

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

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More than 70 million Americans have some form of criminal record, which can limit their access to employment opportunities, eligibility for occupational licensure, and public benefits. The use of criminal background checks in the hiring process has also dramatically increased over the past decade, and there is reason to think that many criminal records are inaccurate. Prior research has not determined the extent of errors on criminal records. We also do not know educating individuals about their records may promote efforts toward record correction and improve employment and other economic outcomes.

The present study harnesses a unique opportunity to investigate the accuracy of criminal records and the impact of a record education intervention on job-seeking behaviors, employment opportunities, and economic outcomes for people with criminal records. We focus on class members of the *Gonzalez, et al. v. Pritzker* class action lawsuit. This group of individuals applied for a job with the 2010 Census, but they were denied employment because of a criminal background check. As part of the lawsuit settlement, class members were offered the choice of one of two remedies: a criminal records intervention that educates them about their criminal record and their related employment rights, or early notice of hiring for the 2020 Census. Individuals who chose the record education intervention are provided with a copy of their criminal record and a training session to review their record and provide information about their rights when applying for jobs or other employment-related opportunities. In addition, all class members in the two remedy groups were invited to participate in the first two waves of the Cornell Criminal Records Panel Survey (CCRPS).

We combine data from the panel survey with administrative data from the records training (including actual criminal records) to address two main research questions. First, we ask: *What is the prevalence of errors in criminal records of members of this class, and how are these errors distributed across racial/ethnic and sociodemographic groups?* Using data from the record education intervention, we describe the errors discovered on participants' records and how those errors vary across racial/ethnic and socioeconomic groups. Second, we ask: *How does understanding one's criminal record and relevant legal rights affect job-seeking behaviors, employment opportunities, economic attainment, and social engagement?* To address this question, we leverage a quasi-experimental design, comparing class members who receive the criminal records intervention to those who opt into early notice of Census 2020 hiring, in order to examine how the criminal records intervention shapes job-seeking and other behaviors.

## **LITERATURE REVIEW**

Currently, about two million people are in prisons and jails across the United States, and approximately 600,000 of them reenter society each year. Employment and income are important factors in preventing recidivism (Uggen 2000). Yet, research points to negative effects of incarceration on earnings and employment (Western 2002), which may be due, in part, to the stigma associated with having a criminal record. Audit studies of job searches have documented the steep disadvantages of having a criminal record, particularly for people of color (Pager 2003; Pager, Western, & Sugie 2013). In addition to reducing employment opportunities, criminal records also restrict eligibility for occupational licensure, reduce access to public benefits such as housing assistance, and limit individuals' involvement with community-based organizations and institutions such as their children's schools (Brayne 2014).

### **Inaccuracies in Criminal Records**

In the past decade, the use of criminal background checks for employment and licensing has dramatically increased. In 2012, the Federal Bureau of Investigation (FBI) provided nearly 17 million criminal records for employment- or licensing-related background checks – six times as many as in 2002 (Neighly & Emsellem 2013). Despite their growing use, two analyses estimate that 50 to 80 percent of FBI criminal records are inaccurate (Center for Community Alternatives 2015; Neighly & Emsellem 2013).

Inaccuracies on criminal records often stem from mismatched identities, erroneous inclusion of minor offenses, and a lack of information about case dispositions (Lageson, Vuolo, & Uggen 2015; Neighly & Emsellem 2013). A common problem is that law enforcement agencies fail to update arrest or charge records with information about the outcome of a case. About a third of felony arrests never lead to a conviction, another third lead to conviction of a different (usually lesser) offense, and other convictions are overturned on appeal, expunged, or sealed (Cohen & Kyckelhan 2010). Omission of this information from criminal records may unfairly harm individuals. And, due to racial/ethnic disparities in rates of arrest (Beckett, Nyrop, & Pfingst 2006; Gelman, Fagan, & Kiss 2007) and incarceration (Pettit & Western 2004), the burden may be particularly great for people of color.

Another source of inaccuracy in criminal records occurs from the common practice of aggregating the results of multiple searches, causing some events to be listed multiple times. Although law enforcement agencies and some statutorily authorized agencies have access to the Federal Bureau of Investigation database, most employers rely on Consumer Reporting Agencies (CRAs) to run background screening reports on job applicants. There are over 4,000 CRAs nationwide. When contracted by an employer, a CRA typically performs multiple searches at the local, state, and federal levels, to obtain criminal history information on a job applicant. Many CRAs also rely on court records to gather criminal history information. Duplicate entries may be particularly common when CRAs draw information from multiple or overlapping agencies (e.g., county courts, state and federal records), and does not edit the information gleaned from these multiple searches. Employers may not immediately discern that some entries are duplicated, especially when information such as dates, charges, or dispositions are incomplete. This may lead employers to believe that an applicant's criminal history is more extensive than it is in reality.

### **Negative Consequences of Criminal Record Inaccuracies**

Several nationally representative surveys have been instrumental in documenting the collateral consequences of criminal justice contact for individuals, families, and communities. For example, the Fragile Families and Child Wellbeing Study has linked

parents' self-reports of criminal incarceration to negative consequences for parents' labor force participation, family stability, and child development (see, e.g., Geller, Garfinkel, & Western 2011). The National Longitudinal Study of Adolescent Health (AddHealth, Harris et al, 2009), following a sample of students from 80 high schools and 52 middle schools in the US, also captures respondents' reports of criminal justice contact. Recent work using these data suggests that criminal justice involvement reduces individuals' engagement with surveilling institutions such as medical facilities, financial institutions, employers, and schools – which may reduce economic opportunities as well as the ability to integrate into the broader society (Brayne 2014). However, neither of these datasets allows examination of the extent to which inaccuracies in criminal records, specifically, contribute to the negative outcomes associated with criminal justice contact.

Because records are likely to omit information about case dispositions and may duplicate entries, there is reason to believe that removing or correcting inaccurate information will increase individuals' eligibility for employment or licensure. Knowledge of one's criminal record – and any inaccuracies that appear on the record – may also enhance applicants' ability to accurately describe their criminal history. This, in turn, may increase an employer's perception of an applicant's honesty (Lageson, Vuolo, & Uggen 2014) and their ability to establish rapport (Pager, Western, & Sugie 2013). Knowledge about one's criminal record could also increase individuals' social and institutional engagement and overall well-being (Brayne 2014; Center for Community Alternatives 2015; Myrick 2013).

Some legal aid clinics offer programs to assist workers who wish to have their records corrected, expunged, or sealed. Research on these programs provides insight into individuals' experiences with learning about their criminal records and their attempts to correct or expunge these records, primarily through qualitative research (Lageson 2013, 2016; Myrick 2013). However, these studies typically draw on interviews with small samples, including fewer than 150 individuals, who have self-selected into a single expungement “treatment.” Little is known about the records of individuals who do not have the knowledge or ability to seek assistance on their own. The studies of expungement clinics have not been able to evaluate the outcomes of those who learn about – or correct – their records compared to those who do not seek such assistance.

On federal, state, and local levels, policy makers and government officials have been implementing policies to increase employment opportunities for those with criminal records. Emphasis has been placed on “Ban-the-Box” policies and laws, which restrict employers to asking about an applicant's criminal history only after making a conditional offer of employment. Preliminary research indicates that this policy has a positive impact on white ex-offenders, but negative impacts for African American and Latino ex-offenders (Doleac & Hansen 2016). This may reflect that, in the absence of information, employers are more likely to assume that African American and Latino applicants have criminal records. Furthermore, efforts such as “Ban the Box” do not address inaccuracies in criminal records. Inaccuracies in criminal records could harm job applicants regardless of the stage at which criminal records are reviewed. In most cases, workers are responsible for checking their own criminal records – and then must navigate substantial complexities and costs involved with tracking down court records and petitioning state courts to correct those errors in state databases and inform the FBI where appropriate.

The development of interventions to educate individuals about their criminal records and to provide information about how to correct inaccuracies is a potentially fruitful area for innovation in the world of work that could enhance employment outcomes for previously marginalized groups. However, we lack critical information about the extent of errors in criminal records, and how learning what is on one's record and/or correcting inaccuracies shapes subsequent employment, earnings, and other outcomes.

## **Criminal Record Education Intervention**

We consider three mechanisms through which greater knowledge about one's criminal record and associated legal rights will lead to expanded employment opportunities. First, individuals who undergo the Cornell Project for Records Assistance (CPRA) training may learn that there is an error or inaccuracy on their criminal record and decide to take steps to correct or address it. Doing so may prevent employers from seeing incorrect information that would have negatively impacted hiring decisions. It may also allow the individual to qualify for types of employment for which they had previously been ineligible. Addressing or correcting inaccuracies on criminal records may also change eligibility for occupational licensure, social services, housing, and forms of local or community engagement that may have an indirect effect on job opportunities.

