

RESETTING *the* RECORD

The **FACTS** on Hiring People with Criminal Histories

Misperceptions can keep employers from hiring people who have criminal records. A growing body of RAND Corporation research counters some prevailing myths about risks of reoffending and provides hiring managers, policymakers, and citizens facts that support better-informed hiring decisions.

CRIMINAL HISTORY BACKGROUND CHECKS can provide hiring managers with important information about a job candidate. That said, employers risk making uninformed decisions that exclude good workers if they do not know which factors in the background check actually help predict an individual's risk of reoffending.

The RAND Corporation's *Resetting the Record* body of research presents evidence-based findings that could help employers make better, fact-driven decisions about hiring people with criminal records. Exploring the research cited in this brief and sharing it with hiring managers may help create a triple win: companies get the employees they need, people with records get jobs, and society benefits.

Facts on Hiring People Who Have Criminal Records

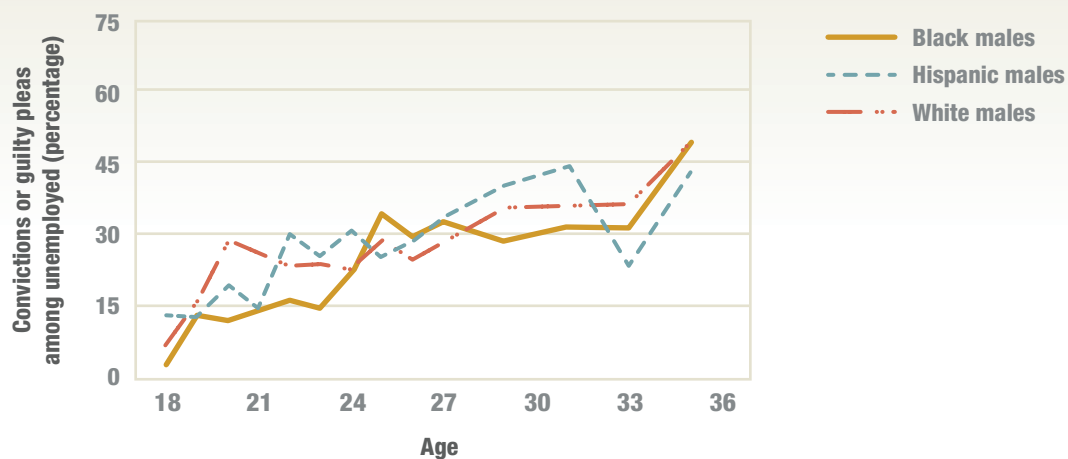
People with Convictions Form a Large Part of the Pool of Those Seeking Work

Employers, particularly in times of low unemployment, can have difficulty finding workers to fill jobs. People with criminal records form a surprisingly large part of the population seeking work—almost half the men in the labor pool. Employers who are leery of candidates with conviction histories might be reassured by research that has shown that employers routinely hire people with records who go on to be good employees. In fact, more than 25 percent of workers in the active workforce have at least one prior conviction. The evidence is overwhelming: People with conviction records can be (and are) successful employees.

FINDINGS

- Forty-six percent of 35-year-old men looking for work in 2018 had a conviction for a nontraffic crime as an adult. That proportion varies only slightly by race and ethnicity.¹
- Among 33-year-old women, the percentage of those looking for work in 2018 who had a conviction for a nontraffic offense was between 2 percent and 16 percent for Black women and between 22 percent and 52 percent for White women.²
- Many of the people already working in 2018 had at least one adult conviction for a nontraffic offense (about 25 percent for men).³

Almost Half of Men in Their 30s Looking for Work Have a Conviction



SOURCE: Reproduced from Shawn D. Bushway, Irineo Cabreros, Jessica Welburn Paige, Daniel Schwam, and Jeffrey B. Wenger, "Barred from Employment: More Than Half of Unemployed Men in Their 30s Had a Criminal History of Arrest," *Science Advances*, Vol. 8, No. 7, 2022.

