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Supply vs. Demand: Re-Entering America's Prison Population into the Workforce

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SUPPLY VS. DEMAND: RE-ENTERING AMERICA'S PRISON
POPULATION INTO THE WORKFORCE

by

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Abstract

Because rejoining the workforce may prevent against ex-offender recidivism, securing gainful employment is one of the best indicators of successful societal reintegration for released prisoners. However, the stigma attached to a criminal history, combined with ex-prisoners' lack of human capital, may threaten their ability to obtain a job. The present study examines hiring managers' attitudes towards previously imprisoned offenders applying for positions in their workplace. Using a combination of brief, fictional applicant biographies and surveys, this mixed-groups factorial study explores how hiring managers (N= 28) consider gender, type of offense, and race when an ex-offender is assessed during the application process. Results indicated that, regardless of their offense, gender, and race, ex-prisoners were generally perceived to be less employable and less likely to have work-related characteristics such as honesty and the ability to communicate effectively.

Keywords: prisoner re-entry, stereotypes, employment decisions

Supply vs. Demand: Re-Entering America's Prison Population Into the Workforce

An over-reliance on imprisonment in America has led the United States to have over 23% of the world's incarcerated people, despite having less than 5% of the world's population (Hartney, 2006). Such a vast disparity dictates why the United States has the highest incarceration rate in the world (Hartney, 2006), with 1 in every 134 U.S. residents held in custody in prisons or jails by midyear 2009 (West, 2010). Despite this dependency on incarceration, at least 95% of the prison population will be released at some point in the future, which raises questions about their readiness to re-enter non-institutional society (Hughes & Wilson, 2004).

As a result of discriminatory enforcement strategies, America's high incarceration rate disproportionately affects less privileged minority populations, leading the composition of prisons and jails to be primarily skewed towards minority males (Thompson, 2004). Ex-prisoners' lack of resources carries over into their experiences with re-entry, as they are released into the same communities that originally ensnared them in the criminal justice system (Thompson, 2004). Despite serving time, released prisoners may be looked down upon due to their forensic histories when trying to secure jobs. Unfortunately, failure to reintegrate more often than not leads to ex-prisoners reoffending (Langan & Levin, 2002). In the present study, I examine employers' perceptions of recently released prisoners applying for jobs at their workplace. More specifically, this study delves into employers' beliefs about ex-prisoner applicants' work skills and character traits based on their offense, gender, and race.

Population Differences in Prison and Re-Entry Experiences

The extent of racial disparity in imprisonment rates is quite dramatic. Black individuals are incarcerated at higher rates than White and Hispanic individuals, regardless of gender (Harrison & Beck, 2007). At yearend 2005, Hispanic and Black inmates represented 60% of state and federal inmates, with Black inmates comprising 40% of that percentage (Harrison & Beck, 2007). This can be attributed, in part, to racist enforcement strategies and harsh prison sentences for crack cocaine in the 1980's and 90's, which disproportionately affected poor, inner-city, Black drug users (Thompson, 2004). In 1995, the 60% of prisoners who were sentenced for drug offenses constituted the largest group of federal inmates (Harrison & Beck, 2007, p. 10). Certain offenses remain segregated by race; while White prisoners were 10-11% more likely to be serving time in state prisons for a property offense than a Black or Hispanic inmate, there were nearly a quarter of Black and a quarter of Hispanic drug offenders in 2005 (Harrison & Beck, 2007).

Comparisons between the re-entry experiences of White and non-White ex-prisoner populations provide insight into the discrimination that non-White ex-prisoners face upon re-entry. In addition to facing the stigma of having a prison history, Black ex-offenders face a greater wage gap than White ex-offenders after being released (Lyons & Pettit, 2008). A study by Lyons and Pettit (2008) discovered that wage divergence between White and Black ex-offenders exists regardless of differences in previous work experience. Black ex-inmates also receive fewer returns to prior work experience than Whites, which is concerning because cumulative work experience is important for wage growth (Lyons & Pettit, 2008). In a study

by Wang, Mears, & Bales (2010), it was discovered that Black ex-prisoners that were released to counties with high levels of Black male unemployment in non-manufacturing job sectors were more likely to return to prison for a violent offense within 2 years after release, whereas a comparable effect was not found for White male ex-prisoners. This race-specific post-prison outcome demonstrates the differences in social and economic contexts that ex-prisoners return to upon release (Wang, Mears, & Bales, 2010). Accumulated disadvantage experienced by Black ex-prisoners may make them more vulnerable when entering a job market with low employment rates, while White ex-prisoners may have greater social capital to protect them (Wang, Mears, & Bales, 2010).

Apart from forensic history, employers have discriminated against Black applicants in the hiring process based solely on their race. Previous research has found that employers who do not use background checks “statistically discriminate” against Black male applicants because their race is seen as a “proxy” of criminality (Holzer, Raphael, & Stoll, 2004, p. 13). In a study of Chicago area employers’ racial biases manifest in hiring strategies, Neckerman and Kirschenman (1991) found that, “more often than not, employers recruited selectively” (p. 437) in non-minority communities, suggesting that this type of “selective recruitment... disproportionately screens out inner-city Blacks” (p. 440). Employers who target their recruitment efforts towards White neighborhoods and Catholic or magnet schools may be acting on their perceptions of inner-city Black workers as lacking in work ethic, attitudes, and skills (Neckerman & Kirschenman, 1991). The use of selective recruitment demonstrates the pre-conceived, negative opinions that some employers have of inner-city minorities, as they purposely do not make their job openings accessible to all. Additionally,

inner-city Black applicants, however qualified they may be, continue to be at a disadvantage during job interviews, as they “are more likely to fail subjective ‘tests’ of productivity” (Neckerman & Kirschenman, 1991, p. 445). Coupled with prior offenses, minorities undoubtedly face greater prejudice in the hiring process.

Men and women are also disproportionately represented in prisons and jails, with men making up more than 90% of all inmates (Western & Beckett, 1999) and boasting an imprisonment rate 14 times higher than women’s (West & Sabol, 2011). Fifty-three percent of men return to prison with or without a new prison sentence, while 39.4% of women return (Langan & Levin, 2002). Though females do not make up the majority of violent offenders in state prisons, they were 10% more likely to be serving time for property and drug offenses than men in 2005 (Harrison & Beck, 2007). Female incarceration rates also reveal racial differences, as Black females were more than twice as likely than Hispanic females and over 3 times more likely than White females to be in prison by yearend 2005 (Harrison & Beck, 2007). Although the majority of female offenders share a similar lack of human capital like male offenders, they also typically have many unique medical, psychological, and financial problems (Austin, Bloom, & Donahue, 1992). Problems such as homelessness, poverty, and mental illness trap women in a cycle of hopelessness and crime (Austin, Bloom, & Donahue, 1992). Imprisoned women are also burdened by psychological trauma resulting from sexual and physical abuse (Austin, Bloom, & Donahue, 1992). A study of female offenders discovered that over half of all adult female offenders were victims of physical abuse, and 36% had been sexually abused (Austin, Bloom, & Donahue, 1992).

Oftentimes, female offenders are young mothers who are, on average, 25 to 29 years old and the sole caretaker of two dependent children (Austin, Bloom, & Donahue, 1992). The presence of children presents a unique challenge for female offenders more so than for males. Their families are broken as a result of their incarceration, which is a reality that is often more true for imprisoned women of color (Thompson, 2004). While many released male prisoners do not have to be concerned with child custody, released female prisoners typically have to fight for custody of their children from the state (Thompson, 2004). Research has also found that female convicts face reduced employment probabilities of about 20%, while men's chances are reduced by only 10%; such a finding may indicate employer stigmatization of convicted women (Sciulli, 2010). These results, however, conflict with research by Lalonde and Cho (2008) that examined the employability of former female state prison inmates in Illinois. Researchers found that, in the short-term, prison time may foster and not harm employment prospects, though they note that the results "do not necessarily represent a causal impact of incarceration on post-release outcomes" (Lalonde & Cho, 2008, p. 260). In light of these opposing studies, further research must be conducted to understand the unique role that gender plays in ex-prisoner re-entry.

Two common crimes that are served in prison are violent battery and nonviolent drug offenses. Sixty percent of the growth in the state prison population from 2000 to 2008 can be attributed to violent offenders (West & Sabol, 2010). Violent offenders made up 52% of state prisoners at yearend 2003, while drug offenders made up 20% of the state prison population (Harrison & Beck, 2007). Released prisoners imprisoned for a violent crime were sentenced for about 8 years, but the average time served was about 3 1/2 years (Beck & Greenfield,

1995), while nonviolent offenders received a sentence of about 52 months and served about 16 months of their sentence prior to discharge (Durose & Mumola, 2004). Re-entry may pose a challenge for violent offenders, in particular, due to the nature of their crime. In a study that measured employers' stated willingness to hire ex-offenders, 9.2% stated they would consider hiring applicants with violent offenses, compared to 45.8% who would consider hiring ex-drug offenders (Holzer, Raphael, & Stoll, 2004). Spending a significant amount of time in prison depreciates ex-inmates' value to employers, especially if there is an indication that they may pose a danger to customers (Holzer, Raphael, & Stoll, 2004).

