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## Marked

## Race, Crime, and Finding Work in an Era of Mass Incarceration

While stratification researchers typically focus on schools, labor markets, and the family as primary institutions affecting inequality, a new institution has emerged as central to the sorting and stratifying of young disadvantaged men: the criminal justice system. With over two million individuals currently incarcerated, and well over half a million prisoners released each year, the large and growing numbers of

men being processed through the criminal justice system raises important questions about the consequences of this massive institutional intervention. Further, large racial disparities in incarceration lead us to question the degree to which mass incarceration has particular implications for stratification along racial lines.

This [chapter] focuses on the consequences of incarceration for the employment outcomes

This is a commissioned chapter that draws heavily on material in a previous publication (Devah Pager, "The Mark of a Criminal Record," *American Journal of Sociology* 108 [2003], pp. 937–975).

of black and white men. I adopt an experimental audit approach to formally test the degree to which race and criminal background affect subsequent employment opportunities. By using matched pairs of individuals to apply for real entry-level jobs, it becomes possible to directly measure the extent to which contact with the criminal justice system—in the absence of other disqualifying characteristics—serves as a barrier to employment among equally qualified applicants. Further, by varying the race of the tester pairs, it becomes possible to assess the ways in which the effects of race and criminal record interact to produce new forms of labor market inequalities.

### **Mass Incarceration and the Credentialing of Stigma**

Over the past three decades, the number of prison inmates has increased by more than 700 percent, leaving the United States the country with the highest incarceration rate in the world (Bureau of Justice Statistics, 2006; Mauer, 1999). During this time, incarceration changed from a punishment reserved primarily for the most heinous offenders to one extended to a much greater range of crimes and a much larger segment of the population. Recent trends in crime policy have led to the imposition of harsher sentences for a wider range of offenses, thus casting an ever widening net of penal intervention.

For each individual processed through the criminal justice system, police records, court documents, and corrections databases detail dates of arrest, charges, conviction, and terms of incarceration. Most states make these records publicly available, often through online repositories, accessible to employers, landlords, creditors, and other interested parties. With increasing numbers of occupations, public services, and other social goods becoming off-limits to ex-offenders, these records can be used as the official basis for eligibility determination or exclusion. The state, in this way, serves as a credentialing institution, providing

official and public certification of those among us who have been convicted of wrongdoing. The "credential" of a criminal record, like educational or professional credentials, constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economic, and political domains. As increasing numbers of young men are marked by their contact with the criminal justice system, it becomes a critical priority to understand the costs and consequences of this now prevalent form of negative credential (Pager, 2007b).

### **Racial Stereotypes in an Era of Mass Incarceration**

The expansion of the correctional population has been particularly consequential for blacks. Blacks today represent over 40 percent of current prison inmates relative to just 12 percent of the U.S. population. Over the course of a lifetime, nearly one in three young black men—and well over half of young black high school dropouts—will spend some time in prison. According to these estimates, young black men are more likely to go to prison than to attend college, serve in the military, or, in the case of high school dropouts, to be in the labor market (Bureau of Justice Statistics, 1997; Pettit and Western, 2004). Prison is no longer a rare or extreme event among our nation's most marginalized groups. Rather it has now become a normal and anticipated marker in the transition to adulthood.

There is reason to believe that the implications of these trends extend well beyond the prison walls, with assumptions of criminality among blacks generalizing beyond those directly engaged in crime. Blacks in this country have long been regarded with suspicion and fear; but unlike progressive trends in other racial attitudes, associations between race and crime have changed little in recent years. Survey respondents consistently rate blacks as more prone to violence than any other American racial or ethnic group, with the stereotype

of aggressiveness and violence most frequently endorsed in ratings of African Americans (Sniderman and Piazza, 1993; Smith, 1990). The stereotype of blacks as criminals is deeply embedded in the collective consciousness of white Americans, irrespective of the perceiver's level of prejudice or personal beliefs (Devine and Elliot, 1995; Eberhardt et al., 2004; Graham and Lowery, 2004).

While it would be impossible to trace the source of contemporary racial stereotypes to any one factor, the disproportionate growth of criminal justice intervention in the lives of young black men—and corresponding media coverage of this phenomenon, which presents an even more skewed representation—has likely played an important role. Experimental research shows that exposure to news coverage of a violent incident committed by a black perpetrator not only increases punitive attitudes about crime but further increases negative attitudes about blacks generally (Gilliam and Iyengar, 2000). The more exposure we have to images of blacks in custody or behind bars, the stronger our expectations become regarding the race of assailants or the criminal tendencies of black strangers (Cole, 1995).

