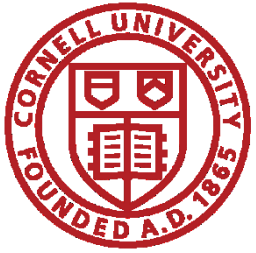# Criminal Record Inaccuracies and the Impact of a Record Education Intervention on Employment-Related Outcomes

Hassan Enayati, Timothy McNutt, Lars Vilhuber
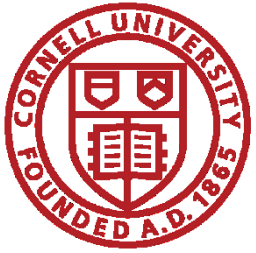
Cornell University

Presentation to DOL CEO on February 4, 2021

Principal Investigators: Martin T. Wells, Erin York Cornwell. Study team also included Esta R. Bigler, Linda Barrington, Erica Groshen.

Overview

- 5 minutes: Presentation of the Study

- 8 minutes: Results

- 2 minutes: Practical impact and next steps

The context

- Individuals who applied to a particular job (2010 Decennial Census) in 2009/2010 and were denied employment because of a criminal background check

- As part of lawsuit settlement, 6,714 class members made **choice**:
  - **[A]** Obtain education about their criminal record and legal options, plus assistance to possibly "clear" their criminal record **(n=3,539)**
  - **[B]** Early notice about hiring for the 2020 Decennial Census **(n=3,175)**
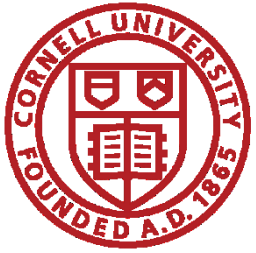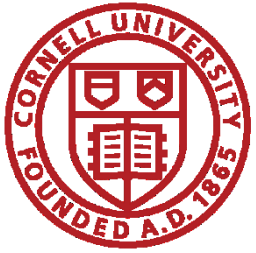
Two data sources

- Administrative data from the **records assistance remedy** [A only]
  - Participation
  - Results of in-person review of records
  - Conducted by **Cornell Project for Record Assistance (CPRA)**
- **Two waves of survey data** from ALL class members
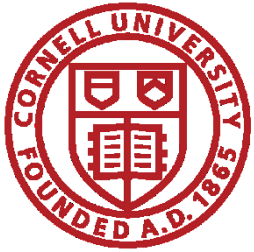 - Topics include employment, family structure, social network

2017   2018   2019   2020

May   August   January   February June   June
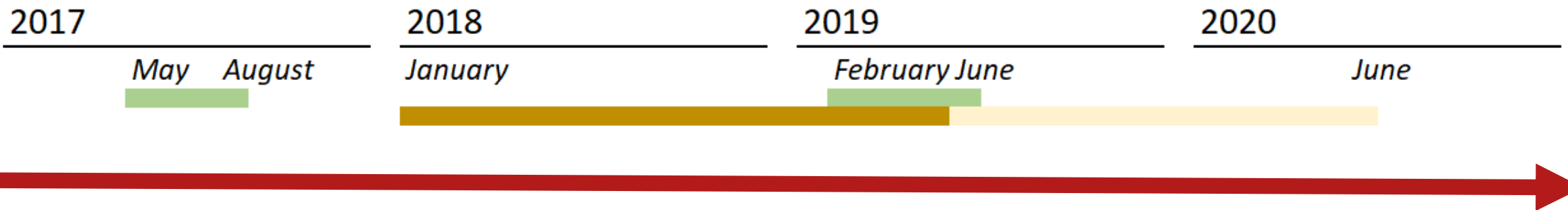
Note: training continued until June 2020, but data not included in the analysis reported here.