Challenges Facing Released Prisoners

One-third of the prison population is released from correctional institutions annually (Freeman, 2003). Unfortunately, ex-inmates' chances of returning to prison after being released are extremely high due to their lack of human capital and instability upon release. In 1994, within three years of release, 51.8% of inmates had returned to prison for a new sentence or a technical violation of their release (Langan & Levin, 2002). The resulting revolving prison door can be attributed to a number of barriers facing prisoners once they exit the penal system.

Incarceration can decrease offenders' human capital, but it is not the only limitation they face once they return to non-institutional society. Many ex-prisoners are saddled with mental health issues, histories of drug and alcohol abuse, little education and work experience, and prior convictions (Durose & Mumola, 2004). According to a Bureau of Justice Statistics Report by Durose and Mumola (2004), a quarter of nonviolent releasees

were alcohol dependent prior to imprisonment. In a study on employers' attitudes towards the employability of ex-prisoners compared to other disadvantaged groups, only applicants with psychiatric disabilities were considered less employable than applicants with a forensic history (Graffam, Shinkfield, Lavelle, & Hardcastle, 2004). This is particularly troubling because the mentally ill population overlaps with the ex-prisoner population; 10-16% of inmates have been diagnosed or report themselves as mentally ill (Freeman, 2003). In addition to their criminal history, ex-prisoners are at a disadvantage in the job market due to their lower educational attainment. While 18% of the general population had not completed high school at 18 years or older in 1997, 41% of inmates in state and federal prisons had not completed high school or its equivalent (Harlow, 2003). Additionally, over half of the prison population is under the age of 35 (Harrison & Beck, 2007), which is problematic considering the majority of ex-prisoners have spent their prime working years behind bars. Not only can a forensic history serve as a hindrance to ex-offenders' successful re-entry, but having little work and education experience and any health issues may be obstacles, as well.

Many problems that ex-inmates face upon re-entry tend to be linked. For instance, incarceration has been shown to exacerbate residential instability, which can lead to homelessness, use of homeless shelters, and re-incarceration (Metraux & Culhane, 2004). Research has found that within two years of release, 11.4% of New York State prison releasees were living in homeless shelters and 32.8% had returned to prison; such findings could reasonably be applied more generally throughout the United States (Metraux & Culhane, 2004). In many ways, ex-prisoners' difficulty in finding housing is inextricably connected to their ability to secure employment. Applicants must have an address and

telephone number to be reached by the employer (Thompson, 2004). If they are homeless, ex-prisoners are at a disadvantage when completing this part of their job applications.

Another underreported concern is the transportation barriers that recently released prisoners face due to driver's license suspension and revocation (Pawasarat, 2007). In a report on the barriers to employment facing adults released from Wisconsin correctional facilities, Pawasarat (2007) found that only 4% had a valid driver's license without suspensions or revocations. This is particularly problematic considering three-fourths of job openings in the metro area were located in areas that are not easily accessible by public transportation (Pawasarat, 2007). Research from the Employment and Training Institute at the University of Wisconsin-Milwaukee has found that, for the welfare-to-work population, a driver's license can be more important than educational status when accessing and retaining employment (Pawasarat, 2007, p. 1). Because a lack of transportation serves as a hindrance to obtaining a job, perhaps it consequently poses a greater likelihood of a released inmate returning to prison.

Further, unless they are on parole, there is very little oversight in the communities that ex-prisoners are re-entering to ensure that they do not find themselves back under correctional supervision. Of the 600,000 prisoners returning to non-institutional society, 130,000 will be released back into the county where they resided before incarceration without any form of supervision after fully completing their sentences (Thompson, 2004). These individuals will be left to manage their own reintegration into the very communities that entangled them in the criminal justice system in the first place (Thompson, 2004). This is of concern since studies have found that, without proper social support, recently released

offenders risk demonstrating high levels of hostility, a trait linked to reoffending (Hochstetler, DeLisi, & Pratt, 2008).

Attaining a job is an important step towards ex-prisoner reintegration into society, but also a challenge because they are members of a stigmatized group (Graffam, et al., 2004). Because they were less successful in the labor market before being imprisoned, it is difficult to determine whether incarceration per se lowers ex-prisoners' prospects after serving time, as "micro-survey data suggests that it does, but administrative data is equivocal" (Freeman, 2003, p. 10). In a study measuring employers' hiring decisions, Holzer, Raphael, and Stoll (2004) found that, while 41.6% of employers would probably not or absolutely not hire an ex-prisoner, there are some who would consider mitigating factors such as the type of offense and when it occurred. Even still, the stated willingness to hire ex-prisoners is very limited, even relative to other disadvantaged workers, like welfare recipients (Holzer, Raphael, & Stoll, 2004).

Hiring managers are generally less willing to hire ex-offenders in part because some occupations are legally closed to them, such as health, child-related, and security services (Holzer, Raphael, & Stoll, 2003). Though some prisons offer vocational training to inmates, there are certain occupations that prisoners may be trained in that they are subsequently barred from working in upon release, such as barbering (Thompson, 2004). Employers may also reside in a state where they could be charged with negligent hiring; they could be held liable for their employee's criminal actions because their hiring decision created a risk to the public (Holzer, Raphael, & Stoll, 2003). There is a high chance of employers losing these cases, and a high cost of settling them, which may deter them from taking a risk by hiring an

applicant with a criminal record (Holzer, Raphael, & Stoll, 2003). Thus, ex-offenders' time in prison may negatively affect their chances of being hired in a job that is reliant on customer contact, as employers may fear an ex-prisoner could victimize a customer (Holzer, Raphael, & Stoll, 2004). This may be why willingness to employ ex-prisoners is higher in construction or manufacturing rather than in retail (Holzer, Raphael, & Stoll, 2003). The U.S. Equal Employment Opportunity Commission has determined that an employer's exclusion of an applicant with an arrest record is justified when the applicant's previous conduct could interfere with the position's requirements ("Policy guidance on," 1990). This means that ex-prisoners can legally be considered for fewer jobs than non-offenders.

Former prisoners are especially at a disadvantage when applying for jobs if the employer conducts a criminal background check, which is an act that has increased dramatically following September 11, 2001 (Holzer, Raphael, & Stoll, 2004). Greater accessibility of criminal records on the Internet has also allowed for employers to more easily check criminal backgrounds. A study by Finlay (2009) found that states allowing for criminal records to be displayed on the Internet have more negative employment and earnings effects of incarceration than states that do not allow it. Such findings, however, may be limited to those employers that conduct criminal background checks. Holzer, Raphael, and Stoll (2004) found that whether an employer decides to conduct background checks depends on their industry; checking records has decreased in construction, wholesale trade industries, and small firms, while it has increased in retail, manufacturing, and large firms.

Even ex-prisoners who are looking for jobs several years after their release could be impeded by their criminal records. Apart from choosing an arbitrary number of years after

the applicant was released from prison, employers do not have guidelines on how much time can pass before they overlook a criminal history (Blumstein & Nakamura, 2009). For instance, potential employers in New Jersey may access arrest or conviction records of violent offenders regardless of when the event occurred (Pogorzelski, Wolff, Pan, & Blitz, 2005). Blumstein and Nakamura (2009) conducted research in order to determine the point in time when the risk of ex-prisoners' recidivism is no greater than the general population's. They found that the younger an offender was when he or she committed robbery, the longer he or she had to stay clean before reaching the same arrest rate as the general population (Blumstein & Nakamura, 2009). For instance, an 18 year old ex-offender took 7.7 years to reach the same arrest rate as a same-aged individual in the general population, while a 20 year old needed 4.4 years (Blumstein & Nakamura, 2009). Despite this research, an ex-prisoner may be discriminated against due to their criminal history even if he or she were to apply for a job 20 years after release.

Ex-offenders are perceived by employers as being less employable and less likely to maintain employment compared to the general workforce (Graffam, et al., 2004). However, a study by Graffam, et al. (2004) discovered that while this may be the case, employers also believe that ex-prisoners are fairly likely to exhibit employment-related skills and traits, such as punctuality and willingness to work. Though they believe that non-offenders are slightly more likely to have these characteristics, these findings suggest that employers believe ex-prisoners have some of the skills for the job (Graffam, et al., 2004). Employers also believed that pre-release training in prisons is beneficial to ex-prisoners' employability (Graffam, et al. 2004). This study demonstrates that, despite the odds, ex-prisoners may have the chance to

improve their outcomes once released, as employers' perceptions of their work skills are not dramatically different from non-offenders'.