The consequences of mass incarceration then may in fact extend far beyond the costs to the individual bodies behind bars, and to the families that are disrupted or the communities whose residents cycle in and out. The criminal justice system may itself legitimate and reinforce deeply embedded racial stereotypes, contributing to the persistent chasm in this society between black and white.

### **Assessing the Impact of Race and Criminal Background**

In considering the labor market impacts of race and criminal background, questions of causality loom large. For example, while employment disparities between blacks and whites have been well established, the causes of these disparities remain widely contested. Where racial discrimination may represent

one explanation, a growing number of researchers have pointed instead to individual-level factors such as skill deficits and other human capital characteristics as a key source of racial wage differentials (Neal and Johnson, 1996; Farkas and Vicknair, 1996). Likewise, assessing the impact of incarceration is not altogether straightforward. On the one hand, it's not hard to imagine that a prison record would carry a weighty stigma, with members of the general public (employers included) reluctant to associate or work with former inmates. On the other hand, criminal offenders aren't typically the image of the model employee. It's certainly possible that the poor employment outcomes of ex-offenders stem rather from characteristics of the offenders themselves, as opposed to any consequence of their criminal conviction. Poor work habits, substance abuse problems, or deficient interpersonal skills may be sufficient to explain the employment disadvantages of ex-offenders, and yet these characteristics are difficult to capture using standard data sources.

Given the difficulties inherent to evaluating the impact of race and imprisonment through conventional measures, I set out to investigate this issue by constructing an experiment. I wanted to bracket the range of personal characteristics associated with African Americans and ex-offenders in order to home in on the causal impact of race and a criminal record. The experimental audit methodology allowed me to do just that. Using this approach, I pose the questions: Given two equally qualified job applicants, how much does a criminal record affect the chances of being selected by an employer? To what extent does race condition employers' responses? In answering these questions, we can begin to understand the ways in which race and criminal background shape and constrain important economic opportunities.

### **The Audit Methodology**

The basic design of an employment audit involves sending matched pairs of individuals

(called testers) to apply for real job openings in order to see whether employers respond differently to applicants on the basis of selected characteristics. The current study included four male testers, two blacks and two whites, matched into two teams—the two black testers formed one team, and the two white testers formed a second team.<sup>1</sup> The testers were college students from Milwaukee who were matched on the basis of age, race, physical appearance, and general style of self-presentation. The testers were assigned fictitious resumes that reflected equivalent levels of education and work experience.<sup>2</sup> In addition, within each team, one auditor was randomly assigned a “criminal record” for the first week; the pair then rotated which member presented himself as the ex-offender for each successive week of employment searches, such that each tester served in the criminal record condition for an equal number of cases.<sup>3</sup> By varying which member of the pair presented himself as having a criminal record, unobserved differences within the pairs of applicants were effectively controlled.

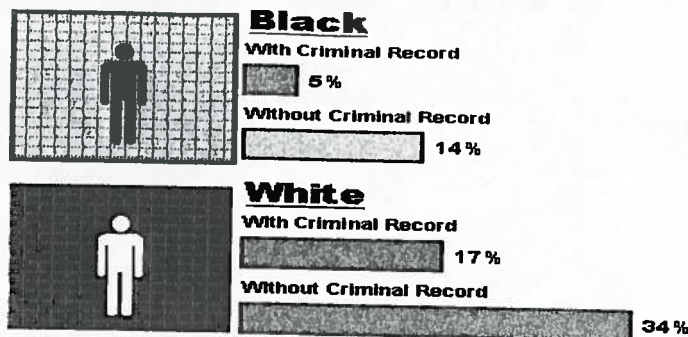
Before initiating the fieldwork, testers participated in a common training program to become familiar with the details of their assumed profile and to ensure uniform behavior in job interviews. The training period lasted for one week, during which testers participated in mock interviews with one another and practice interviews with cooperating employers. The testers were trained to respond to common interview questions in standardized ways, and were well-rehearsed for a wide range of scenarios that emerge in hiring situations. Frequent communication between myself and the testers throughout each day of fieldwork allowed for regular supervision and troubleshooting in the event of unexpected occurrences.

