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# **Criminal Records and Employment: A Survey of Experiences and Attitudes in the United States**

Forthcoming in *Justice Quarterly*

Megan Denver\*  
Justin T. Pickett  
School of Criminal Justice  
University at Albany, SUNY

Shawn D. Bushway  
Rockefeller College of Public Affairs & Policy  
University at Albany, SUNY

## **Abstract**

Ban-the-Box (BTB) legislation, which bans employers from asking about criminal history records on the initial job application, is arguably the most prominent policy arising from the prisoner reentry movement. BTB policies assume: 1) most employers ask about criminal records, and 2) inquiries occur at the application stage. However, we lack reliable information about the validity of these assumptions or about public attitudes towards background checks, which limits our understanding of the potential scope of this innovative policy. Using survey data from a national probability sample, we estimate that in the past year, over 31 million U.S. adults were asked about a criminal record on a job application. According to our survey, virtually all of the criminal record inquiries occurred at the application stage, highlighting the potential of BTB. However, we also found that the public is sharply divided on whether to prevent employers from asking on applications, as per BTB.

**Keywords:** Ban-the-Box, hiring, employment, conviction histories, public opinion

\* Direct correspondence to Megan Denver, School of Criminal Justice, University at Albany, SUNY, 135 Western Avenue, Albany, NY 12222; e-mail: mdenver@albany.edu. This research was funded by a grant to the Center for Social and Demographic Analysis (CSDA) from the National Institute of Child Health and Human Development (R24HDO44943).

Policies focused on prisoner reentry are an excellent example of the dynamic nature of criminal justice policy in the United States. Prisoner reentry did not enter the criminal justice conversation as a separate platform worthy of policy focus until 1999 when Jeremy Travis, first as the director of the National Institute of Justice, and then as a senior fellow at the Urban Institute, reinvented the term and began a concerted effort to draw attention to the large numbers of prisoners returning to U.S. communities every year (Toney, 2007; Travis, 2005).<sup>1</sup> A year later, then U.S. Attorney General Janet Reno (2000, p. 1) pointed to prisoner reentry as “one of the most present problems we face as a nation.” The effort has had two primary points of emphasis – creating programs and services for those reentering the community after prison, and reducing barriers faced by individuals with criminal records (Petersilia, 2003; Travis, 2005). By any reasonable measure, the effort has been quite successful, with new national advocacy organizations like the National H.I.R.E. Network, and government reentry councils at the federal, state and local level dedicated to finding ways to improve the reentry process and reduce recidivism (Federal Interagency Reentry Council, 2016).

Not surprisingly, research efforts on new hot topics take a while to catch up, and policy innovations often proceed without the benefit of research. For example, *Justice Quarterly* has published a large number of papers—55—on reentry in its history, but most of them (39) have been published since 2009.<sup>2</sup> Most of the attention has focused on evaluating programs designed to improve prisoner reentry, perhaps as a result of federal funding set aside for evaluating large-scale initiatives like the Serious and Violent Offender Reentry Initiative (SVORI) and the Second Chance Act. Correspondingly, researchers have begun to explore public attitudes toward these

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1 John Irwin discussed reentry as a separate stage of the prisoner experience in 1970 (Irwin, 1970), a fact that Travis learned only after he started using the word (Toney, 2007).

2 Only six papers were published that fall under that topic prior to 2000, and none of these papers used the word reentry to describe their research (the papers were archived online in 2006, when reentry was used as a keyword).

reentry policies (Garland, Wodahl, & Saxon, 2017; Garland, Wodahl, & Schuhmann, 2013; Ouellette, Applegate, & Vuk, 2016).

Research on the benefits of reducing barriers to reentry, often known as collateral consequences, is less common, although researchers and legal scholars have documented the massive influx of laws and regulations that create barriers to employment, education, housing, civic rights, and government assistance (The Council of State Governments, 2017). Such restrictions may generate a cycle of stigma, as individuals with criminal records collect feedback—both explicit and implicit—from employers or other decision makers that serve as gatekeepers to opportunities (Pager, 2007).<sup>3</sup>

Despite the clear evidence that these barriers exist (Pager, 2003), there are only a few (very recent) evaluations of the oft-repeated claim that employment barriers, such as criminal background check denial decisions, lead directly to increased recidivism (Author Citation A; Siwach, 2016). Moreover, there is little research demonstrating that policies designed to increase access to employment by altering when and how criminal records are introduced and used in the hiring process reduce recidivism.<sup>4</sup> This lack of research is particularly problematic if there are potential unintended consequences created by such policies.

The possibility that unintended consequences may result from new policy initiatives has recently become very real for one of the more successful policy movements aimed at reducing collateral consequences, known as “Ban-the-Box” (BTB) (Mullainathan, 2016; Semuels, 2016). BTB seeks to afford greater employment opportunities for individuals with conviction histories

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3 A symbolic interaction perspective (Blumer, 1969; Mead, 1934) posits that individuals are influenced and shaped by others’ perceptions, negative reactions, and formal labels to violations of prosocial norms (Lemert, 1951; Tannenbaum, 1938). Therefore, when an individual internalizes perceptions of failing, the negative feedback can induce a self-fulfilling prophecy (Goffman, 1963) and lead to recidivism.

4 For an exception, see Author Citation C, which evaluates a criminal background check decision guideline that increases clearance to work for individuals with “older” conviction records. In addition, Author Citation B and Siwach (2016) show clear heterogeneous treatment effects. Policies designed to decrease recidivism must operate on those people for whom employment will reduce recidivism.

by delaying criminal record inquiries until later in the hiring process, after applicants' qualifications are first investigated. Over the past decade, the federal government, nearly half of all U.S. states, and over 100 cities and counties have adopted BTB legislation<sup>5</sup>, which blocks employers from asking about job applicants' criminal records on employment applications (Rodriguez & Avery, 2016). However, recently, a number of studies have documented evidence of increased discrimination against Black applicants when employers lack early access to criminal records as a result of BTB rules, creating a difficult tradeoff for policy makers between helping those with criminal records and potentially creating more racial disparity in employment outcomes (Agan & Starr, 2016; Doleac & Hansen, 2016; Vuolo, Lageson, & Uggen, 2017).

It is possible that such discrimination is partially motivated by ambivalence on the part of the public and decision makers about efforts to reintegrate individuals with criminal records back into the labor market. In fact, ambiguity often sparks a policy decision in the first place. Having multiple available options when considering the same issue “facilitates taking appropriate action and shaping preferences without *a priori* estimating the consequences” (Zahariadis, 2014, p. 25). In his Multiple Streams Approach, Kingdon (1995) suggests when three key factors converge—problems, potential policy solutions, and politics—there is a heightened opportunity for policy change. To date, however, the BTB movement and associated policy changes have proceeded in the dark with respect to an important component of Kingdon's (1995) third key factor: relevant public experiences and attitudes. And, according to Garland, Wodahl, and Cota (2016, p. 1406), “a lack of public support for prisoner reentry initiatives could undermine the sustainability of prisoner reentry as a large-scale movement.”