Which psychological theory might explain employers' unwillingness to hire ex-prisoners? Understanding the way in which stereotypes affect hiring actions sheds light on how employers view ex-prisoners applying for their jobs. Though there are few studies on employers' stereotypes of prisoners, research has found that employers' activation of categories such as race, gender, and age can influence whether an applicant is hired for a position (Kulik, Roberson, & Perry, 2007). Prisoners belong to a social category that may be perceived negatively due to socially shared sets of beliefs about their characteristics, such as their physical attributes and behavioral tendencies (Kulik, Roberson, & Perry, 2007). Just knowing that an individual was once previously imprisoned can conjure up notions that he or she is dangerous or deviant, and that it is therefore unsafe to associate with this person. Categorizing prisoners negatively can lead to stereotyping, which may then cause an employer to have a negative impression of an ex-prisoner applicant's character and their ability to work in a certain capacity (Kulik, Roberson, & Perry, 2007). By comparing their impressions of the applicant with the requirements of the position in the limited amount of time that they have to make a decision, the employer determines whether to hire the applicant based on activation of the category "prisoner" (Binning & Barrett, 1989). When two categories compete for processing priority, such as "prisoner" and "male," the decision maker can suppress or amplify categories to support their desired impressions (Kulik, Roberson, & Perry, 2007). Given a situation where a male ex-prisoner applies for a job, the stereotypically negative characteristics of prisoners may be more prominent in an employer's mind than

those of males, and thus the employer would perceive the applicant predominantly as an ex-prisoner. In this way, the decision maker acts as a “motivated tactician” who unconsciously chooses among categories based on his or her goals, motives, or needs (Macrae & Bodenhausen, 2001). The more dominant category will lead the decision maker to form an impression of the applicant and compare this impression to the job requirements (Kulik, Roberson, & Perry, 2007). However, if a decision maker is motivated to avoid prejudice based on a certain category, then they may be able to inhibit stereotype activation (Kulik, Roberson, & Perry, 2007). This motivation to control prejudice may stem from positive attitudes toward the category (Kulik, Roberson, & Perry, 2007). Stereotypes of prisoners could reasonably prevent an employer from hiring an ex-prisoner applicant if they believe that their characteristics would not fit the job position. It is possible that considerable positive contact with this group would motivate the employer to be able to control his or her prejudice towards ex-prisoners, but a negative scenario is also true.

Federal and State Policies Addressing Crime, Sentencing, and Re-Entry

The war on drugs that took place during the last quarter of the 20th century resulted in a significant increase in nonviolent drug convictions, as the percentage of inmates convicted for nonviolent drug offenses rose from 6% in 1979 to nearly 30% in 1994 (Western & Beckett, 1999). This “tough on crime” attitude has led to harsh sentencing and parole eligibility policies over the years, though recent measures have been passed in several states to address prisoner re-entry barriers and the oversized prison population (Porter, 2011). State policy makers in at least 23 states and the District of Columbia mandated new sentencing

policies in 2010 that have resulted in reduced costs as the need for prison capacity decreases (Porter, 2011, p. 4). For instance, South Carolina's S 1154 included multiple measures such as equalizing the penalties for crack and powder cocaine offenses (Porter, 2011). As a result, modest declines in prison populations have been recorded, along with reduced correctional costs (Porter, 2011).

Though expanding the prison population may reduce crime, education has also been shown to be an important and less costly crime deterrent (Bazos & Hausman, 2004). Compared to the average released prisoner, correctional education participants are 10-20% less likely to re-offend once released (Bazos & Hausman, 2004). In a study comparing the cost-effectiveness of prison education and expanding prisons, Bazos and Hausman (2004) found that correctional education is almost twice as cost-effective as building new prisons. Building upon previous legislation that mandated lower levels of achievement, the National Literacy Act of 1991 set a minimum 12th grade literacy requirement for prisoners, and included authorization for literacy programs (Whitney, 2009). In response, state and private prisons have created education programs over time, with 91% of state prisons and 88% of private prisons offering these opportunities by 2000 (Harlow, 2003). Over half of inmates report to taking advantage of these programs, as well (Harlow, 2003). Despite these strides in correctional education, the Supreme Court has been consistent in its denial of education as a fundamental right, making it that much more difficult for advocates to fight for prisoner rehabilitation (Whitney, 2009). For instance, the Pell Grant program, which once allocated less than 1% of its \$6 billion budget to prisoners, eliminated grants to prisoners in 1994 (Whitney, 2009).

The government has also made efforts to encourage employers to hire ex-prisoners and other high-risk persons. To create a financial incentive for managers to employ ex-prisoners at their workplace, the Work Opportunity Tax Credit (WOTC) reduces income tax liability by as much as \$2,400 (Rakis, 2005). Despite its potential value in the job search process, however, only 12.5% of parole agencies directly market the WOTC (Rakis, 2005). In a study by Holzer, Raphael, and Stoll (2004), only 21% of employers who had hired an ex-offender in the last year indicated that they had claimed the WOTC when hiring ex-offenders. In order to ease the concerns that employers might have in hiring an ex-prisoner who would typically not be covered by commercial policies, the U.S. Department of Labor's Federal Bonding Program offers fidelity bonds ranging from \$5,000 to \$25,000 to protect employers from work theft or dishonesty (Rakis, 2005). This program is available through government agencies, one-stop career centers, or non-profit agencies in 34 states and the District of Columbia (Rakis, 2005). Although the bonds are free, the Federal Bonding Program also seems to be underutilized by parole agencies (Rakis, 2005).

The federal government has passed legislation to address the challenges that ex-prisoners face upon release and how re-entry affects communities. The Second Chance Act is a bipartisan bill that was passed in April 2008, authorizing the federal government to fund re-entry initiatives through local government agencies and nonprofit organizations (Jannetta, Dodd, & Elderbroom, 2011; "Second chance act," n.d.). In order to improve outcomes for released prisoners, grants are allocated to programs that address issues commonly faced by prisoners, such as mental health, substance use disorders, housing and homelessness, education and employment, and children and families ("Second chance act," n.d.). Types of

provisions include demonstration grants for state, local, and tribal governments that provide employment services, substance abuse treatment, and victims services to improve release (“Second chance act,” n.d.). One such grant was awarded to the San Mateo County Manager’s office, which designed a reentry program for inmates with a high risk of recidivism (“Second chance act,” n.d.). A coordinator and case manager created individualized case plans for inmates and connect them with services that cater to their treatment needs (“Second chance act,” n.d.). Mentoring grants that provide mentoring and transitional services for ex-prisoners are also available to nonprofit organizations (“Second chance act,” n.d.).

Despite the fact that demonstration grantees must submit plans for analyzing statutory barriers to ex-offender reintegration (Jannetta, Dodd, & Elderbroom, 2011), the Second Chance Act has been criticized for being inconsistent with exclusionary statutes that eliminate ex-prisoners’ public access to benefits (Pogorzelski et al., 2005). For instance, ex-prisoners with nonviolent drug convictions in New Jersey still face a lifetime of restrictions when applying for public housing, despite the passage of the Second Chance Act (Pogorzelski et al., 2005). Restrictions on public assistance hurt mentally ill offenders, in particular, for they are often dependent on the state’s support (Pogorzelski et al., 2005). Since its budget allocation in 2010, the budget for the Second Chance Act has been reduced year by year, from \$100 million at its outset to \$83 million the next. As of November 2011, the Senate has eliminated its funding for the 2012 fiscal year, despite the President’s request to appropriate \$100 million to Second Chance Act programs (“Second chance act,” n.d.).

Several states have mandated statutes to address cases of employment discrimination, though the protections afforded to ex-offenders are vastly different across states. Many courts rely on tests that decipher whether the employee's conviction relates in some way to the job position, though the degree of relatedness differs depending on the state (O'Brien & Darrow, 2007). In cases where employees with criminal records have been discriminated against, Wisconsin courts decide whether the reason for termination "substantially relates to the circumstances of their job" (O'Brien & Darrow, 2007). For instance, in *Wal-Mart Stores, Inc. v. Labor & Industry Review Commission*, an employee had been charged of three felony drug counts before being hired (O'Brien & Darrow, 2007). Four months after hiring her, Wal-Mart learned of these charges and suspended her (O'Brien & Darrow, 2007). Three months later, the employee was fired after pleading guilty to misdemeanor possession of marijuana (O'Brien & Darrow, 2007). The Court concluded that her arrest and conviction were not substantially related to her job, for "she did not work with dangerous tools or perform dangerous tasks" (O'Brien & Darrow, 2007, p. 42). Additionally, as there was no evidence of drug use during the period of her employment, and thus no violation of Wal-Mart's drug policy, the Court decided that the employee should be reinstated (O'Brien & Darrow, 2007).

Pennsylvania's Criminal History Record Information Act is somewhat different from Wisconsin's "substantial relation" test, as its language carries significant implications that disfavors employees; it states that

employers may consider "criminal history record information," including felony and misdemeanor conviction records, only to the extent that it "relate[s] to" the applicant's suitability for the particular position in question. However, employers may not consider a prior arrest in making the hiring decision (O'Brien & Darrow, 2007, p. 1005-1006).

The Criminal History Record Information Act includes certain caveats that are not in the employee's favor (O'Brien & Darrow, 2007). For example, employees who voluntarily provide information about past criminal acts in their application cannot rely on the statute's protections, for voluntary information is not defined as "criminal history record information" (O'Brien & Darrow, 2007). However, if the employer asks for full disclosure of their criminal history and the applicant purposely omits it, then the employer has an independent reason not to hire the applicant, as that would be application fraud (O'Brien & Darrow, 2007). Additionally, there has been at least one case in which the Commonwealth of Pennsylvania has claimed sovereign immunity, thereby avoiding the restrictions of the statute (O'Brien & Darrow, 2007). Further, only employees who encounter adverse employment actions during the hiring stage are protected by the Criminal History Record Information Act, which has led very few cases to be decided under the statute (O'Brien & Darrow, 2007). This being the case, if an employee does not disclose her previous convictions during the application process voluntarily, and then the employer discovers her record post-hire and decides to terminate her, she is not protected (O'Brien & Darrow, 2007). Compared to Wisconsin's law, Pennsylvania's legislation is much harsher towards employees.