A random sample of entry-level positions (those jobs requiring no previous experience and no education beyond high school) was drawn each week from the Sunday classified advertisement section of the *Milwaukee Journal Sentinel*. The most common job titles in-

cluded waitstaff, laborers and warehouse, production/operators, customer service, sales, delivery drivers, and cashiers; a handful of clerical and managerial positions were also included. I excluded from the sample those occupations with legal restrictions on ex-offenders, such as jobs in the health care industry, work with children and the elderly, jobs requiring the handling of firearms (e.g., security guards), and jobs in the public sector. Of course, any true estimate of the collateral consequences of incarceration would also need to take account of the wide range of employment fully off-limits to individuals with prior felony convictions.

Each of the audit pairs was randomly assigned fifteen job openings each week. The white pair and the black pair were assigned separate sets of jobs, with the same-race testers applying to the same jobs. One member of the pair applied first, with the second applying one day later (randomly varying whether the ex-offender was first or second). A total of 350 employers were audited during the course of this study: 150 by the white pair and 200 by the black pair. Additional tests were performed by the black pair because black testers received fewer callbacks on average, and there were thus fewer data points with which to draw comparisons. A larger sample size enables the calculation of more precise estimates of the effects under investigation (for a more in-depth discussion of the study design, see Pager, 2003).

This study focused only on the first stage of the employment process, as this is the stage most likely to be affected by the barriers of race and criminal record. 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 applications that elicited callbacks from employers. Individual voice mail boxes were set up for each tester to record employer responses.



The effects of race and criminal record are large and statistically significant ( $p < .01$ ). The interaction between the two is not significant in the full sample.

Figure 1. The Effects of Race and Criminal Background on Employment

An advantage of the call-back as our key outcome variable—as opposed to a job offer—is that it does not require employers to narrow their selection down to a single applicant. At the job offer stage, if presented with an ex-offender and an equally qualified nonoffender, even employers with little concern over hiring ex-offenders would likely select the applicant with no criminal record, an arguably safer choice. Equating the two applicants could in fact magnify the impact of the criminal record, as it becomes the only remaining basis for selection between the two (Heckman, 1998). The call-back, by contrast, does not present such complications. Typically employers interview multiple candidates for entry-level positions before selecting a hire. In fact, in a subsequent survey, employers in this study reported interviewing an average of eight applicants for the last entry-level position filled. At the call-back stage, then, employers need not yet choose between the ex-offender and nonoffender. If the applicants appear well-qualified, and if the employer does not view the criminal record as an automatic disqualifier, s/he can interview them both.<sup>4</sup>

#### Hiring Outcomes by Race and Criminal Background

Results are based on the proportion of applications submitted by each tester which

elicited callbacks from employers. Three main findings should be noted from the audit results, presented in Figure 1. First, there is a large and significant effect of a criminal record for all job seekers. Among whites, for example, 34 percent of those without criminal records received callbacks relative to only 17 percent of those with criminal records. A criminal record is thus associated with a 50 percent reduction in the likelihood of a callback among whites. Often testers reported seeing employers' levels of responsiveness change dramatically once they had glanced down at the criminal record question on the application form. Many employers seem to use the information as a screening mechanism, weeding out applicants at the initial stage of review.

Second, there is some indication that the magnitude of the criminal record effect may be even larger for blacks. While the interaction between race and criminal record is not statistically significant, the substantive difference is worth noting. The ratio of callbacks for nonoffenders relative to offenders for whites was two to one (34 percent vs. 17 percent), while this same ratio for blacks is close to three to one (14 percent vs. 5 percent).<sup>5</sup> The estimated effect of a criminal record is thus 40 percent larger for blacks than for whites. The combination of minority status and criminal background appears to intensify employers'

negative reactions, leaving few employment prospects for black ex-offenders (200 applications resulted in only 10 callbacks).

Finally, looking at the callback rates for black and white tester pairs side by side, the fundamental importance of race becomes vividly clear. Among those without criminal records, black applicants were less than half as likely to receive callbacks compared to equally qualified whites (14 percent vs. 34 percent). This implies that young black men needed to work more than twice as hard (apply to twice as many jobs) to secure the same opportunities as whites with identical qualifications. Even more striking, the powerful effects of race rival even the strong stigma conveyed by a criminal record. In this study, a white applicant *with a criminal record* was just as likely, if not more, to receive a callback as a black applicant with no criminal history (17 percent vs. 14 percent). Despite the fact that the white applicant revealed evidence of a felony drug conviction, and despite the fact that he reported having only recently returned from a year and a half in prison, employers seemed to view this applicant as no more risky than a young black man with no history of criminal involvement. Racial disparities have been documented in many contexts, but here, comparing the two effects side by side, we are confronted with a troubling reality: Being black in America today is just about the same as having a felony conviction in terms of one's chances of finding a job.<sup>6</sup>

The results of this research suggest that both race and criminal background represent extremely powerful barriers to job entry. The matched design allows us to separate speculation about applicant qualifications (supply-side influences) from the preferences or biases of employers (demand-side influences). While this study remains silent on the many supply-side factors that may also contribute to the employment difficulties of blacks and ex-offenders, it speaks loud and clear about the significance of em-

ployer demand in shaping the opportunities available to job seekers on the basis of their race or criminal background. Before applicants have an opportunity to demonstrate their capabilities in person, a large proportion are weeded out on the basis of a single categorical distinction.