Second, participation in the CPRA may change job-seeking behavior or application for licensure or benefits because of knowledge gained about one's legal rights and one's criminal record. There are three aspects of the CPRA training that may help to improve outcomes in the hiring process. First, during the CPRA training, participants learn about policies such as "Ban the Box" that have been implemented in certain counties, cities, and states. This helps to educate them about when employers are permitted to ask about criminal history during the hiring process. Second, participants receive training on how to respond to questions regarding their criminal history in a way that balances their legal rights with the desire to obtain employment. Finally, participants learn about eligibility criteria for occupational certificates that are offered in some states to help remove barriers to employment for the formerly incarcerated population. For example, New York State offers two such certificates -- the Certificate of Relief from Civil Disabilities and the Certificate of Good Conduct. Learning about these certificates may encourage participants to pursue this form of relief, and doing so may improve their rapport and credibility with a potential employer.

Participation in the CPRA may also increase individuals' abilities to describe and/or explain their criminal record to a potential employer or other entity that runs a background check. Previous research by Lageson, Vuolo, and Uggen (2015:186) suggests that hiring managers who have the ability to hire applicants with criminal records often consider how applicants present and explain their records during the hiring process. If the information an applicant provided about his or her criminal history is consistent with the information on his/her record, the applicant may be perceived as more honest and trustworthy (p. 186, 193). Openness in explaining one's criminal history is also perceived favorably, with some hiring managers in the study reporting that they hired candidates because they were "up front" and were able to look the manager "in the eye" (p. 193). Thus, having greater knowledge about what appears on one's criminal record may help individuals to be more open and confident in explaining their backgrounds -- and this may increase their likelihood of securing a job. Greater confidence may also make individuals more likely to seek employment opportunities or engage with economic or social institutions.

## **The Present Study**

This study analyzes administrative and survey data from class members in *Gonzalez, et al. v. Pritzker*, a class action suit against the U.S. Census Bureau filed by people who applied for employment for the 2010 Census of Population. The lawsuit alleged discriminatory hiring practices involving the use of criminal records. Approximately 450,000 African Americans and Latinos were denied consideration for employment due to the Census Bureau's use of FBI criminal records to screen applicants. The settlement of this lawsuit provides, among other things, two optional benefits for class members: criminal records assistance or

priority notice of employment for the 2020 Census.

A total of 6,714 class members requested to participate in one of the two remedies – 3,539 chose to receive the records assistance remedy provided by the Cornell Project for Records Assistance (CPRA), and 3,175 chose to gain advance notice and information from the Census Bureau related to applying for temporary jobs with the 2020 Census. Our study analyzes two data sources: 1) administrative data from individuals who chose, and have received, the records assistance remedy provided by the CPRA; and 2) two waves of survey data from class members who opted to receive the records assistance remedy and those who requested early notice of Census 2020 hiring. We use these data to pursue two main research aims.

**Our first aim is to describe the rate of errors or inaccuracies in criminal records among members of the *Gonzalez* class who participate in the CPRA remedy.**

To explore this, we use data from the criminal records and administrative data gathered during the CPRA training sessions. Specifically, we ask the following:

- 1) What is the overall rate of inaccuracies due to duplicate entries and entries that should not be included on the record, such as charges that were dropped or charges that were removed as part of a plea bargain?
- 2) How does the rate of these inaccuracies vary across racial/ethnic groups and across levels of educational attainment?

**Our second aim is to examine the impact of participation in a criminal record education program on employment-related behavior.**

This builds from our theory that learning about one's criminal record and related legal rights will have an impact on individuals' perceptions and behaviors such as job-seeking and social engagement. To assess this, we use two waves of survey data collected from individuals who opted to take part in one of the *Gonzalez* interventions and consented to participate in the research. This includes *Gonzalez* class members who opted to participate in the CPRA – including some who have received the intervention and other who have not yet received it – and those who opted instead for early notice of hiring with the 2020 Census.

We examine how job-related behaviors vary across these three groups. The CPRA training provides information about individuals' rights around criminal background checks, and how employers and other entities are allowed to use criminal background checks. Some relevant laws are federal, such as the Fair Credit Reporting Act. Many other relevant laws are specific to states and counties; CPRA provides information tailored to participants' current place of residence and location of criminal record. As a result of increased awareness of their rights and familiarity with the information elicited during a criminal background check, participants may be more likely to apply for a job. Specifically, we ask the following:

- 3) Are CPRA-trained participants more likely to have applied for a job, a new job, or a promotion at their current job in the past six weeks?
- 4) Are CPRA-trained participants more likely to plan to apply for a job, a new job, or a promotion within the following six weeks?
- 5) Do CPRA-trained participants have more confidence about their ability to explain their criminal record to a potential employer?

For each of these outcomes we consider whether the effects of the CPRA training vary across those whose records contain inaccuracies and those whose records did not

contain inaccuracies. One reason for this is that individuals who find inaccuracies on their records may be motivated to take action to get their record corrected – and this may diminish or delay any increase in job- or promotion-seeking that would otherwise result from the training. Observing inaccuracies on one’s record may also shape the extent to which the training instills confidence in the ability to explain one’s criminal record to a potential employer.

Finally, we consider whether the CPRA intervention is associated with further intervention-seeking (e.g., sealing, correcting, or expungement of one’s criminal record). To examine this, we ask:

- 6) Are CPRA participants more likely to take action to get their record corrected or expunged?

We expect that participants whose records contain inaccuracies will be especially likely to take steps to address these. Taking action toward getting errors corrected or having information removed from their record may expand individuals’ opportunities and eligibility for employment and benefits.

**Our third aim is to consider how participation in the intervention is associated with social and civic engagement and perceptions of the law, which may have downstream effects on economic attainment.** We consider whether those who have received the training are more likely to engage with economic and social institutions such as banks, schools, and community groups that they may have avoided in the past due to concerns about a criminal background check. Specifically, we ask:

- 7) Are CPRA participants more likely to participate in community and social groups?
- 8) Do CPRA participants perceive the law as more legitimate and legal procedures as more fair?

As with the research questions above, we also examine whether these outcomes vary across CPRA-trained individuals who found inaccuracies on their criminal records and those who did not.

As policy makers and government officials face the consequences of mass conviction and incarceration, various interventions to increase employment opportunities of people with criminal records are proposed, debated, and implemented. These discussions are taking place with a dearth of research outlining what interventions do work. This project aims to provide a strong first step in assessing whether records assistance has a positive impact and for whom. The new knowledge from this survey and subsequent analyses could inform the design of other interventions, legal aid programs, and employer-based initiatives that enable individuals with criminal records – particularly African Americans and Latinos – to engage more successfully in the labor market, leading to higher participation, lower unemployment, better quality of job match, and higher earnings.

## **DATA AND METHODS**

To address our research aims, we analyze information from criminal background screening reports and administrative data collected by CPRA, stemming from training interventions

conducted from the beginning of the program on January 8, 2018 through May 3, 2019. We also utilize data gleaned from Waves 1 and 2 of the Criminal Records Panel Survey (CRPS).

The Wave 1 survey was completed in May-August 2017. The Wave 2 survey was completed between 18-25 months after Wave 1, in February-June 2019. This survey was funded by the US Department of Labor, developed by the CRPS research team, and fielded by the Survey Research Institute at Cornell University. Below we provide detailed descriptions of each of these data sources.

#### *CPRA Administrative Data and Criminal Background Screening Reports*

The criminal background screening reports used by CPRA are obtained from VICTIG, a Consumer Reporting Agency (CRA). Although law enforcement agencies and some statutorily authorized agencies have access to the Federal Bureau of Investigation database for criminal records, most employers rely on CRAs to run background screening reports on job applicants.

To run a background screening report, a CRA performs multiple searches, including searches at the local, state, and federal levels, to obtain criminal history information on a job applicant. Search results generate personal identifying information such as date of birth, current address, and previous addresses in addition to conviction history information. Many CRAs also rely on court records to gather criminal history information and some searches use Social Security Numbers to improve search results. There are over 4,000 CRAs nationwide, and each CRA maintains its own database of screening reports. This may contribute to errors found in records because correcting an error with one CRA does not mean the error will be corrected in other databases.