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<sup>5</sup> BTB policies initially focused on public employers (Rodriguez & Avery, 2016), although the policies have evolved in scope over time and extended to the private sector in some states and cities (Agan & Starr, 2016). In addition, several large private employers—including Target, Walmart, Home Depot, Bed Bath and Beyond and Koch Industries—have adopted BTB nationally (Levine, 2015).

The first step to better understanding reentry policy strategies that focus on employment opportunities is to start with documenting the scope of the criminal background check issue that BTB seeks to affect. Although several researchers and companies have made localized attempts to quantify the extent of criminal record inquiries in the hiring process, there are not currently any nationally representative estimates. National estimates should ground efforts to reduce the potential harm for this practice, and create a better understanding of the potential target audience for policies such as BTB.

There are also no national estimates of the degree to which the criminal background check process is initiated at the application stage, the specific target of Ban the Box policies. Only a few case studies have been able to estimate whether and when job applicants are either asked about their criminal records or have criminal background checks conducted. These are two different processes that are often described interchangeably. BTB policies are focused on employers' criminal record inquiries for job applicants, more so than external criminal background checks. In the present study, we explore the timing of criminal record inquiries at the national level and whether this has shifted over time, which has direct implications for the reach and potential effects of policies targeting specific points in the process of applying for a job.

A final issue is that there is very limited information about whether the public supports criminal record inquiries in the hiring process, and, if so, at what stage of the process they believe these inquiries should first occur. Thus, it remains unclear whether U.S. residents are receptive to the types of policy reforms advocated under the BTB framework. Not least, we currently lack knowledge about whether attitudes toward criminal record inquiries in hiring vary across different subgroups in the population. There are large racial and gender differences in

criminal justice experiences (Travis, Western, & Redburn, 2014), and thus it would not be surprising if there were similar gaps in attitudes about criminal record checks.

In the present study, we examine the public's experiences with criminal record inquiries in hiring, documenting both the prevalence and timing of these inquiries. We then explore the extent and correlates of public support for criminal record inquiries in hiring. Below, before describing our methods and findings, we first review the extant evidence on the prevalence and consequences of criminal records, discuss the "Ban-the-Box" movement, and summarize the relevant public opinion literature.

### **Prevalence and Consequences of Criminal Records**

Criminal records are pervasive in the United States, due in large part to policy choices that resulted in the "mass incarceration" of people (Alexander, 2012; Pager, 2007). Over the past four decades, the U.S. incarceration rate has quintupled (Travis et al., 2014), and in 2014, approximately 1 in 36 adults were under some type of criminal justice supervision (Kaeble, Glaze, Tsoutis, & Minton, 2015). Extant evidence shows that almost a third of individuals in the United States are arrested by age 23 (Brame, Turner, Paternoster, & Bushway, 2012). Racial minorities and men are notably overrepresented among this large population of criminal record-holders (Western, 2006); for example, around 49% of black males have been arrested by age 23, compared to 38% of white males (Brame, Bushway, Paternoster, & Turner, 2014).

The widespread involvement of U.S. adults in the criminal justice system has important implications for the collateral consequences this group faces. In the employment context, job applicants with known criminal records are seen as less desirable job candidates to employers than other stigmatized groups (Holzer, Raphael, & Stoll, 2002). In a series of seminal studies,

Pager (2003, 2007) found that applicants with criminal history records experience fewer job callbacks than otherwise identical individuals without records, especially if the applicants are African American. More recently, Uggen, Vuolo, Lageson, Ruhland, and Whitham (2014) conducted an audit study in Minneapolis-St. Paul that was modeled after Pager's (2003) study design, but the research team substituted a misdemeanor arrest in place of the felony conviction record. Uggen et al. (2014) find smaller effect sizes, although employer callbacks are still statistically significantly lower for criminal record holders.

The majority of employers report that they would not knowingly hire applicants with criminal records (Pager, 2007, p. 34). Many employers doubt criminal record holders' general trustworthiness (Pager & Quillian, 2005). They also worry about legal liability if the job candidate goes on to commit a crime (Lageson, Vuolo, & Uggen, 2015), and want to ensure a safe work environment (Society for Human Resource Management, 2012). These concerns are typically exacerbated if the job position involves interacting with vulnerable people or sensitive information (Watstein, 2009), although the ability to easily conduct criminal background checks has also expanded their use to "even menial" jobs (Solove & Hoofnagle, 2006).

At the same time, employment is important for establishing independence and transitioning to adulthood (Furstenberg, Kennedy, McLoyd, Rumbaut, & Settersten, 2004), and is theoretically linked to reduced recidivism for individuals with criminal records (e.g., Laub & Sampson, 2001; Uggen, 2000). For those with criminal records who are motivated to work, a criminal background check denial due to their record can lead to reduced employment for several years (Author Citation B) and increased levels of recidivism (Author Citation A), relative to comparable individuals with criminal records who pass the check.



## **The “Ban-the-Box” Movement**

Ban-the-Box (BTB) is one proposed policy solution to help individuals with criminal records—and minority job applicants in particular—gain employment. BTB does not prevent employers from asking about criminal records—rather, it forces the employer to wait until after the application stage to ask. The goals of this delay are two-fold. First, job applicants with records may be more likely to apply to jobs that withhold the question from the application. Second, employers might be more willing to consider the applicant for employment if they only find out about the applicant’s record after having already reached some positive conclusions about the applicant’s qualifications (Vuolo et al., 2017). Therefore, delaying criminal record inquiries may increase the likelihood that individuals with criminal records, who are disproportionately racial and ethnic minorities, are at least able to get their foot in the door when applying for jobs.

Hawaii first adopted BTB in 1998, but the policy did not gain immediate traction. Advocates proclaimed BTB a “movement” in 2004 (The Southern Coalition for Social Justice, 2014), and other states started joining BTB by 2009 (Rodriguez & Avery, 2016). BTB is now rapidly being adopted; President Obama directed the federal Office of Personnel Management to implement BTB in 2015 (White House, 2015), and 10 states enacted BTB just between January 2015–June 2016 (Rodriguez & Avery, 2016). As a result of these legislative initiatives, over half of the U.S. population currently lives in a BTB jurisdiction (Rodriguez & Avery, 2016).