Administrative data from the records assistance remedy

- Collect criminal background screening (via a single Consumer Reporting Agency, CRA)
  - Local, state, federal levels
  - Identification of duplicates and dismissed entries by experts
- Schedule training session with A-filer
- Training session:
  - Teaching participants how to read and review their records for inaccuracies
  - Reviewing the record jointly, coding perceived accuracy

Two waves of survey data

- Survey instruments
  - Wave 1 https://hdl.handle.net/1813/59155 (conducted by CPRA)
  - Wave 2 https://hdl.handle.net/1813/65006 (conducted by **Cornell Criminal Records Panel Survey**, CCRPS, funded through this grant)

- Closely aligned with existing surveys for comparability
  - Current Population Survey (employment)
  - American Community Survey (demographics)
  - Several other surveys with questions exploring the field of criminal justice

- Initial contact by email
  - + 8 email reminders
  - + 2 phone contacts for follow-up
  - Option to respond on paper copy (Wave 1)

Results
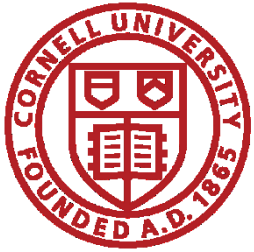
Results: Survey Wave 1
(conducted by CPRA)

- 3,518 of those who filed to participate in one of the remedies completed the Wave 1 survey.
  - **43.1% (AAPOR Response Rate 1) for completed surveys**
  - **52.3% (AAPOR Response Rate 2) incl. partial responses**
  - Majority of participants completed survey online (n = 3176), but
  - N=217 took the survey by phone
  - N= 125 completed a paper version of the survey and returned it by mail.
  - 50% of respondents A-filers (n=1,759) (not targeted!)
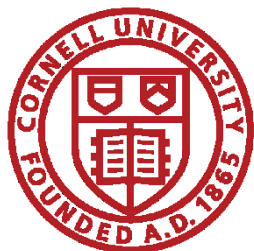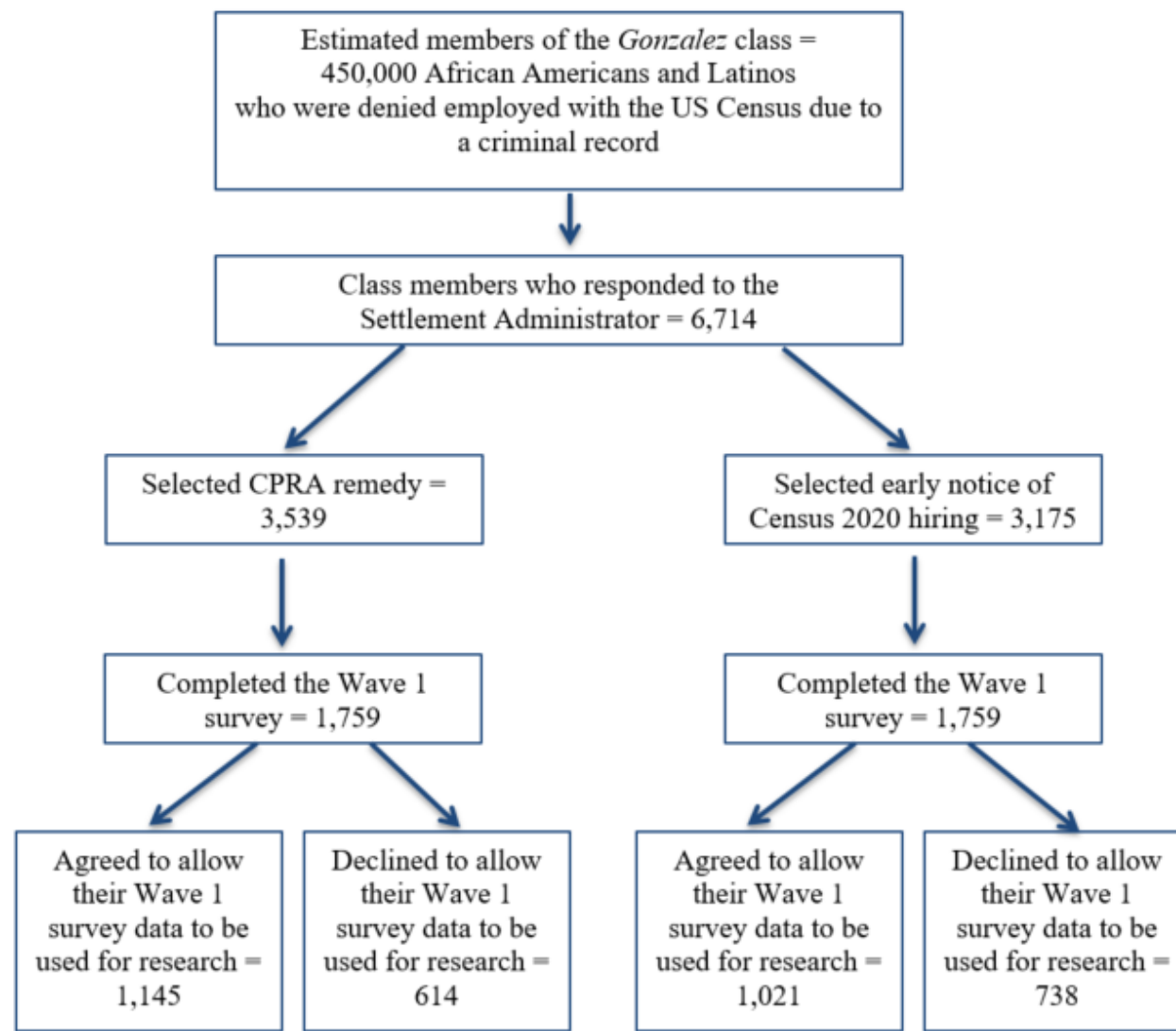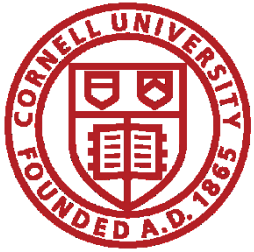- Of those, **2,166 consented to research use**