Each CPRA training session is scheduled individually and takes approximately one hour. Prior to training, the CPRA team orders the VICTIG record and analyzes it. During this analysis, CPRA staff look for the presence of two different types of inaccuracies: duplicate entries and dismissed entries. A duplicate entry is defined as an entry on the criminal records that does not provide any information that differs from that listed in another entry. That is, the duplicate entry should match another entry on each piece of information provided, which may include offense date, arrest data, file date, offense type, disposition, disposition date.

It is important to note that duplicate entries are coded *within* the searches that are provided on the record; that is, they are entries that appear more than once within the local, state, and/or federal search results. Entries that duplicate an entry in another search (e.g., an entry in the local search result that matches an entry in the federal search result) are *not* considered to be duplicates. This approach provides a conservative estimate of the prevalence of duplicate entries on records and allows for the fact that some employers may not request all (e.g., local, state, and federal) searches from a CRA.

CPRA staff also reviewed criminal records for the presence of dismissed entries. Dismissed entries are defined as those in which charges were dropped, dismissed, or absolved as part of a plea bargain on another charge. These entries are considered to be inaccuracies on the record because they should not appear there – since the individual was never convicted of this particular offense.

A key component of the CPRA training session involves teaching participants how to read and review their records to identify possible inaccuracies. To assess inaccuracies on background screening reports, the CPRA team confirms the personal identifying information on the VICTIG background screening report and reviews the criminal record with the individual. The participant's perception of her/his contacts with the criminal justice system is compared to their VICTIG background screening report. The CPRA team then records the participant's overall level of perception of his or her criminal record,

compared to the VICTIG background screening report, as “Accurate”, “Somewhat Accurate,” “Not Very Accurate,” or “Inaccurate.”

To date, CPRA has completed 320 trainings. All of the administrative data gathered during the training is stored in a secure database. Unique participant identification numbers link the administrative data from the training with data from the Wave 1 and Wave 2 surveys.

#### *Origins of the Criminal Records Panel Survey (CRPS)*

The sample for the CRPS stems from a group of approximately 850,000 individuals who applied for temporary jobs with the US Census and were denied consideration for those positions due to a criminal background check. The *Gonzalez et al. v. Pritzker* class action lawsuit against the US Census focused specifically on an estimated 450,000 African Americans and Latinos within this group, alleging that members of these racial and ethnic groups were disproportionately harmed because they were more likely to have criminal records. As part of the settlement in *Gonzalez et al. v. Pritzker*, the Census Bureau provided the Settlement Administrator with the last known contact information for all members of the affected class of African-Americans and Latinos who had applied for, and been denied, employment with the Census due to a criminal background check.

In May 2016, the Settlement Administrator sent emails to class members with known email addresses and pre-paid postcards to the last known address for class members who did not have email addresses; these contacts informed class members of the settlement and their eligibility for one of two remedies. One remedy involves review of their criminal record along with training and education about their rights with respect to the use of criminal background checks, conducted by the Cornell Project for Records Assistance (CPRA), and a second remedy provided early notice of hiring opportunities for temporary jobs for the 2020 US Census.

As shown in Figure 1, 6,714 class members responded to the Settlement Administrator and requested to participate in a remedy. Of these, 3,539 (52.7%) opted for the CPRA training and 3,175 (47.3%) opted for early notice of hiring for the 2020 Census. Then, the CPRA contacted all of the individuals who had filed to take part in either remedy and asked them to complete the “intake questionnaire,” which we refer to as the Wave 1 survey. The Wave 1 survey provides the baseline data for our research.

#### *CRPS Wave 1 (May-August 2017)*

The CPRA team, in collaboration with Cornell Researchers Erin York Cornwell, Martin Wells, Lars Vilhuber, Hassan Enayati, and Linda Barrington developed the first wave of the Cornell Criminal Records Panel Survey (CRPS) in 2017. This survey was part of an administrative data collection effort, funded by the *Gonzalez* settlement. The survey had two purposes: 1) to provide baseline information, including self-reported criminal history and employment status, which was useful for CPRA planning and administration; and 2) to provide baseline data for a panel survey that would follow class members who had selected one of the two interventions (i.e, the CRPS). The survey drew on questions from the Current Population Survey, the American Community Survey, and several other surveys with questions exploring the field of criminal justice. The survey instruments can be found at Barrington et al (2017a,b).

The Wave 1 survey was fielded via the web from May 17, 2017 to August 21, 2017. It was administered by the Survey Research Institute (SRI) at Cornell University. Several steps were taken to maximize participation in the survey. First, the deadline for completion of the Wave 1 survey was extended on two occasions. In addition to initial email and mailed-letter invitations, SRI sent one follow-up letter to respondents who had not yet completed the

survey and a series of eight email reminders to individuals who had not yet completed the survey. SRI also made two attempts to contact individuals by phone, with two full rounds of phone calls made to individuals who had not yet completed the survey – the first round of calls took place in June 2017 and the second took place in July 2017.

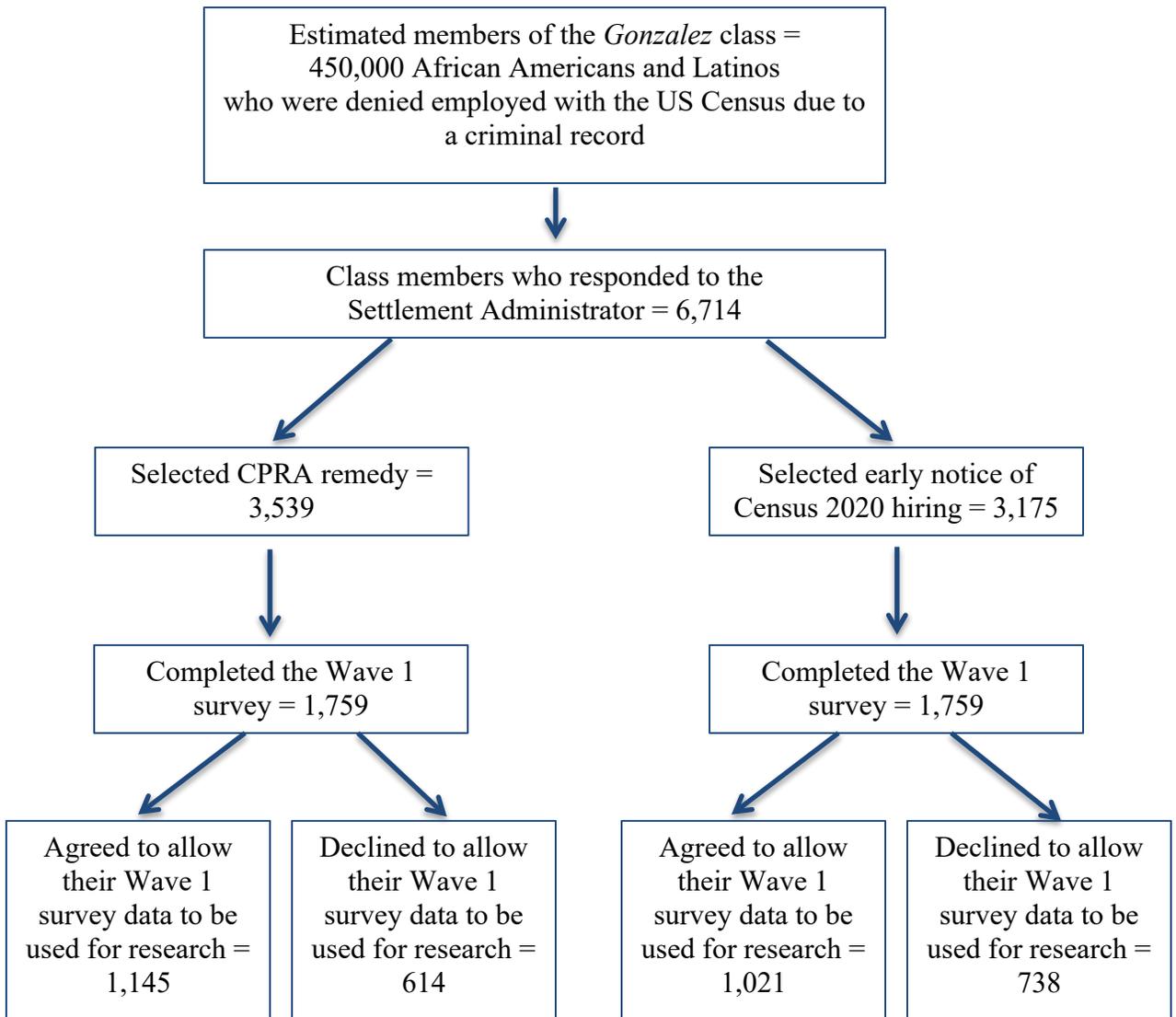
In addition to these efforts to contact individuals, SRI and CPRA fielded over 500 phone calls and replied to hundreds of email requests for information. Third, SRI facilitated survey completion by phone or paper for those without access to a computer. Finally, participants who preferred to complete the survey in Spanish were invited to take a Spanish version of the survey by phone, with a Spanish-speaking interviewer. There were 47 participants who completed the survey in Spanish.