Several recent studies have evaluated the effects of BTB. As intended by the policy, callbacks for interviews generally increase for individuals with criminal records after BTB takes effect (Agan & Starr, 2016). The percentage of new job hires with criminal records increased after BTB was passed in Durham, North Carolina (The Southern Coalition for Social Justice,

2014). Additionally, BTB might improve employment for low-skilled African Americans, who are more likely to acquire criminal records, and residents in high-crime neighborhoods (Shoag & Veuger, 2016). However, researchers have also documented several unintended consequences. In line with statistical discriminatory theory (Bushway, 2004), the black-white gap in interview callbacks widens when employers are denied upfront information about criminal history records (Agan & Starr, 2016; Vuolo et al., 2017) and young black and Hispanic men without college degrees experience reduced employment (Doleac & Hansen, 2016). In other words, in lieu of criminal record information employers may rely on stereotypes and observable information to estimate job applicants' work productivity and/or probability of committing new crimes. This causes employment barriers to shift and leads to a difficult tradeoff between broadly increased hiring for individuals with criminal records and increased disadvantages for certain groups.

While BTB policies specifically target the application stage of the hiring process, as discussed below, extant evidence about the prevalence and timing of criminal record inquiries is limited. Therefore, the potential scope of this type of policy is currently unknown. Second, as policymakers grapple with the potentially complicated effects of BTB, public opinion research on the use of criminal records in hiring—especially given the number of people possibly impacted by BTB policies—would provide valuable information for the continued debate.

## **Prior Research**

### **on the Prevalence of Criminal Record Inquiries and Checks**

There is very little available evidence on the extent to which employers actually ask about criminal records when hiring, or at which point in the process they ask. The current evidence includes a handful of case studies from different locations and time periods. One of the

most oft-cited estimates of criminal recording checking is from a professional society's survey of approximately 400 member organizations. The survey indicates that in 2012, almost 70% of employers conducted criminal background checks at some point during the hiring process on *all* job candidates; the figure rises to 87% when including organizations that conduct checks for at least some job positions (Society for Human Resource Management, 2012). Of the 343 member organizations conducting some type of criminal background check in 2012, 62% report conducting the check "after a contingent job offer," and a third reported doing so before the job offer but after an interview (Society for Human Resource Management, 2012). However, the Human Resource survey does not ask respondents whether and when they first *ask* about criminal records. Since criminal record information is used to sort applicants before a formal criminal background check is conducted (Pager, 2003; Vuolo et al., 2017), a useful analysis would be to determine whether and when people are first asked.

An employer survey in Los Angeles in 2001 found similar, albeit slightly lower, estimates. Out of business establishments that recently hired at least one non-college degree applicant, 63% reported "checking" criminal records, although it was not clear when during the hiring process the inquiry or formal background check occurred (Holzer, Raphael & Stoll, 2006). An advantage to both the Human Resource member survey and Los Angeles employer survey is that they span across industry type and firm size, both of which are meaningful correlates of conducting criminal background checks (Holzer, Raphael & Stoll, 2006). However, it is unclear what types of employers select into the professional society's membership and opt to take the survey. In addition to focusing solely on Los Angeles, the employer survey estimates are also potentially outdated.<sup>6</sup> Most notably, the survey occurred during 2001, and does not capture the

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<sup>6</sup> Although the Multi-city Study of Urban Inequality data that Holzer, Raphael and Stoll (2006) use also include Atlanta, Boston, and Detroit, Los Angeles is the only city with a second survey in 2001; the other city surveys were conducted in the early 1990s.

rapid increase in criminal background checks in the U.S. after the September 11<sup>th</sup> terrorist attacks (SEARCH, 2005).

More recently, Vuolo et al. (2017) collected job applications as part of their 2007-2008 audit study in Minneapolis to examine whether, and how, employers ask about criminal records. Targeting entry level job positions, the study found 78% of employers asked about criminal records on the application (Vuolo et al., 2017). As the authors note, there is an important distinction between asking applicants about criminal records and conducting criminal background checks, particularly when considering application screening processes (e.g., Pager, 2003). There are not clear links in the general employment literature between asking about criminal records and conducting criminal background checks, and only limited evidence in the licensing literature. For example, through interviews with state licensing boards for barbers, Ewald (2016) finds that not all licensure officials actually conduct formal criminal background checks, fully relying on applicant self-disclosure instead. In other words, rather than both asking applicants about their records and then following up with an external check, employers may stop after the first step. BTB assumes this “first step” check typically happens during the application stage, leading to the premature dismissal of potentially qualified applicants.

There are two major challenges in making inferences from prior studies to the broader population of employers or the public. First, “checking a criminal record” may mean different things to different employers. The term may be used interchangeably to describe asking about a criminal record on a job application and conducting a more formal (and more expensive) external check. The distinction is important for understanding the scope of the issue, its relevance to BTB, and the potential implications for job applicants. Second, it can be difficult to define a population of employers, particularly since smaller companies or organizations may not be static

over time or easy to identify, and there is not an “average” job that would speak to most job applicants’ experiences. Prior research has therefore been localized to a particular set of employers or a particular geographical location. An alternative approach, which we use here, is to generate an estimate of the prevalence and timing of criminal record inquiries from a representative sample of U.S. residents, based on their most recent job search. While not without limits (e.g., recall errors), this method broadens the scope of the analysis beyond any specific job type, position level, or geographic location.

### **Prior Research on Public Attitudes**

Unfortunately, despite the importance of prisoner reentry, only a few studies have explored public support for reentry initiatives using representative samples, and most often they have relied on data from one of two statewide polls. A series of studies by Garland and colleagues (2013, 2015, 2016, 2017) have analyzed data from a 2008 survey of 386 residents of Missouri. Although not focusing specifically on criminal background inquiries or checks, these studies revealed that Missourians are highly supportive of prison reentry initiatives. At the same time, most Missourians believed that “during hard economic times, employers should give preference in their hiring decisions to people who have no prison record over those who have been in prison” (Garland et al., 2013, p. 37). Garland and colleagues (2015, 2016) also found that whereas demographic factors were weakly and inconsistently related to views about reentry, political conservatism was consistently negatively related to support for reentry efforts.

Ouellette et al. (2016, p. 16) analyzed data from a 2014 survey of 165 South Carolinians. They found that support was “widespread, but ... not robust,” particularly when programs were associated with higher taxes. The majority of South Carolinians supported employment

assistance programs for released prisoners, and indicated that they would not mind working with people released from prison. However, South Carolinians were split on whether people without records should be given hiring preference during hard economic times. Like Garland et al. (2015, 2016), Ouellette et al. (2016) found that respondent demographics were inconsistently related to attitudes toward reentry. However, Ouellette et al. (2016) did not include a measure of political ideology. Unfortunately, as with the Missouri survey, the poll of South Carolinians did not directly ask about criminal background inquiries in hiring.

