

Protective State Policies and the Employment of Fathers with Records

Allison Dwyer Emory
Rutgers University
Email: allison.dwyer.emory@rutgers.edu
Phone: 848-932-4359

Revised September 17, 2018

ABSTRACT

Fathers with criminal records contend with widespread barriers to employment, despite evidence that employment both reduces fathers' risk for recidivism and mitigates the collateral consequences of parents' criminal justice involvement for children. To address these employment challenges, states have been adopting ban the box style policies to regulate how criminal records are used during the hiring and licensing processes. Recent evaluations of these programs have cast doubt on their effectiveness, however, raising concerns about the unintended consequences of statistical discrimination against young men from racial minorities. Using panel data from the Fragile Families and Child Wellbeing study merged with detailed longitudinal data on state-level policies protecting individuals with records from employment and licensing bans, this study investigates whether protective policies are associated with fathers' employment, including those with and without criminal records. Findings indicate that state policies protecting individuals with record are negatively associated with the employment of fathers with records. Race stratified models indicate this negative association is particularly strong for Black fathers, including those both with and without criminal records.

INTRODUCTION

Contact with the criminal justice system is pervasive in the United States. While incarceration rates have begun a slow decline, rates of system involvement remain high and criminal records have lasting consequences. Nearly one in three adults in the US has a criminal record (Goggins & DeBacco, 2018), including a disproportionately high number of African American men (Wakefield & Uggen, 2010). The extensiveness of criminal justice involvement means that a criminal record is no longer a rare marker of severe offenses but a common challenge faced by millions of citizens. Nearly 7.5% of all adults and one third of Black men have felony convictions on their records (Uggen, Manza, & Thompson, 2006), the most regulated and serious type of criminal record. Rather than a useful tool for identifying dangerous individuals, criminal records are now used to justify widespread legal exclusion from employment, social participation, and civic engagement (Kohler-Hausmann, 2013; Pager, 2007; Wakefield & Uggen, 2010).

The collateral consequences of criminal records have far reaching implications for intergenerational disadvantage, particularly since many criminal justice involved individuals and the majority of prisoners are also parents (Glaze & Maruschak, 2010). Risk of exposure to paternal incarceration has risen dramatically since the 1980s, such that by 1990 1 in 4 Black children and 1 in 25 White children experienced this event during their childhood (Wildeman, 2009). This number is even higher for the children of men with less than a high school education (Wildeman, 2009), a population of fathers already facing declining employment prospects in the new US economy (Cherlin, 2014; Mincy, 2006; W. J. Wilson, 1997). The economic losses associated with fathers' incarceration are particularly consequential for children's behavior (Dwyer Emory, 2018), adding to growing concern over the intergenerational implications of the

widespread parental criminal justice involvement (Wakefield & Uggen, 2010; Western & Wildeman, 2009; Wildeman, 2009).

In response to concerns about discrimination and disproportionate effects by race, there has been a growing movement to adopt policy solutions to mitigate the collateral consequences of criminal records. One approach that has been steadily gaining momentum are “ban the box” policies at the state and municipal levels. These policies, adopted in 150 municipalities and 31 states as of 2018 (Avery & Hernandez, 2018b), regulate employers’ use of conviction and arrest records during the hiring process and prevent blanket bans against individuals with records. These policies are intended to make employers to evaluate candidates on their qualifications rather than past criminal justice involvement. One study advocating for such policies estimates 65 million people have a criminal record that may endanger their ability to secure and retain employment (Rodriquez and Emsellem 2011). While a laudable goal, recent studies have called into question whether such policies achieve their goals. A growing body of work finds restricting employers’ access to criminal records may inadvertently increase discrimination against young, low-skilled, and minority men (Agan & Starr, 2016; Doleac & Hasen, 2016; Holzer, Raphael, & Stoll, 2007).

The current study investigates whether state-level policies regulating the use of criminal records for employment and licensing are associated with the employment of criminal justice involved fathers. Longitudinal data based on fathers’ interviews from the Fragile Families and Child Wellbeing Study, a cohort study of births occurring in urban areas in the late 1990s, are merged with a database of state- level employment policies from 1996-2010 to create a four-wave panel with information on fathers’ criminal justice involvement, employment, and exposure to protective state policies. In contrast to the ideals motivating such policies, findings

indicate that policies are associated with statistical discrimination against Black fathers both with and without criminal records. This study adds to a growing body of work finding that the unintended consequences for racial discrimination of such protective policies may outweigh any benefits. This paper concludes with a review of alternative policy approaches that may better promote the employment of criminal justice involved fathers without triggering statistical discrimination against the most vulnerable fathers.

BACKGROUND

Criminal justice involvement carries significant stigma in the United States, often compounding the social and economic consequences faced by individuals with criminal records and their families (Braman, 2004; Hagan & Dinovitzer, 1999; Wakefield & Uggen, 2010). Individuals experiencing incarceration and conviction face a very different and disadvantaged set of social and economic possibilities throughout their life course; to the extent that Wakefield and Uggen (2010) described current and former prisoners as a Weberian status group defined by the common and consequential mark of dishonor. While the criminal justice system processes individuals, these individuals are embedded within families as parents and partners, spreading the collateral consequences of involvement more widely and raising concerns about the intergenerational transmission of inequality. For these families, both the social and economic strains associated with criminal justice involvement have implications for family relationships and parent's ability to support their children (Braman, 2004; Geller, Cooper, Garfinkel, Schwartz-Soicher, & Mincy, 2012; Geller, Garfinkel, & Western, 2011).

For criminal justice involved parents, securing employment is a consequential component of preventing recidivism and taking on an active role within their families. For fathers, having a criminal record is associated with withdrawal from parenting roles (Lageson, 2016) and

diminished ability to financially support children (Geller et al., 2011). Fathers with a history of incarceration, a particularly extreme form of criminal justice involvement, provide less formal and informal child support (Geller et al., 2011; Swisher & Waller, 2008), and their children are more likely to both face economic hardship and be enrolled in government assistance programs (DeFina & Hannon, 2010; Schwartz-Soicher, Geller, & Garfinkel, 2011; Sugie, 2012; Sykes & Pettit, 2015). For children, fathers' social and economic impairment may in turn exacerbate the intergenerational repercussions of parental criminal justice involvement (Dwyer Emory, 2018; Wildeman, 2009). Finding employment is likely to mitigate these collateral consequences by providing both stable income and a secure attachment to pro-social roles (Lopoo & Western, 2005; Sampson & Laub, 1993; Uggen, 2000), but finding work is not an easy task and has been noted as one of the most challenging aspects of reentry for incarcerated individuals (Visher & Kachnowski, 2007).

Employment and Criminal Justice Involvement

Criminal justice involved men have tenuous attachments to the labor market (Visher & Kachnowski, 2007; Western, 2007; Western, Kling, & Weiman, 2001), reflecting the reciprocal relationship between employment and criminal justice system involvement in the United States. Individuals who lack stable employment are more likely to become involved in the criminal justice system or recidivate (Looney & Turner, 2018; Sampson & Laub, 1993; Uggen, 2000); and having a criminal record in turn makes it more difficult to secure stable employment (Pager, 2003; Pettit & Lyons, 2009). It is unsurprising in this context that men with a history of incarceration, a particularly extreme form of criminal justice system involvement, face impaired employment prospects lasting 5 years after release (Pettit & Lyons, 2009; Western et al., 2001) and are more likely to work underground or off the books (Sykes & Geller, 2017).

Having a high-quality job is associated with a reduced risk for criminal justice contact and recidivism, an association identified in early life-course studies of desistance from crime (Sampson & Laub, 1993) and replicated in later work with a wide range of data sets and robust methodological approaches (Apel & Horney, 2017; Denver, Siwach, & Buschway, 2017; Uggen, 2000). A recent study by Denver and colleagues quantified this association, finding an 8.4 percentage point decline in the likelihood of re-arrest for men with records who receive work authorization in New York (2017). Many programs have sought to capitalize on this association by improving training or work readiness of former inmates (Drake, Aos, & Miller, 2009), though evaluations indicate these programs often fail to improve employment or reduce recidivism (Bushway & Apel, 2012; Cook, Kang, Braga, Ludwig, & O'Brien, 2015; Visher, Winterfield, & Coggeshall, 2005; D. B. Wilson, Gallagher, & MacKenzie, 2000). These lackluster results despite strong evidence on the importance of employment suggest that addressing skills alone may be insufficient to improve the labor market outcomes of men with criminal records.

An equally large literature has established that having a criminal record impairs employment prospects. While many struggled on the labor market before their incarceration (Looney & Turner, 2018), the majority of state prisoners were nevertheless employed in the month preceding arrest (Travis, McBride, & Solomon, 2005; Visher et al., 2005). Though returning prisoners may experience a temporary improvement in labor market outcomes due to concentrated programming (Pettit & Lyons, 2009; Tyler & Kling, 2007), even motivated individuals note their records as impediments to employment (Visher & Kachnowski, 2007) and suffer long-term wage and employment penalties (Pettit & Lyons, 2009). Western quantified this loss as equivalent to several fewer weeks of employment per year for up to seven years (2001). Some of this disadvantage may be attributable to individuals' economic and family backgrounds

(Looney & Turner, 2018), negative skills acquired during incarceration, or eroded vocational skills (Pettit & Western, 2004; Western et al., 2001). A recent study by Lundquist and colleagues casts doubt on this offender-centered explanation, however. Using administrative records, authors find that military enlistees with felony backgrounds outperformed their counterparts across several domains (Lundquist, Pager, & Strader, 2018). These findings reflect rigorous military screening processes, which I will return to in the discussion section of this article, but also affirm that criminal justice involvement alone need not be a disqualifying attribute.

Despite evidence that criminal justice involved individuals are not universally worse employees, formerly incarcerated and criminal justice involved applicants face discrimination and barriers to entry into the labor market. These disadvantages are particularly stark for non-White applicants, for whom race and criminal record are compounding disadvantages (Pager, 2007; Pettit & Lyons, 2007; Visher & Kachnowski, 2007). In one of the first studies to quantify this disadvantage, Pager used an experimental audit study to measure discrimination in the earliest phase of the hiring process. She found that both white and black applicants are less likely to be called back after submitting a job application if they have a criminal record, though black applicants fared worst due to both racial and record discrimination (Pager, 2003). Subsequent studies have replicated these findings, varying geographic location and type of record. In a similarly designed study in New York City, Pager and colleagues found a criminal record reduced the likelihood of a callback or job offer by 50%, and Black applicants suffered twice as large a drop in callbacks as White applicants with records (Pager, Western, & Sugie, 2009). Uggen and colleagues found these results hold when applicants report a low level misdemeanor offense rather than a felony, though the cost of a criminal record is reduced if the offense was old or did not result in a conviction (Uggen, Vuolo, Lageson, Ruhland, & Whitham, 2014).