In all, 3,518 of those who filed to participate in one of the remedies completed the Wave 1 survey. Response rates are 43.1% (AAPOR Response Rate 1) for completed surveys and 52.3% (AAPOR Response Rate 2) including partially completed surveys. The overwhelming majority of participants completed the survey online (n = 3176), but 217 took the survey by phone and 125 completed a paper version of the survey and returned it by mail.

Completion of the survey was requested for all those who had selected one of the remedies. As shown in Figure 1, exactly half of the respondents (1,759) had opted to participate in the CPRA training, while the other half had chosen to have early notice of hiring for the 2020 Census.

Survey data are provided to CPRA for administration of the remedy, but not automatically shared with the CRPS. Participants were specifically asked for their consent to utilize their data for research – that is, for the CRPS. Of those who completed the Wave 1 survey, 2,166 agreed to participate in the research component of the study. This includes 1,145 (65.1%) of participants in the CPRA training and 1,021 (58.0%) of those in the early-notice hiring remedy. Because these 2,166 individuals consented to the research, their survey data is shared with the CRPS team.

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



### *CCRPS Wave 2 (February-June 2019)*

The CCRPS Wave 2 survey sought to gather information from the 3,518 respondents to the Wave 1 survey. This includes 2,166 respondents who participated in the Wave 1 survey and consented to having their survey data used for research. We also attempted to contact the 1,352 Wave 1 respondents who did not provide consent to have their Wave 1 survey data used for research. Within this group, 86 individuals who opted for the CPRA remedy completed the CPRA training and, at the end of the training, agreed to provide retroactive consent to use their Wave 1 data for research. The other 1,266 respondents who did not consent to having their Wave 1 data used for research – 528 who chose the CPRA remedy and 738 who opted for the early hiring notice from the 2020 Census – were also invited to participate in Wave 2. If they completed the Wave 2 survey, they were provided with an additional consent statement asking whether they want to provide retroactive consent to allow their Wave 1 survey data to be used for research.

Like Wave 1, the Wave 2 survey was a web-based survey. The field period began on February 21, 2019 and closed on July 15, 2019. The survey was administered by the Cornell SRI. The initial survey invitation was sent by email. A series of 16 reminder emails were sent, about once a week during the study period, to all individuals who had not responded to the survey at the time of each email. SRI also reached out to class members by mail and by phone. A letter was sent via US mail to all non-respondents on 3/8. On 6/13, SRI sent another letter to all individuals who participated in Wave 1 and agreed to have their data used for our research, but had not yet completed the Wave 2 survey (n = 611). The second letter was sent in a padded mailer with a pen, in order to increase the likelihood that recipients would open it.

During the study period, SRI staff attempted at least twice to contact each class member (who had not already completed the survey) by phone. The first round of phone calls began on March 11, 2019, timed to coincide with individuals' receipt of the first letter sent via mail. The second round of phone calls began on April 8, 2019.

A total of 2,548 respondents completed the Wave 2 survey. The response rate for completed surveys is 67.3% (AAPOR Response Rate 1), and the response rate including both completed and partial surveys is 72.6% (AAPOR Response Rate 2).

The Wave 2 respondents include 1,712 individuals who consented to have their Wave 1 survey data used for research and 836 who did not consent to have their Wave 1 survey data used for research. Within these 836 Wave 2 respondents, 495 (59.2%) provided retroactive consent to use their Wave 1 survey data for research. Thus, we have a total of 2,207 respondents who completed the Wave 1 and Wave 2 surveys, and provided their consent that both waves of survey data could be used for the CRPS research.

### **Analytic Approach**

To investigate our first research aim, we provide descriptive statistics to assess the overall rates of different types of inaccuracies on criminal background checks within the sample of CPRA participants who have received the training. We also use logistic regression analysis to estimate the risk of having inaccuracies (or, specific types of inaccuracies, such as those that overestimate the extent or severity of one's engagement with the criminal justice system) according to respondents' demographic characteristics.

Data collected in the Wave 2 survey are used to assess outcomes of the criminal records intervention, which addresses the second and third research aims. We consider the following outcomes: 1) applying for a job or seeking a promotion; 2) planning to apply for a job or promotion; 3) deciding *not* to apply for a job due to concerns about a background check; 4) feeling confident about the ability to discuss one's criminal record with an

employer; 5) making efforts to expunge, clear, or seal one's criminal record; 6) socializing and volunteering; and 7) having positive attitudes toward the law. Text of the survey questions used to assess these outcomes is provided below, along with the results. The rich data collected in the Wave 1 and Wave 2 survey allow us to adjust for confounding factors such as employment history.

It is important to note that selection into the CPRA intervention is non-random. If individuals who opted for the CPRA intervention differ from those who opted for early notice of hiring for the 2020 Census, this may introduce bias into our estimates of the impact of the CPRA intervention. Thus, our empirical analyses for our second and third aims employ selection-corrected regression models, using Heckman's two-step estimation procedure (Heckman 1976). First-stage probit models estimate whether an individual selected into the CPRA intervention, using all of the respondents who have valid data on the variables of interest from the Wave 1 and Wave 2 surveys. The first-stage model incorporates sociodemographic characteristics including age, gender, race/ethnicity, educational attainment, and employment status at Wave 1. Second-stage models then examine how CPRA-trained individuals differ from those who have not yet received the training. Further information about model specification are provided with the presentation of results.

## **RESULTS**

This section presents detailed results from our analyses. We begin by describing the *Gonzalez* class members who completed the Wave 2 survey. We then provide results from analyses that examine each of the research questions that we outlined above. Key findings are presented and summarized in the Discussion section that follows this one.

Table 1, below, shows characteristics of the respondents who completed the CRPS Wave 2 survey. Nearly half of the respondents (48.3%) are below age 50, and almost 90 percent are below retirement age of 65. Over half of the respondent (55.6%) are female. Other sample characteristics point to the diversity of the respondents. Nearly three-fourths of respondents identified as African-American or black (73.2%), and about 20% identified as Latino. The low proportion of respondents who identified in other racial/ethnic categories is expected, since the *Gonzalez* case and settlement focused on African-Americans and Latinos who applied to work on the 2010 Census.

There is substantial variation in educational attainment, with about 20.9% of the sample having only high school education or less, and nearly a third of the sample having a Bachelor's degree or higher. About 42% of the sample reported, at Wave 1, that they had not worked for pay during the previous week. This high rate of unemployment may reflect the challenges of seeking and securing employment for individuals who have criminal records; but it may also reflect that some individuals in this sample are out of the labor force for other reasons, such as disability or retirement.

The Wave 2 sample is almost evenly split between respondents who selected into each of the two remedies. About 48.1% of Wave 2 respondents chose to receive early notice about employment opportunities with the 2020 Census. The Wave 2 sample include 1,145 respondents who selected the CPRA remedy. Of these, 278 had completed the CPRA training prior to the launch of the Wave 2 survey.

**Table 1. Characteristics of the CRPS Wave 2 Sample (n = 2207)**

	<b>%</b>	<b>N</b>
<b>Age</b>		
18-49	48.3	1047
50-64	40.2	871
65+	11.6	251
<b>Gender</b>		
Male	44.4	908
Female	55.6	1135
<b>Race/Ethnicity</b>		
Black	73.2	1594
Latino, non-Black	20.2	439
White and Other	6.6	144
<b>Educational Attainment</b>		
High school or less	20.9	442
Some college	48.0	1017
Bachelor's degree or higher	31.1	659
<b>Employment status at Wave 1</b>		
Not working	42.0	862
Working	58.1	1193
<b>Remedy Group</b>		
Early Notice of Census 2020 Hiring	48.1	1062
CPRA	51.9	1145
CPRA - Has Received Training	39.3	867
CPRA - Has Not Received Training	12.6	278

### **Criminal Record Inaccuracies**

Our first aim is to examine the prevalence and nature of inaccuracies on the criminal background checks that were retrieved for the CPRA training. For this, we draw on data from the 350 CPRA participants who received the training prior to the Wave 2 survey.