Response flow

Figure 1. Class Members' Participation in Remedies and the Wave 1 Survey

Estimated members of the *Gonzalez* class =
450,000 African Americans and Latinos
who were denied employed with the US Census due to
a criminal record

↓

Class members who responded to the
Settlement Administrator = 6,714

Selected CPRA remedy =
3,539

Selected early notice of
Census 2020 hiring = 3,175

Completed the Wave 1
survey = 1,759

Completed the Wave 1
survey = 1,759

Agreed to allow
their Wave 1
survey data to be
used for research =
1,145

Declined to allow
their Wave 1
survey data to be
used for research =
614

Agreed to allow
their Wave 1
survey data to be
used for research =
1,021

Declined to allow
their Wave 1
survey data to be
used for research =
738

Results: Survey Wave 2
(conducted by CRPS with DOL funding)

- Eligibility: 2,166 Wave 1 respondents with research consent
  - \+ 1,352 Wave 1 respondents who did not consent to use of their data were contacted asking to participate in Wave 2,
- 2,548 of Wave 1 respondents replied.
  - **67.3% (AAPOR Response Rate 1) for completed surveys**
  - **72.6% (AAPOR Response Rate 2) incl. partial responses**
  - Includes 836 Wave 1 respondents who had not provided consent for research use of Wave 1 data
    - N=495 (59.2%) provided retroactive consent for research use of Wave 1 data, which was subsequently transmitted from CPRA to the CRPS team
- **N=2,207 have complete Wave 1 + Wave 2 information** available for research use
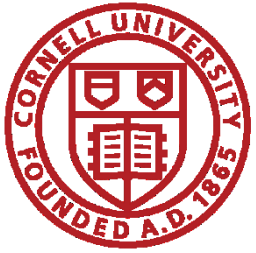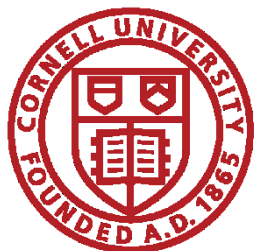
Representativeness at Wave 2