To our knowledge, only one previous study has assessed public attitudes toward criminal background checks in hiring, but it is dated. The study was conducted by SEARCH and the Bureau of Justice Statistics (BJS) in 2000 and focused on whether employers should be able to *check* (through external sources) applicants' records (Bureau of Justice Statistics, 2001). In a telephone survey using a national probability sample ( $N=1,030$  U.S. adults), the researchers found that over 90% of respondents believed that either all employers (40%) or some employers depending on the job (55%) should be allowed to request conviction records from government agencies (Bureau of Justice Statistics, 2001). The study also reported bivariate evidence that White persons, older persons, the better educated, and those with higher incomes tended to be more supportive of criminal background checks. However, the study provided no information about public preferences regarding the timing of record checks, or about whether the public supports allowing employers to ask the applicants themselves about their criminal records. These research questions are the most relevant to current BTB policy, which focuses on the application stage.

The paucity of research on the extent and correlates of public attitudes towards criminal record inquiries in hiring is surprising, given the increased attention towards the issue and

proliferation of BTB policies in recent years (Jacobs, 2015; SEARCH, 2005). Public opinion can gauge the political climate and motivate relevant policy agendas (Thielo, Cullen, Cohen, & Chouhy, 2015), and policymakers often consider and debate reforms and expenditures with attention to public attitudes (Nagin, Piquero, Scott & Steinberg, 2006). Indeed, Canes-Wrone and Shotts (2004) report evidence that politicians are more responsive to public opinion on criminal justice than other issues. More generally, studies consistently find that popular attitudes help explain shifts in criminal justice policy over time (Enns, 2016; Nicholson-Crotty, Peterson & Ramirez, 2009).

For these reasons, we provide the first nationally representative investigation of the extent and correlates of support for criminal record inquiries in hiring since the 2000 BJS study. Based on previous statewide findings for public attitudes toward reentry initiatives (Garland et al., 2013; Ouellette et al., 2016), we expect the public to be supportive of the BTB effort to ban criminal record inquiries from job applications. There is insufficient evidence to formulate hypotheses about the demographic correlates of such support. However, because there are large racial and gender differences in criminal justice *experiences* (Travis et al., 2014), it would not be surprising to observe similar differences in attitudes. One relatively consistent finding from the extant literature on public attitudes is that right-wing political ideology reduces support for reentry initiatives (Garland et al., 2015, 2016). Therefore, we expect Republicans to be less likely than their political counterparts to support BTB strategies, and more likely to support application-stage criminal record inquiries.

## **Methods**

### **Data**

We included a battery of questions on criminal record inquiries during the hiring process in an omnibus survey administered by the GfK Group (formally Knowledge Networks) to a representative sample of 1,023 adult (18 and older) residents of the United States. The sample size in the analysis ranges from 962 to 1,009 because of item nonresponse. The margin of error for the survey is +/- 3 percentage points. All of the respondents were members of GfK's probability-based "KnowledgePanel Omnibus." Recruitment into the panel occurred through random sampling of telephone numbers and residential addresses. The coverage rate for this sampling procedure is 97% of American households. The omnibus survey was conducted online. Panelists who lacked a computer or Internet access were provided with both. GfK Knowledge Networks is one of the leading and most highly trusted polling platforms for conducting probability-based Internet surveys of the general U.S. population (Weinberg, Freese, & McElhattan, 2014). Allcott (2011: 99) explains that "Knowledge Networks ... maintains perhaps the highest-quality publicly available survey platform." Chang and Krosnick (2009, p. 641) document that the probability-based Internet surveys conducted by GfK Knowledge Networks manifest "the optimal combination of sample composition accuracy and self-report accuracy."

The GfK Group fielded the omnibus survey during a three-day period in June 2016, during which they sent one follow-up email to the invited panelists to encourage participation. The American Association for Public Opinion Research's (AAPOR) *Standard Definitions* (2016, pp. 48-49) provides formulas for calculating the final outcome rates in surveys with pre-recruited, probability-based online panels. Per these calculations, the survey completion rate was 29%, indicating that more than 1 in 4 of the panelists who were invited to participate in this particular omnibus survey did so. The initial recruitment rate into the panel was 12.8%, meaning that roughly 1 in 8 of those individuals who GfK contacted (on an earlier date) and asked to join



the panel did so. The profile rate was 64.6%, meaning that upon recruitment, most of those who agreed to join the panel completed all of the necessary baseline information about their household to enroll in the panel. The AAPOR defines the cumulative response rate as a multiplicative function of these three rates (recruitment rate x profile rate x completion rate = cumulative response rate). In our survey, this formula yields a cumulative response rate of 2.4% ( $.128 \times .646 \times .29 = .024$ ). This cumulative response rate is very similar to those reported in other recent studies conducted with the KnowledgePanel (e.g., Tourangeau, Maitland, & Yan, 2016).

Despite the use of probability sampling, some readers may question whether our sample can be representative of the American public given the 2.4% cumulative response rate. Simply put, nonresponse bias may undermine generalizability. However, in a recent report on survey research methods to the National Science Foundation, Krosnick et al.'s (2015, p. 6) concluded that “nonresponse bias is rarely notably related to [the] nonresponse rate.” Their conclusion echoes meta-analytic findings showing that 1) there is a weak relationship between response rates and nonresponse bias, and 2) most of the variation in nonresponse bias exists *within* studies (across different estimates), rather than between studies (as a function of study characteristics like the response rate) (Groves, 2006; Groves & Peytcheva, 2008). These findings reflect the fact that nonresponse bias occurs only when the propensity to respond is correlated with the specific survey variables, and not simply when the response rate is low.

Notably, a correlation between response propensity (P) and survey variables (Y) emerges either when 1) the latter affects the former ( $Y \rightarrow P$ , e.g., interest in topic drives participation), or 2) both share a common cause ( $P \leftarrow Z \rightarrow Y$ , e.g., demographics influence participation and attitudes) (Groves et al., 2009). In the first case ( $Y \rightarrow P$ ), nonresponse is “nonignorable.” However, in the second case ( $P \leftarrow Z \rightarrow Y$ ), after controlling for (e.g., weighting by) the common

cause (Z), nonresponse is “missing at random” (Groves et al., 2009). We do not believe nonresponse bias is a major concern in our study because it is unlikely that nonresponse in our survey is nonignorable ( $Y \rightarrow P$ ), given that 1) most of the nonresponse occurred before our actual survey (i.e., at the recruitment and profile stage), and 2) our questions were embedded in an omnibus survey where the survey invitation excluded any mention of criminal background checks and most of the other questions were unrelated. In addition, the data are weighted to adjust for population benchmarks from the U.S. Census and Current Population Survey, which should render nonresponse “missing at random” to the extent that it is a function of the respective demographic characteristics. Population parameters along with the unweighted and weighted demographic characteristics for all respondents in the sample with complete data on the respective demographic items are provided in Supplement A.