***Research Question 1:*** *What is the rate of inaccuracies due to duplicate entries and entries that should not be included on the record, such as charges that were dropped or charges that were removed as part of a plea bargain?*

Table 2 (below) presents rates of two types of inaccuracies evaluated by CPRA staff: duplicate entries and dismissed entries. Both of these types of inaccuracies misrepresent individuals' experiences with the criminal justice system so as to make their criminal records appear more extensive than they would be otherwise.

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

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

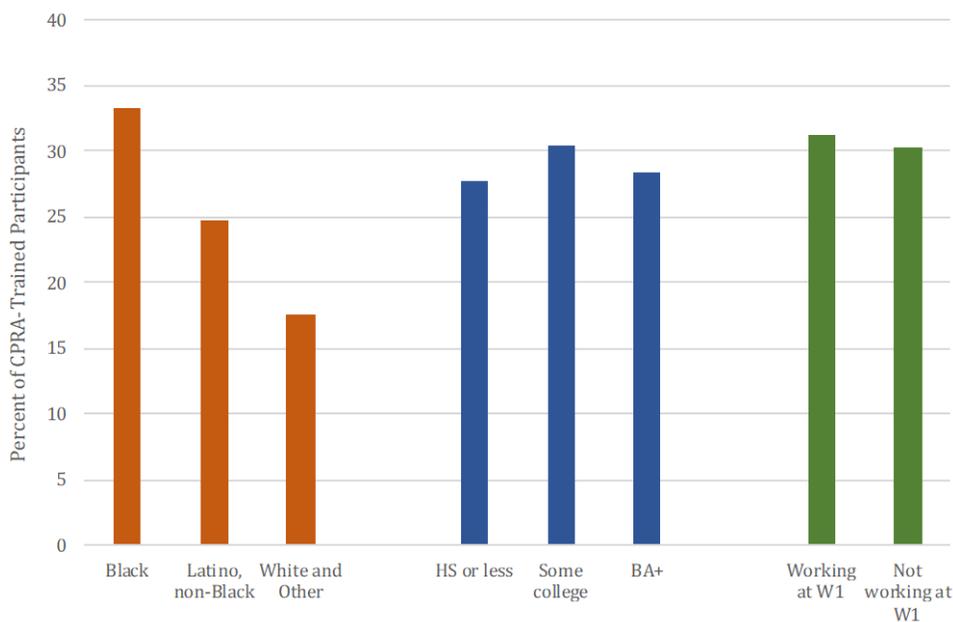
Just under 5 percent of the participants have at least one duplicate entry on their record (4.6%). Dismissed entries were more common. More than a quarter of participants (28.0%) have at least one entry on their record that should not have appeared there – because the charge was dropped, dismissed, or absorbed within a plea bargain on another charge. Overall, about 30 percent of respondents have at least one form of inaccuracy on their criminal record.

**Research Question 2:** How does the rate of these inaccuracies vary across racial/ethnic groups and across levels of educational attainment?

Figure 2 (below) shows the overall rate of inaccuracies – including both duplicate and dismissed charges – across racial/ethnic groups and socioeconomic status. We begin by examining differences across racial/ethnic groups. One third of the participants who self-identified as African-American or Black (33.3%) had at least one inaccuracy on their criminal record. About a quarter of Latino, non-Black participants (24.7%) had an inaccuracy on their record and about 17.7% of participants who identified as White or Other had any inaccuracies on their records. Thus, Black participants – and Latino participants – are more likely to have at least one inaccuracy on their criminal records.

We observe more modest differences in rates of inaccuracies across socioeconomic status. As shown in Figure 2, individuals who attended college or earned at least a bachelor’s degree have higher rates of inaccuracies (30.4% and 28.5%, respectively) than those who completed high school or less (27.8%). We observe almost no difference across employment status at Wave 1.

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



Next, we use multiple regression analysis to examine how race/ethnicity and educational attainment are associated with criminal record inaccuracy, after accounting for other sociodemographic covariates. The model presented in Table 3 (below) predicts the likelihood of having at least one error on one’s criminal record. Because this outcome is binary, we use logistic regression. Coefficients are presented as odds ratios. For basic interpretation, note that odds ratios larger than one suggest a higher propensity compared to the reference group, while odds ratios smaller than one suggest a lower propensity compared to the reference group.

**Table 3. Results from Regression Models Predicting Record Inaccuracies among CPRA-Trained Participants**

	Any Observed Error (n = 311)	
	<i>OR</i>	<i>(SE)</i>
<b>Age Group</b>		
18-49 (ref.)	---	---
50-64	.375*	(.187)
65+	.144**	(.096)
<b>Female</b>	.754	(.201)
<b>Race/Ethnicity</b>		
Black (ref.)	---	---
Latino, non-Black	.466*	(.160)
White and Other	.422	(.284)
<b>Educational Attainment</b>		
High school or less (ref.)	---	---
Some college	1.115	(.415)
BA or more	.982	(.382)
<b>Constant</b>	1.330	(.760)

\* p < .05; \*\* p < .01; \*\*\* p < .001

As shown in the first model in Table 3, age is associated with fewer criminal record inaccuracies. Participants who are age 65 and over have about 85 percent lower odds of having at least one error on their criminal records, compared to those who are ages 18-49 (OR = .144; p < .01). And, those who are ages 50-64 have about 63 percent lower odds of having at least one error on their criminal records (OR = .375; p < .05). We do not observe differences in the likelihood of record inaccuracy by gender.

Importantly, we observe significant variation in the likelihood of record inaccuracy across racial/ethnic groups. Latino participants have less than half the odds of having an inaccurate record compared to African-American/Black participants (OR = .466; p < .05). Our model also suggests that White/Other participants may also be less likely, compared to African-American/Black participants, to have an inaccurate record (OR = .422). However, the difference does not achieve statistical significance.

Differences in the likelihood of inaccuracies across levels of educational attainment are modest, and do not achieve statistical significance. However, it is important to note that the racial/ethnic disparities in the risk of record inaccuracy persist net of socioeconomic status.

To summarize, we find that respondents who identified as African American or Black are disproportionately likely to have inaccuracies on their criminal records. They have higher rates of inaccuracies than Latinos and whites, while Latinos have higher rates of

inaccuracies than Whites. Differences across educational attainment and employment status are less clear. Accounting for educational attainment diminishes, but does not fully account for, racial/ethnic disparities in criminal record inaccuracies.

### **CPRA Training and Employment-Related Behavior**

Recall that *Gonzalez* class members were permitted to choose between two remedies: receiving the CPRA training and gaining early notice of hiring with the 2020 Census. Selection into the CPRA training is therefore non-random, and is likely to be associated with a number of individual characteristics that are relevant for employment status and job-seeking behavior. We therefore begin by examining how CPRA participants differ from those who selected into early notice of hiring.

Table 4 (below) presents results from a logistic regression predicting selection into the CPRA remedy. Age is not associated with selecting into the CPRA remedy. However, we find that selection into the CPRA training varies across gender, race/ethnicity, and socioeconomic status. Men are more likely to have chosen the CPRA training (*OR* for women = .740,  $p < .01$ ), as are Black respondents compared to White/Other (*OR* for White/Other = .700;  $p < .01$ ), and those with higher levels of education.

**Table 4. Odds Ratios from Logistic Regression Model Predicting Selection into CPRA Remedy (n = 2313 Wave 1 Respondents)**

	<i>OR</i>	<i>(SE)</i>
<b>Age</b>		
18-34	---	
35-49	1.051	(.139)
50-64	.895	(.118)
65+	.830	(.142)
Female	.740**	(.064)
<b>Race/Ethnicity</b>		
Black	---	
Latino, non-Black	1.075	(.119)
White and Other	.700*	(.119)
<b>Education</b>		
High school or less	---	
Some college	1.159	(.126)
BA+	1.394**	(.168)
Employed at Wave 1	.775**	(.068)
Constant	1.387	(.211)

\* p < .05; \*\* p < .01; \*\*\* p < .001

Members of the *Gonzalez* class who completed a Bachelor’s degree or more have nearly 40 percent higher odds of having chosen the CPRA training, compared to those who completed high school or less (*OR* = 1.394; *p* < .01). And, respondents who were not employed at Wave 1 are more likely to have opted for the CPRA training (*OR* for those who were employed = .775; *p* < .01).

