

**Barriers to Employment facing Young
Black and White Men with Criminal Records¹**

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Drivers, couriers, cleaners, fast food servers, deli clerks, sales reps, stockers, waitstaff, busboys, cashiers, telemarketers. We applied for them all. For an entire year, our guys pounded the pavement in search of employment through the city. These job seekers were not your typical ex-felons. Friendly, bright, motivated, and with solid work histories, they should have been an appealing group of candidates. And yet each one struggled at times to make it past the first cut. Often, once the employer had noticed their criminal background, their prospects for employment dwindled rapidly.

The problems of prisoner reentry are now well-known. Mass incarceration over the past thirty years has created a steady stream of ex-offenders—more than 600,000 per year—leaving prison in search of work. Their experiences are rarely the source of good news. One small study followed a group of ex-prisoners for eighteen months from their release and reported that only a quarter had found work. Survey research shows that serving prison time reduces employment by 10 to 25 percent. Incarceration thus has lingering effects that persist well beyond the period of confinement, reducing employment prospects for many of those already at the margins of the labor market.

Of course the pains of incarceration are not felt equally by all groups. Incarceration rates are more than 7 times higher for blacks than whites. More than 10 percent of young black men are now behind bars, 1 in 4 will enter prison by their 30th birthday. The racial disparity in incarceration can produce a double disadvantage for young black with criminal records who are looking for work.

Some states have actively addressed barriers to employment facing ex-offenders. Seeking to promote employment among returning inmates, states like New York have expanded their Human Rights law to include protection from discrimination for individuals with criminal backgrounds. Employers are cautioned that they may only take a criminal background into account if the specific crime directly related to the particular responsibilities of the job in question. Ex-offenders in states such as New York, then, should fare well relative to the majority of the country in which employers are free to discriminate against ex-offenders at will.

We study job seeking among ex-offenders in New York City to see exactly how open employers actually are to applicants with criminal backgrounds. Using an experimental audit methodology, we sent matched pairs of individuals—called testers—to apply for real entry-level jobs throughout the city. The method allows us to control the characteristics of job applicants. Except for a criminal record, our tester pairs present identical qualifications.

Our research suggests that ex-offenders suffer a significant penalty in the search for low-wage employment. But beyond a general effect, it is blacks who suffer the greatest disadvantage. In the following discussion, we present a mixture of quantitative and qualitative results from our fieldwork that examines the experiences of job seekers, and the influence of race and criminal background on their employment prospects.

Study Design

Most research on the labor market experiences of ex-offenders contrasts pre-incarceration pay and employment to that after release, or compares ex-offenders to non-offenders. Studies using these comparisons have produced varying results, with some pointing to strong and persistent effects of incarceration and others indicating very little impact of incarceration above and beyond the characteristics of offenders themselves.

One difficulty in making sense of the research in this field is the problem of causal inference. Ex-offenders experience low rates of employment, but the sources of these problems remain uncertain. It is difficult to infer a causal effect of a criminal record because many other factors related to incarceration—skills, motivation, interpersonal styles—may also be reducing wages and work. While a criminal record may be a barrier to employment, it is difficult to measure its effects directly, given so many other contributing factors.

Because of these measurement difficulties, we have turned to an experimental approach. We adopt an audit method to study employers in New York City. The audit study uses matched pairs of individuals—called testers—to apply for real jobs. We then record how employers respond to testers with different characteristics. In this study we focus particularly on how employers respond to minority job applicants and those with criminal records.

The study hired 13 young men to pose as our job applicants. These young men staffed six teams, with each team testing for the effect of just one job-applicant characteristic. With six teams, we could study the effects of race, ethnicity, criminal background, and educational attainment. Through 12 months of fieldwork, we audited nearly 1500 employers in New York City, posting nearly 3500 job applications. This paper focuses on four teams which were designed to test the effect of a criminal record on a job applicant's success in the labor market.

The quality of the experiment hinges on our testers. Our 13 professional job applicants were primarily college graduates from New York City, who were matched on the basis of age, race, physical appearance, and general style of self-presentation. They were assigned fictitious matched resumes reflecting equal levels of education and work experience, as well as comparable high schools and neighborhoods. Testers reported having completed high school only, and reported steady work experience in entry-level jobs.

One tester in each two-person team also presented evidence of a felony drug conviction.² This information was often conveyed to employers by responding affirmatively to the question asked on standard application forms, “Have you ever been convicted of a crime?” Testers' resumes also listed work experience in a correctional facility as a kitchen or maintenance worker, and listed a parole officer as a reference. (Calls to references were recorded by a voice mail box). In all cases, then, the employer was given information that the job applicant was recently incarcerated. The ex-offender resume was also randomly

² The criminal record in all cases consisted of a felony drug conviction (possession with intent to distribute, cocaine) and 18 months of (served) prison time. We chose to focus on a drug felony because of its prevalence, its policy salience, and its connection to racial disparities in incarceration. It is important to acknowledge that the effects I report here may differ depending on the type of offense.

assigned to ensure that criminal record status was unrelated, on average, to any tester characteristics.