While some employers are sympathetic toward ex-offenders (Lageson, Vuolo, & Uggen, 2015; Pager, Western, & Sugie, 2009; Reich, 2017), patterns of discrimination indicate criminal records are broadly perceived as a disqualifying or stigmatized attribute in the hiring process. The majority of employers ask about criminal records in some way during the application process, particularly those hiring for positions in more economically advantaged areas or in the key low-skilled employment industries of retail, hotel, and warehouse work (Vuolo, Lageson, & Uggen, 2017). Such inquiries can range from specific questions about recent felonies to broad questions about ever having been charged with a crime (Vuolo et al., 2017). Employers have a motivation to screen individuals who are legally prohibited from working in certain occupations (Holzer et al., 2007), but there is a large body of evidence suggesting stigma also plays a consequential role (Pettit & Lyons, 2007). In their study of employers' use of background checks, Holzer and colleagues find ex-offenders fare worse than those in other stigmatized groups like the unemployed, irregularly employed, and welfare recipients (Holzer, Raphael, & Stoll, 2006). Firms' willingness to admit this bias against individuals with records varies. The majority of employers in Los Angeles reported they were unlikely to hire an ex-offender (Holzer et al., 2007), while the majority of employers in Milwaukee expressed willingness to do so (Pager & Quillian, 2005). The end result is the same, however: firms are less likely to hire individuals with records, particularly if applicants are non-White (Holzer et al., 2007; Pager & Quillian, 2005). From the perspective of hiring managers, many perceive ex-offenders a risky hire due to potential liability for the company (Finlay, 2008; Jacobs, 2015, Chapter 14; Lageson et al., 2015; Pager, Western, & Sugie, 2009) or concerns over personal dishonesty (Bushway, Stoll, & Weiman, 2007; Lageson et al., 2015). Affirming the key role of perception over legal restrictions, individuals with criminal records are less likely to be screened out when hiring

managers have more discretion (Lageson et al., 2015), have personal interactions with the applicants (Pager, Western, & Sugie, 2009), or face a limited applicant pool (D'Alessio, Stolzenberg, & Eitle, 2014; Doleac & Hasen, 2016).

Policy Protections for Individuals with Records

Jurisdictions have been implementing policies to address such discrimination by preventing the use of criminal records during the hiring process. These types of policies fall under the umbrella term “ban the box,” referring to the check box on many applications indicating whether the individual has a record. In contrast to policies that incentivize the hiring of individuals with records (Looney & Turner, 2018) or enhance their job skills (Drake et al., 2009), these types of policies aim to ensure fair treatment by preventing employers from screening out candidates whose offenses may be unrelated to the job during the hiring process (Avery & Hernandez, 2018a; Legal Action Center, 2004; Rodriguez, 2017). While there is significant variation in these policies (Avery & Hernandez, 2018b; Legal Action Center, 2004; Smith, 2014), each regulates the type of information employers can access or consider during the hiring process.

Policies regulating the use of criminal records in hiring have been implemented in 150 municipalities and 31 states as of 2018 (Avery & Hernandez, 2018b). Some private employers have also adopted these policies, though it is less clear how these corporate policies translate to the local hiring process (Lageson et al., 2015; Stacy & Cohen, 2017). The first state to adopt such a policy was Hawaii, which enacted a law in 1998 to prevent public or private employers from inquiring about conviction history until after an offer is made and prevent the withdrawal of that offer unless the conviction has a “rational relationship” to the job itself (D'Alessio, Stolzenberg, & Flexon, 2015). States typically distinguish between public and public contract

employers, private employers, and licensing agencies, in part reflecting the order in which laws are typically passed (Doleac & Hasen, 2016; Legal Action Center, 2004). The inclusion of licensing agencies at the state level is notable, as 35% of employees require a government issued license for their job, including one quarter of those with a high school degree (Kleiner & Krueger, 2013). In their review of state-level barriers faced by individuals with criminal records, the Legal Action Center also make a point of identifying states that have legislated against blanket bans against individuals with records or the use of arrests not leading to conviction during hiring (Legal Action Center, 2004). This distinction acknowledges that even those who have not been convicted of crimes may also face discrimination in the hiring process, though possibly to a lesser degree (Uggen et al., 2014).

In theory, these policies should help individuals with criminal records find employment by reducing discrimination during the hiring process. There is some evidence that this may be the case. Some studies have indicated that labor market outcomes for individuals with records are worse when criminal records are readily accessible (Finlay, 2008). Evaluations of specific ban the box policies have also produced promising results, though many were based on less rigorous statistical approaches. In both Durham, NC, and Washington, DC, the implementation of local ban the box policies increased the number of applications from individuals with criminal records and resulted in a larger proportion of such individuals hired by the city (Atkinson & Lockwood, 2014; Berracasa, Estevez, Nugent, Roesing, & Wei, 2016). In an evaluation of Hawaii's policy, D'Alessio and colleagues found that felony defendants were 57% less likely to have prior convictions after the passage of the state law (2015), suggesting a link with reduced recidivism. In the latter study, authors attribute their findings to the removal of the stigmatizing label of criminal from job applications, though they do not directly observe employment.

A growing body of work examining the association between ban the box policies and statistical discrimination by race, cast doubt on whether these policies are achieving their intended goal. While limiting employer access to stigmatizing information will ideally improve employment among the stigmatized group, theories of statistical discrimination suggest instead that employers will still seek to avoid hiring the stigmatized group using other means of determining their status. In the case of criminal records, employers may instead discriminate against groups deemed likely to have records- namely young, low-skilled men from racial minorities. Teasing apart discrimination on the basis of race and criminal records is difficult, as there is significant overlap between employers willing to discriminate on both fronts (Pager, Western, & Bonikowski, 2009; Pager, Western, & Sugie, 2009). Callback studies preceding ban the box policies show that Black men without records are as likely to be called back as White men with records (Pager, 2003; Pager, Western, & Bonikowski, 2009). In the case of imperfect information on records, which can be the case due to the cost of checking records even if legally allowed to ask, racially discriminatory hiring practices may reflect statistical discrimination against those with records (Finlay, 2008; Holzer et al., 2006).

When applied to ban the box style policies, the possibility of statistical discrimination means three key perspectives should be considered: the effect of policies on individuals with records, the net effect of these policies on racial or sociodemographic groups at greatest risk of criminal justice involvement, and the effect of policies on individuals without records from these stigmatized populations. Statistical discrimination at the group level should be higher when employers have less information and lower when more information is available. For those who are in a group perceived to be at greater risk for the stigmatized attribute, proving that you do not have the disqualifying attribute can improve outcomes. This relationship has been observed in

studies of drug testing (Wozniak, 2014), personality testing (Autor & Scarborough, 2008), and access to state criminal record databases (Bushway, 2004; Finlay, 2008; Holzer et al., 2006). Indeed, Holzer and colleagues find employers who report an aversion to hiring individuals with records are 8.4 percentage points more likely to hire Black men if they perform criminal background checks (2006). In an audit study done after passing ban the box laws in New York City and New Jersey, Agan and Starr find that employers were 62% more likely to call back Black applicants without records than with records before the passage of the laws, and firms with larger criminal record gaps before laws went into effect had larger racial gaps in callbacks after the policies prevented employers from asking about records (2016). Similarly, when looking at the net effect of restricted criminal record information on racial discrimination, methodologically rigorous studies have found ban the box polices to increase racial discrimination (Agan & Starr, 2016; Doleac & Hasen, 2016; Vuolo et al., 2017) as employers manage risk by preferring older, female, and White individuals (Agan & Starr, 2016; Doleac & Hasen, 2016). Based on data used in these previous studies, it has been difficult to evaluate these effects for individuals with criminal justice records. Nonetheless, it is likely that statistical discrimination undermines any improvements in former offenders' employment prospects.

Hypotheses

This study examines the implications of state-level employment protections for criminal justice involved fathers, a group of particular interest for researchers and policymakers alike. Prior research on similar policies, although at different jurisdictional levels and on different populations, suggest two competing hypotheses. On one hand, policies preventing the use of criminal records in the hiring process are intended to prevent criminal records from being the sole determining factor in order to improve the employment prospects of individuals with

records (Avery & Hernandez, 2018b; Rodriguez & Emsellem, 2011). In line with this intention, the first hypothesis posits that more protective policies should be associated with a) higher employment among men with criminal records, and b) will moderate the negative association between criminal records and employment outcomes. On the other hand, a growing number of studies suggest that withholding desired information from employers, namely the criminal record of potential employees, may instead lead employers to use racial heuristics for criminal justice involvement (Doleac & Hasen, 2016; Stacy & Cohen, 2017). Building from this research, the second hypothesis posits that more protective policies should be associated with a) lower employment among Black and Hispanic men with criminal records, and b) lower employment among all Black and Hispanic men, regardless of t criminal record, but potentially higher employment among White men.

METHODS

Data

The Fragile Families and Child Wellbeing Study (FF) is a longitudinal study following the families of children born in 20 US cities between 1998 and 2000 (Reichman, Teitler, Garfinkel, & McLanahan, 2001). Importantly for this study, FF includes an oversample of unmarried parents, which combined with the urban sample have made this a foundational data source for studying the effects of criminal justice involvement on families (Schwartz-Soicher et al., 2011; Sykes & Geller, 2017; Turney, 2017; Wildeman, 2010). Both mothers and fathers were interviewed at the time of the child's birth, with follow up interviews occurring with both parents when the child was one-, three-, five-, nine-, and fifteen-years-old. The present study uses father interviews from waves 2 (one-year) through 5 (nine-year) of the study, where fathers were asked comprehensive questions about their criminal justice system involvement. The response rates for

fathers in these waves ranged from 74% at wave 2 to 59% at wave 5, a limitation addressed in detail in the discussion section. FF data are then merged by year and the father's state of residence at the time of the interview with a unique dataset containing state-level longitudinal data on labor market and criminal justice system outcomes as well as policies protecting individuals with criminal records from disclosure or discrimination during the hiring process.