We next turn to our research questions examining whether CPRA-trained participants differ, in terms of job-related behavior, from class members who opted for CPRA but have not been trained. The following analyses employ Heckman two-stage regression models. Coefficients included in the logistic regression model presented in Table 5 are used in the first-stage probit selection model, which estimates selection into the CPRA intervention. The second, selection-corrected model, examines how those who have received the CPRA training (i.e., the “treated” group) differ from those who selected the CPRA intervention but have not yet received the training (i.e., the “untreated” or “control” group).

**Research Question 3:** *Are CPRA-trained participants more likely to have applied for a job, a new job, or a promotion at their current job in the past six weeks?*

The Wave 2 survey asked respondents: “In the past six weeks, have you applied for a job, a promotion, or a new job?” This question is intended to ascertain whether the participant has been engaging in employment-seeking behavior, regardless of a participant’s labor market status. That is, for a participant who is unemployed, an affirmative response indicates that the individual has been seeking employment. For a participant who is employed, an affirmative response could suggest one of three things: 1) he applied for, and was hired at, his current job within the past 6 weeks; 2) he has applied for *other* jobs – either to supplement or replace his current position in the past six weeks; or 3) he has applied for a promotion at his current job within the past six weeks.

It is important to note that this survey item does not exclude individuals who are out of the labor market or those who are retired; these groups would not be expected to apply for employment regardless of their criminal record. We also cannot identify individuals who are employed in positions where they do not need to apply for supplemental employment and where they do not desire (or have opportunities for) promotion. For these reasons, overall proportions of affirmative responses to this item should not be considered to be indicative of the overall proportion of individuals who have engaged in employment-seeking behavior in a broader population. Rather, we use this item to compare rates of employment-seeking behavior *across* the remedy groups.

Table 5 (below) presents the percent of participants who answered in the affirmative – indicating that they have taken part in employment-seeking behavior in the past six weeks – in each of the remedy groups. The first column considers all participants who selected the Census hiring remedy, as well as those who selected the CPRA remedy. The percent of participants who had applied for a job or promotion in the past six weeks does not differ markedly across these groups.

**Table 5. Percent of Participants who Applied for a Job or Promotion in the Past 6 Weeks (Wave 2 Survey; n = 2,108)**

	All		Working at Wave 1		Not Working at Wave 1	
	%	N	%	N	%	N
Census Hiring Remedy	36.3	1005	37.0	552	34.1	381
CPRA Remedy						
Untrained (ref.)	38.1	818	41.7	437	33.9	322
Trained	32.9	285	39.0	146	27.6	123
Accurate Record	33.3	198	45.1	102	20.5*	88
Inaccurate Record	32.2	87	25.0*	44	45.7	35
Total		2108		1135		826

\* p < .05 in a two-sample test of proportions, compared to the "untrained" reference category

Our main interest here is to compare those who have received the CPRA training to those who selected into the CRPA remedy, but who have not yet received the training. We also consider two factors that may condition the effects of the CPRA intervention on employment-seeking behavior: criminal record inaccuracy and employment status. First, finding an inaccuracy on one’s criminal record may shape how individuals think about their record and what steps they take next. Second, those who were not employed at Wave 1 may be more likely to have applied for jobs at Wave 2, regardless of whether they have received the training.

The second column in Table 5 focuses on those who were working at Wave 1. Those who selected into the CPRA intervention but had not yet received the training are slightly more likely to have applied for a job/promotion in the past six weeks compared to those who had received the training (41.7% and 39.0%, respectively). But this difference is not statistically significant.

When we look within those who were employed at Wave 1 and distinguish trained respondents who had accurate and inaccurate records, some notable differences emerge. Among those who were working at Wave 1, participants who received the training and found their record to be accurate appear slightly more likely to have applied for a job/promotion in the past six weeks (45.1%), although the difference between this group and then untrained group (41.7%) is not significant.

An unexpected finding is that, among those who were working at Wave 1, participants who received the training and had at least one inaccuracy on their record were significantly *less likely* to have applied for a job/promotion in six weeks prior to Wave 2. Only about 25 percent of those who received the training and had an inaccurate record reported that they had applied for a job/promotion, compared to about 45 percent of those who had an accurate record and 42 percent of those who had not received the training.

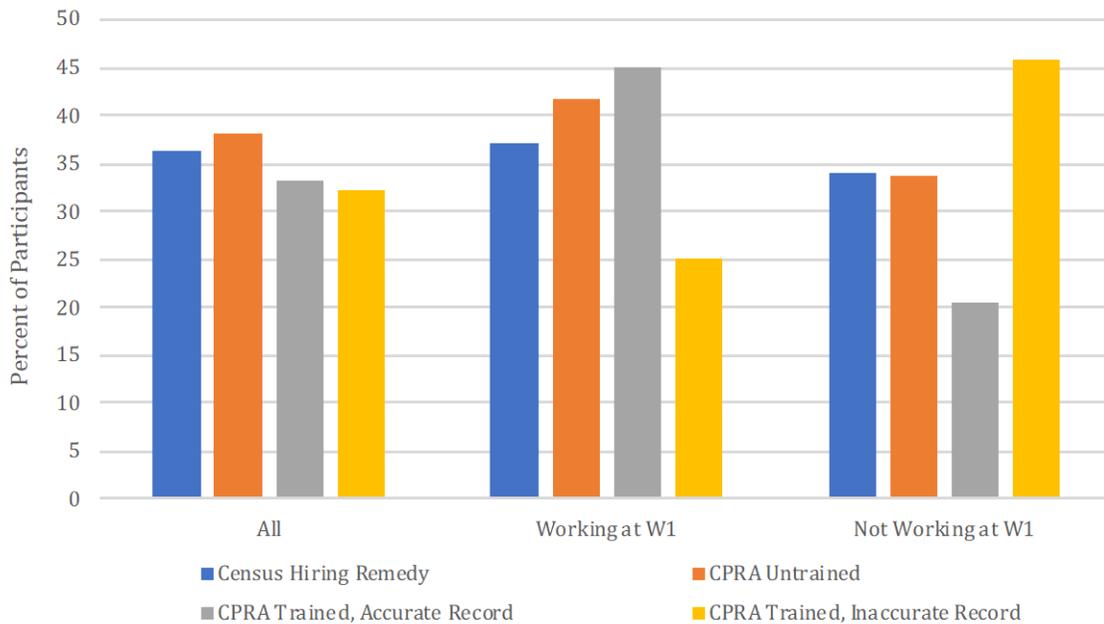
The third column in Table 5 examines those who were not working at Wave 1. Among those who were not working at Wave 1, untrained CPRA respondents are more likely than trained CPRA respondents to have applied for a job/promotion in the past six weeks (.339 and .276, respectively). But this masks differences between those who had accurate and inaccurate records. Individuals who were not working at Wave 1, received the CPRA training, and had at least one inaccuracy on their record seem to be more likely to have applied for a job/promotion in the past six weeks (45.7%) compared to those who had

not yet received the training (33.9%). However, this difference does not achieve statistical significance.

Another unexpected finding here is that among those who were not working at Wave 1 seem to be less likely to have applied for a job or promotion in the past six weeks. Among those who were not working at Wave 1, about 21 percent of those who had accurate records had applied for a job or promotion in the past six weeks compared to nearly 34 percent of those who had not yet received the training. This difference is statistically significant.

These findings are depicted graphically in Figure 4. This more clearly shows that two subgroups of CPRA-trained respondents do appear to be more likely to have applied for a job or promotion in the past 6 weeks: 1) those who were not working at Wave 1 and did not observe any inaccuracies on their record; and 2) those who were working at Wave 1 and did observe at least one inaccuracy on their record. The differences between these groups and those who had not received the training did not achieve statistical significance in a two-sample test of proportions. This may be due, in part, to a lack of statistical power. For example, only 35 individuals were not working at Wave 1, received the CPRA training, and had at least one inaccuracy on their record.

**Figure 4. Percent of Participants who Applied for a Job or Promotion in the Past 6 Weeks at Wave 2, by Employment Status at Wave 1 (n = 2,108)**



As described above, analysis of the differences in outcomes across CPRA-trained and CPRA-untrained participants should take into account the non-random selection into the CPRA training. Table 6 (below) presents selection-corrected coefficients from a series of probit regression models predicting whether participants applied for a job or promotion in the past six weeks. It should be noted that this analytic approach is considered to be

conservative and can introduce collinearity, which reduces the likelihood of observing statistically significant results. Nevertheless, we observe some significant variations across remedy groups in employment-seeking during the past six weeks.