With a greater number of inmates being released into non-institutional society due to changing state policies, the topic of re-entry is distinctly relevant today. Upon release, attaining gainful employment is one of the most important buffers to recidivism. However, ex-prisoners may be confronted with the stigma of their criminal history when applying for work, especially if the employer conducts a background check. The populations represented in the corrections system are mostly comprised of male minorities, and the current research

generally reflects this fact by focusing on or assuming this population when referring to ex-prisoners. Though studies on the employment outcomes of non-White ex-prisoners reveal that they are less likely to attain a job (Visher, Debus-Sherrill, & Yahner, 2011), findings regarding the job prospects of previously incarcerated women are less conclusive (Sciulli, 2010; Lalonde & Cho, 2008). Employers rate ex-prisoners as having lower employability than most applicants, but they believe that ex-prisoners are fairly likely to have employment-related skills and traits (Graffam, et al., 2004), suggesting that there is hope for them in the job market.

The literature that exists on the topic of prisoner re-entry is moderate at best, and requires further research. Current studies generally group all ex-offenders together without regard to important social features, such as gender and race. From previous research, it is clear that there are distinctions between the experiences of different populations of ex-prisoners. However, because the majority of prisoners are Black men, little attention has been afforded to Hispanic and female inmates and their re-entry. Because employment discrimination exists regardless of criminal history, it is important to take gender and race into account when examining employers' attitudes towards ex-prisoner applicants, for their beliefs may affect their ability to be hired. At the moment, there is very little research focusing on these social differences, and how employers perceive them during the application process. The beliefs that employers hold about ex-prisoners with a violent offender history is another topic that calls for further investigation.

The purpose of this research is to learn more about how hiring managers perceive ex-prisoners who apply for jobs at their workplaces. This study investigates whether an

applicant's race, gender, and type of offense would predict hiring preferences and character judgments in employers. By examining employers' willingness to hire ex-prisoners and their character judgments of them, re-entry service providers may better prepare ex-prisoners of all backgrounds to enter the job market, rather than treating released prisoners as a general population. The two types of offenses that this study focuses on are violent and drug-related, and the two races that are focused on are White and Latino. It is predicted that ex-prisoners, particularly violent offenders, are least likely to be hired and rated positively by employers. It is also predicted that Latinos will be rated the lowest and will be the least likely to be hired, while Whites will be rated most positively and will be most likely to be hired. It is also predicted that females will be rated less positively and will be the least likely to be hired. Examining the attitudes that hiring managers have towards released inmates of different genders, offenses, and races will provide a more nuanced look at the challenges that ex-prisoners face when re-entering into the workforce.

Method

Participants

Twenty-eight organizational decision makers volunteered to participate (5 men, 17 women, 6 unknown, mean age = 41 years old) in the following experiment. The sample was recruited from Los Angeles area businesses and, of those that reported their role in the workplace, was comprised of 1 human resources manager, 3 owners, 15 managers/supervisors, and 4 personnel department officials¹. The mean length of time participants had

¹ For the purposes of this paper, participants will subsequently be designated as "participants" and "hiring managers," as they were responsible for hiring applicants in their workplace.

held their positions was 6.6 months. Of those that reported their firm's main service, 39.3% were involved in education (see Figure 1). Among those who reported their race, 57.1% of the sample were White, 10.7% identified as mixed race, and 7.1% were Hispanic. Just under 36% of the sample reported that they had previous personal experience with ex-prisoners, while 28.6% reported to have worked with ex-prisoners in a professional setting. Among those who had previously worked with ex-prisoners, 25% rated their experience as "neutral," 14.3% rated their experience working with ex-prisoners as "positive" or "very positive," and 14.3% reported it as "negative" or "very negative." Participants were given the option of entering a raffle for the chance to win one of two \$35 cash prizes.

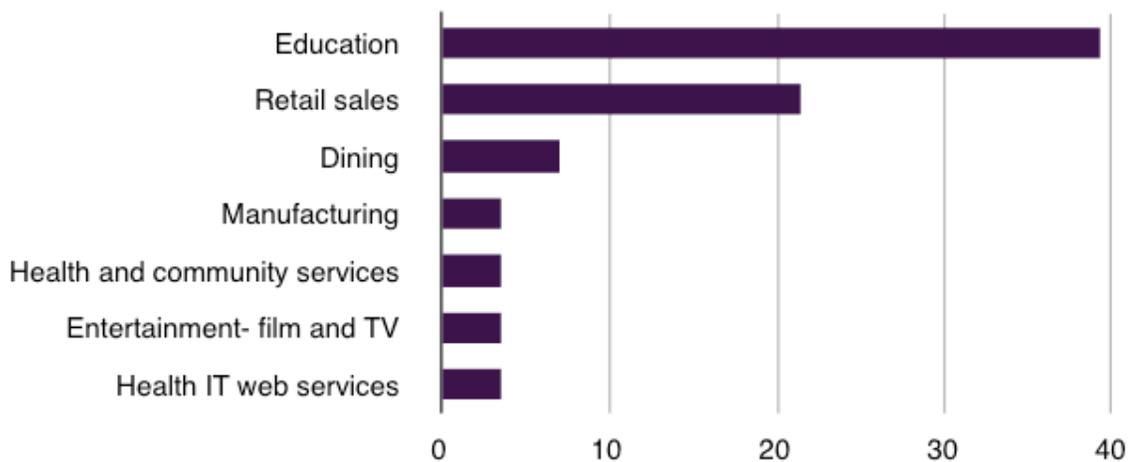


Figure 1. Participants' firm's main service. This figure illustrates the main service of participants' firms. 82% of participants stated their firm's main service.

Materials

General Employee Skill and Trait Assessment. (See Appendix A). Participants rated the importance of 7 skills and characteristics to employability, such as honesty and ability to work as a team, using a 7-point Likert scale (1 = *not at all important* and

7 = *extremely important*). These questions were derived from a study by Graffam, et al. (2004) that measured employers' attitudes of potential applicants. This measure allows the researcher to examine employers' ratings of employee skills and characteristics that they consider to be important. Employers' ratings can be compared to the Fictional Applicant Skill and Trait Assessment in order to determine the importance of a skill relative to whether they believe an applicant has it.

Fictional Applicant Biographies. (See Appendix B). The researcher developed twelve short biographies of fictional applicants detailing their past work and education experience in order to simulate the hiring process. The 12 applicants were non-offenders and ex-offenders who varied in gender (male or female), race (White or Latino), and prior offense record (no offense or previous offense). The ex-prisoners were drug offenders charged with possession, and violent offenders charged with battery. All of the biographies were consistent in terms of educational experience, as all of the applicants were high school graduates. They were also consistent in terms of age, as all of the applicants were 25 years old. Maintaining a consistent educational experience and age for the applicants was important, as differences in these aspects would create confounding variables. Additionally, the applicants had been released from jail 5 to 6 months before the time participants read their biographies, so they were released relatively recently. Non-offenders had worked a total of 12 months in previous non-professional jobs, with 2 months without work, while ex-prisoners had worked a total of 6 months in non-professional jobs before going to jail. Violent offenders served 6 months in jail while drug offenders served 7 months. These sentence lengths were determined based on typical sentences served for these particular offenses (Beck & Greenfield, 1995; Durose &

Mumola, 2004). Providing applicants' work and prison experiences from the past 12-14 months allowed participants to assess the applicants' most recent activities to determine whether they would be good employees for their workplace. The previous jobs that applicants held were unskilled positions, such as cashier and waitress jobs, in the sales and dining sectors.

Fictional Applicant Hiring Scale. (See Appendix C). Participants were asked 4 questions developed by the researcher regarding how likely they would be to hire the applicant in current open, entry-level, and managerial positions, and how likely they believed the applicant would stay employed. The responses were rated using a 7-point Likert scale (1 = *no chance* and 7 = *excellent chance*). This measure was used in order to assess how employable the participants perceived the applicants to be.

Fictional Applicant Skill and Trait Assessment. (See Appendix D). Participants were asked the General Employee Skill and Trait Assessment questions derived from the Graffam, et al. (2004) study as applied to the fictional applicants. These questions concerned how likely the applicants were to have the aforementioned skills and qualities, such as the ability to take direction well and the ability to communicate effectively. Responses were rated on a 7-point Likert scale (1 = *not at all likely* and 7 = *extremely likely*), which allowed the participants to convey their beliefs about certain skills and traits that they perceived the applicants were likely to have or lack.

Multi-City Study of Urban Inequality, 1992-1994 Measure. (See Appendix E). Participants were asked 15 select questions about their workplace from the Multi-City Study of Urban Inequality, 1992-1994: [Atlanta, Boston, Detroit, and Los Angeles] (Holzer,

Kirschenman, Moss, & Tilly, 2000). The formats for these questions were multiple choice, fill-in, and scaled matrices. Participants were asked, for example, whether affirmative action played a role in hiring decisions and whether a high school diploma was necessary to be hired into an entry-level position. These types of questions allowed for a greater understanding of the hiring and recruitment process at participants' workplaces, and how they might affect different populations of applicants.