Data are organized as an unbalanced father-year panel with 10,339 observations in the analytic sample. As shown in Table 1, there was variation in the year that interviews were conducted within waves, ranging from 1999 to 2010 in the final analytic sample. Following Sykes and Geller (2017), 6 observations were dropped from the analysis since interviews for different waves occurred within the same year. Of the 4898 families in FF, 806 fathers were not interviewed in any of the waves used in this study. Due to data limitations, fathers were dropped from the panel if they were not interviewed in wave 2 of the survey or did not respond to the criminal justice history questions (721 fathers) or if they did not report their race or ethnicity (3 fathers). Fathers were dropped at a particular wave, though not necessarily from the panel, if they did not participate in the wave (295 observations at wave 3, 513 observations at wave 4, and 909 observations at wave 5) had missing reports of criminal records or employment (32 observations), did not report the state in which they resided or had moved abroad or to a US territory (101 observations), reported living in Massachusetts before 2001 due to missing data for that state (64 observations), or reported living in Washington DC due to missing data on imprisonment rates (3 observations). To ensure fathers were eligible for employment at the time of the survey, observations were also dropped if fathers were in jail at the time of their interview (361 observations). The final analytic sample includes 10,399 observations of 3119 unique fathers who participated in one (4%), two (15%), three (27%) or all waves (54%) of the survey.

Multiple imputation with chained equations was used to address item specific non response on FF survey questions, though most variables had less than 10% missing data. Ten imputations were created, and findings presented reflect pooled results.

[Table 1 around here]

Measures

State Employment Policies

State employment policies are based on coding developed by the Legal Action Center for their 2004 report on “Roadblocks to Reentry”, and updated in 2009, to measure state policies that make securing employment more difficult for individuals with criminal record (Legal Action Center, 2004; Legal Action Center, 2009). Other components of these data have been used by previous authors to model the employment outcomes of criminal justice involved individuals as a function of access to online records (Bushway, 2004; Finlay, 2008). The original coding was expanded to include policies for all states from 1996-2014, and reversed so larger scores reflect more protective policies rather than barriers. States were scored on the following criteria: 1) private employers, public employers, and/or licensing agencies are not allowed to ask about or consider arrests when making hiring decisions, 2) private employers, public employers, and/or licensing agencies are not allowed to deny jobs or fire anyone on the basis of their criminal record rather than through an individualized determination of qualifications. From these six measures, three separate variables are created marking the level of protection available for individuals with criminal records. First, all six variables are combined into a mean total employment scale where 0 indicates there are no state policy protections in place and 1 indicates neither employers nor licensing agencies can ask about arrests that did not lead to convictions or

disqualify individuals from employment on the basis of their criminal record.¹ Second, a subscale was created of policies regulating public and private employers ranging from 0 (*no employer protections*) to 1 (*employer protections in place*). Preliminary analyses separated these into two scales for private and public employers, but they performed similarly in models and are combined into this single employer scale for the present study. Third, a subscale was created of the measures of licensing agencies ranging from 0 (*no licensing protections*) to 1 (*all licensing protections in place*).

These variables are lagged by one year to ensure that exposure to the policy occurred before the measurement of the fathers' employment, as 5 states changed their policies at some point between 1999 and 2010. As of 2004, which coincides with the fielding of the wave 4 survey, the LAC reported 37 states permitted employers and licensing agencies to consider arrests that never led to convictions, 14 states regulated public employers consideration of criminal records, and 5 regulated private employers consideration of records (Legal Action Center, 2004). By 2009, when LAC updated their report, five states had put additional protective policies in place (Legal Action Center, 2009). Fathers included in the panel live in 46 unique states, meaning there is some limited within-father variation in policy regime (15% of the sample) associated with both policy changes (53% of variation) and moving (47% of variation).

Criminal Records

At Wave 2, fathers self-reported whether they had ever been stopped by police, booked or charged with breaking the law, convicted of a crime, or incarcerated. Fathers also report the nature of the offense if they report having been charged or convicted. In subsequent waves, the

¹ Three states scored a 1 at some point in the time series: Hawaii, New York, and Wisconsin. Seventeen scored a 0 at some point in the time series: Alabama, Delaware, Georgia, Idaho, Iowa, Maryland, Mississippi, Nevada, North Carolina, Ohio, Oklahoma, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wyoming. The remaining 26 states in the panel had a mix of policies between these two extremes.

language of these questions were changed to ask whether this contact with the criminal justice system had occurred either since the last wave or since the last interview. Using these questions, I am able to construct several measures of fathers' criminal justice contact. Fathers were coded as having a criminal record if they reported having been booked or charged, convicted, or incarcerated in the current or in any previous wave.

Additional measures of fathers' criminal justice contact are created to address specific data limitations and theoretically relevant pathways. First, fathers are identified as having any record with or without incarceration between the Wave 2 and current survey wave. The FF data cannot identify precisely the timing of incarceration, nor whether the incarceration was associated with an arrest or conviction. Recent incarceration may be particularly consequential for fathers' job skills (Western et al., 2001), more difficult to hide on a job application, or be perceived by employers as higher risk (Doleac & Hasen, 2016). Second, fathers were coded as having a recent criminal record if they reported being booked or charged, convicted, or incarcerated between wave 2 and current survey wave. This measure is used to address possible conflation of juvenile and adult records in wave 2 reports, including the possibility that records are sealed (Geller, Jaeger, & Pace, 2016), as well as to identify fathers whose recent contact may be of most concern to employers (Doleac & Hasen, 2016; Uggen et al., 2014). Third, while fathers were not asked whether their convictions were felonies or misdemeanors, a consequential distinction for both policies and employers, fathers do report on the type of conviction and mothers report on the type of offense if the father was incarcerated. This joint report of offense type is used to identify fathers with drug and violent offenses on their records, which are more likely to be felonies or receive more harsh judgment from employers (Holzer et al., 2007), compared to those with less serious offenses. This is admittedly an imperfect approximation

since it omits serious property offenses and may erroneously include drug offenses that do not reach the felony threshold². While it is possible to make finer distinctions with the data, I rely on this more conservative distinction to acknowledge both measurement and conceptual ambiguity in these reports. Finally, the fathers' record is aligned with state policy in the year before the current wave to determine whether the fathers' criminal record is one that would theoretically be protected in his state. Fathers with criminal records are coded as having a protected record if they live in a state that prevents blanket bans on policies or if they do not report a conviction and they live in a state that prevents the consideration of arrests that did not lead to convictions.

Employment

Fathers reported at each wave whether they did any regular work for pay, including work done for their own business or for a regular paycheck. To more fully capture fathers who are self-employed in the formal economy, following Sykes and Geller's definition of employment (2016), fathers are also coded as being employed if they report that they "have a job" or "own a business" at each wave.

Controls

Models adjust for a set of father attributes and state-level controls that may be associated with employment besides protective policies. Measures of fathers' household poverty and substance use at the time of the child's birth, race and ethnicity, whether parents were married at the time of the birth, whether the father reported incarceration before wave 2, and self-reported impulsivity at wave 2 (Cronbach's alpha .84) are included in fully controlled models. Time

² The distinction between a felony offense and a misdemeanor is often a measure of degree. In New York for example, the difference between a felony and misdemeanor assault is a question of intent and injury (Penal Code 120.00-120.12, <https://statelaws.findlaw.com/new-york-law/new-york-assault-and-battery-laws.html>). Similarly, the distinction between felony and misdemeanor drug offense is the intent to sell or the amount possessed (<https://codes.findlaw.com/ny/penal-law/pen-sect-220-06.html>). These two types of offenses have been selected since they escalate quickly from misdemeanor to felony, but it is likely that some of the offenses classified as serious in this analysis are misdemeanors rather than felonies.

varying measures of fathers' age, education, and whether the father reports living in a different state than that reported in the wave 2 survey are also included. To allow for lagged associations between the labor market and fathers' employment, models control for the state unemployment rate (U.S. Bureau of Labor Statistics, 2018), imprisonment rate (Carson & Mulako-Wangota, 2018), and uniform crime reports of violent and property crime rates (Federal Bureau of Investigation, 2018), and Gini coefficient measuring income inequality (Frank, 2015) in the fathers' state the year prior to the interview. Models also adjust for the census region of the father's state.

Analytic Strategy

To take advantage of variation in policies over time, within, and between fathers in the panel, random effects models are used to model the association between state policies and fathers' employment. All models are estimated using robust standard errors, which in a random effects framework adjusts for clustering at the person level, and all models control for the wave of the survey to adjust as much as possible for variation in attrition and survey design. Two sets of models are estimated. First, the association between policies and employment are modeled for the subsample of fathers with a criminal record at the time of the survey. These models test whether variation in policies is associated with better employment outcomes among criminal justice involved fathers, as intended by policymakers. Second, models are estimated for all fathers in the sample with an interaction between the state policy and whether the father has a criminal record. These models test whether policies moderate the negative association between having a criminal record and employment. These full sample models also model the prediction from the second hypothesis that policies of this kind may have negative spillover effects for fathers without records. To evaluate whether these policies have different implications for fathers

from racial minorities, as suggested by prior research (Agan & Starr, 2016; Doleac & Hasen, 2016; Pager, Western, & Bonikowski, 2009), stratified models are estimated for the subsamples of White, Black, and Hispanic fathers. As an additional test of the statistical discrimination hypothesis, the second set of models are further stratified by whether fathers were 25 or younger or over 25 with the expectation that statistical discrimination will be concentrated among young men (Holzer et al., 2006).

Sensitivity Analyses

Three additional sensitivity analyses are included to test the robustness of these findings. First, models are re-estimated using a time varying measure of recent incarceration. Distinguishing between fathers whose records include recent incarceration or not addresses whether findings are driven by incarceration rather than records alone. Second, models are estimated using a time varying indicator of whether the father has been arrested or convicted since the wave 2 survey. Using this measure of recent criminal justice involvement and controlling for baseline incarceration addresses the possibility that older records are less consequential for employment (Lageson et al., 2015; Uggen et al., 2014) or more likely to have been sealed or expunged and thus no longer part of fathers' criminal records (Geller et al., 2016; Lageson, 2016). Third, models are stratified by father age to provide a further test of statistical discrimination, which should be more pronounced among young fathers (Agan & Starr, 2016; Doleac & Hasen, 2016).