It also bears noting that Groves and Peytcheva’s (2008, p. 177) meta-analysis showed that nonresponse bias tended to be *higher* in interviewer-administered surveys, government-sponsored surveys, and surveys where respondents lacked prior involvement with the sponsor. By contrast, our survey was self-administered, lacked government sponsorship, and was completed by panelists who all had prior involvement with the surveyor (GfK).<sup>7</sup> Moreover, a large portion of our analysis focuses on multivariate relationships. Although nonresponse bias often has sizeable effects on univariate statistics (especially in the absence of weighting), it most commonly has relatively small effects on relationships between variables (correlation deviations of .05 or less) (Heggestad et al., 2015). For example, in a rigorous analysis of nonresponse bias, Amaya and Presser (2017, p. 34) found that “unlike the univariate bias, the bias observed in the multivariate models was often small and rarely changed the interpretation of the model.” Finally,

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<sup>7</sup> Groves and Peytcheva (2008) also found that nonresponse bias was higher in general population surveys and for attitudinal (versus behavioral) estimates. However, these design characteristics are necessarily set by the research objective, and are obligatory in surveys like ours where the goal is to study attitudes in the general population.

as noted below, we are able to replicate one set of the findings from the GfK sample with an independent sample collected through different means. As Rogelberg and Stanton (2007, p. 202) argue, “replicating a set of findings across multiple data samples is another compelling method of demonstrating an absence of substantive nonresponse bias.”

## Measures

There are three questions of interest for our study. The first item identifies when the respondent last applied for a job. The survey question was: “How long has it been since you last applied for a job?” Response options included: “I have never applied for a job,” “less than a year,” “1-2 years,” “3-4 years,” “5-10 years,” or “more than 10 years.” Only 19 respondents reported never having applied for a job<sup>8</sup>.

Responses to the first question provide the context for our second question, which measures respondents’ experiences with criminal record inquiries during their most recent job search: “Please think about the last time you applied for a job. When did the employer first ask you if you had ever been convicted of a crime, or were you never asked?” The four response options were: “At the initial application stage (i.e., on the application form)”; “at the interview stage, before the final hiring decision”; “after the final hiring decision, before beginning work”; or “never, the employer didn’t ask.” An advantage of collecting self-report information on criminal record inquiries, as opposed to self-reported formal criminal background check experiences, is that job applicants should be aware of whether, and when, they are asked about a criminal record as part of the job application. In addition, under the Fair Credit Reporting Act (FCRA), employers are prohibited from conducting criminal background checks without first

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<sup>8</sup> These individuals are excluded from models examining respondent experiences with criminal background checks, but are included in analyses assessing support.

notifying individuals about their intention to do so. FCRA also requires that employers who use information from the criminal background check as part of their decision not to hire an applicant provide the information used to make that decision to the applicant.<sup>9</sup>

The final question measures respondents' views about when, if at all, employers should be allowed to ask job applicants about their criminal records.<sup>10</sup> The survey question was:

A criminal record is a person's history of ever having been convicted of a crime, regardless of the sentence (e.g., prison, probation, etc.). Now please think about the hiring process. In your view, when should employers FIRST be allowed to ask about a job applicant's criminal record, or do you think they should never be allowed to ask?

Similar to the question about personal experience, the response options were: "At the initial application stage (i.e., on the application form)"; "at the interview stage, before the final hiring decision"; "after the final hiring decision, before the person begins work"; or "never, employers shouldn't be allowed to ask about criminal records." Responses to this question have direct relevance to the BTB policies, which are foremost concerned with the timing of criminal record inquiries in hiring—specifically, banning criminal record inquiries from the application stage. The order in which respondents received the questions about experience with versus support for criminal record inquiries was randomly rotated.

## Results

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<sup>9</sup> <https://www.consumer.ftc.gov/articles/0157-employment-background-checks>

<sup>10</sup> In the question, we focused on conviction histories for two reasons. First, recent research demonstrates that conviction records dominate questions on job applications (Vuolo et al., 2016, Table 1). Second, the Equal Employment Opportunity Commission (2012) strongly advises employers to consider convictions, and not arrests, in the hiring process.

How commonly are members of the public asked about their criminal records when applying for jobs? At what stage of the hiring process do such inquiries most often occur? Table 1 presents data on the prevalence of criminal record inquiries across hiring stages for respondents' most recent job search. Five findings stand out. First, a sizable percentage of U.S. residents (21.6%) report applying for a job in the past year. The U.S. Census's most recent estimates place the size of the adult U.S. population at 247,773,709. Per our findings, this would suggest that well over 53 million U.S. adults applied for a job in the past 12 months.

Second, most respondents—58.4% overall, and 71.1% of those who applied for a job within the past year—say they were asked whether they had a criminal record at some point during their last job search. The national data thus corroborate findings from prior case studies of employers. Third, the majority of U.S. residents report that the criminal record inquiry occurred at the application stage of the hiring process. Indeed, among the 21.6% of U.S. adults who applied for a job in the past year, 59.2% reported being asked about their criminal record on the application form. This suggests that in just the past year, nearly 13% of U.S. adults—more than 31 million U.S. residents—applied for a job and were asked about their criminal record on the job application. This provides evidence that the potential reach of BTB application-stage bans on criminal record inquiries is considerable.

Fourth, the disaggregated analysis shows that the above pattern of findings emerges for respondents who applied for a job within the past ten years, regardless of when during that time period their job search occurred. Finally, a different pattern of results is observed for members of the public who applied for a job *more* than ten years ago. Most of these individuals report not being asked about their criminal record. This finding is consistent with the argument that the use of criminal record inquiries in hiring has increased over the past few decades (Vuolo et al.,

2017). However, it could also reflect errors in recall due to the extended time frame. Regardless, it is clear that criminal record inquiries are a prevalent component of the hiring process, and almost always happen at the application stage. Therefore, Ban-the-Box policies that restrict questions on the application have the potential to radically change the landscape of criminal record inquiries in the United States.

For the subsequent analysis, given the theoretical and policy importance of application-stage criminal background check inquiries (Vuolo et al., 2017), we distinguish the application stage from all other categories. Table 2 presents results from a logistic regression model predicting whether respondents were asked about their criminal records on the application form in their last job search. The outcome variable is coded “1” if the respondent reported being asked on the application form, and coded “0” if he or she was asked at a later stage or was not asked at all. The independent variables are coded as specified in Supplement A. The results show that net of other factors, U.S. residents who applied for jobs within the past ten years were significantly more likely than those who applied for jobs in earlier time periods to encounter application-stage questions about their criminal records. The one exception is for those who applied within the past year; the coefficient for this group, although positive, did not reach the conventional threshold for statistical significance. This is consistent with the possibility that BTB policies have begun to have an effect, reducing the use of application-stage criminal record inquiries.