Demographic Questionnaire. (See Appendix F). Participants were then asked 11 demographic multiple choice questions, including personal questions regarding their experiences working and interacting with ex-prisoners, derived from Graffam et al.'s (2004) study. For instance, participants were asked what their current role in the workplace is, and to rate the overall positivity or negativity of their experiences working with ex-prisoners. These questions provided a better understanding of participants' backgrounds in their roles as hiring managers. Knowing their experiences with ex-prisoners could provide insight into the attitudes they hold about the population.

Procedure

The study was designed using a 2 x 3 x 2 within-groups full factorial design. Hiring managers were approached individually in their work environment and invited to participate in an experiment. The participants were told that the experiment was part of a college assignment and would take approximately 40 minutes. They were told that their participation was voluntary and shown the informed consent statement (see Appendix G). Participants completed the experiment in front of the researcher or were given a website address to complete the experiment online.

Participants were first asked to complete the General Employee Skill and Trait Assessment. They were then randomly assigned to 1 of 12 conditions. Each condition was counterbalanced through a Latin square computation so as to arrange each fictional applicant biography in a unique order to decrease order effects. Each participant read all of the fictional applicant biographies. After a biography was read, the participant would rate the applicant using the Fictional Applicant Hiring Scale and the Fictional Applicant Skill and Trait Assessment. After reading about and assessing all of the fictional applicants, participants completed the Multi-City Study of Urban Inequality, 1992-1994 Measure and the Demographic Questionnaire. After the experiment was completed, participants were debriefed, thanked for their time, and offered the opportunity to enter a raffle for two chances to win a cash prize (see Appendix H).

Design

This study was designed to test 5 hypotheses. For hypothesis one, I predicted that ex-prisoners were less likely to be hired and would be rated more negatively than non-offenders. For hypothesis two, I predicted that ex-prisoners who had committed a violent offense were least likely to be hired and would be rated most negatively. For hypothesis three, I predicted that females were less likely to be hired and would be rated less positively within all categories. The fourth hypothesis stated that the effect would be strongest for Latino females. For hypothesis five, I predicted that, within all categories, White males were most likely to be hired and rated most positively compared to females and Latinos.

Results

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on hiring into open positions. There was no significant interaction between gender, race, and offense type as they relate to hiring into open positions, $F(2, 21) = .092$, $MSe = .034$, $p = .912$. Simple main effects analysis showed that there were no differences in hiring when a male ($M = 2.68$, $SD = .84$) or female ($M = 2.77$, $SD = .86$) applied, $F(1,22) = 2.23$, $MSe = .039$, $p = .149$, or when a White ($M = 2.72$, $SD = .87$) or Latino ($M = 2.72$, $SD = .83$) applicant applied, $F(1,22) = .000$, $MSe = .015$, $p = 1.00$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,21) = 28.74$, $MSe = .499$, $p = .000$. Three paired samples t-tests were used to make post hoc comparisons between the types of offenses. A first paired samples t-test indicated that there was a significant difference in hiring into open positions for non-offenders ($M = 3.68$, $SD = .97$) and drug offenders ($M = 2.49$, $SD = 1.16$); $t(23) = 4.89$, $p < .001$. A second paired samples t-test indicated that there was a significant difference in hiring into open positions for non-offenders ($M = 3.65$, $SD = .97$) and violent offenders ($M = 2.10$, $SD = .96$); $t(22) = 7.50$, $p < .001$. A third paired samples t-test indicated that there was a significant difference in hiring into open positions for drug offenders ($M = 2.42$, $SD = 1.14$) and violent offenders ($M = 2.10$, $SD = .96$); $t(22) = 2.16$, $p = .042$, (see Table 1). Though gender and race had no effect on their decisions, hiring managers were significantly less likely to hire applicants into open positions if they had a criminal history. Applicants who had committed a violent offense were significantly less likely to be hired than those who had committed a drug offense.

Table 1

Main Effects of Offender Status

	<u>Non-offender</u>		<u>Drug offender</u>		<u>Violent offender</u>		<i>F</i>	<i>P</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>		
Probability hired in an open position	3.65 _a	0.97	2.42 _b	1.14	2.10 _c	0.96	(2,21) = 28.74	.000
Probability hired in an entry-level position	3.72 _a	0.95	2.45 _b	1.15	2.16 _b	1.05	(2,21) = 27.29	.000
Probability hired in a managerial position	2.38 _a	1.17	1.76 _b	0.92	1.59 _b	0.71	(2,20) = 6.58	.006
Probability will stay employed	4.03 _a	0.83	2.8 _b	1.36	2.61 _b	1.33	(2,20) = 15.25	.000
Likelihood takes direction well	4.38 _a	0.75	3.53 _b	0.96	3.39 _b	1.18	(2,18) = 9.12	.002
Likelihood works well in teams	4.24 _a	0.74	3.38 _b	1.07	3.14 _b	1.14	(2,19) = 11.14	.001
Likelihood completes work efficiently	4.25 _a	0.86	3.33 _b	1.12	3.26 _b	1.19	(2,18) = 8.47	.003
Likelihood communicates effectively	4.25 _a	0.77	3.36 _b	1.12	2.93 _b	1.04	(2,19) = 15.08	.000
Likelihood relates well to the public	4.43 _a	0.73	3.33 _b	1.11	3.14 _b	1.18	(2,18) = 11.76	.001
Likelihood is willing to work	4.44 _a	0.74	3.37 _b	1.14	3.42 _b	1.08	(2,19) = 11.41	.001
Likelihood is honest	4.51 _a	0.65	2.96 _b	1.10	3.07 _b	1.05	(2,19) = 12.84	.000

Note. Responses were measured on a 7-point Likert scale. Shared letters between groups indicate $p > .05$ (non-significant difference). Different letters indicate that $p < .05$ (significant difference). Post-hoc tests using performed using Bonferroni using $p < .05$ as a cutoff.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on entry-level hiring. There was a marginally significant interaction between gender, race, and offense type as they relate to hiring into entry-level positions, $F(2, 21) = 3.26$, $MSe = .021$, $p = .058$. Simple main effects analysis showed that there were no differences in entry-level hiring when a male ($M = 2.75$, $SD = .89$) or female ($M = 2.8$, $SD = .90$) applied, $F(1,22) = .86$, $MSe = .045$, $p = .364$, or when a White ($M = 2.78$, $SD = .90$) or Latino ($M = 2.78$, $SD = .88$) applicant applied, $F(1,22) = .000$, $MSe = .016$, $p = 1.00$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,21) = 27.29$, $MSe = .49$, $p < .001$. Gender and race of applicants did not affect hiring managers' decisions, but applicants who had been imprisoned for committing

either a drug or violent offense were significantly less likely to be hired into an entry-level position.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on hiring into managerial positions. There was no significant interaction between gender, race, and offense type as they relate to hiring into managerial positions, $F(2,20) = .167$, $MSe = .105$, $p = .847$. Simple main effects analysis showed that there were no differences in hiring when a male ($M = 1.89$, $SD = .78$) or female ($M = 1.93$, $SD = .85$) applied, $F(1,21) = 1.132$, $MSe = .020$, $p = .299$, or when a White ($M = 1.86$, $SD = .82$) or Latino ($M = 1.95$, $SD = .83$) applicant applied, $F(1,21) = 2.24$, $MSe = .041$, $p = .150$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,20) = 6.58$, $MSe = .378$, $p = .006$. Applicants who were imprisoned for drug and violent offenses were significantly less likely to be hired than other applicants, though gender and race did not play a part in hiring managers' decisions.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on applicants' chances of staying employed. There was no significant interaction between gender, race, and offense type as they relate to staying employed, $F(2,20) = .718$, $MSe = .106$, $p = .500$. Simple main effects analysis showed that there were no differences between males ($M = 3.14$, $SD = 1.02$) and females ($M = 3.16$, $SD = 1.02$), $F(1,21) = .323$, $MSe = .018$, $p = .576$, or Whites ($M = 3.1$, $SD = 1.06$) and Latinos ($M = 3.2$, $SD = .99$), $F(1,21) = 2.26$, $MSe = .047$, $p = .147$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,20) = 15.25$,

$MSe = .606$, $p < .001$. Hiring managers believed that applicants who had been imprisoned for drug and violent offenses were significantly less likely to stay employed compared to other applicants, though their decisions were unaffected by applicants' gender and race.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on taking direction well. There was no significant interaction between gender, race, and offense type as they relate to taking direction well, $F(2,18) = .658$, $MSe = .051$, $p = .530$. Simple main effects analysis showed that there were no differences between males ($M = 3.73$, $SD = .80$) and females ($M = 3.79$, $SD = .87$), $F(1,19) = 1.52$, $MSe = .022$, $p = .232$, or Whites ($M = 3.73$, $SD = .84$) and Latinos ($M = 3.8$, $SD = .83$), $F(1,19) = 2.66$, $MSe = .021$, $p = .119$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,18) = 9.12$, $MSe = .398$, $p = .002$. Though gender and race did not seem to affect their decisions, hiring managers believed that applicants who had been imprisoned for drug and violent offenses were less likely to take directions well compared to other applicants.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on the likelihood that the applicant works well in teams. There was no significant interaction between gender, race, and offense type as they relate to working well in teams, $F(2,19) = .879$, $MSe = .072$, $p = .432$. Simple main effects analysis showed that there were no differences between males ($M = 3.58$, $SD = .83$) and females ($M = 3.60$, $SD = .92$), $F(1,20) = .087$, $MSe = .030$, $p = .771$, or Whites ($M = 3.56$, $SD = .87$) and Latinos ($M = 3.6$, $SD = .89$), $F(1,20) = .517$, $MSe = .046$, $p = .480$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,19) = 11.14$,