FINDINGS

Criminal justice contact is common among fathers in FF, as shown in Table 2. Even among the majority of fathers whose contact falls short of a criminal record (6669 observations representing 2123 unique individuals), 42% reported contact with the police. Approximately

one-third of fathers (3670 observations representing 1297 unique individuals) report an arrest, conviction, or incarceration likely to result in a criminal record. Convictions and serious offenses constitute the majority of contact reported by fathers with records, and approximately half of these records are likely protected by policies in the fathers' state of residence. In preliminary models, not shown in this paper but available upon request, having a criminal record was associated with a 5 percentage point reduction in the probability fathers were employed after controlling for father and state attributes in a random effects model. The negative association is stronger for non-White fathers, those with recent criminal records or serious offenses, and for those who were recently incarcerated.

[Table 2]

Fathers lived in 46 unique states within the panel and were distributed across the country. These states vary widely with respect to their policies, as summarized in Table 3, falling on average at .37 on the scale of 0 (no protective policies) to 1 (all protective policies) with slightly higher scores for protective licensing policies and slightly lower scores for policies governing private and public employers. These laws govern the use of arrest information by employers (33% of state years, 21% applying to both private and public employers) and licensing agencies (34% of state years), and prohibit blanket bans on individuals with records by employers (35% of state years, 12% applying to both private and public employers) or licensing agencies (48% of state years). The context of these policies also vary widely, and between 1999 and 2010 states were reported to have a wide range of employment rates, income inequality, imprisonment rates, and crime rates.

[Table 3]

Policy Protections and Employment

The models presented in Table 4 test the first hypothesis, that policies protecting fathers

with criminal records during the hiring process should improve their employment prospects and moderate the association between criminal records and employment. The first three models limit the sample to fathers with a criminal record. Contrary to expectations, these models indicate that living in a state with protective policies is negatively associated with employment for fathers with criminal records. As shown in Model 1, fathers living in a state with all of the policies in place were 15 percentage points less likely to be employed than fathers living in a state with no protective policies. This negative association remains when looking at both policies regulating hiring (Model 2) and licensing (Model 3) separately. The last three models look at all fathers to test for moderation and indicate that such protective policies do moderate the association between criminal justice contact and employment. Consistent with the previous findings and inconsistent with Hypothesis 1, these results confirm that the employment prospects of fathers with criminal records are reduced in states with stronger protective policies, so much so that the main effect of a criminal record (in states with no such policies) is not significant..

[Table 4]

The second hypothesis predicts that these negative associations may be a product of statistical discrimination. This hypothesis posits that if employers are responding to policies restricting access or use of criminal records by using racial heuristics, then policies should be negatively associated with the employment of non-White men both with and without criminal records. To test this hypothesis, the findings presented in Table 4 are stratified by the father's race and ethnicity. For White fathers, these models indicate policies are neither significantly associated with the employment of fathers with records nor do they moderate the association between records and employment among all fathers.

The models for Black and Hispanic fathers are consistent with statistical discrimination.

Black fathers, both with and without records, are particularly sensitive to these protective employment policies. Among Black fathers with records, living in a state with all of the policy protections is associated with a 19 percentage point lower probability of employment than those living in states without protections after adjusting for state and father attributes. This association is observed for policies governing employers and licensing agencies. Models 4 and 5, which test whether state policies moderate the association between records and employment, suggest that these associations are driven by a lower probability of employment for all Black fathers in these states. In both models, Black fathers without records were 9 percentage points less likely to be employed if living in the most protective policy regimes than those living in the least protective regimes. Neither the main effect of having a record nor the interaction were significant, suggesting that Black fathers with records were not differently impacted than those without records. Licensing policies were also negatively associated, but did not reach statistical significance. For Hispanic fathers, yet another pattern emerges. While large and negative, the coefficients in models limited to Hispanic fathers with records are not significant. In the full sample, the significant negative interaction coefficients indicate that Hispanic fathers with records face more difficult employment prospects in states with more protective policies than those in states with no such policies. In contrast to the Black fathers, this disadvantage appears more accurately targeted as the main effect of policies indicates that Hispanic fathers without records face no negative repercussions for living in a protective state.

[Table 5]

To further test the consistency of these findings with the theory of statistical discrimination, models are also stratified by fathers' age in Table 6. Statistical discrimination predicts that the negative association between protective policies and father employment should

be stronger for young fathers, who are perceived as more likely to have criminal records. As shown in Table 6, for fathers under 25 there is a negative association between policies and employment for all fathers regardless of their criminal record status. This negative association is consistent for all young fathers, young Black fathers, and to a lesser degree young White fathers, though the coefficients do not all reach statistical significance due to the limited sample size of fathers under 25. The association is somewhat different for fathers over 25, where policies appear negatively associated with the employment of only those fathers with criminal records and not fathers without such records. This suggests that employers wishing to avoid hiring individuals with records might be better able to discern the criminal record status of older men, though alternative interpretations may also be at play.

[Table 6]

Sensitivity Analyses

Age Stratified Models

If findings are driven by statistical discrimination, the associations between father employment and policies should be concentrated among young fathers. Table 6 investigates this possibility by stratifying models by fathers' age. While only significant for black fathers, findings indicate that there is a negative association between state policies and the employment of fathers under the age of 25 both with and without records. Among older fathers, policies are only negatively associated with the employment of fathers with records.

Recent Incarceration

Models are re-estimated using a categorical measure indicating whether the father has a criminal record with or without recent incarceration, shown in Table 7, panel 1. For all but White fathers, recent incarceration was more negatively associated with employment than a record

without incarceration. The association between policies and employment remained robust, however, and did not differ for recently incarcerated fathers. For Black fathers, policies remained negatively associated with employment regardless of the fathers' incarceration history. The one exception, however, is that employment policies were significantly and negatively associated with employment for fathers without incarceration in the non-stratified full sample model. This is consistent with an interpretation that discrimination becomes blunter when employers have less information, to the detriment fathers who may otherwise have signaled no incarceration.

[Table 7]

Recent Offenses

The models in Panel 2 of Table 7 show models distinguishing between fathers with records predating the Wave 2 survey and those with recent records. With the exception of Black fathers, fathers with recent records fared worse on the labor market. Black fathers with recent offenses fared no worse than those with older offenses, likely reflecting discrimination unique to this population. Among fathers with records, the recency of the record did not moderate the negative association between protective policies and employment. In the full sample, fathers with recent records were less likely to be employed, but those with old records most closely resembled fathers without records. In the full sample model of all fathers, protective policies exacerbated the employment disadvantage of all fathers with records. For Black fathers, the main effect of the policy was the only significant association, consistent again with a statistical discrimination. For Hispanic fathers, on the other hand, policies seem to primarily disadvantage fathers with old records, consistent with the interpretation that in markets with less information these fathers who might otherwise have demonstrated an old record are miscategorized as an employment risk.

DISCUSSION

This paper posed two competing hypotheses: 1) that protective policies are associated with higher employment for fathers with records, and 2) that statistical discrimination would lead to a negative association between policies and the employment of men perceived as likely to be involved in the criminal justice system. Overall, these findings indicate that statistical discrimination faced by Black fathers in particular may undermine the policy intentions of ban the box style policies, potentially exacerbating rather than mitigating the employment challenges of the most disadvantaged fathers

The motivation behind protective employment policies is to level the playing field by making employers consider individuals with criminal records on a case-by-case basis. Indeed, more limited access to records and personal contact with employers have been linked to a higher probability of hiring individuals with records (Finlay, 2008; Lageson et al., 2015; Pager, Western, & Sugie, 2009). Hypothesis 1 posits that these goals are successful, predicting that more protective policies should be associated with a) higher probability of employment among men with criminal records, and b) moderation of the association between records and employment to close gaps. The findings presented in this paper, however, indicate that fathers with records are less likely to be employed in states with more protective policies, and that policies appear to exacerbate the employment disadvantages faced by fathers with criminal records relative to those without. Even the most optimistic evaluations of these policies, however, point to increased numbers of applications as key mechanisms rather than fairer employment possibilities (Atkinson & Lockwood, 2014; Berracasa, Estevez, Nugent, Roesing, & Wei, 2016). While fathers in our study may indeed be applying for more jobs, though state level policies may also lack the publicity of more local policy changes, there is not evidence that state

level policies support fathers' ability to find employment.

The second hypothesis is more strongly supported by the evidence of this study. This hypothesis predicts these policies will not improve the employment of fathers with records due to unanticipated employer behavior. The theory of statistical discrimination posits that when employers have restricted access to desired information like a criminal history, they instead use heuristics to infer the likelihood of criminal activity. In the case of criminal records, employers are likely to rely on stereotypes and avoid hiring young, low SES, minority men (Holzer et al., 2006). Of these, race is perhaps the most salient and disturbing axis of discrimination (Doleac & Hasen, 2016; Holzer et al., 2006; Pager, Western, & Bonikowski, 2009). The findings from this paper are consistent with the growing body of research pointing to the unintended negative consequences of protective policies for young Black men in particular.

While White fathers also face some employment disadvantages, particularly if they have a recent record, for the most part their ability to find work appears unchanged by the presence or absence of protective policies. Both Black and Hispanic fathers have different experiences, though findings also suggest that employers may be better able to correctly identify Hispanic fathers with records. Hispanic fathers living in a state with more protective policies were less likely to be employed, but the difference was not statistically significant. Policies were, however, associated with a widening the gap between the employment of Hispanic fathers with records and those without. These negative associations do not bleed over into all Hispanic men. Uniquely, Hispanic fathers may benefit from policies restricting the use of records for licensing purposes.

Black fathers both with and without records have an entirely different experience of these policies. For Black fathers with records, living in a state with protective policies was negatively

associated with the probability they found employment. While some kinds of offenses were associated with worse employment outcomes, including those that were recent, serious, or involved incarceration, the association between policies and employment was robust. Both the sensitivity tests and moderation models indicate that the policies themselves were negatively associated with employment above and beyond the details of the fathers criminal record, or even whether he had a criminal record at all. Consistent with research indicating that Black men bear the brunt of criminal record related statistical discrimination, policies were negatively associated with the employment of all Black fathers both with and without records. This association was particularly robust for young Black fathers. This finding aligns closely with research identifying population level declines in the employment of young Black men after passing ban the box policies at the state or municipal level (Agan & Starr, 2016; Doleac & Hasen, 2016; Holzer et al., 2006).