- We compare the Wave 2 sample to recent Census Bureau Pulse Household Survey sample
  - Sample skews (intentionally) to non-White
  - Older
  - Higher "some college"

Table: Characteristics of Respondents in CCRPS compared to Pulse Survey

	CCRPS Wave 2	Pulse Survey
Age		
18-39	25.9%	36.8%
40-54	37.1%	24.6%
55-64	26.2%	17.4%
65+	10.8%	21.1%
Gender		
Male	44.4%	48.4%
Female	55.6%	51.6%
Race/Ethnicity		
Black	73.2%	11.7%
Latino, non-Black	20.2%	16.8%
White and Other	6.6%	62.6%
Educational Attainment		
High school or less	20.9%	39.2%
Some college	48.0%	30.5%
Bachelor's or higher	31.1%	30.3%
Employment status		
Not working	42.0%	47.2%

Note: CCRPS Wave 2 data are not weighted. Employment status as measured at Wave 1. Pulse Survey data are taken directly from U.S. Census Bureau (2020), Employment Tables 1 and 2.
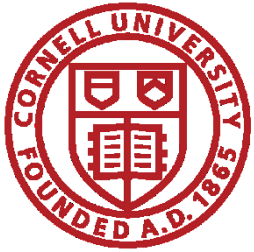
Research Questions

Research Question 1: Inaccuracies

- <5% at least 1 duplicate
- 28% at least 1 dismissed entry
- **30% have at least 1 error**

Table 2. Types of Inaccuracies and Perceptions of Criminal Records among CPRA-Trained Participants (n = 350)

|	%	N
Duplicate Entry		
At least one	4.6	16
None	95.4	334
Dismissed Entry		
At least one	28.0	98
None	72.0	252
Any Errors		
At least one	30.0	105
None	70.0	245

R2: Socio-demographic Variation in Inaccuracies

- **Inaccuracies highest for Black,** higher for Latino non-Black, lowest for Whites and Other (noisy)

- No strong differences (in this group) across education levels

- No strong differences for those working (at time of W1 survey)

- Decreasing in age

Figure 2. CPRA-Trained Participants with Inaccurate Criminal Records, by Race/Ethnicity and Socioeconomic Status (n = 350)
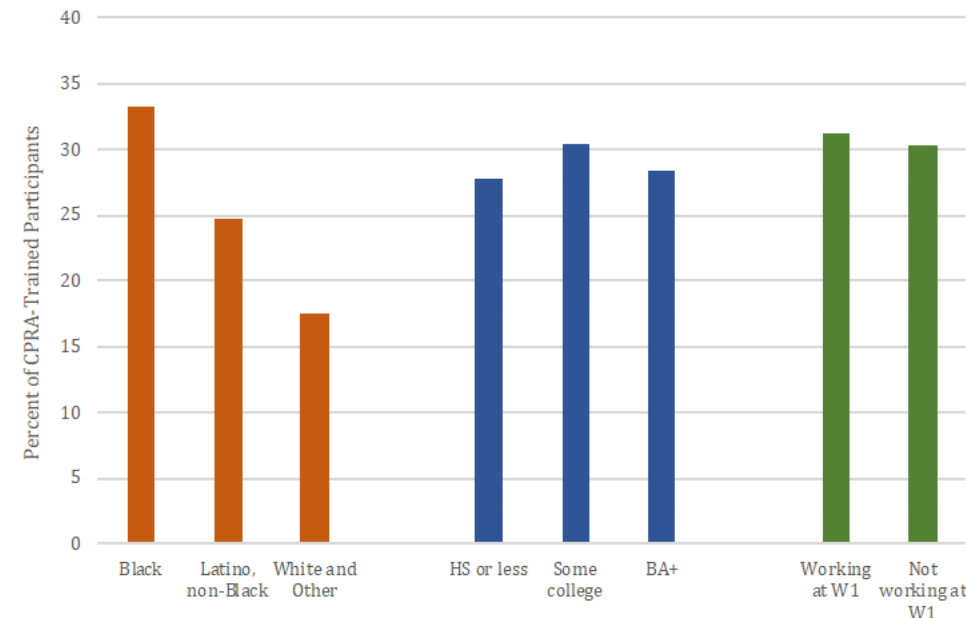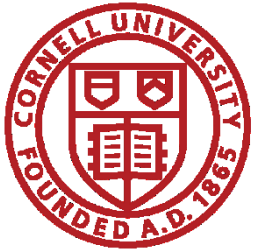
R3: Training and employment outcomes