Finally, the testers prepared for the study with a week-long training period, where they learned the details of their profile (including things like what their prison experience would have been like, what were the current conditions of their parole, etc.) and conducted a large number of practice interviews. The practice sessions posed the standard questions asked in job interviews, and testers rehearsed a variety of pre-arranged answers.

Our sample of employers came from nearly a complete listing of entry-level jobs from the major New York newspapers. Entry-level jobs include those requiring no more than a high school degree and limited work experience. The job openings were randomly assigned across teams, and we randomly varied the order in which testers applied for each job. In addition, we drew a supplemental sample of employers from underrepresented industries and/or neighborhoods by using targeted sampling techniques whereby testers would conduct “walk-in” applications. Because many low-wage employers do not advertise job openings in the newspaper, this additional sampling procedure allowed us to capture a greater range of employer types.

Our data on employers comes from a single visit—the first stage of the employment process. Testers visited employers, filled out applications, and proceeded as far as they could during the course of one visit. If testers were asked to interview on the spot, they did so, but they did not return to the employer for a second visit. The primary dependent variable, then, is the proportion of cases in which testers were offered the job on the spot, or in which the tester was called back for an interview, which as a whole we refer to as “positive responses.” Individual voice mail boxes were set up for each tester, to record employer responses.

In addition, at the completion of each employer visit, testers filled out a 4-page response form recording characteristics of the employer and details of their visit, including a detailed narrative of their experience and interaction with the employer. We also look at these records for additional insight into the differential treatment experienced by our testers.

Results

This paper focuses on the results of four person teams that test the impact of a criminal record on black and white job seekers. We start first with an analysis of the outcomes for white testers, as a means of establishing a baseline criminal record effect. We then move on to a comparison of experiences observed for black job applicants, with and without criminal records. Overall the results demonstrate that a criminal record has serious consequences for employment, and that these results interact with race to intensify the problems facing black ex-offenders.

Table 1 shows the rate of positive responses (callbacks or job offers) received by white testers by criminal status.³ White ex-offenders were three-quarters as likely to receive a callback relative to equally qualified white non-offenders (16 compared to 21 percent). At the

³ Predicted probabilities are generated from a logistic regression model in which positive responses are predicted as a function of criminal status, with controls for tester, team, sample source, and job type. Standard errors are corrected for clustering on employer.

very initial stages of the application process, then, a substantial number of individuals with criminal records are quickly eliminated from the pool under consideration.

Table 1. Probability of a Callback or Job Offer for White Applicants by Criminal Status

	Negative or No response	Positive Response	Total
Non-offender	79	21	100
Ex-offender	84	16	100

A number of experiences reported by the testers illustrate the range of employers’ reactions when confronted with ex-offenders as job applicants. In one case, Kevin, a white tester, reports his experience at a specialty foods store:

“I noticed a sign on the door which read, ‘Help wanted, part time, some experience’.... A few minutes later a man came out.... He told me that he had a great Part Time positions [and] there could be some full time positions opening [in] a while. He pointed at my response for reasons for leaving on the application right next to [the correctional facility] and said, ‘Why did you write parole?’ I said that I was currently on parole. [He] then looked me in the eye and said, ‘Did you commit a crime?’ I said yes. He then looked down at the sheet and said that he really wasn’t hiring right now....”

Kevin’s conviction record seemed to catch the employer by surprise. Within seconds, the many signals pointing to a job opportunity (help wanted sign, “great part time positions,” etc.) disappeared, as the employer decided he was no longer hiring, or at least not hiring Kevin.

Despite frequent unpleasant experiences, not all employers were unwilling to consider hiring ex-offenders. In fact, on a number of occasions, white testers encountered extremely sympathetic employers. In one instance, for example, Kevin, a white tester, records his experience in applying for a job at a car dealership:

“He saw the correctional facility [on my resume] and said, ‘We’re an Equal Opportunity Employer. We don’t care about this. About 75% of the people in this business have record anyway....’”

Kevin describes the end of the interview:

“He said he was going to call me. Then he said, ‘I know what you are thinking. This asshole is never going to call me. I will call you. Not because you have good sales experience but just because you need a chance.’”

This experience demonstrates an employer who is extremely sympathetic to the plight of an ex-offender looking for work. In fact, the employer appears willing to privilege the desire to give Kevin a second chance over his need for workers with relevant experience. Indeed, this employer called Kevin about the job two days later.