In addition, we find evidence that females, younger persons, those with higher educational attainment, and individuals residing in the Midwest or West are significantly more likely to report being asked about their criminal record at the application-stage in their last job search. The associations for gender, age, and education likely reflect the influence of these factors on the types of jobs to which these individuals apply. For example, women

disproportionately dominate jobs in the healthcare, personal care and services, and education industries (Bureau of Labor Statistics, 2015), which may be especially likely to involve application-stage criminal record inquiries.<sup>11</sup>

Tables 1 and 2 about here

We now turn our attention to a related set of questions: Do U.S. residents support allowing employers to ask job applicants about their criminal records? If so, when do respondents believe this inquiry should first occur? Figure 1 presents the weighted distribution of responses to the survey question asking if and when the criminal record inquiry should be allowed. First, the overwhelming majority (91%) of U.S. residents support allowing employers to ask applicants about their criminal records. Second, and most important for BTB efforts, the public is roughly split on whether the criminal record inquiry should first occur at the application stage, or should occur at a subsequent stage of the hiring process, as required under BTB policies. A slight majority (57%) of U.S. residents believe job applicants should first be asked about their criminal records on the application form, but a sizeable minority (34%) believes the inquiries should be delayed until either the interview stage or after an offer is made.

Figure 1 about here

One remaining question is whether there are demographic or political cleavages in attitudes toward criminal record checks in hiring. Again, prior research on attitudes toward reentry has found few demographic cleavages (Garland et al., 2015, 2016). But, given that the prevalence of criminal records varies across racial, gender, and socioeconomic groups (Pager, 2007; Western, 2006), it would not be surprising if these groups differed in their support for allowing criminal record inquiries, particularly at the application stage where such inquiries

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<sup>11</sup> The BTB state variable is measured as whether the state had implemented a BTB policy at the time of the survey, not at the time of the person's last application. The results are the same if the BTB variable is removed.

might prevent applicants from ever getting their foot in the door. As shown above, criminal record inquiries almost always happen at the application stage. Additionally, most of the variation in public attitudes is between allowing criminal record inquiries at the application stage versus other stages. The debate about BTB policies also centers on the application stage, potentially because application-based criminal record inquiries serve a unique “gatekeeper function” (Vuolo et al., 2017). As Vuolo and colleagues (2017, p. 1-2) note, “In theory, law, and policy, it is important to distinguish between the initial application stage of the process and later stages at which criminal background checks are routinely conducted.” For all of these reasons, our analysis focuses on attitudes toward application-stage inquiries. We coded respondents “1” if they supported allowing criminal record inquiries at the application stage, and “0” if they did not.

Inspection of Table 3 reveals very few correlates of support for criminal record questions on job applications. There are no significant racial or gender differences in such attitudes, nor do these attitudes vary significantly by education or income. Perhaps most notably, respondents living in BTB and non-BTB states are equally likely to support allowing application-stage inquiries. The only significant associations that emerge are for homeownership status, political identification, and region of residence. Homeowners, Republicans, and Midwesterners are all more likely to support application-stage inquiries, rather than delaying or banning inquiries. Homeownership reduces mobility (DiPasquale & Glaeser, 1999) and is strongly and positively correlated with social capital (Glaeser, Laibson & Sacerdote, 2002). Therefore, our finding may reflect the notion that homeowners are more invested in the community, and support for criminal record inquiries may indicate a form of social control. The positive association between Republicanism and support for criminal record inquiries is expected given that persons with more conservative political ideologies tend to hold more negative attitudes toward people with



criminal records (Hirschfield & Piquero, 2010) and be less supportive of reentry initiatives (Garland et al., 2015, 2016). However, even among Republicans there is considerable support for waiting until after the application stage to ask about criminal records. More than 40% of “not strong” Republicans, and 30% of “strong” Republicans, prefer either delaying or eliminating criminal record inquiries.

Table 3 about here

### Supplementary Analyses

One limitation of the analysis of experiences with hiring inquiries (Table 2) is the temporal ordering of the time of the last job search and respondents’ current characteristics. Specifically, we were unable to account for whether respondents lived in a BTB state *during* their last job search. We explore whether this influences the results in a set of sensitivity analyses (see online supplements). In Model 1 of Supplement B, we adjust the BTB state measure based on state adoption dates from the National Employment Law Project (Rodriguez & Avery, 2016). Although the analysis is imperfect<sup>12</sup>, and we must use ranges for the time of the last job search, we are able to estimate when respondents were not in active BTB states. We find that some of the time since last job search measures are no longer statistically significant<sup>13</sup>, but the results otherwise support the original results in Table 2, and the coefficients for male, age, education, Midwest, and West are similar in magnitude.

Similarly, respondents may have changed education, income, homeownership, marital and childcare statuses since they last applied for a job. In Model 2 of Supplement B, we restrict

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12 We anticipate a small portion of our sample moved from one state to another between the last job application and the time of the survey. Out of a population of around 315.1 million people in 2013, the U.S. Census estimates about 36 million people moved between 2012 and 2013, and less than a third of the movers (11.7 million) relocated to a different county (which includes both intrastate and interstate moves) (Ihrke, 2014). This amounts to less than 4% of U.S. residents ages 1 or older estimated to change counties within a year, with an even lower estimate for the proportion of interstate (and inter-BTB policy) moves for adult who are actively in the labor market.

13 This is most likely a result of the necessity of collapsing the “> 10 years” and “5 to 10 years” response categories, because too few of the respondents who last applied for a job 10 years ago lived in an active BTB state.

the analysis to applicants who report applying for their last job within the past two years ( $N=302$ ) to reduce the potential for major life changes. While age and education are no longer statistically significant, due to the smaller sample size, the magnitudes are similar to the results in Table 2, and homeowners are now much more likely to be asked about a criminal record on an application than non-homeowners. The restricted sample in Model 2 is notably younger (36.7 on average, which is about a decade younger than the sample average), and the results may represent a different facet of the types of jobs to which these individuals apply. Still, being male and residing in the Midwest are still strongly correlated (and in the same direction) with being asked about the criminal record on the application—two of the most stable factors in the model.