- **working W1, training + accurate:** significantly **more** likely to have recently applied for a job or promotion (b = .167; p < .05)

- **not working W1, training + accurate:** significantly **less** likely to have recently applied for a job or promotion

compared to those who were not working and have not yet received the training.

Table 6. Results from Selection-Corrected Probit Regression Models Predicting Whether Participants Applied for a Job or Promotion in the Past 6 Weeks (n = 2,037 Wave 2 Respondents)

|	Model 1		Model 2		Model 3	
	b	(SE)	b	(SE)	b	(SE)
CPRA Status						
Untrained *(ref.)*	--	--	--	--		
Trained	-.041	(.046)				
Trained, Accurate Record			-.054	(.052)		
Trained, Inaccurate Record			-.010	(.075)		
Employed at Wave 1			.112**	(.040)		
Employment * CPRA Status						
Not working-Untrained *(ref.)*					--	--
Working-Untrained					.092+	(.048)
Not working-Trained-Accurate Record					-.146*	(.065)
Working-Trained-Accurate Record					.167*	(.082)
Not working-Trained-Inaccurate Record					.193	(.137)
Working-Trained-Inaccurate Record					-.061	(.087)
Constant	.550***	(.032)	.512***	(.038)	.520***	(.041)
N	2,096		2,096		2,096	

+ p < .10; * p < .05; ** p < .01; *** p < .001
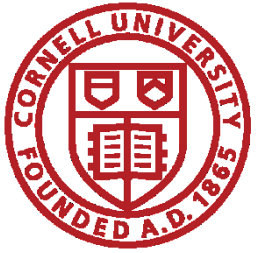
R4: subjective likelihood of job improvement

- W2 Question:
  "How likely are you to apply for a job, a promotion, or a new job in the next six weeks?"

- Selection-corrected differences:
  - Working W1, train + accurate:↑
  - Not Working W1, train + inaccurate:↑