At another car dealership, Simon, also a white tester, records the following interaction:

“You were mixed up in some bullshit?” Yes, I said, but I’m just focusing on the future and trying to move on. “Well I’m a guy that likes to give second chances.”

Again, the employer offers reassuring remarks to the job applicant, emphasizing the value of “second chances,” and the desire to help guys like Simon get back on their feet.

Keith, another white tester, encountered a similar sentiment from the manager at a furniture rental store. He describes the manager’s comment at the end of the interview: *“My inclination is to say yes” (regarding hiring me)*. He added, *“My bosses, the owners, are a little more close-minded than me... Look, you paid, you don’t have to pay for it the rest of your fucking life. People make mistakes. I’ll get you my card.”*

In another interview, a restaurant manager who appears more concerned with Kevin’s well-being than with any concerns about his criminal past:

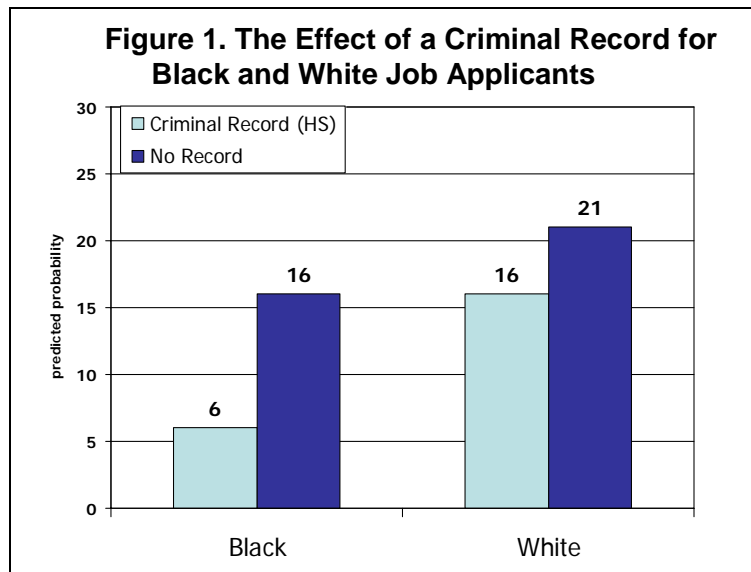
He then asked if I would like a job in the front of the house and would I be comfortable with it. I said I would. He then asked, “Would your parole officer care if you worked here?” I wasn’t sure what he meant and then he explained further. “This is the type of place where—I really shouldn’t be telling you this but—this is the type of restaurant where lots of drug deals are going on... [So] would he mind if you worked here?” I said I would be fine with it. He said, “I know that you would be fine with it, but will he?” I said yes. He said “OK I will have someone call you.”

While a criminal record does have a significant negative impact on the employment prospects of white job seekers, many employers are willing to look beyond the conviction and to emphasize the importance of “second chances.” At least among those employers who take the time to talk with the job applicant, a kind of empathy often develops between employer and job seeker, and this goodwill can translate into a substantial improvement in employment prospects.

Is it Harder for Black Ex-Offenders to Find Work?

White ex-offenders encountered rejection and sympathy, but the reaction to black ex-offenders was more often negative. Figure 1 contrasts results for black and white job seekers. The criminal record gap is larger for blacks than whites. Black job seekers just out of prison are much less likely to receive a job offer or callback from an employer than a black job seeker with no criminal record (6 compared to 16 percent). While white ex-offenders were three-quarters as likely to receive a callback or job offer than comparable white non-offenders, black ex-offenders were only a third as likely to receive consideration compared to

black non-offenders. The large criminal-record gap for blacks suggests that race and criminal status interact to intensify the stigma of official criminality.



Several testers’ experiences illustrate the strong reactions from employers. Following one interview, Dathan, an African American tester, reports the following experience:

“I gave Jennifer my resume, and she started stuttering, blinking her eyes, at a complete loss for words for about 3 long seconds, as if something on my resume had an electric shock cable attached to it...”

In another case, Anthony, also a black tester, describes the change in reception he perceives once his criminal record is noticed:

“She told me to hold on a second while she went to get someone [to interview] me. As she walked away she looked over my resume. She must have walked no more than 20 feet before she [stopped], turned around and said, ‘Thank you. I’ll pass this along.’ I can only assume that it was a result of my conviction.”

We do not know exactly why the employer declined to interview Anthony, but experiences like these were not uncommon. Black testers often reported noticing discomfort on the part of employers once they noticed the record. Employers also appeared less willing to discuss the record openly with black testers, and were less likely to use the language of “second chances,” a phrase that came up numerous times with the white testers. Though some employers expressed sympathy for the black ex-offenders (see below), most were less likely to want to discuss the black testers’ conviction, or to give them a chance to explain. Rather, in most cases, the criminal conviction was an immediate disqualifier.