Limitations

The Fragile Families and Child Wellbeing study has the most comprehensive data available on fathers' criminal justice involvement, data that has shaped our understanding of the implications of paternal incarceration in particular for a wide range of child, family, and parental outcomes (Dwyer Emory, 2018; Haskins & Jacobsen, 2017; Schwartz-Soicher et al., 2011; Wildeman, 2009). This data also has key limitations that shape the interpretation of my findings. It is likely that the measures of father's contact with the criminal justice system do not fully capture the fathers' criminal record. In part, this reflects true ambiguity in criminal justice involvement; in practice, it is not always clear when an arrest or conviction has occurred or what charges were filed. This may be particularly confusing given the prevalence and opacity of plea-bargaining in the criminal justice system (Helm & Reyna, 2017). Social desirability may also

lead fathers to under report their involvement, particularly in cases where fathers fall into this grey zone. Limitations in the data itself also contribute, however. Fathers who respond negatively to questions about being booked or charged are skipped out of later questions about convictions, which may lead to an undercount of fathers with convictions. In the incarceration literature, issues related to under reporting are typically addressed by using a combined mother and father report (Geller et al., 2012), an option not available in this study as mothers were not asked and may be less likely to know about fathers' criminal justice contact beyond incarceration. The findings may under count fathers with criminal records, making estimates potentially conservative since potentially up to 20% (Geller et al., 2016) of those coded as not having a record may indeed have an unreported arrest, conviction, or incarceration. Additional information relevant to understanding how fathers' contact and policies intersect are not asked in Fragile Families. Notably, fathers do not report whether convictions are felonies or misdemeanors, whether records have been sealed or expunged, or to distinguish between juvenile and adult offenses. It is therefore possible that the proxies used in this analysis for criminal records do not accurately capture fathers' true records. These limitations are addressed to the extent possible in the sensitivity analyses, and results are robust to different specifications.

Using only father reports, a necessity of using a more expansive definition of criminal justice contact, provides both advantages and limits to the generalizability of these findings. On one hand, I gain consistency in reports of system involvement since fathers are most likely to know about their own criminal records, particularly if parents have been separated for a substantial amount of time. Most notably, fathers who remain in the sample are more select and connected both to their families and children (Sassler, Roy, & Stasny, 2014). Models capture associations for these most involved fathers, but may not be generalizable to fathers who

dropped out of the sample or who are less connected to their children.

Findings should be interpreted in conjunction with other data sets evaluating these kinds of policies in different contexts. It is the first such study to look exclusively at fathers or use the Fragile Families dataset, advantages which both situate these policies in the broader literature on paternal incarceration stemming from FF and focus on the population of greatest interest for studying intergenerational inequality. This study also focuses on state level policies, which reflect trends toward these state policies but may lack the specificity responsiveness to local labor market conditions of municipal level policies that have been the focus of much of the research in this area (Doleac & Hasen, 2016; Holzer et al., 2007). These limitations preclude the strong policy recommendations, which I leave to scholars with more experimental or quasi experimental policy evaluation studies to determine. Nevertheless, this study contributes to a growing body of work, each with their own unique limitations, that sounds a note of caution about ban the box style policies.

Alternative Approaches to Employment Policy

Unlike previous research based on the evaluation of specific policies (Agan & Starr, 2016; Doleac & Hasen, 2016; Holzer et al., 2007), this study takes a broad approach to examine how protective state policies shape employment. This article joins with these papers, however, in sounding a note of caution about policies intended to address discrimination against individuals with records by regulating the use of criminal record information for hiring and licensing. The limitations of this data preclude the strong policy conclusions, but I join with Vuolo and colleague's conclusion (2017) that it is equally irresponsible to ignore the troubling pattern of statistical discrimination linked with ban the box policies. Rather than an easy administrative solution for the problems associated with widespread criminal justice involvement and racial

prejudice, at the state level these policies appear ineffective at best and damaging at worst. The challenges faced by criminal justice involved individuals in finding high quality employment remain a social problem in need of a policy solution. Securing employment is a key factor in the future success of fathers with criminal records, both improving family resources (Geller et al., 2011; Swisher & Waller, 2008) and reducing the risk that fathers will recidivate (Apel & Horney, 2017; Denver et al., 2017; Sampson & Laub, 1993; Uggen, 2000). A number of alternate approaches may more effectively address the employment challenges faced by individuals with criminal records while balancing the realities of employer behavior.

One approach is to allow employers to consider criminal record, but make it easier for records to be sealed, expunged, or corrected. Errors in criminal records are common but are often difficult or impossible to correct (Jacobs, 2015, Chapter 7; Lageson, 2016), a problem compounded by the distribution of criminal records by private companies (Jacobs, 2015, Chapter 5; Lageson, 2016). Even if records are correct, sealing and expunging them is often a difficult administrative task with ambiguous results for individuals seeking work (Stacy & Cohen, 2017; Vuolo et al., 2017). Depending on the state, individuals may or may not be able to deny having a criminal record after sealing (Legal Action Center, 2004). This approach would protect information irrelevant to employment or of lesser interest to employers- such as old, minor, or incorrect records (Uggen et al., 2014)- but allow employers to take into account more relevant criminal histories.

Another approach focuses on changing employer behavior by addressing employer concerns about the risks of hiring an individual with a criminal record. Two main strategies are available to mitigate employer risk, though there is mixed evidence about the effectiveness of these approaches. Tax incentives have been used to offset potential risk, though researchers have

been skeptical about the ability of such subsidies to impact employment disadvantages faced by individual with records (Looney & Turner, 2018). Reducing employer risk could also be achieved by reforming negligent hiring laws, which would shield employers from liability in the event that an ex-offender causes injury (Jacobs, 2015, pp. 278–279).

In theory, supplemental credentialing for individuals with records may also provide a positive signal to allow employers to effectively identify individuals with records who pose little risk. Lundquist and colleagues find evidence that a screening policy like that employed by the military may successfully integrate qualified men with records into the labor force to the benefit of men and employers alike (2018). Jacobs notes that a criminal record can act as a “negative curriculum vitae or resume” (2015, p. 2), so adding positive items to that record may provide a countersignal. These can include educational or vocational training (Leasure & Stevens Andersen, 2016), mechanisms to signal desistance from crime (Bushway & Apel, 2012; Reich, 2017; Wozniak, 2014), or certificates to signal that the state is satisfied that the individual poses no risk (Leasure & Stevens Andersen, 2016). Programs explicitly focused on inmate training and work readiness often fail to improve employment (Bushway & Apel, 2012; Cook et al., 2015; Visher et al., 2005; D. B. Wilson et al., 2000), indicating signaling may be insufficient in many cases to overcome the stigma of a criminal record.

Finally, many advocates note that enforcing existing antidiscrimination employment law would go a long way to improving employment opportunities (Spaulding, Lerman, Holzer, & Eyster, 2015; Stacy & Cohen, 2017). This final approach acknowledges that while the intent may be to not hire individuals with records, in reality it is difficult to disentangle discrimination by race and by record. This argument has been tried in several legal cases dating back to the 1970s, though courts have been reluctant to explicitly tie discrimination based on records to racial

discrimination despite disparate harm (Jacobs, 2015, Chapter 14). As this study indicates, the finding of greatest concern is discrimination against young Black fathers regardless of their involvement with the criminal justice system.

It is without question that the collateral consequences of criminal justice involvement for employment are serious and ripple out far beyond the individual with a criminal records. Addressing these issues, however, has proven more difficult task. While there has been great momentum behind policies restricting the use of criminal records when hiring, this paper and others like it raise important questions about the unintended result of statistical discrimination against already vulnerable young men and fathers. Future research and policy should consider closely employer responses, and continue to innovate new approaches to address this issue.

Table 1: Number of Fathers in Sample by Year and Wave

Survey Year	Wave 2	Wave 3	Wave 4	Wave 5	Total
1999	387	0	0	0	387
2000	312	0	0	0	312
2001	2,245	332	0	0	2,577
2002	9	930	0	0	939
2003	0	1,448	280	0	1,728
2004	0	0	858	0	858
2005	0	0	1,307	0	1,307
2006	0	0	37	0	37
2007	0	0	0	148	148
2008	0	0	0	662	662
2009	0	0	0	1,282	1,282
2010	0	0	0	102	102
Total	2,953	2,710	2,482	2,194	10,339

Table 2: Descriptive Statistics of Father Attributes

	No Record Mean or %	Record Mean or %
N	6669	3670
Unique Individuals	2123	1297
Key Variables		
Employment	88%	76%
Criminal Justice Involvement		
<i>Any System Contact</i>	42%	100%
<i>Ever Convicted</i>	0%	60%
<i>Ever Incarcerated</i>	0%	52%
<i>Recent Offense</i>	0%	47%
<i>Serious offense</i>	0%	61%
Record protected by policy	0%	49%
Father Attributes		
Father Race		
<i>White, non-Hispanic</i>	26%	19%
<i>Black, non-Hispanic</i>	41%	56%
<i>Hispanic</i>	29%	22%
<i>Other, non-Hispanic</i>	5%	3%
Poverty Level at Baseline		
<i>Deep (<.5x FPL)</i>	9%	14%
<i>Poverty (<1x FPL)</i>	12%	16%
<i>Near Poor (<2x FPL)</i>	21%	25%
<i>Non Poor (>2x FPL)</i>	58%	45%
Age (time varying)	33.05	31.66
Education (time varying)		
<i>Less than High School</i>	23%	26%
<i>High School or GED</i>	28%	37%
<i>Some College or More</i>	49%	37%
Married at Birth	40%	15%
Substance Use at Birth	5%	12%
Ever Incarcerated at Baseline	0%	43%
Impulsivity at Baseline (range 0-3)	0.88	1.08
Moved States since Baseline (time varying)	7%	6%
Born in the US	78%	94%

Table 3: Attributes of States in Sample, Lagged by One Year (N=46)

	Mean or % (SD)	Min	Max
State Policy Scores			
Total policy score	0.37 (0.35)	0	1
Employer policy score	0.31 (0.34)	0	1
Licensing policy score	0.49 (0.42)	0	1
State Attributes, Lagged by One Year			
Unemployment rate	4.88 (1.19)	2.40	10.50
Imprisonment rate	464.44 (144.34)	126.00	901.00
Gini coefficient	0.59 (0.04)	0.53	0.71
Violent crime rate	480.53 (151.96)	103.70	961.40
Property crime rate	3348.01 (727.32)	1932.00	5849.80
Census Region			
<i>Northeast</i>	22%		
<i>Midwest</i>	28%		
<i>South</i>	38%		
<i>West</i>	12%		