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

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

+ p < .10; \* p < .05; \*\* p < .01; \*\*\* p < .001

Model 1 shows that CPRA-trained respondents, as a singular group, do not differ from CPRA-untrained respondents in their likelihood of having applied for a job or promotion in the past six weeks.

In Model 2, we find no differences between untrained respondents and those who received the training and had accurate or inaccurate criminal records. However, we do find that respondents who were working at Wave 1 are significantly more likely to have applied for a job or promotion in the six weeks prior to Wave 2 ( $b = .112$ ;  $p < .01$ ).

Finally, Model 3 differentiates CPRA participants by their employment status at Wave 1 and the accuracy/inaccuracy of their criminal records. Those who were working at Wave 1, received the training, and found no inaccuracies on their record are significantly more likely to have recently applied for a job or promotion ( $b = .167$ ;  $p < .05$ ) compared to those who were not working and have not yet received the training. However, we also observe significantly lower likelihood of having applied for a job or promotion among those who were not working at Wave 1, received the CPRA training, and found their record to be accurate.

To summarize our findings for Research Question 3, we find some evidence that the CPRA training increases the likelihood of having applied for a job or promotion in the past six weeks. This impact is clearest for participants who were working at Wave 1 and found

their criminal record to be accurate. Those who were *not* working at Wave 1 and found their record to be inaccurate also appear to be more likely to have applied for a job or promotion, but the difference between them and then untrained CPRA participants is not statistically significant. Unexpectedly, we also find some evidence that those who were not working at Wave 1 and found their record to be accurate were *less* likely to have applied for a job or promotion.

***Research Question 4: Are CPRA-trained participants more likely to plan to apply for a job, a new job, or a promotion within the following six weeks?***

The Wave 2 survey asked respondents: “How likely are you to apply for a job, a promotion, or a new job in the next six weeks?” Responses ranged from “extremely likely” to “not at all likely.” Similar to the question asking whether respondents had applied for a job or promotion in the past six weeks, this item aims to assess employment-seeking behavior – specifically, the intention or expectation of seeking employment or promotion – regardless of current labor market status. That is, for a participant who is unemployed, an affirmative response indicates that the individual intends to seek employment within the next six weeks. For a participant who is employed, an affirmative response could suggest one of two things: 1) he is likely to apply for *other* jobs – either to supplement or replace his current position in the next six weeks; or 2) he is likely to apply for a promotion at his current job within the next six weeks.

It is important to note that this survey item does not exclude individuals who are out of the labor market or those who are retired; these groups would not be expected to apply for employment regardless of their criminal record. We also cannot identify individuals who are employed in positions where they do not need to apply for supplemental employment and where they do not desire (or have opportunities for) promotion. For these reasons, overall proportions of affirmative responses to this item should not be considered to be indicative of the overall proportion of individuals who are likely to engage in employment-seeking behavior in a broader population. Rather, we use this item to compare the likelihood of employment-seeking behavior *across* the remedy groups.

Table 7 shows the proportion of respondents who indicated that they were “moderately,” “very,” or “extremely” likely to apply for a job, a new job, or a promotion in the next six weeks. Figure 5 shows the percent of respondents who reported that they are likely to apply for a job/promotion in the next six weeks, across CPRA remedy groups and employment status at Wave 1.

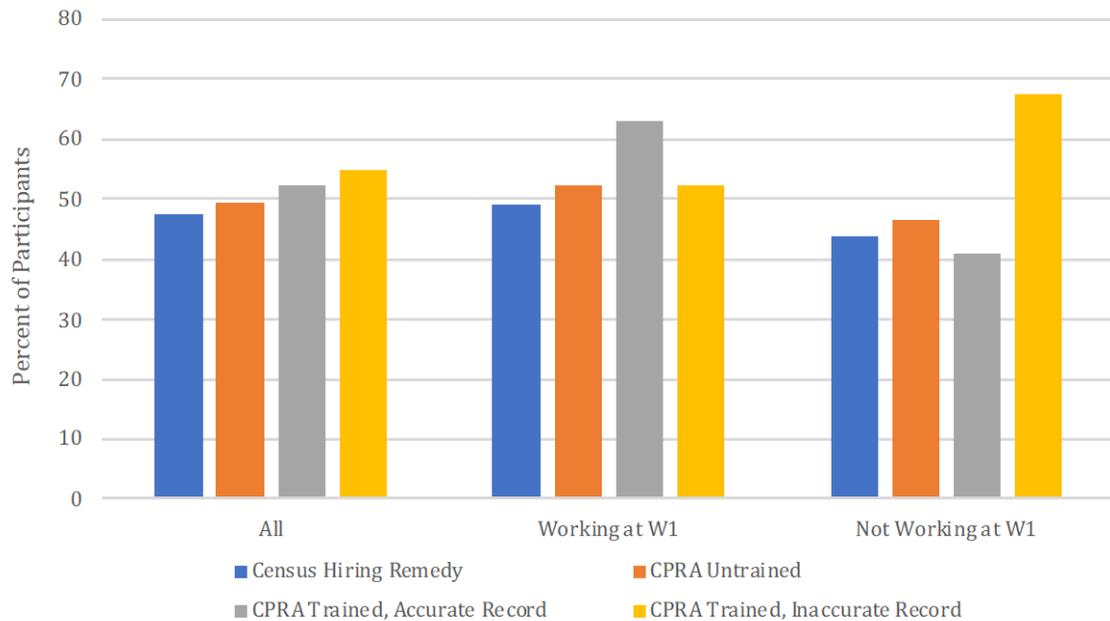
**Table 7. Likelihood of Applying for a Job/Promotion in Next Six Weeks (n = 2,132 Wave 2 Respondents)**

	Moderately, Very, or Extremely Likely Proportion	N
<b><u>All Wave 2 Respondents (n = 2132)</u></b>		
Census Hiring Remedy	.476	1021
CPRA Remedy		
Untrained (ref.)	.494	822
Trained, Accurate Record	.522	203
Trained, Inaccurate Record	.547	86
<b><u>Working at Wave 1 (n = 1154)</u></b>		
Census Hiring Remedy	.489	563
CPRA Remedy		
Untrained (ref.)	.523	444
Trained, Accurate Record	.631	103
Trained, Inaccurate Record	.523	44
<b><u>Not Working at Wave 1 (n = 830)</u></b>		
Census Hiring Remedy	.439	378
CPRA Remedy		
Untrained (ref.)	.466	319
Trained, Accurate Record	.407	83
Trained, Inaccurate Record	.677	38

+ p < .10; \* p < .05, based on two-sample test of proportions with comparisons to the CPRA Untrained (reference) group

*Note:* Proportions for those who were and were not working at Wave 1 exclude 148 respondents who had missing data on employment status at Wave 1.

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



Although we find no statistically significant differences across groups, we observe two patterns that are worth noting. First, respondents who were working at Wave 1, received the CPRA remedy, and found their criminal record to be accurate may be more likely to expect to apply for a job or promotion in the next six weeks. Second, among those who were not working at Wave 1, respondents who received the CPRA training and found at least one inaccuracy on their criminal record seem to be more likely to apply for a job or promotion in the next six weeks.

Table 8, below, provides results from the second-step probit regression in Heckman selection models that adjust for selection into the CPRA remedy. Selection-corrected coefficients provide further evidence that the CPRA training increased, for some groups, the their expectation that they would apply for a job or promotion in the next six weeks.

**Table 8. Results from Selection-Corrected Probit Regression Models Predicting the Likelihood of Being Moderately, Very, or Extremely Likely to Apply for a Job/Promotion in the Next Six Weeks**

	Model 1		Model 2		Model 3	
	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )
<b>CPRA Status</b>						
Untrained ( <i>ref.</i> )	--	--	--	--		
Trained	.072	(.058)				
Trained, Accurate Record			.047	(.064)		
Trained, Inaccurate Record			.157	(.104)		
Employed at Wave 1			.078	(.050)		
<b>Employment * CPRA Status</b>						
Not working-Untrained ( <i>ref.</i> )					--	--
Working-Untrained					.052	(.057)
Not working-Trained-Accurate Record					-.075	(.082)
Working-Trained-Accurate Record					.247*	(.100)
Not working-Trained-Inaccurate Record					.398*	(.179)
Working-Trained-Inaccurate Record					.042	(.129)
Constant	.716***	(.034)	.693***	(.044)	.706***	(.047)
N	2,104		2,104		2,104	

+  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Model 1 in Table 8 shows that CPRA-trained respondents, as a whole, do not differ from CPRA-untrained respondents in their expectation of applying for a job or promotion in the next six weeks. In Model 2, we find no differences between untrained respondents and those who received the training and had accurate or inaccurate criminal records. Furthermore, those who were employed at Wave 1 were no more or less likely to expect to apply for a job in the six weeks following the Wave 2 survey.