Employers' Own Experiences

White ex-offenders often seemed able to elicit empathy from employers in ways that black ex-offenders found difficult. A number of employers made comments to the white testers explicitly acknowledging their identification with the young white men (“*When I was your age...*” or “*We’ve all made our mistakes*”). In conversations with black testers, these comments were less often observed. Racial identification appeared to provide an immediate basis for solidarity, and employers seemed to feel comfortable with a white kid who had made a big mistake but was working to move on.

For a particular group of employers, though, empathy grew from a different (or additional) source. Employers who had themselves had contact with the criminal justice system, or who knew others that had, were much more willing to see a prior conviction as an opportunity for self-improvement than an immediate disqualifier.

Here Keith, a white tester, reports his experience applying for a restaurant job:

“What were you arrested for?” Drug felony. “Ahhh, I have a couple friends that served time, paid their debt to society.” He was very sympathetic toward me and kept saying things about having paid my debt and being able to move on. He said he has a friend who was arrested and got 18 years for drugs.... “Oh, but you have your whole life ahead.” He told me he had been arrested for a felony assault; he didn’t say if he had served any time, but seemed comfortable about the subject.... He repeated the thing about paying your debt and said his friend that served 18 years now owns a real successful trucking company. He said he liked me and wanted to give me a shot. “Just come back tomorrow and talk to Kenny.”

In another case, Travis finds an empathetic employer who shares his own experience:

“What were you in prison for?” I said a drug possession. He said, “Cool man. Drugs are cool. Seriously, that’s not gonna matter to us. We’ve all been through that sort of thing. I was on parole for four years. I know what it’s like.”

An employer at a local restaurant reassured Simon about his conviction: “*Don’t worry, I’m familiar with some of the things on here [the criminal record] and you don’t have to worry. Everyone is human, everyone gets a fair shot.*” Likewise, Doug encountered an employer who commented that he “*had people working for him who had done much worse.*” These employers were comfortable with the issue of prior convictions, either through personal experience or through prior employees. This familiarity created a comfort level, and a willingness to look beyond the broad category of “offender” to evaluate the specific qualities of the candidate.

Black testers also found receptive employers among those with relevant prior experiences. Anthony reports the following interaction:

[After telling the employer (an African American woman) about the conviction, she said:] “Don’t worry, I just want to hear straight up what

happened. We hired someone who was in jail for 6 years and he worked out fine before he went on to do other things. He still comes by to thank us for giving him a chance.”

Likewise, Zuri recorded the following interaction with an employer for a janitorial staffing company:

“If you don’t mind my asking, what were you incarcerated for?” [Zuri explained the circumstances of the crime. The employer then went on to describe his own history with the police, the result of a housing dispute.] The cops came to where he was, read him his rights and put the cuffs on him. “It was terrible,” he said, “how they throw you in a cage and you have to get on a bus with everybody else and spend your time in a cell while you’re trying to prove your case.” He didn’t go into too many details, but she said he just wanted to put it behind him too. “I’ve been to jail and I know just because something went wrong and you’ve been inside doesn’t mean you have horns on your head.”

Thus blacks also benefited from employers’ prior experiences working with ex-offenders, or from their own contact with the criminal justice system. This familiarity helped employers to view the applicants as individuals with potential, rather than writing them off for a single offense. Unfortunately, these employers were not sufficiently prevalent to significantly improve the employment prospects of black ex-offenders overall. While a few cases illustrate positive interactions, the vast majority of employers appeared immediately uncomfortable with black ex-offenders, and unlikely to want to learn more.

Conclusion

The results of this study suggest that, even in New York, a state with explicit legal protections for ex-offenders, employers remain reluctant to hire applicants with criminal records. These effects are particularly pronounced in the case of black ex-offenders. While white ex-offenders were often given the benefit of the doubt—or encouraged with reference to “second chances”—black ex-offenders were less often given the opportunity to discuss the context of their past or to demonstrate their commitment to desistance in the present and future.

Analyzing the content of testers’ interactions with employers, we identified several factors that appear to promote empathy between employers and ex-offenders. Employers who had themselves had previous contact with the criminal justice system, or who had experiences with ex-offenders as employees, appeared far more sympathetic to the plight of these job applicants.

Overall these findings emphasize the importance of considering race in discussions of prisoner reentry. While all ex-offenders face certain common barriers to employment, minority status compounds these initial disadvantages and alters the opportunities available for “going straight.” In the context of growing racial disparities in incarceration, understanding the racial dimensions of prisoner reentry becomes all the more important.