Table 4: Random Effects Model of Lagged State Policies on Fathers' Employment

	Among Fathers with Records			Among All Fathers		
	M1	M2	M3	M4	M5	M6
Total Employment Policy Score	-0.15*** (0.04)			-0.03 (0.02)		
Interaction: Total x Record				-0.08** (0.03)		
Employer Policies		-0.14*** (0.04)			-0.03 (0.02)	
Interaction: Employer x Record					-0.08** (0.03)	
Licensing Policies			-0.10* (0.04)			-0.01 (0.02)
Interaction: Licensing x Record						-0.05* (0.02)
Father has criminal record				-0.02 (0.01)	-0.02 (0.01)	-0.02 (0.02)
Father Race and Ethnicity						
<i>Black, non-Hispanic</i>	-0.11*** (0.02)	-0.11*** (0.02)	-0.11*** (0.02)	-0.10*** (0.01)	-0.10*** (0.01)	-0.10*** (0.01)
<i>Hispanic</i>	0.03 (0.03)	0.03 (0.03)	0.02 (0.03)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)
<i>Other, non-Hispanic</i>	-0.10* (0.05)	-0.10* (0.05)	-0.10* (0.05)	-0.12*** (0.02)	-0.12*** (0.02)	-0.12*** (0.02)
Father age	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	-0.00* (0.00)	-0.00* (0.00)	-0.00* (0.00)
Married at child's birth	0.03 (0.02)	0.03 (0.02)	0.03 (0.02)	0.05*** (0.01)	0.05*** (0.01)	0.05*** (0.01)
Father Education						
<i>High School or GED</i>	0.11*** (0.02)	0.11*** (0.02)	0.11*** (0.02)	0.06*** (0.01)	0.06*** (0.01)	0.06*** (0.01)
<i>Some college or more</i>	0.14*** (0.02)	0.14*** (0.02)	0.14*** (0.02)	0.09*** (0.01)	0.09*** (0.01)	0.09*** (0.01)
Father Baseline Poverty						
<i>Poverty (50 - 99% FPL)</i>	0.02 (0.04)	0.02 (0.04)	0.02 (0.04)	0.03 (0.02)	0.03 (0.02)	0.03 (0.02)
<i>Near Poverty (100 - 199% FPL)</i>	0.07* (0.03)	0.07* (0.03)	0.07* (0.03)	0.08*** (0.02)	0.08*** (0.02)	0.08*** (0.02)
<i>No Poverty (200% + FPL)</i>	0.10*** (0.03)	0.10*** (0.03)	0.10*** (0.03)	0.11*** (0.02)	0.11*** (0.02)	0.11*** (0.02)
Substance use at child's birth	-0.02 (0.03)	-0.02 (0.03)	-0.01 (0.03)	-0.01 (0.02)	-0.01 (0.02)	-0.01 (0.02)
Father impulsivity score	-0.01 (0.01)	-0.01 (0.01)	-0.01 (0.01)	-0.02* (0.01)	-0.02* (0.01)	-0.02* (0.01)
Father baseline incarceration	-0.04* (0.02)	-0.04* (0.02)	-0.05* (0.02)	-0.05** (0.02)	-0.05** (0.02)	-0.05** (0.02)
Father born in US	-0.10** (0.03)	-0.10** (0.03)	-0.10** (0.03)	-0.08*** (0.01)	-0.08*** (0.01)	-0.08*** (0.01)
Father living in different state	0.02 (0.03)	0.02 (0.03)	0.02 (0.03)	-0.01 (0.02)	-0.01 (0.02)	-0.01 (0.02)
Census Region						
<i>Midwest</i>	-0.02 (0.04)	-0.01 (0.04)	-0.03 (0.04)	-0.03 (0.02)	-0.03 (0.02)	-0.03 (0.02)

<i>South</i>	-0.05 (0.04)	-0.03 (0.04)	-0.05 (0.05)	-0.01 (0.02)	0.00 (0.02)	-0.00 (0.03)
<i>West</i>	-0.04 (0.04)	-0.06 (0.04)	-0.04 (0.04)	-0.02 (0.02)	-0.03 (0.02)	-0.02 (0.02)
State Unemployment Rate (lagged)	-0.02 (0.01)	-0.02 (0.01)	-0.02* (0.01)	-0.01* (0.00)	-0.01* (0.00)	-0.01** (0.00)
State imprisonment rate (lagged)	0.00 (0.00)	0.00 (0.00)	0.00* (0.00)	-0.00 (0.00)	-0.00 (0.00)	-0.00 (0.00)
State Gini coefficient (lagged)	-0.51 (0.35)	-0.42 (0.35)	-0.70* (0.35)	-0.20 (0.18)	-0.15 (0.19)	-0.27 (0.18)
State violent crime rate (lagged)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	-0.00 (0.00)	-0.00 (0.00)	-0.00 (0.00)
State property crime rage (lagged)	-0.00 (0.00)	-0.00 (0.00)	-0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Survey Wave						
<i>Wave 3</i>	0.03 (0.02)	0.03 (0.02)	0.03 (0.02)	0.03** (0.01)	0.03** (0.01)	0.03** (0.01)
<i>Wave 4</i>	0.03 (0.02)	0.03 (0.02)	0.03 (0.02)	0.04** (0.01)	0.04** (0.01)	0.04** (0.01)
<i>Wave 5</i>	-0.09*** (0.03)	-0.09*** (0.03)	-0.08** (0.03)	-0.02 (0.01)	-0.02 (0.01)	-0.02 (0.01)
Constant	1.16*** (0.20)	1.08*** (0.20)	1.24*** (0.21)	1.04*** (0.11)	1.01*** (0.11)	1.06*** (0.11)
Observations	3,670	3,670	3,670	10,339	10,339	10,339
Number of idnum	1,297	1,297	1,297	3,119	3,119	3,119

*** p<0.001, ** p<0.01, * p<0.05, robust standard errors in parentheses.

Table 5: Random Effects Model of Lagged State Policies on Fathers' Employment, Stratified by Race

	White Fathers						Black Fathers						Hispanic Fathers					
	Among Fathers with Records			Among All Fathers			Among Fathers with Records			Among All Fathers			Among Fathers with Records			Among All Fathers		
	M1	M2	M3	M4	M5	M6	M1	M2	M3	M4	M5	M6	M1	M2	M3	M4	M5	M6
Total Employment Policy Score	-0.03 (0.10)			-0.00 (0.03)			0.19*** (0.06)			-0.09* (0.04)			-0.11 (0.10)			0.03 (0.05)		
Interaction: Total x Record				0.02 (0.06)					-0.06 (0.05)							-0.10* (0.05)		
Employer Policies		-0.04 (0.09)			-0.00 (0.02)			-0.16** (0.05)			-0.09* (0.04)			-0.14 (0.09)			0.02 (0.04)	
Interaction: Employer x Record					-0.01 (0.06)						-0.05 (0.05)						-0.11* (0.05)	
Licensing Policies			0.03 (0.09)			0.02 (0.04)		-0.17** (0.06)			-0.06 (0.04)			0.02 (0.12)			0.07 (0.05)	
Interaction: Licensing x Record						0.06 (0.05)					-0.05 (0.04)							-0.07 (0.04)
Father has criminal record				-0.05 (0.03)	-0.04 (0.03)	-0.07* (0.03)				-0.02 (0.02)	-0.03 (0.02)	-0.02 (0.02)				-0.03 (0.03)	-0.03 (0.02)	-0.03 (0.03)
Observations	701	701	701	2,403	2,403	2,403	2,046	2,046	2,046	4,757	4,757	4,757	802	802	802	2,744	2,744	2,744
Number of idnum	221	221	221	687	687	687	738	738	738	1,462	1,462	1,462	295	295	295	833	833	833

*** p<0.001, ** p<0.01, * p<0.05

Robust standard error in parentheses. Models include all controls used in the previous models.

Table 6: Age and Education Stratified Models

		Full Sample		White Fathers		Black Fathers		Hispanic Fathers	
		Under 25	Over 25	Under 25	Over 25	Under 25	Over 25	Under 25	Over 25
Models of All Policies	Total Policy Score	-0.11*	-0.02	-0.15	-0.01	-0.16*	-0.09	0.04	0.04
		(0.05)	(0.03)	(0.11)	(0.03)	(0.08)	(0.05)	(0.10)	(0.05)
	Interaction: Total x Record	-0.05	-0.08**	0.10	0.03	-0.01	-0.07	-0.13	-0.11*
		(0.06)	(0.03)	(0.14)	(0.07)	(0.09)	(0.05)	(0.09)	(0.05)
	Criminal Record	-0.04	-0.03	-0.04	-0.06	-0.06	-0.02	-0.04	-0.03
		(0.03)	(0.02)	(0.06)	(0.03)	(0.04)	(0.03)	(0.05)	(0.03)
	Observations	2,052	8,287	269	2,134	1,077	3,680	638	2,106
	Unique Individuals	1,112	2,919	153	665	569	1,353	350	771
	Unique Individuals	1,938	1,557	254	487	1,000	675	631	304

*** p<0.001, ** p<0.01, * p<0.05

Robust standard error in parentheses. Models include all controls used in the previous models. Under 25 models omit born in the US variable for race stratified models due to limited variation.