## Discussion

There is serious disagreement among academics, policy makers, and practitioners over the extent to which contact with the criminal justice system—in itself—leads to harmful consequences for employment. The present study takes a strong stand in this debate by offering direct evidence of the causal relationship between a criminal record and employment outcomes. Using matched pairs and an experimentally assigned criminal record, this estimate is unaffected by the problems of selection which plague observational data. While certainly there are additional ways in which incarceration may affect economic outcomes, this study provides convincing evidence that mere contact with the criminal justice system, in the absence of any transformative or selective effects, severely limits subsequent employment opportunities. And while the audit study investigates employment barriers to ex-offenders from a micro-perspective, the implications are far-reaching. The finding that ex-offenders are one-half to one-third as likely to be considered by employers suggests that a criminal record indeed presents a major barrier to employment. With over two million people currently behind bars and over 12 million people with prior felony convictions, the consequences for labor market inequalities are potentially profound.

Second, the persistent effect of race on employment opportunities is painfully clear in these results. Blacks are less than half as likely to receive consideration by employers relative to their white counterparts, and black nonoffenders fall behind even whites with prior

felony convictions. While this research cannot identify the precise source of employers' reluctance to hire blacks, it is important to consider the influence of high incarceration rates among blacks as one possible source of racial bias. Indeed, the available evidence points to the pervasiveness of images associating blacks with crime, and the power of these images to strengthen negative feelings about blacks as a group. It may be the case, then, that increasing rates of incarceration among blacks, and the disproportionate coverage of criminal justice contact among blacks in the media, heighten negative reactions toward African Americans generally, irrespective of their personal involvement in crime.

No longer a peripheral institution, the criminal justice system has become a dominant presence in the lives of young disadvantaged men, playing a key role in the sorting and stratifying of labor market opportunities. The "criminal credential" now represents a common marker among young disadvantaged men, allowing for the easy identification and exclusion of those with a prior arrest or conviction. Further, because blacks are so strongly associated with the population under correctional supervision, it becomes common to assume that any given young black man is likely to have—or to be on his way to acquiring—a criminal record.

At this point in history, it is impossible to tell whether the massive presence of incarceration in today's stratification system represents a unique anomaly of the late twentieth century or part of a larger movement toward a system of stratification based on the official certification of individual character and competence. Whether this process will continue to form the basis of emerging social cleavages remains to be seen.

#### NOTES

1. The two teams were sent to different employers in order to minimize suspicion that might otherwise arise from two similar applicants with similar criminal backgrounds applying within a short

time interval. In the present design, the criminal record effect is estimated as a within-team effect while race is measured as a between-team effect. While the latter is less efficient, the comparison should be unbiased. Black and white testers used identical resumes (something that would not have been possible had they visited the same employers) and were selected and trained to present comparable profiles to employers. Likewise, employers were randomly assigned across tester pairs, minimizing heterogeneity in employer characteristics by team.

2. Testers presented themselves as high school graduates with steady work experience in entry level jobs.

3. The criminal record in all cases was a drug felony, possession with intent to distribute (cocaine), and 18 months of prison time. Testers presented the information to employers by checking the box "yes" in answer to the standard application question, "Have you ever been convicted of a crime?" As additional cues, testers also reported work experience in the correctional facility and listed their parole officer as a reference (see Pager, 2003 for a more in-depth discussion of these issues).

4. A more in-depth discussion of methodological concerns, including limits to generalizability, representativeness of testers, sample restrictions, and experimenter effects is presented in Pager (2007b), appendix 4A.

5. While not significant in the full sample, this interaction becomes significant when analyzed specifically for suburban employers or among employers with whom the testers had extended personal contact (see Pager, 2007b, chap. 7).

6. These results do not appear specific to Milwaukee. Other audit studies have revealed effects of similar magnitude (see Pager, 2007a for a summary); and a replication of the present study in New York City comes to similar conclusions (Pager and Western, 2005).

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