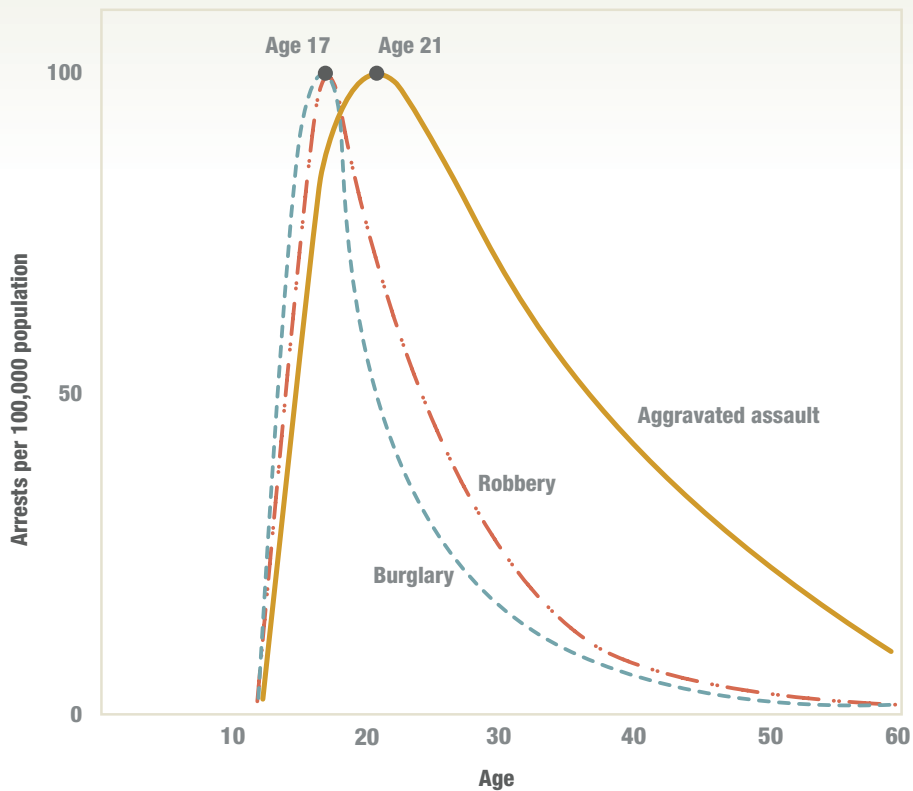
PEOPLE CHANGE: About 75 Percent of People with a First Conviction Do Not Get a Second Conviction Within Ten Years

Some employers' hesitance to hire people who have a conviction might be based on a misunderstanding of the risk that a person may reoffend. A study of North Carolina data showed that about 75 percent of people who had a first conviction were not convicted again within ten years. Also, people's risk of reoffending declines sharply as they age, so older job candidates with a conviction may have a lower risk of conviction than a younger person with no convictions.

FINDINGS

- Most people with a conviction have only one conviction.⁴
- Most criminal activity occurs when people are young.⁵
- People without records, particularly younger workers, also have a risk of conviction.⁶