$MSe = .377$, $p = .001$. Hiring managers believed that formerly imprisoned applicants who had committed drug and violent offenses were less likely to work well in teams compared to non-offender applicants, while the applicant's gender and race did not have an effect on their rating.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on the likelihood that the applicant completes work efficiently. There was no significant interaction between gender, race, and offense type as they relate to completing work efficiently, $F(2,18) = 2.68$, $MSe = .073$, $p = .096$. Simple main effects analysis showed that there were no differences between males ($M = 3.61$, $SD = .89$) and females ($M = 3.62$, $SD = .96$), $F(1,19) = .021$, $MSe = .033$, $p = .886$, or Whites ($M = 3.58$, $SD = .91$) and Latinos ($M = 3.65$, $SD = .93$), $F(1,19) = 3.67$, $MSe = .015$, $p = .070$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,18) = 8.47$, $MSe = .445$, $p = .003$. Applicants who had been imprisoned for drug and violent offenses were significantly more likely to be perceived by hiring managers as less likely to complete work efficiently compared to non-offenders. The gender and race of the applicant did not have an effect on hiring managers' decision making.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on the likelihood that the applicant communicates effectively. There was no significant interaction between gender, race, and offense type as they relate to communicating effectively, $F(2,19) = .410$, $MSe = .090$, $p = .669$. Simple main effects analysis showed that there was a significant difference between males ($M = 3.45$,

SD = .78) and females ($M = 3.57$, $SD = .81$), $F(1,20) = 4.44$, $MSe = .034$, $p = .048$. There was no difference in communicating effectively for Whites ($M = 3.48$, $SD = .78$) and Latinos ($M = 3.54$, $SD = .81$), $F(1,20) = .959$, $MSe = .034$, $p = .339$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,19) = 15.079$, $MSe = .537$, $p < .001$.

Female applicants were significantly more likely than males to be perceived by hiring managers as likely to communicate effectively, while formerly imprisoned applicants who had committed drug and violent offenses were significantly less likely to be perceived by hiring managers as being able to communicate effectively. An applicant's race did not affect whether they were perceived to be effective communicators.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on the likelihood that the applicant relates well to the public. There was no significant interaction between gender, race, and offense type as they relate to relating well to the public, $F(2,18) = .655$, $MSe = .197$, $p = .531$. Simple main effects analysis showed that there were no differences between males ($M = 3.58$, $SD = .84$) and females ($M = 3.68$, $SD = .86$), $F(1,19) = 3.96$, $MSe = .030$, $p = .061$, or Whites ($M = 3.61$, $SD = .81$) and Latinos ($M = 3.65$, $SD = .88$), $F(1,19) = .856$, $MSe = .020$, $p = .367$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,18) = 11.76$, $MSe = .682$, $p = .001$. Hiring managers were significantly more likely to perceive non-offenders as being able to relate well to the public compared to formerly imprisoned applicants who had committed drug and violent offenses. Race and gender of the applicant did not affect hiring manager decision making.

Table 2

Interaction between Gender and Race on Willingness to Work

Race	<u>Male</u>		<u>Female</u>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
White	3.73	0.83	3.73	0.93
Latino	3.62	1.00	3.89	0.82

Note. For Latino applicants, females are viewed as more willing to work than males, and are also seen as more willing to work than White females.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on the likelihood that the applicant was willing to work. There was no significant interaction between gender, race, and offense type as they relate to willingness to work, $F(2,19) = .125$, $MSe = .148$, $p = .282$, but there was a significant interaction between gender and race, $F(1,20) = 5.37$, $MSe = .213$, $p = .031$ (see Table 2). Latino females were perceived as significantly more willing to work than White females, $t(20) = -2.35$, $p = .029$, as well as more willing to work than Latino males, $t(20) = 2.41$, $p = .03$. Simple main effects analysis showed that there were no differences between males ($M = 3.67$, $SD = .90$) and females ($M = 3.81$, $SD = .86$), $F(1,20) = 3.31$, $MSe = .058$, $p = .084$, or Whites ($M = 3.73$, $SD = .87$) and Latinos ($M = 3.75$, $SD = .88$), $F(1,20) = .163$, $MSe = .037$, $p = .691$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,19) = 11.41$, $MSe = .394$, $p = .001$. Hiring managers were significantly more likely to think non-offender applicants were willing to work compared to ex-prisoners who had committed drug and violent offenses. They were also likely to perceive Latino females as more willing to work than White females and Latino males.

Table 3

Interaction between Race and Offense on Honesty

Race	<u>Non-offender</u>		<u>Drug offender</u>		<u>Violent offender</u>	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
White	4.45	0.63	2.83	1.17	3.14	1.04
Latino	4.57	0.78	3.10	1.11	3.00	1.08

Note. For both Latino and White applicants, non-offenders were viewed as more honest than drug and violent offenders. Among drug offenders, Latinos were viewed as more honest than Whites.

A 3-way within-groups ANOVA using an LSD ($p = .05$) was conducted to compare the effect of gender, race, and offense type on the likelihood that the applicant is honest. There was no significant interaction between gender, race, and offense type as they relate to honesty, $F(2,19) = .199$, $MSe = .132$, $p = .822$, but there was a significant interaction between race and offense, $F(2,19) = 4.59$, $MSe = .272$, $p = .024$ (see Table 3). Simple main effects analysis showed that there were no differences between males ($M = 3.46$, $SD = .65$) and females ($M = 3.57$, $SD = .72$), $F(1,20) = 2.98$, $MSe = .044$, $p = .100$, or Whites ($M = 3.48$, $SD = .69$) and Latinos ($M = 3.56$, $SD = .67$), $F(1,20) = 2.02$, $MSe = .033$, $p = .171$, but there was a significant effect on whether the applicant had been imprisoned, $F(2,19) = 12.84$, $MSe = .701$, $p < .001$. Hiring managers were significantly more likely to believe that non-offender applicants were honest compared to ex-prisoners who had committed drug and violent offenses. Latino and White non-offender applicants were perceived as more honest than drug and violent offender applicants, but Latino drug offenders were perceived as more

honest than White drug offenders. An applicant's gender did not have an effect on hiring manager decision making.

Discussion

As outlined previously, there were five hypotheses concerning how hiring managers would perceive and react to ex-prisoners applying to their jobs. The hypothesis that ex-prisoners were least likely to be hired and would be rated most negatively was supported in the results. Compared to non-offender applicants, ex-prisoner applicants who had committed drug and violent offenses were perceived as less likely to have work-related characteristics, such as a willingness to work and honesty. They were also less likely to be hired, and were perceived as less likely to stay employed compared to non-offenders. When determining how honest White and Latino applicants were, hiring managers were likely to rate non-offenders of both races as more honest than ex-prisoners of both races. These results are consistent with previous findings that indicated hiring managers are less likely to hire ex-offenders than non-offenders, and that they are more likely to rate ex-prisoners' character and work traits below those of non-offenders (Graffam et al., 2004). Like Graffam et al.'s (2004) findings, the results of this study also indicate that there is not a drastic difference in the manner that ex-prisoners are evaluated in the hiring process compared to non-offenders. Though non-offenders had just below a "fair chance" of being hired into open and entry-level positions, ex-prisoners had just above a "very poor chance." Similarly, non-offenders were perceived as having just over a "fair chance" of having certain work skills and characteristics, while ex-prisoners were believed to have just under a "fair chance." Such findings indicate that hiring

managers' attitudes towards hiring ex-prisoners might not be as dramatically affected by their criminal history, even if they are a violent offender.

The hypothesis that ex-prisoners who had committed a violent offense were least likely to be hired and would be rated most negatively was not supported in the results. Instead, ex-prisoners were generally less likely to be hired and were rated more negatively as a whole, in spite of the type of offense that they committed. This finding indicates that ex-prisoner applicants were perceived more generally rather than distinguished by their crime. The only divergence from this occurred when hiring managers rated the probability of hiring applicants into an open position. In this instance, violent offenders were only slightly less likely to be hired than drug offenders. These findings run counter to those of previous studies that suggested hiring managers' willingness to hire an ex-prisoner would depend on their crime (Holzer, Raphael, & Stoll, 2004). Intuitively, it would seem that hiring managers would be less willing to hire violent offenders due to the nature of their crime, though this was not supported in the results. It is possible that hiring managers' stereotypes of imprisoned drug and violent offenders are so similar that they fit into the same "prisoner category."

The hypothesis that females, particularly Latinos, would be the least likely to be hired and would be rated the least positively within all categories was not supported in the results, either. The findings actually indicate the opposite effect when hiring managers considered an applicant's willingness to work. Compared to Latino males and White females, Latino females were perceived as significantly more willing to work. Due to the isolated nature of this finding, there are very few studies that could provide a documented explanation for this result. Perhaps hiring managers have had multiple personal or professional experiences with

Latino females willing to work, which consequently led to these attitudes. Additionally, female applicants were perceived as being more effective communicators than male applicants. This finding is in line with the current literature on perceptions of gender differences in communication, as women are believed to be more attuned to and skilled at nonverbal communication (Briton & Hall, 1995). For the most part, though, applicants were evaluated with little attention drawn to their gender or race. In terms of research on stereotypes, it is possible that the activation of the "prisoner" category was more dominant than gender and race categories (Kulik, Roberson, & Perry, 2007). This would cause the hiring manager to focus on the applicant's criminal history rather than his or her race and gender.