Table 7: Sensitivity Models

		Among fathers with records				Among all fathers			
		All Fathers	White Fathers	Black Fathers	Hispanic Fathers	All Fathers	White Fathers	Black Fathers	Hispanic Fathers
Recent Incarceration	Total Employment Policy Score	-0.15*** (0.05)	-0.03 (0.10)	-0.21*** (0.06)	-0.10 (0.10)	-0.03 (0.02)	-0.00 (0.03)	-0.10* (0.04)	0.04 (0.05)
	Total x Recent Incarceration	-0.00 (0.05)	-0.01 (0.10)	0.06 (0.06)	-0.05 (0.10)	-0.08 (0.04)	0.02 (0.11)	-0.03 (0.06)	-0.14 (0.09)
	Total x Record Without Recent Incarceration					-0.07* (0.03)	0.02 (0.06)	-0.08 (0.05)	-0.09 (0.05)
	Recent Incarceration	-0.08*** (0.02)	-0.03 (0.05)	-0.09** (0.03)	-0.12** (0.04)	-0.07** (0.02)	-0.08 (0.05)	-0.07* (0.03)	-0.10** (0.04)
	Record Without Recent Incarceration					-0.00 (0.02)	-0.04 (0.03)	0.00 (0.02)	-0.01 (0.03)
	Total Employment Policy Score	-0.15** (0.05)	-0.03 (0.10)	-0.18** (0.06)	-0.14 (0.10)	-0.03 (0.02)	0.00 (0.03)	-0.10* (0.04)	0.03 (0.05)
Recent Record	Total x Recent Record	-0.01 (0.05)	-0.03 (0.13)	-0.02 (0.07)	0.05 (0.08)	-0.09* (0.04)	0.02 (0.12)	-0.08 (0.06)	-0.08 (0.07)
	Total x Old Record					-0.07* (0.03)	0.00 (0.07)	-0.04 (0.05)	-0.12* (0.06)
	Recent Record	-0.06* (0.03)	-0.13* (0.06)	-0.04 (0.04)	-0.08* (0.04)	-0.05* (0.02)	-0.12* (0.05)	-0.03 (0.03)	-0.07* (0.03)
	Old Record					0.00 (0.02)	-0.01 (0.03)	-0.01 (0.03)	0.01 (0.03)
	Observations	3,670	701	2,046	802	10,339	687	4,757	2,744
Unique Individuals	1,297	221	738	295	3,119	2,403	1,462	833	

*** p<0.001, ** p<0.01, * p<0.05

Robust standard error in parentheses. Models include all controls used in the previous models.

REFERENCES

- Agan, A. Y., & Starr, S. B. (2016). *Ban the Box, Criminal Records, and Statistical Discrimination: A Field Experiment* (SSRN Scholarly Paper No. ID 2795795). Rochester, NY: Social Science Research Network. Retrieved from <https://papers.ssrn.com/abstract=2795795>
- Allison, P. D. (2009). *Fixed Effects Regression Models*. SAGE Publications.
- Apel, R., & Horney, J. (2017). How and Why Does Work Matter? Employment Conditions, Routine Activities, and Crime Among Adult Male Offenders*. *Criminology*, 55(2), 307–343. <https://doi.org/10.1111/1745-9125.12134>
- Atkinson, D. V., & Lockwood, K. (2014). *The Benefits of Ban the Box*. The Southern Coalition for Social Justice. Retrieved from https://www.southerncoalition.org/wp-content/uploads/2014/10/BantheBox_WhitePaper-2.pdf
- Autor, D. H., & Scarborough, D. (2008). Does job testing harm minority workers? Evidence from retail establishments. *The Quarterly Journal of Economics*, 123(1), 219–277.
- Avery, B., & Hernandez, P. (2018a). *Ban the Box: State and Local Guide*. National Employment Law Project. Retrieved from <https://s27147.pcdn.co/wp-content/uploads/Ban-the-Box-Fair-Chance-State-and-Local-Guide.pdf>
- Avery, B., & Hernandez, P. (2018b). *Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies*. National Employment Law Project. Retrieved from <https://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>
- Berracasa, C., Estevez, A., Nugent, C., Roesing, K., & Wei, J. (2016). *The Impact of “Ban the Box” in the District of Columbia*. Office of the District of Columbia Auditor. Retrieved from http://www.dcauditor.org/sites/default/files/FCRSA%20-%20Ban%20the%20Box%20Report_0.pdf
- Braman, D. (2004). *Doing Time on the Outside: Incarceration and Family Life in Urban America*. Ann Arbor, MI: University of Michigan Press.
- Bushway, S. (2004). Labor Market Effects of Permitting Employer Access to Criminal History Records, Labor Market Effects of Permitting Employer Access to Criminal History Records. *Journal of Contemporary Criminal Justice*, 20(3), 276–291. <https://doi.org/10.1177/1043986204266890>
- Bushway, S., & Apel, R. (2012). A Signaling Perspective on Employment-Based Reentry Programming. *Criminology & Public Policy*, 11(1), 21–50. <https://doi.org/10.1111/j.1745-9133.2012.00786.x>
- Bushway, S., Stoll, M. A., & Weiman, D. F. (Eds.). (2007). *Barriers to Reentry?: The Labor Market for Released Prisoners in Post-Industrial America*. New York, NY: Russell Sage Foundation.
- Carson, E. A., & Mulako-Wangota, J. (2018). *Imprisonment Rates of Total Jurisdiction Population* (No. Corrections Statistical Analysis Tool (CSAT)-Prisoners). Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/nps>
- Cherlin, A. J. (2014). *Labor’s love lost: the rise and fall of the working-class family in America*. Russell Sage Foundation.
- Cook, P. J., Kang, S., Braga, A. A., Ludwig, J., & O’Brien, M. E. (2015). An Experimental Evaluation of a Comprehensive Employment-Oriented Prisoner Re-entry Program. *Journal of Quantitative Criminology*, 31(3), 355–382. <https://doi.org/10.1007/s10940->

- D'Alessio, S. J., Stolzenberg, L., & Eitle, D. (2014). "Last Hired, First Fired": The Effect of the Unemployment Rate on the Probability of Repeat Offending. *American Journal of Criminal Justice*, 39(1), 77–93. <https://doi.org/10.1007/s12103-013-9199-1>
- D'Alessio, S. J., Stolzenberg, L., & Flexon, J. L. (2015). The Effect of Hawaii's Ban The Box Law on Repeat Offending. *American Journal of Criminal Justice*, 40(2), 336–352. <https://doi.org/10.1007/s12103-014-9251-9>
- DeFina, R. H., & Hannon, L. (2010). The Impact of Adult Incarceration on Child Poverty: A County-Level Analysis, 1995–2007. *The Prison Journal*, 90(4), 377–396. <https://doi.org/10.1177/0032885510382085>
- Denver, M., Siwach, G., & Buschway, S. (2017). A new look at the employment and recidivism relationship through the lens of a criminal background check. *Criminology*, 55(1), 174–204. <https://doi.org/10.1111/1745-9125.12130>
- Doleac, J. L., & Hasen, B. (2016). Does "Ban the Box" help or hurt low-skilled workers? Statistical discrimination and employment outcomes when criminal histories are hidden. *National Bureau of Economic Research*.
- Drake, E. K., Aos, S., & Miller, M. G. (2009). Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State. *Victims & Offenders*, 4(2), 170–196. <https://doi.org/10.1080/15564880802612615>
- Dwyer Emory, A. (2018). Explaining the Consequences of Paternal Incarceration for Children's Behavioral Problems. *Family Relations*, 67(2), 302–319. <https://doi.org/10.1111/fare.12301>
- Federal Bureau of Investigation. (2018). *Uniform Crime Reporting Statistics* (UCR Data Online). Retrieved from <http://www.ucrdatatool.gov/>
- Finlay, K. (2008). *Effect of Employer Access to Criminal History Data on the Labor Market Outcomes of Ex-Offenders and Non-Offenders* (Working Paper No. 13935). National Bureau of Economic Research. <https://doi.org/10.3386/w13935>
- Frank, M. W. (2015). U.S. State-Level Income Inequality Data. Retrieved June 26, 2018, from http://www.shsu.edu/eco_mwf/inequality.html
- Geller, A., Cooper, C. E., Garfinkel, I., Schwartz-Soicher, O., & Mincy, R. B. (2012). Beyond Absenteeism: Father Incarceration and Child Development. *Demography*, 49(1), 49–76. <https://doi.org/10.1007/s13524-011-0081-9>
- Geller, A., Garfinkel, I., & Western, B. (2011). Paternal Incarceration and Support for Children in Fragile Families. *Demography*, 48(1), 25–47. <https://doi.org/10.1007/s13524-010-0009-9>
- Geller, A., Jaeger, K., & Pace, G. T. (2016). Surveys, Records, and the Study of Incarceration in Families. *The ANNALS of the American Academy of Political and Social Science*, 665(1), 22–43. <https://doi.org/10.1177/0002716216633449>
- Glaze, L. E., & Maruschak, L. M. (2010). *Parents in prison and their minor children* (Bureau of Justice Statistics Special Report). Washington, DC: U.S. Department of Justice. Retrieved from <https://www.bjs.gov/content/pub/pdf/pptmc.pdf>
- Goggins, B. R., & DeBacco, D. A. (2018). *Survey of State Criminal History Information Systems, 2016: A Criminal Justice Information Policy Report* (No. 251516). SEARCH, The National Consortium for Justice Information and Statistics. Retrieved from <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>

- Hagan, J., & Dinovitzer, R. (1999). Collateral Consequences of Imprisonment for Children, Communities, and Prisoners. *Crime and Justice*, 26, 121–162.
- Haskins, A. R., & Jacobsen, W. C. (2017). Schools as Surveilling Institutions? Paternal Incarceration, System Avoidance, and Parental Involvement in Schooling. *American Sociological Review*, 82(4), 657–684. <https://doi.org/10.1177/0003122417709294>
- Helm, R. K., & Reyna, V. F. (2017). Logical but incompetent plea decisions: A new approach to plea bargaining grounded in cognitive theory. *Psychology, Public Policy, and Law*, 23(3), 367–380. <https://doi.org/10.1037/law0000125>
- Holzer, H. J., Raphael, S., & Stoll, M. A. (2006). Perceived criminality, criminal background checks, and the racial hiring practices of employers. *The Journal of Law and Economics*, 49(2), 451–480.
- Holzer, H. J., Raphael, S., & Stoll, M. A. (2007). The Effect of an Applicant's Criminal History on Employer Hiring Decisions and Screening Practices: Evidence from Los Angeles. In S. Bushway, M. A. Stoll, & D. F. Weiman (Eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America* (pp. 117–151). New York: Russell Sage Foundation.
- Jacobs, J. B. (2015). *The Eternal Criminal Record*. Harvard University Press.
- Kleiner, M. M., & Krueger, A. B. (2013). Analyzing the extent and influence of occupational licensing on the labor market. *Journal of Labor Economics*, 31(S1), S173–S202.
- Kohler-Hausmann, I. (2013). Misdemeanor justice: Control without conviction. *American Journal of Sociology*, 119(2), 351–393.
- Lageson, S. E. (2016). Found Out and Opting Out The Consequences of Online Criminal Records for Families. *The ANNALS of the American Academy of Political and Social Science*, 665(1), 127–141. <https://doi.org/10.1177/0002716215625053>
- Lageson, S. E., Vuolo, M., & Uggen, C. (2015). Legal Ambiguity in Managerial Assessments of Criminal Records. *Law & Social Inquiry*, 40(1), 175–204. <https://doi.org/10.1111/lsi.12066>
- Leasure, P., & Stevens Andersen, T. (2016). The effectiveness of certificates of relief as collateral consequence relief mechanisms: An experimental study.
- Legal Action Center. (2004). *After Prison: Roadblocks to Reentry. A Report on State Legal Barriers Facing People with Criminal Records* (p. 23). Washington, DC. Retrieved from <https://lac.org/roadblocks-to-reentry/index.php>
- Legal Action Center. (2009). *After Prison: Roadblocks to Reentry 2009 Update*. Washington, DC.
- Looney, A., & Turner, N. (2018). *Work and opportunity before and after incarceration*. Washington, DC: Brookings Institution, Economic Studies Center.
- Lopoo, L. M., & Western, B. (2005). Incarceration and the Formation and Stability of Marital Unions. *Journal of Marriage and Family*, 67(3), 721–734. <https://doi.org/10.1111/j.1741-3737.2005.00165.x>
- Lundquist, J. H., Pager, D., & Strader, E. (2018). Does a Criminal Past Predict Worker Performance? Evidence from One of America's Largest Employers. *Social Forces*, 96(3), 1039–1068. <https://doi.org/10.1093/sf/sox092>
- Mincy, R. B. (2006). *Black males left behind*. The Urban Institute.
- Pager, D. (2003). The Mark of a Criminal Record. *American Journal of Sociology*, 108(5), 937–975. <https://doi.org/10.1086/374403>