In our analysis of attitudes toward criminal record inquiries (Table 3), one possible correlate of support, as suggested by anonymous reviewers, is the respondent's personal experiences with the criminal justice system. Personal—and even vicarious—experiences can influence respondents' attitudes about informal social controls, such as neighbors intervening on others' behalf (Rose & Clear, 2004) and formal social controls, such as criminal justice sentencing punitiveness (Davila, Hartley, Buckler, & Wilson, 2011). Mancini, Barrick, DiPonio, and Gertz (2010) also find that prior experience with the criminal justice system is related to increased fiscal support for correctional programs, and it is possible that this extends to perceptions of criminal record inquiries for employment.

A limitation of the GfK Knowledge Networks survey is that due to resource constraints, we could only include a limited set of questions, and we did not ask respondents about having a criminal record. However, our research team also launched a more comprehensive survey about criminal background checks within a few week timespan using SurveyMonkey, and

approximately 15% of SurveyMonkey respondents reported a prior arrest.<sup>14</sup> The results in Supplement C indicate respondents' criminal record status is not an influential factor in their support for employers asking about a job applicant's criminal record. The other measures have similar relationships with support in both the SurveyMonkey and GfK samples, with the exception of the Midwest region. In both surveys, political ideology is the strongest predictor of support. The SurveyMonkey data serve as a useful replication of the GfK findings using a different national sample of U.S. adults.

As mentioned earlier, we specified our dependent variable of interest in the support models as “on the application” versus all other categories to reflect the current BTB policy issue. However, as a robustness check to the main results, we also remove respondents indicating an employer should “never” ask about a criminal record and retain only those who believe employers should ask at some point in the process. These findings are reported in the Supplement D for both the GfK survey and the SurveyMonkey survey. Republicanism and Midwest have a similar magnitude and statistical significance, and lower educational attainment is now correlated with support for asking on the application relative to later in the process. As before, prior arrest is not significantly related to inquiries on the application instead of later.

Finally, we include an analysis (see Supplement E) that compares “never” asking about a criminal record to asking at some point in both the GfK and SurveyMonkey data. The results in Supplement E indicate men are more likely than women to support never inquiring about a criminal record, Republicans/Conservatives are less likely than Democrats/Liberals, and (in the SurveyMonkey data) having a prior arrest is meaningfully and positively associated with support for never inquiring. In sum, political ideology is the strongest indicator of support for criminal

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<sup>14</sup> See Supplement C for details on the SurveyMonkey methodology, sample descriptive statistics, and a logistic regression predicting public support for allowing criminal record questions on job applications with prior arrest experience included.

record inquiries on the application stage (compared to later/never), and for inquiring at any point (relative to never). By contrast, having a prior arrest is related to respondents selecting “never” relative to some type of inquiry, but it does not predict preferences for when the inquiry occurs in the hiring process (i.e., the application stage versus later/never).

### **Discussion and Policy Implications**

Recent Ban-the-Box (BTB) policy discussions have targeted the application stage of the hiring process and enacted legislation to prohibit employers from asking about criminal records until later stages (e.g., interview or job offer) in the hiring process. The key assumptions underlying the BTB policy approach are that criminal record inquiries are common, and tend to occur at the application stage. To examine the validity of these assumptions, and incorporate public opinion research into the debate, we analyzed data from a probability sample of U.S. residents. Several important findings emerged from our analysis, and we discuss each below.

First, we provide the first nationally representative estimates of U.S. adults’ experiences with criminal record inquiries in the job hiring process. The survey reveals an important fact: the majority of U.S. residents (58%) who apply for a job are asked about their criminal record at some point in the process, and this almost always occurs on the job application. Furthermore, respondents applying for jobs in recent years had estimates closer to 70%. If anything, these figures are likely underestimates due to recall failure. To place the personal experience results into the context of the existing literature, prior estimates include: 63% of employers conducting checks (Holzer, Raphael & Stoll, 2006), 78% of employers asking on job applications (Vuolo et al., 2017), and 87% of employers conducting checks on some or all job candidates (Society for Human Resource Management, 2012). Taken together, the evidence to date suggests that

criminal record evaluations are now ubiquitous in hiring, whether by inquiries to applicants or external checks.

Second, we find that virtually all of the action for criminal record inquiries in hiring is at the application stage. Specifically, the findings show that among respondents who were asked by employers about their criminal records, approximately 87% were first asked on the application form. Indeed, our data suggest that over 31 million U.S. adults were asked about their criminal record on a job application form in just the past year. This clearly justifies concerns about potential “close-the-door” negative effects of early criminal record inquiries, and gives credence both to BTB’s focus on application forms and scholarship studying the nature of application-stage checks (Vuolo et al., 2017). When considering that 16% of U.S. residents are convicted of a crime by age 23 (Bushway, Cutler, Paternoster, & Brame, 2014), application-stage criminal record inquiries clearly have the potential to exert a major impact on the nature of the U.S. labor market.

Third, our results show that the public is roughly split in its support for application-stage inquiries. The vast majority (91%) of respondents support allowing employers to ask job applicants about their criminal records, but only a slight majority (57%) prefers allowing employers to include this question on application forms. Respondents who reside in BTB states are just as likely as those who do not to support criminal record inquiries on the job application. Therefore, the findings suggest that policymakers would be acting consistently with popular attitudes by allowing the inclusion of criminal record questions on job application forms. This is important because the BTB policy option might warrant serious reconsideration if evidence demonstrating statistical discrimination under BTB continues to accumulate (Agan & Starr, 2016; Doleac & Hansen, 2016; Vuolo et al., 2017).

Our findings also suggest, however, that if evidence accumulates that delaying criminal record inquiries has a net benefit, many members of the public would be open to postponing these inquiries. Even among Republicans, who are significantly more likely than others to support application-stage inquiries, there is already a sizable minority (roughly 35%) who prefers delaying or eliminating criminal record inquiries. In this sense, the “boundaries of policy initiatives” (Thielo et al., 2015, p. 141) currently set by public opinion for regulating criminal record inquiries in hiring appear to be very wide. This would seemingly suggest that policymakers have great latitude to develop evidence-based policies for employers’ use of criminal records without having to fear public backlash or electoral sanctions.

One unexpected finding was that homeowners were significantly more likely to support application-stage criminal record inquiries, relative to delaying or banning inquiries. Indeed, the odds of support for application-stage inquiries were 78% higher for homeowners than those who did not own their homes. One possible explanation is the “not-in-my-backyard (NIMBY)” phenomena.<sup>15</sup> It may be that homeowners perceive that application-stage checks, by limiting certain employment opportunities to those with criminal records, or at least to those with particular types of records (e.g., violent), help to create social distance between persons with criminal records and those without records. Most people recognize that buying a home in an owner-dominated residential area requires considerable financial resources and stable employment. It may be that homeowners believe that restricting job access through application-stage criminal record inquiries represents an initial line of defense for protecting their communities from outsiders with records. Future research is needed that explores this possibility.