The prediction that White males were most likely to be hired and be rated more positively than females and Latinos was also unsupported in the results. On the contrary, when examining how honest applicants were, White drug offenders were perceived by hiring managers as less likely to be honest compared to Latino drug offenders. This result may be in some way related to the previous finding about attitudes towards Latino females' greater willingness to work. Perhaps these hiring managers had more personal or professional experience with Latinos, and their attitudes have been influenced by positive experiences, as a result. Because this sample was collected in a predominantly Latino area, this is a possible explanation. However, these were the only effects race had on hiring decisions, so this could also be an isolated incident.

The present study may have benefited from a more realistic and representative sample. Because nearly half of the participants were organizational decision makers in the

education sector, the results may have differed had there been a more equal distribution of job areas represented. Some participants voiced their concern that there was not a lot of information provided about the fictional applicants for them to conclusively determine applicants' character traits and whether they should be hired. This design was purposeful so that the effects of gender, race, and offense type could be analyzed, though it is possible that this framework may have contributed to a social desirability bias. Hesitant that they would seem prejudiced against ex-prisoners, participants may have responded more favorably about former prisoners in their answers than they would actually behave in reality. At 40 minutes, this experiment was also quite long, particularly for business owners and managers who are already inundated with work. Consequently, participants may have experienced a fatigue effect, as some participants stopped answering questions midway through the study. Exposing participants to fewer fictional ex-prisoner applicant biographies at one time may decrease social desirability bias because the variables being measured might be less obvious, but a greater number of hiring managers would need to be surveyed in order to establish adequate power. Such a methodology would also lessen the fatigue effect since the experiment would be shorter.

Though not all of the results in this study were significant, it is possible that gender, race, and offense type could play a role in hiring managers' decision making by using another research design or sample population. Future research on re-entry into the workforce would benefit from examining how these and other social factors affect hiring managers' organizational decisions and their judgements of ex-prisoner applicants' character. Hiring managers may take other social aspects into account during the application process, such as

an ex-prisoner applicant's age or the amount of time that has passed since their release, but there are few, if any, studies that have researched this. Additionally, understanding when hiring managers call upon stereotypes in the application process may aid future researchers in similar experiments. Learning more about the types of jobs that released prisoners typically search for and apply to would also be beneficial for future research in this area in order to make the experiment more realistic. Moreover, there is little research on the stereotypes that employers hold about ex-prisoners, and whether they act on them in the hiring process. By examining these stereotypes, re-entry services could work to correct them through in-prison job and life skills training. Legislation could also help to shape the public's attitudes about prisoners by making non-institutional society a more inclusive place for them once they are released.

Although further work is necessary to determine how gender, race, and offense type affect prisoner re-entry into the workforce, the present findings indicate that ex-prisoners are generally at a disadvantage compared to non-offenders when they apply to jobs. Compared to non-offenders, they are less likely to be hired and more likely to be perceived as having fewer work-related traits. However, the difference between hiring managers' attitudes toward ex-prisoners and non-offenders is not so dramatic that it would prevent successful re-entry, even if a prisoner is a member of a traditionally underrepresented group. In general, females and Latinos were not significantly affected by adverse employment decisions due to their race or gender. Ultimately, research on this topic must continue, for America's current recidivism rate reveals a greater problem that affects not just prisoners, but all citizens. By ensuring that there are quality re-entry services, Americans may live in a safer environment

where ex-prisoners can more easily reintegrate back into non-institutional society.

Psychology researchers and legal stakeholders are in a unique position to develop practical and effective approaches to making the job market more accessible for the growing number of released prisoners. Combining their resources could lead them to create re-entry services replete with employment opportunities for ex-prisoners, thereby improving their chances of remaining out of jails and prisons. Preparing prisoners for their re-entry should be of the utmost importance while they are still in prison, and continuing research on this topic can help to achieve this goal.

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Appendix A

General Employee Skill and Trait Assessment

Please rate the importance of each skill or characteristic to employability (getting and keeping a job).

1	2	3	4	5	6	7
Not at all important	Hardly important	Somewhat important	Fairly important	Quite important	Very important	Extremely important
1. Takes direction well				5. Relates well to the public		
2. Works well in teams				6. Willingness to work		
3. Completes work efficiently				7. Honesty		
4. Communicates effectively						

Note. Graffam, et al. (2004)

Appendix B

Fictional Applicant Biographies

1. Melissa is a White, 25 year old female applying for a position in your business. She is a high school graduate.

Recent Work Experience

Sales cashier (June 2011-September 2011)

Restaurant waitress (November 2010-March 2011)

Restaurant dishwasher (September 2010-November 2010)

2. Edward is a White, 25 year old male applying for a position in your business. He is a high school graduate. He served time in jail from March 2010 until July 2011 for a drug possession charge.

Recent Work Experience

Sales cashier (July 2009-January 2010)

3. Edward is a Latino, 25 year old male applying for a position in your business. He is a high school graduate. He served time in a local county jail from January 2011 until June 2011 for an aggravated battery charge. The victim did not sustain serious bodily injury.

Recent Work Experience

Restaurant waiter (August 2010-December 2010)

4. Lisa is a White, 25 year old female applying for a position in your business. She is a high school graduate. She served time in jail from March 2010 until July 2011 for a drug possession charge.

Recent Work Experience

Sales cashier (July 2009-January 2010)

5. Lara is a Latina, 25 year old female applying for a position in your business. She is a high school graduate. She served time in a local county jail from January 2011 until June 2011 for an aggravated battery charge. The victim did not sustain serious bodily injury.

Recent Work Experience

Restaurant waitress (August 2010-December 2010)

6. Olivia is a Latina, 25 year old female applying for a position in your business. She is a high school graduate. She served time in jail from March 2010 until July 2011 for a drug possession charge.

Recent Work Experience

Sales cashier (July 2009-January 2010)

7. Sarah is a White, 25 year old female applying for a position in your business. She is a high school graduate. She served time in a local county jail from January 2011 until June 2011 for an aggravated battery charge. The victim did not sustain serious bodily injury.

Recent Work Experience

Restaurant waitress (August 2010-December 2010)

8. Michael is a White, 25 year old male applying for a position in your business. He is a high school graduate.

Recent Work Experience

Sales cashier (June 2011-September 2011)

Restaurant waiter (November 2010-March 2011)

Restaurant dishwasher (September 2010-November 2010)

9. Nathan is a White, 25 year old male applying for a position in your business. He is a high school graduate. Nathan served time in a local county jail from January 2011 until June 2011 for an aggravated battery charge. The victim did not sustain serious bodily injury.

Recent Work Experience

Restaurant waiter (August 2010-December 2010)

10. Daniel is a Latino, 25 year old male applying for a position in your business. He is a high school graduate. He served time in jail from March 2010 until July 2011 for a drug possession charge.

Recent Work Experience

Sales cashier (July 2009-January 2010)

11. John is a Latino, 25 year old male applying for a position in your business.
He is a high school graduate.

Recent Work Experience

Restaurant host (April 2011-September 2011)

Sales cashier (January 2011-March 2011)

Sales merchandise stocker (August 2010-October 2010)

12. Mary is a Latina, 25 year old female applying for a position in your business.
She is a high school graduate.

Recent Work Experience

Restaurant hostess (April 2011-September 2011)

Sales cashier (January 2011-March 2011)

Sales merchandise stocker (August 2010-October 2010)

Appendix C

Fictional Applicant Hiring Scale

Please answer the following questions.

1	2	3	4	5	6	7
No chance	Very poor chance	Poor chance	Fair chance	Good chance	Very good chance	Excellent chance
1. If you had open positions available, what is the probability you would hire this applicant?						
2. What is the probability you would hire this applicant in an entry-level position?						
			3. What is the probability you would hire this applicant in a managerial position?			
			4. What is the probability of this applicant staying employed?			

Appendix D

Fictional Applicant Skill and Trait Assessment

Please rate the likelihood that the applicant will have these skills or characteristics.

1	2	3	4	5	6	7
Not at all likely	Hardly likely	Somewhat likely	Fairly likely	Quite likely	Very likely	Extremely likely
1. Takes direction well				5. Relates well to the public		
2. Works well in teams				6. Willingness to work		
3. Completes work efficiently				7. Honesty		
4. Communicates effectively						

Note. Graffam, et al. (2004)

Appendix E

Multi-City Study of Urban Inequality, 1992-1994 Measure

Please answer the following questions. If you are not comfortable answering a question, you may skip it.

1. What is your firm's main product or service?
 - a. Manufacturing
 - b. Wholesale
 - c. Retail sales
 - d. Hospitality
 - e. Dining
 - f. Health/community services
 - g. Property/business
 - h. Transport/storage
 - i. Construction
 - j. Education
 - k. Cultural/recreation
 - l. Other
2. How long has your company been in operation at this site?
3. What is the number of employees currently working at this site?
4. How many entry-level positions are there at this site?
5. To be hired into an entry-level position, how necessary is/are...