- Pager, D. (2007). Two Strikes and You're Out: The Intensification of Racial and Criminal Stigma. In S. Bushway, M. A. Stoll, & D. F. Weiman (Eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America* (pp. 151–173). New York: Russell Sage Foundation.
- Pager, D., & Quillian, L. (2005). Walking the talk? What employers say versus what they do. *American Sociological Review*, 70(3), 355–380.
- Pager, D., Western, B., & Bonikowski, B. (2009). Discrimination in a Low-Wage Labor Market: A Field Experiment. *American Sociological Review*, 74(5), 777–799.
<https://doi.org/10.1177/000312240907400505>
- Pager, D., Western, B., & Sugie, N. (2009). Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records. *The Annals of the American Academy of Political and Social Science*, 623(1), 195–213.
<https://doi.org/10.1177/0002716208330793>
- Pettit, B., & Lyons, C. J. (2007). Status and the Stigma of Incarceration: The Labor-Market Effects of INcarceration, by Race, Class, and Criminal Involvement. In S. Bushway, M. A. Stoll, & D. F. Weiman (Eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America* (pp. 203–226). New York: Russell Sage Foundation.
- Pettit, B., & Lyons, C. J. (2009). Incarceration and the Legitimate Labor Market: Examining Age-Graded Effects on Employment and Wages. *Law & Society Review*, 43(4), 725–756.
<https://doi.org/10.1111/j.1540-5893.2009.00387.x>
- Pettit, B., & Western, B. (2004). Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration. *American Sociological Review*, 69(2), 151–169.
- Reich, S. E. (2017). An exception to the rule: Belief in redeemability, desistance signals, and the employer's decision to hire a job applicant with a criminal record. *Journal of Offender Rehabilitation*, 56(2), 110–136. <https://doi.org/10.1080/10509674.2016.1268235>
- Reichman, N. E., Teitler, J. O., Garfinkel, I., & McLanahan, S. S. (2001). Fragile families: Sample and design. *Children and Youth Services Review*, 23(4–5), 303–326.
- Rodriquez, M. N. (2017). *"Ban the Box" is a Fair Chance For Workers With Records* (Fact Sheet). National Employment Law Project. Retrieved from <https://s27147.pcdn.co/wp-content/uploads/Ban-the-Box-Fair-Chance-Fact-Sheet.pdf>
- Rodriquez, M. N., & Emsellem, M. (2011). *65 Million Need Not Apply: The Case for Reforming Criminal Background Checks for Employment*. National Employment Law Project. Retrieved from https://www.nelp.org/wp-content/uploads/2015/03/65_Million_Need_Not_Apply.pdf
- Sampson, R. J., & Laub. (1993). *Crime in the making : pathways and turning points through life*. Cambridge, Mass: Harvard University Press. Retrieved from <http://newcatalog.library.cornell.edu/catalog/2231307>
- Sassler, S., Roy, S., & Stasny, E. (2014). Men's economic status and marital transitions of fragile families. *Demographic Research*, 30, 71–110.
- Schwartz-Soicher, O., Geller, A., & Garfinkel, I. (2011). The Effect of Paternal Incarceration on Material Hardship. *Social Service Review*, 85(3), 447–473.
<https://doi.org/10.1086/661925>
- Smith, J. J. (2014). Banning the Box but Keeping the Discrimination: Disparate Impact and Employers' Overreliance on Criminal Background Checks. *Harv. CR-CLL Rev.*, 49, 197.

- Spaulding, S., Lerman, R. I., Holzer, H. J., & Eyster, L. (2015). *Expanding economic opportunity for young men and boys of color through employment and training*. Urban Institute.
- Stacy, C., & Cohen, M. (2017). *Ban the Box and Racial Discrimination: A Review of the Evidence and Policy Recommendations* (Research Report). The Urban Institute. Retrieved from https://www.urban.org/sites/default/files/publication/88366/ban_the_box_and_racial_discrimination.pdf
- Sugie, N. F. (2012). Punishment and Welfare: Paternal Incarceration and Families' Receipt of Public Assistance. *Social Forces*, 90(4), 1403–1427. <https://doi.org/10.1093/sf/sos055>
- Swisher, R. R., & Waller, M. R. (2008). Confining Fatherhood: Incarceration and Paternal Involvement Among Nonresident White, African American, and Latino Fathers. *Journal of Family Issues*, 29(8), 1067–1088. <https://doi.org/10.1177/0192513X08316273>
- Sykes, B. L., & Geller, A. (2017). Mass Incarceration and the Underground Economy in America. *Fragile Families*. Retrieved from <https://fragilefamilies.princeton.edu/sites/fragilefamilies/files/wp17-03-ff.pdf>
- Sykes, B. L., & Pettit, B. (2015). Severe deprivation and system inclusion among children of incarcerated parents in the United States after the Great Recession. *Russell Sage Foundation Journal*, (System Inclusion Among Children).
- Travis, J., McBride, E. C., & Solomon, A. L. (2005). *Families Left Behind: The hidden costs of incarceration and reentry*. Washington, DC: The Urban Institute. Retrieved from <https://www.urban.org/sites/default/files/publication/50461/310882-Families-Left-Behind.PDF>
- Turney, K. (2017). The Unequal Consequences of Mass Incarceration for Children. *Demography*, 54(1), 361–389. <https://doi.org/10.1007/s13524-016-0543-1>
- Tyler, J. H., & Kling, J. R. (2007). Prison-based education and re-entry into the mainstream labor market. In S. Bushway, M. A. Stoll, & D. F. Weiman (Eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-industrial America* (pp. 227–256). New York: Russell Sage Foundation.
- Uggen, C. (2000). Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism. *American Sociological Review*, 65(4), 529–546. <https://doi.org/10.2307/2657381>
- Uggen, C., Manza, J., & Thompson, M. (2006). Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders. *The ANNALS of the American Academy of Political and Social Science*, 605(1), 281–310. <https://doi.org/10.1177/0002716206286898>
- Uggen, C., Vuolo, M., Lageson, S., Ruhland, E., & Whitham, H. K. (2014). The edge of stigma: an experimental audit of the effects of low-level criminal records on employment. *Criminology*, 52(4), 627–654. <https://doi.org/10.1111/1745-9125.12051>
- U.S. Bureau of Labor Statistics. (2018). *State Unemployment Rate* (Federal Reserve Economic Data (FRED)). Retrieved from <https://fred.stlouisfed.org>
- Visher, C. A., & Kachnowski, V. (2007). Finding Work on the Outside: Results from the “Returning Home” Project in Chicago. In S. Bushway, M. A. Stoll, & D. F. Weiman (Eds.), *Barriers to Reentry? The Labor Market for Released Prisoners in Post-Industrial America* (pp. 80–114). New York: Russell Sage Foundation.

- Visher, C. A., Winterfield, L., & Coggeshall, M. B. (2005). Ex-offender employment programs and recidivism: A meta-analysis. *Journal of Experimental Criminology*, 1(3), 295–316.
- Vuolo, M., Lageson, S., & Uggen, C. (2017). Criminal Record Questions in the Era of “Ban the Box.” *Criminology & Public Policy*, 16(1), 139–165. <https://doi.org/10.1111/1745-9133.12250>
- Wakefield, S., & Uggen, C. (2010). Incarceration and Stratification. *Annual Review of Sociology*, 36(1), 387–406. <https://doi.org/10.1146/annurev.soc.012809.102551>
- Western, B. (2007). Mass Imprisonment and Economic Inequality. *Social Research*, 74(2), 509–532.
- Western, B., Kling, J. R., & Weiman, D. F. (2001). The Labor Market Consequences of Incarceration, The Labor Market Consequences of Incarceration. *Crime & Delinquency*, 47(3), 410–427. <https://doi.org/10.1177/0011128701047003007>
- Western, B., & Wildeman, C. (2009). The Black Family and Mass Incarceration. *The ANNALS of the American Academy of Political and Social Science*, 621(1), 221–242. <https://doi.org/10.1177/0002716208324850>
- Wildeman, C. (2009). Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage. *Demography*, 46(2), 265–280.
- Wildeman, C. (2010). Paternal Incarceration and Children’s Physically Aggressive Behaviors: Evidence from the Fragile Families and Child Wellbeing Study. *Social Forces*, 89(1), 285–309. <https://doi.org/10.1353/sof.2010.0055>
- Wilson, D. B., Gallagher, C., & MacKenzie, D. (2000). A Meta-Analysis of Corrections-Based Education, Location, and Work Programs for Adult Offenders, A Meta-Analysis of Corrections-Based Education, Vocation, and Work Programs for Adult Offenders. *Journal of Research in Crime and Delinquency*, 37(4), 347–368. <https://doi.org/10.1177/0022427800037004001>
- Wilson, W. J. (1997). *When work disappears: The world of the new urban poor* (1st ed.). Random House.
- Wozniak, A. K. (2014). *Discrimination and the Effects of Drug Testing on Black Employment* (Working Paper No. 20095). National Bureau of Economic Research. <https://doi.org/10.3386/w20095>