023

- Provide analysis and consulting for employment law cases to support expert witness (joint with J.J. Prescott).

### Equal Employment Opportunity Commission

*Graduate Research Fellowship*

Ann Arbor, MI

June 2021 — December 2021

- Provided legal and economic analysis on federal sector employment, criminal records, and credit histories.

### National Employment Law Project

*Researcher*

Ann Arbor, MI

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)
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## TECHNICAL SKILLS

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- 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.