1	2	3	4
Absolutely necessary	Strongly preferred	Mildly preferred	Doesn't matter at all

- A high school diploma?
 - A college degree?
 - Some recent work experience, even if unrelated to this job?
 - Specific experience directly related to this job?
 - References?
 - Vocational education (in school or military), other previous job training or skill certification?
-

6. In the past year, approximately what percentage of the applications or job inquiries that you have received for entry-level positions have been from...
 - a. Black or African American men?
 - b. Black or African American women?
 - c. Hispanic men?
 - d. Hispanic women?
 - e. White men?
 - f. White women?
 - g. Asian men?
 - h. Asian women?

7. On average, do you think that some tasks are performed better by men and others are performed better by women?
 - a. Yes
 - b. No
 - c. I don't know/no opinion

8. On average, do you think that some tasks are performed better by members of some ethnic or racial groups than by others?
 - a. Yes
 - b. No
 - c. I don't know/no opinion

9. Does Equal Employment Opportunity law play any role in your recruiting activities for entry-level positions?
 - a. Yes
 - b. Sometimes
 - c. No
 - d. Don't know/no opinion

10. Does Affirmative Action play any role in your recruiting activities for entry-level positions?
 - a. Yes
 - b. Sometimes
 - c. No
 - d. Don't know/no opinion

11. Does Equal Employment Opportunity law play any role in who you hire for entry-level positions?

- a. Yes
- b. Sometimes
- c. No
- d. Don't know/no opinion

12. Does Affirmative Action play any role in who you hire for entry-level positions?

- a. Yes
- b. Sometimes
- c. No
- d. Don't know/no opinion

13. How likely would you be to hire...

1	2	3	4
Definitely will	Probably will	Probably not	Absolutely not

- An applicant who had been in a Government Employment Program, or had a GED instead of a high school diploma?
 - An applicant who had a criminal record?
 - An applicant who lists only short term or part time jobs for work experience?
 - An applicant who has been unemployed a year or more?
-

14. For entry level positions, how often...

1	2	3	4
Always	Sometimes	Rarely	Never

- Do you have a written application?
 - Do you conduct a personal interview?
 - Do you check the references?
 - Do you check to verify the applicant's education or training?
 - Do you check the applicant's criminal record?
-

15. How often do you...

1	2	3	4
Always	Sometimes	Rarely	Never

- Target specific neighborhoods for recruiting (through schools, newspapers, etc.)?
- Avoid hiring applicants from specific neighborhoods?

Note. Holzer, Kirschenman, Moss, & Tilly, 2000

Appendix F

Demographic Questionnaire

Please answer the following questions. If you are not comfortable answering a question, you may skip it.

1. What is your age?
2. What is your sex?
3. Are you a member of a racial or ethnic minority group?
4. Which would you say more closely describes your racial or ethnic background?
 - a. Black
 - b. White
 - c. Asian or Pacific Islander
 - d. Hispanic
 - e. Native American
 - f. Other
5. What is the highest level of education you have completed?
 - a. Grade 8
 - b. Some high school
 - c. High school graduate
 - d. Trade or technical school beyond high school
 - e. Some college
 - f. Associates degree
 - g. College graduate
 - h. Some post-graduate study
 - i. Master's degree
 - j. Beyond master's but no doctorate
 - k. Doctoral degree
 - l. GED
 - m. Other
6. What is your current role in the workplace?
 - a. Owner
 - b. Manager or supervisor
 - c. Personnel department official
 - d. Other

7. How long have you held this position?
8. Do you have any previous, personal experience with ex-prisoners?
 - a. Yes
 - b. No
3. Do you have previous experience with the employment of ex-prisoners, including their hiring? This experience can be first-hand or indirect. If so, how many cases have you experienced?
 - a. Yes
 - b. No
3. Please rate the overall positivity or negativity of employment of ex-prisoners using the following scale.
 - 2 = Very negative
 - 1 = Negative
 - 0 = Neutral
 - +1 = Positive
 - +2 = Very positive

Note. Holzer, Kirschenman, Moss, & Tilly, 2000

Appendix G

Online Informed Consent Form

You are invited to participate in this research study about how employers make hiring decisions. The following information is provided in order to help you to make an informed decision about whether or not to participate. If you have any questions please do not hesitate to ask.

This research is being conducted by Marissa Enfield, a fourth year student of psychology at Scripps College. You are qualified to participate in this research because you are a hiring manager at a workplace. The purpose of this research study is to identify how employers make decisions when hiring potential employees.

Participation in this study will require approximately 40 minutes of your time. You will be asked to review 4 employee applications and answer some questions about your place of work and how you make hiring decisions. The risks of this research are expected to be minimal. If you find that the information or questions make you uncomfortable or feel that it will make you uncomfortable, you are free to decide not to participate or to withdraw at any time. In the event of any problems resulting from participation in the study, you can seek counseling through a service to search for counselors provided by the American Psychological Association by visiting <http://locator.apa.org>.

The benefits to your participation in this research include the possibility of winning in a raffle for a cash prize of \$35, that you may find the learning experience enjoyable, and the process may help you to better understand how you make your hiring decisions. It is possible that you may experience no direct non-monetary benefit from your participation. However, the information gained from this study will help us better understand the factors that employers use in their decision-making about hiring potential employees.

Any information obtained during this study which could identify you will be kept strictly confidential. The information obtained in this study may be published in scientific journals or presented at scientific meetings, but your identity will be kept strictly confidential. Results will be kept in a secure location which is only accessible to the investigators, and your identity will be kept separate from your responses to the questions you will be asked. You will not be asked to put your name on any of the responses you give during the research. Your responses to the questions we ask you will be anonymous.

Your participation in this project is entirely voluntary. You are free to decide not to participate in this study or to withdraw at any time without adversely affecting your relationship with the investigators or with Scripps College. Your decision not to participate will not result in any loss of benefits to which you are otherwise entitled. Your decision to

discontinue participation at any time during the study will not result in any loss of benefits to which you are otherwise entitled.

You may ask questions concerning the research before agreeing to participate or during the experiment. If you have any questions regarding this research, you may contact Marissa by e-mail at marissa.enfield@scrippscollege.edu, or by phone at (561) 289-3640. If you have any questions about your rights as a research subject that have not been answered by the investigator you may contact Linda Scott, the Administrator of the Scripps College Institutional Review Board at linda.scott@scrippscollege.edu or at (909) 621-8148.

You are voluntarily making a decision whether or not to participate in this research study. Proceeding with this survey certifies that you have decided to participate having read and understood the information presented. By clicking "Next," you are affirming that you are 18 years or older.

Appendix H

Debriefing

If you would like to be entered into a raffle to win one of two cash prizes of at least \$35, please e-mail thesisraffle1926@gmail.com with your contact information (name, e-mail address, phone number). At that time, you will be automatically entered into the raffle pool.

Winners will be randomly selected and contacted once data collection is complete.

Thank you for your participation in this study. This debriefing is given as an opportunity for you to learn more about this research project, how your participation plays a part in this research, and why this research may be important to society. Please do not discuss this study with anyone else who might also participate in the future. Knowledge about the study may influence their responses and, essentially, invalidate the information obtained from them. (For this same reason, it is important that you tell the experimenter if you knew details about this study before participating.)

Ninety-five percent of America's prisoners will be released at some point in the future. An important step to successful post-prison reintegration is the attainment of a secure job. Ex-offenders face unique obstacles when searching for gainful employment, as serving jail time is often an undesirable quality in a potential employee. Failure to reintegrate back into non-institutional society often leads to additional crimes committed by ex-inmates, further incarceration spells, and a greater degree of socioeconomic inequality.

This study is designed to examine how employers evaluate ex-inmates who apply for positions at their workplace. The literature that exists on the topic of prisoner re-entry is extensive, but generally groups all ex-offenders into the same category without regard to gender or race. I am interested in researching whether race, gender, and type of offense would also be mitigating factors, especially because the prison population is disproportionately made up of male minorities.

We hypothesized that employers would be less willing to hire an ex-offender, especially one serving time for a violent offense. We also hypothesized that employers would be less likely to hire male and minority ex-offenders. We think this will happen because males are more likely to return to prison than women. This research is important in the fields of psychology and law because it may provide information about how employers' hiring decisions affect ex-offender re-entry. In particular, this research will help us understand how employers perceive different types of ex-offenders during the hiring process. Understanding this is very important to the legal system.

It is likely that the results of this research will be presented at academic conferences and/or published as an article in a journal. Again, your individual responses will be kept anonymous

during this process. If you have any questions about your rights as a research subject that have not been answered by the investigator you may contact Linda Scott, the Administrator of the Scripps College Institutional Review Board at linda.scott@scrippscollege.edu or at (909) 621-8148. In the event of any problems resulting from participation in the study, you can seek counseling through a service to search for counselors provided by the American Psychological Association by visiting <http://locator.apa.org>. If you are interested in the results of this study or if you have any additional questions or comments, please contact Marissa Enfield by phone at (561) 289-3640 or by mail at Scripps College, 1030 Columbia Ave., Box 326, Claremont, CA 91711.

Thank you again for your participation!