Figure 5. Percent of Participants Who are Moderately, Very, or Extremely Likely to Apply for a Job/Promotion in the Next Six Weeks, by Remedy Group and Employment Status at Wave 1
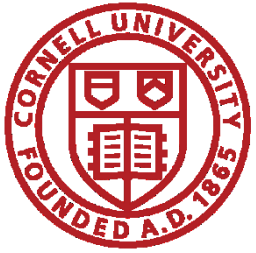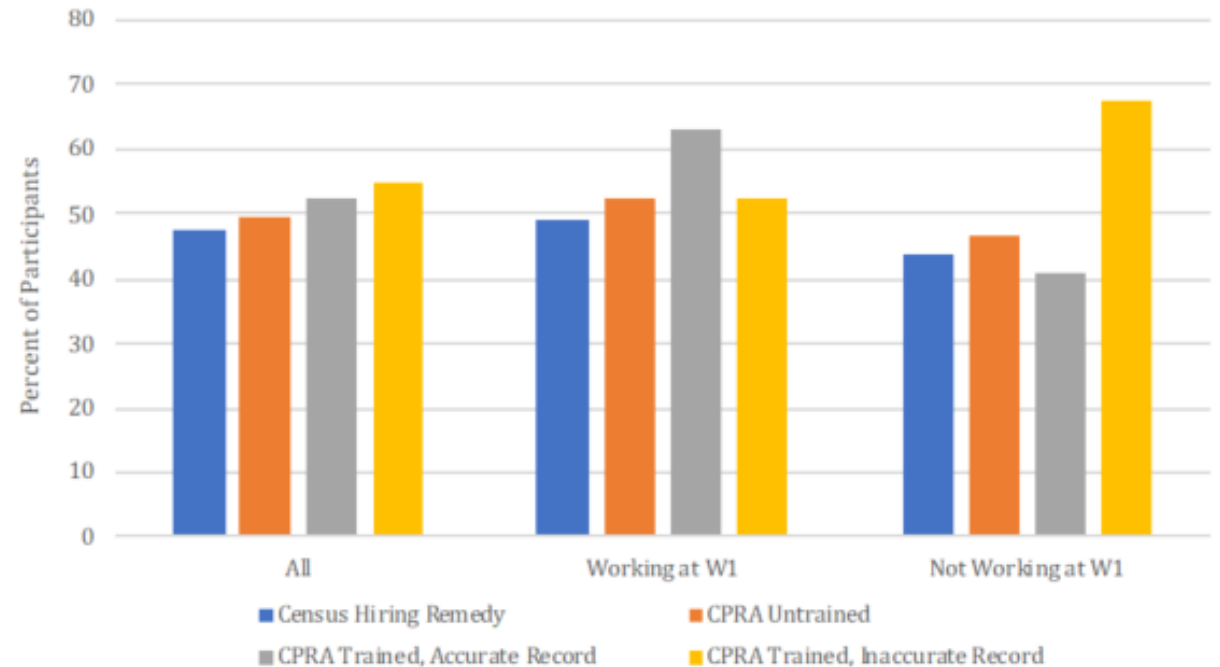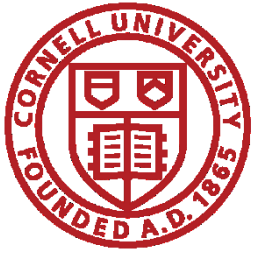
R5: Comfortable talking about CR?

- W2 Question:
  "How comfortable are you with talking to an employer about your criminal history?"

- Training correlated with _less comfort_

- Possible exception:
  not working + inaccuracies ↑
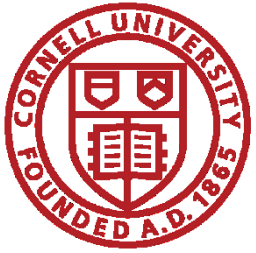 (not statistically different)