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<sup>15</sup> NIMBY was originally conceptualized to help city planners understand opposition to the development of certain types of facilities, such as low-income housing, hazard waste storage, or social services facilities (Dear, 1992). While residents accept that the facilities are necessary, they also do not want them located near their homes (Dear, 1992).

There are several limitations to this study. First, given the low survey response rate, there remains the possibility of nonresponse bias in our findings. Even still, our data provide the best *available* estimates of public support for and experience with background checks, deriving from a self-administered survey recently administered to a random sample of Americans by one of the most highly respected and widely used survey firms (The GfK Group).<sup>16</sup> Nonetheless, future studies are needed to replicate our results using surveys with higher response rates. Second, with self-reports over extended reference periods, recall errors are always a consideration. It is possible respondents incorrectly recalled when their last job search occurred or whether or when they were asked about their criminal record. Researchers seeking to build on our analysis might consider using longitudinal studies with bounded interviews and shorter reference periods to examine experiences with criminal record inquiries in hiring. Our data reveal a relatively high incidence of job searches—over 21% of U.S. adults applied for a job in just the past year. Thus, there would appear to be sufficient variation in job searches to make a longitudinal investigation, perhaps over 2-3 years, worthwhile. Similarly, incorporating additional detail into the experience question, such as distinguishing between job searches that occurred when respondents were employed but looking elsewhere versus unemployed, or exploring variations by industry and job type, would also be useful to explore in future research.

Not least, national probability samples are advantageous for obtaining reliable estimates of experiences and perceptions, but it is not typically financially feasible to include a large set of auxiliary questions with which to test competing theoretical models of attitudes. Future efforts could utilize non-probability samples to further theory-test and investigate correlates of attitudes toward criminal background inquiries and experiences. For example, studies might explore

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16 The GfK Group's KnowledgePanel has been used frequently to field general population surveys for the American National Election Studies, and for the Time-Sharing Experiments for the Social Sciences, an ongoing interdisciplinary program funded by the National Science Foundation (NSF) (Mutz, 2011).

whether various measures of contact with persons convicted of crimes are correlated with views about criminal record inquiries in hiring (see, e.g., Hirschfield & Piquero, 2010).

We conclude by emphasizing that historical trend data indicate that in the foreseeable future, well over half a million inmates will be released annually from state and federal prisons (Carson, 2015). The majority of these individuals will eventually submit a job application (Travis, 2005), the success of which has implications for their likelihood of transitioning out of a life of crime (Laub & Sampson, 2001; Uggen, 2000). Our findings strongly suggest that most of them will be asked about their criminal record very early in the hiring process, before their other qualifications are considered. Prior research reveals that for many employers, a criminal record is a nonstarter—they simply do not want to hire individuals who have been convicted of a crime (Pager, 2007). For this reason, continuing efforts to document when and how criminal records are disclosed and used during the hiring process are important. More generally, ensuring that applicants who have criminal records receive fair consideration in hiring decisions is a pressing policy issue.



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**Table 1** Prevalence of criminal record questions in respondents' most recent job search, by timing of last application

Sample	On Application Form (%)	During Interview (%)	After Hiring Decision (%)	Never Asked (%)
Total sample ( $N = 983$ )	51	4	3	42
Time since application				
< 1 year ( $n = 216$ )	59	8	4	29
1 to 2 years ( $n = 96$ )	63	2 <sup>a</sup>	6 <sup>a</sup>	30
3 to 4 years ( $n = 114$ )	64	7 <sup>a</sup>	4 <sup>a</sup>	26
5 to 10 years ( $n = 180$ )	54	3 <sup>a</sup>	3 <sup>a</sup>	40
> 10 years ( $n = 377$ )	38	3	2 <sup>a</sup>	57

*Notes.* Numbers do not sum to 100 because of rounding. Respondents ( $n = 19$ ) who said they had never applied for a job were excluded. <sup>a</sup>Estimate is based on fewer than 10 cases.

**Table 2** Logistic regression predicting whether respondents were asked about their criminal record on the application form during their most recent job search ( $N = 962$ )

Variables	<i>b</i>	SE	95% Confidence Interval	
			Lower	Upper
Time of Last Job Search	—	—	—	—
> 10 years (reference)	—	—	—	—
5 to 10 years	.428*	(.217)	.002	.855
3 to 4 years	.852**	(.268)	.326	1.379
1 to 2 years	.634*	(.278)	.088	1.180
< 1 year	.361	(.238)	-.105	.827
Black	.249	(.278)	-.296	.794
Latino	-.220	(.259)	-.727	.288
Male	-.371*	(.149)	-.664	-.078
Age	-.018**	(.006)	-.029	-.006
Education	.175**	(.053)	.071	.278
Income	-.002	(.059)	-.118	.114
Unemployed	-.169	(.326)	-.810	.471
Homeowner	.255	(.185)	-.108	.619
Married	-.192	(.173)	-.531	.148
Youth (< 18) in household	.229	(.190)	-.144	.602
Republicanism	.003	(.037)	-.069	.075
Region	—	—	—	—
Northeast (reference)	—	—	—	—
Midwest	.469*	(.233)	.013	.926
South	.144	(.226)	-.300	.588
West	.503*	(.237)	.039	.968
Resides in a BTB State	.009	(.165)	-.315	.334

*Notes.* Outcome is coded: 1 = asked about criminal record on application form in last job search, 0 = not asked or asked at later stage.

\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$  (two-tailed).

**Figure 1** Respondents' preferences for when employers should first be allowed to ask job applicants about their criminal records ( $N = 1,009$ )

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**Table 3** Logistic regression predicting public support for allowing criminal record questions on job applications ( $N = 987$ )

Variables	<i>b</i>	SE	95% Confidence Interval	
			Lower	Upper
Black	.053	(.257)	-.452	.558
Latino	.168	(.249)	-.321	.657
Male	-.016	(.145)	-.299	.268
Age	.004	(.005)	-.006	.014
Education	-.057	(.051)	-.157	.043
Income	.013	(.058)	-.102	.127
Unemployed	-.244	(.314)	-.859	.372
Homeowner	.575**	(.176)	.229	.921
Married	-.121	(.169)	-.453	.211
Youth (< 18) in household	.011	(.181)	-.345	.367
Republicanism	.114**	(.036)	.043	.185
Region	—	—	—	—
Northeast (reference)	—	—	—	—
Midwest	.452*	(.214)	.032	.872
South	.355	(.207)	-.051	.762
West	.300	(.227)	-.146	.746
Resides in a BTB State	.191	(.155)	-.114	.496

*Notes.* Outcome is coded: 1 = on the application form; 0 = at the interview stage, after hiring decision, or never.

\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$  (two-tailed).