Crime Peaks in Younger Years, Then Falls Quickly



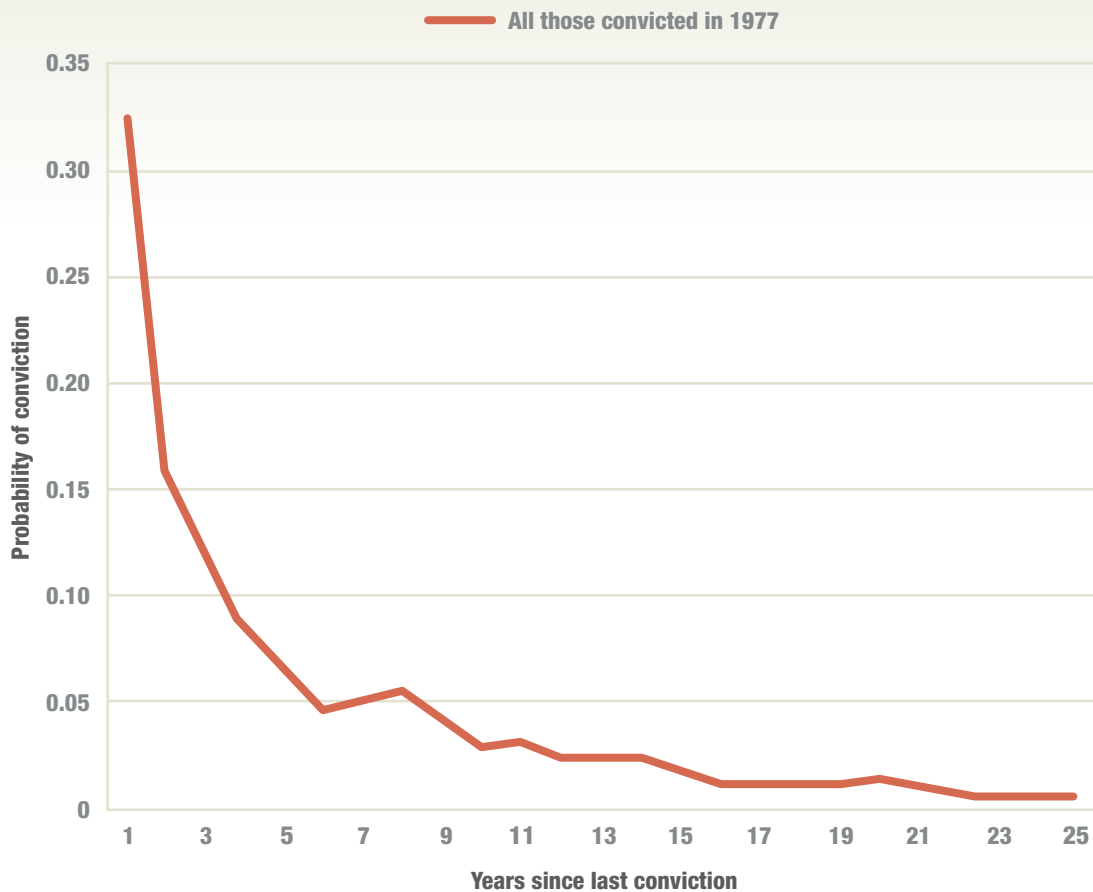
SOURCE: Reproduced from Alfred Blumenstein, Jacqueline Cohen, and David P. Farrington, "Criminal Career Research: Its Value for Criminology," *Criminology*, Vol. 26, No. 1, February 1988.
NOTE: This well-cited "age-crime curve" shows the point at which arrest rates peak for each type of crime, then fall off.

A Person's Time Since Last Conviction, Age, and Number of Convictions Are the Most Reliable Predictors of Risk of Reoffending

Hiring managers conducting employment background checks can develop a nuanced picture of a job applicant's risk of reoffending by considering multiple factors holistically: How long has the person gone without a new conviction? How old is the person? How many convictions does the person have? Weighed together, the answers to those questions are more predictive of risk of reoffending than the type of crime that the person committed.

- The single most reliable factor in predicting future behavior is the amount of time that has passed since a person's last conviction; a person's likelihood of reoffending declines rapidly as more time passes without a conviction.⁷
- Age is another important factor in estimating the risk of reoffending.⁸
- A person's number of convictions also informs their risk of reoffending.⁹

Risk of Reoffending Declines Rapidly over Time



SOURCE: Adapted from Shawn D. Bushway, Paul Nieuwebeerta, and Arjan Blokland, "The Predictive Value of Criminal Background Checks: Do Age and Criminal History Affect Time to Redemption?" *Criminology*, Vol. 49, No. 1, 2011.

Crime Type Is Not a Reliable Predictor of Risk of Future Offenses

Many organizations that consider hiring people with criminal records after an employment background check take into account the type of crime that a person has committed in relation to the type of job for which the person is applying. That approach is endorsed by the Equal Employment Opportunity Commission. Research has shown, however, that a conviction for a certain type of crime does not reliably predict whether that person will commit the same type of crime—or any crime—in the future.

FINDINGS

- Most people who offend do not specialize in a crime type.¹⁰
- A person's time since last conviction, age, and number of prior convictions are by far the best predictors of recidivism. If an individual knows those factors, knowing the type of crime that a person has committed in the past adds little value in predicting the type of the crime that a person will commit in the future or the likelihood that they will commit any crime.¹¹

Most People Who Commit Crimes Do Not Specialize in One Type of Crime



SOURCE: Adapted from data in Table 1 in Christopher J. Sullivan, Jean Marie McGloin, Travis C. Pratt, and Alex R. Piquero, "Rethinking the 'Norm' of Offender Generality: Investigating Specialization in the Short-Term," *Criminology*, Vol. 44, No. 1, February 2006.

Job Performance, Training, and Testimonials Are Good Indicators of Future Behavior

Multiple additional factors can help employers assess whether a person with a record is likely to be a good employee or whether they should be eligible for promotion. For example, if a job applicant with a criminal record performed well in prior jobs, this performance record bolsters the likelihood that they will succeed in a new setting.