Figure 6. Percent of Participants who are Very or Extremely Comfortable Discussing their Criminal History with an Employer, by Remedy Group and Employment Status at Wave 1
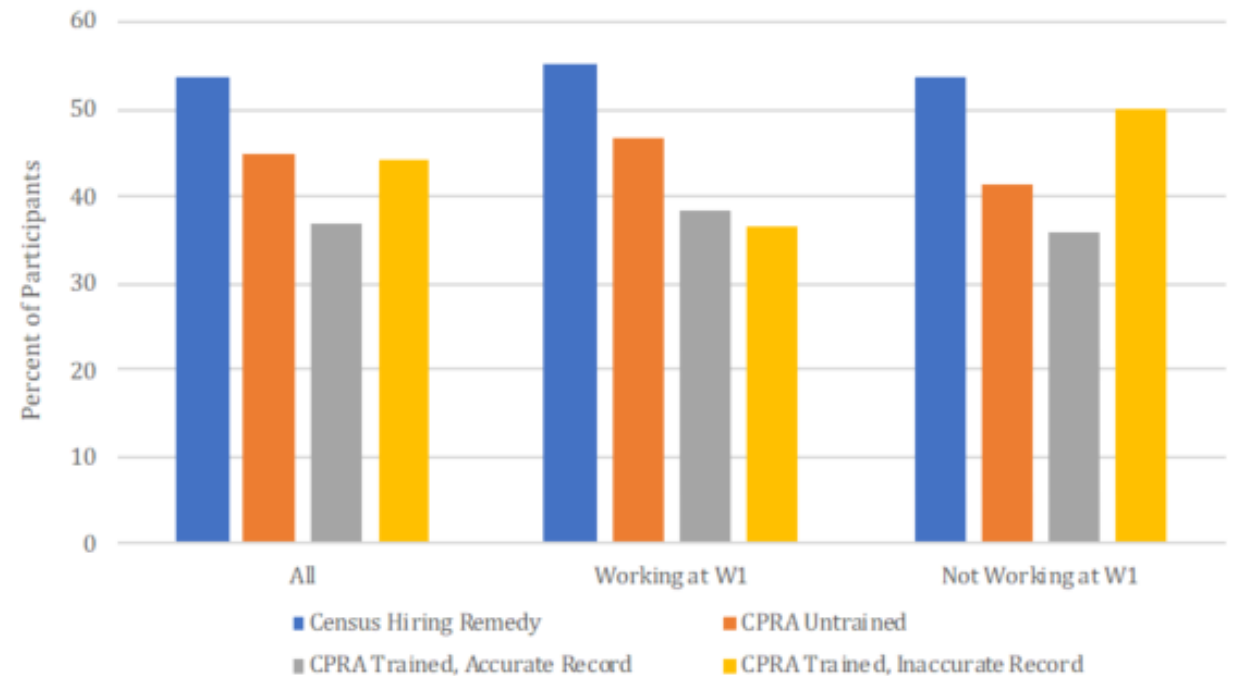
R6: More likely to take action?

- W2 question:
  ~ taken any action toward correcting, sealing, or expunging their criminal record since the Wave 1 survey

- Amongst the trained, those with **not working + inaccurate records** <u>**more likely**</u>↑

- <u>**No effect**</u> if **working + inaccurate record**

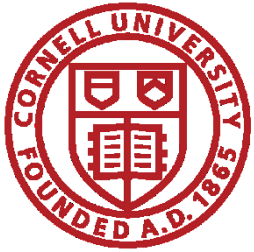- All trained more likely to **have contacted a lawyer** (not significant)

Other findings

- **Little evidence** of differences in *social engagement or civic engagement (volunteering)* between trained and untrained

- Some evidence of higher probability of **having checking account** for trained (+ accurate record

- No significant differences in agreement with these statements across the remedy groups, or across trainee status.

- Training + inaccuracies more likely to express feelings that law not legitimate/ legal procedures are unfair (45% vs. 41% untrained).

Future Directions
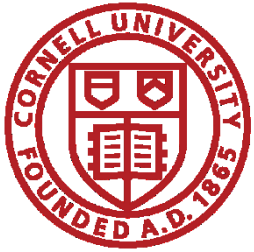
Wave 3 to start in next two weeks

- Funding through **Cornell Center for the Study of Inequality (CSI)**

- Monitoring of
  - Complete training cohort, taking action, effect of CR inaccuracies
  - Long-term outcomes/persistence

- Continuing measurement of
  - Employment status, labor market activity, income sources
  - Household environment

- New questions on
  - Health
  - COVID risk and exposure

Beyond Wave 3

- Wave 4+
  - Impacts of COVID crisis
  - Long-term health outcomes
  - Long-term economic outcomes
  - Intergenerational impacts (child sample?)
  - Disability subsample
- Qualitative research and intervention
  - Semi-structured interviews

- Replicating intervention with
  - Individuals under community supervision
  - Job-seeking individuals (in specific sectors)
  - CR education in "clean-slate" states
  - Targeting individuals with violent convictions, recent convictions

For questions:
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