FINDINGS

- Firsthand information on an individual's good performance in prior roles and that individual's successful completion of training programs are more-predictive factors of a low risk of reoffending than some other factors that employers could consider.¹²

Many Employers Are Willing to Hire People with Criminal Histories—and Incentives Work

When a company hires someone with a criminal history record, the company might benefit from having a good employee—but society also benefits from lower rates of reoffending among people who have jobs and by reducing the costs associated with additional crime. Government incentives to employers who hire people with convictions can help employers share in the societal benefit that they are creating.

FINDINGS

- Incentives, such as wage subsidies and insurance, can increase employers' willingness to hire people with convictions.¹³
- Incentives can be justified because hiring people with records creates positive benefits for society, such as higher rates of employment and lower rates of reoffending.¹⁴

NOTES

- 1 Shawn D. Bushway, Irineo Cabrerros, Jessica Welburn Paige, Daniel Schwam, and Jeffrey B. Wenger, “Barred from Employment: More Than Half of Unemployed Men in Their 30s Had a Criminal History of Arrest,” *Science Advances*, Vol. 8, No. 7, 2022, p. 1.
- 2 Shawn D. Bushway, Irineo Cabrerros, Jessica Welburn Paige, Daniel Schwam, and Jeffrey B. Wenger, “Supplementary Materials for Barred from Employment: More Than Half of Unemployed Men in Their 30s Had a Criminal History of Arrest,” *Science Advances*, Vol. 8, No. 7, 2022.
- 3 Bushway et al., “Barred from Employment: More Than Half of Unemployed Men in Their 30s Had a Criminal History of Arrest,” p. 6, Table 2.
- 4 Shawn D. Bushway, Brian G. Vegetabile, Nidhi Kalra, Lee Remi, and Greg Baumann, *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks*, RAND Corporation, RR-AI360-1, 2022, pp. vi–vii, p. 27, Figure 4.4. As of October 13, 2023: https://www.rand.org/pubs/research_reports/RRAI360-1.html
- 5 David Bjerk and Shawn Bushway, “The Long-Term Incarceration Consequences of Coming-of-Age in a Crime Boom,” *Journal of Quantitative Criminology*, October 2, 2022, p. 4.
- 6 Shawn D. Bushway and Nidhi Kalra, “A Policy Review of Employers’ Open Access to Conviction Records,” *Annual Review of Criminology*, Vol. 4, January 2021, p. 176.
- 7 Bushway et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks*, p. 41, Table 5.2.
- 8 Bushway et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks*, p. 41, Table 5.2.
- 9 Bushway et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks*, p. 41, Table 5.2.
- 10 Bushway and Kalra, “A Policy Review of Employers’ Open Access to Conviction Records,” p. 177.
- 11 Bushway and Kalra, “A Policy Review of Employers’ Open Access to Conviction Records,” p. 177.
- 12 Stephanie Brooks Holliday, Katya Migacheva, Amy Goldman, Veronica Awan, Nicole Bracy, and Sarah B. Hunter, *Implementation and Outcome Evaluation of Project imPACT—a Proposition 47–Funded Program in Los Angeles: Cohort 2 Final Evaluation Report*, RAND Corporation, RR-AI382-2, 2022, p. 69. As of October 13, 2023: https://www.rand.org/pubs/research_reports/RRAI382-2.html
- 13 Priscillia Hunt, Rosanna Smart, Lisa Jonsson, and Flavia Tsang, *Breaking Down Barriers: Experiments into Policies That Might Incentivize Employers to Hire Ex-Offenders*, RAND Corporation, RR-2142-RC, 2018, p. 15. As of October 13, 2023: https://www.rand.org/pubs/research_reports/RR2142.html
- 14 Bushway and Kalra, “A Policy Review of Employers’ Open Access to Conviction Records,” p. 168.

This brief describes ongoing work in RAND Education and Labor and documented on the webpage “Resetting the Record: The Facts on Hiring People with Criminal Histories,” by Shawn D. Bushway and colleagues (available at www.rand.org/education-and-labor/projects/resetting-the-record.html). To view this brief online, visit www.rand.org/t/RBA2968-1. The RAND Corporation is a research organization that develops solutions to public policy challenges to help make communities throughout the world safer and more secure, healthier and more prosperous. RAND is nonprofit, nonpartisan, and committed to the public interest. RAND’s publications do not necessarily reflect the opinions of its research clients and sponsors. **RAND**® is a registered trademark.

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