After differentiating participants based on their CPRA status, their record accuracy, and their employment status at Wave 1, we do observe some subgroups who received the CPRA training and are more likely to expect that they will apply for a job or promotion soon. Those who were working at Wave 1, received the CPRA training, and found their record to be accurate are more likely to report that they will apply for a job or promotion soon ( $b = .247$ ;  $p < .05$ ). In addition, those who were *not* working at Wave 1, received the CPRA training, and found their record to be *inaccurate* were also more likely to report that they will apply for a job or promotion ( $b = .398$ ;  $p < .05$ ).

In response to Research Question 4, then, we find evidence that the CPRA intervention increases individuals' likelihood of seeking employment or promotion within the next six weeks. However, this impact seems to be limited to two particular groups: 1) those who were working at Wave 1 and found their criminal record to be accurate; and 2) those who were not working at Wave 1 and found their criminal record to be inaccurate.

**Research Question 5: Are CPRA-trained participants more comfortable talking to an employer about their criminal history?**

The Wave 2 survey asked respondents: “How comfortable are you with talking to an employer about your criminal history?” There were five response categories, ranging from “extremely” comfortable to “very,” “moderately,” “slightly,” and “not at all” comfortable. We collapse the five response categories into three: 1) “not at all” comfortable; 2) “slightly” or “moderately” comfortable; and 3) “very” or “extremely” comfortable.

The top section of Table 9 examines the level of comfort across all participants who selected into CPRA, differentiating by their status as trained/untrained and the accuracy/inaccuracy of their criminal record. Here we observe only one statistically significant difference – and it is not in the expected direction. Those who received the training and did not have any accuracies on their criminal record were significantly *less* likely to feel “very or extremely” comfortable discussing their record with an employer. That is, about 37.0 percent of those who were trained and had an accurate record reported feeling “very or extremely” comfortable, compared to about 44.8 percent of those who have not yet received the training.

**Table 9. Level of Comfort Discussing Criminal History, by Remedy Group (n = 2135 Wave 2 Respondents)**

	Not at all Proportion	Slightly or Moderately Proportion	Very or Extremely Proportion	N
<b>All Wave 2 Respondents (n = 2135)</b>				
Census Hiring Remedy	229	.234	.537	1021
CPRA Remedy				
Untrained (ref)	300	.252	.448	823
Trained, Accurate Record	330	.301	.370*	203
Trained, Inaccurate Record	307	.250	.443	88
<b>Working at Wave 1 (n = 1155)</b>				
Census Hiring Remedy	231	.216	.553	564
CPRA Remedy				
Untrained (ref)	280	.255	.465	443
Trained, Accurate Record	327	.289	.385	104
Trained, Inaccurate Record	341	.296	.364	44
<b>Not Working at Wave 1 (n = 828)</b>				
Census Hiring Remedy	213	.249	.538	381
CPRA Remedy				
Untrained (ref)	345	.242	.413	322
Trained, Accurate Record	326	.315	.360	89
Trained, Inaccurate Record	278	.222	.500	36

\* p < .05, based on two-sample test of proportions with comparisons to the CPRA Untrained (reference) group

*Note:* Proportions for those who were and were not working at Wave 1 exclude 148 respondents who had missing data on employment status at Wave 1.

The lower two sections of the table examine differences across training status and criminal record accuracy, within individuals who were working at Wave 1 and those who were not working at Wave 1. We find no significant differences here, but we do observe two notable tendencies with respect to the proportion of individuals who feel “very” or “extremely” comfortable discussing their criminal records. These findings are also presented graphically in Figure 6, below.

First, among individuals who were working at Wave 1, those who received the CPRA training appear to be *less* likely to feel very/extremely comfortable discussing their criminal records. This result is unexpected. However, we find some evidence that the training increases individuals’ comfort with discussing their criminal records, for one group in particular – those who were not working at Wave 1 and found inaccuracies in their criminal records.

**Figure 6. Percent of Participants who are Very or Extremely Comfortable Discussing their Criminal History with an Employer, by Remedy Group and Employment Status at Wave 1**

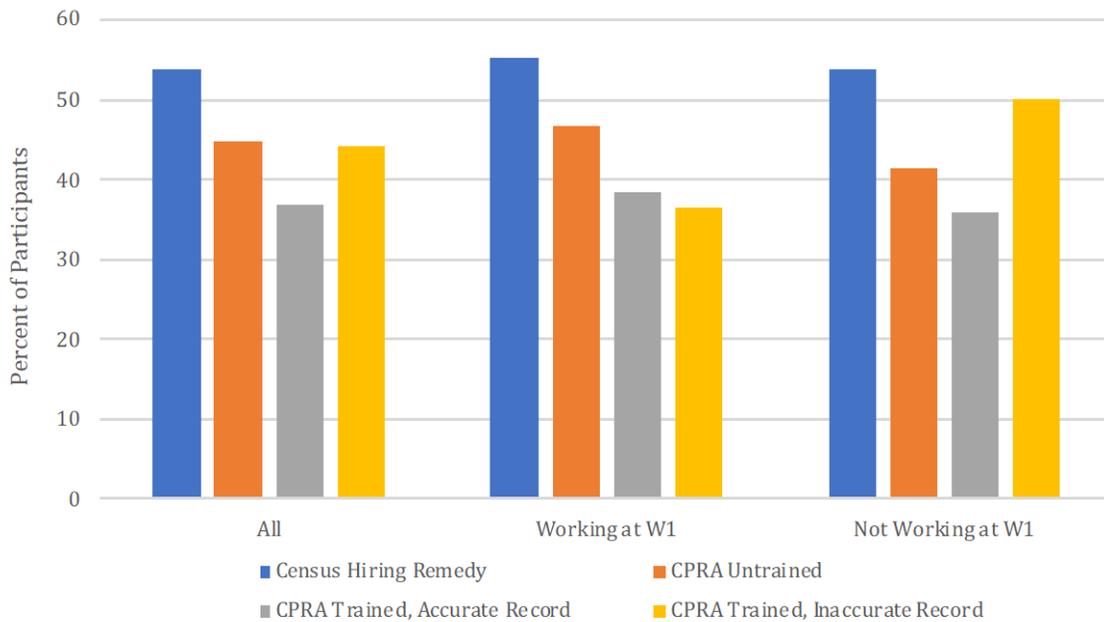


Table 10, below, further examines these relationships. The table presents selection-corrected coefficients from regression models predicting the likelihood of feeling very/extremely comfortable discussing one’s criminal history with an employer. Again, the results are unexpected. Model 1 shows that individuals who received the CPRA training are *less* likely to feel comfortable discussing their criminal record, although the difference is only marginally statistically significant ( $b = -.093$ ;  $p = .068$ ).

Model 2 in Table 10 differentiates those whose records were found to be accurate or inaccurate. Here we observe that CPRA participants who received the training and had accurate criminal records were significantly less likely to feel very/extremely comfortable discussing their criminal record with an employer ( $b = -.108$ ;  $p < .05$ ). Those who received

the training and found at least one inaccuracy on their record do not differ from CPRA participants who have not yet received the training.

**Table 10. Results from Selection-Corrected Probit Regression Models Predicting the Likelihood of Being Very or Extremely Comfortable Discussing Criminal History with an Employer**

	Model 1		Model 2		Model 3	
	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )
CPRA Status						
Untrained ( <i>ref.</i> )	--	--	--	--		
Trained	-.093+	(.051)				
Trained, Accurate Record			-.108*	(.055)		
Trained, Inaccurate Record			-.027	(.089)		
Employed at Wave 1			.038	(.045)		
Employment * CPRA Status						
Not working-Untrained ( <i>ref.</i> )					--	--
Working -Untrained					.068	(.053)
Not working-Trained-Accurate Record					-.088	(.079)
Working-Trained-Accurate Record					-.057	(.078)
Not working-Trained-Inaccurate Record					.158	(.151)
Working-Trained-Inaccurate Record					-.089	(.110)
Constant	.650	(.033)	.649***	(.042)	.633***	(.044)
N		2,105		2,105		2,105

+  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Model 3 differentiates participants by CPRA training status, their employment status at Wave 1, and the accuracy/inaccuracy of their record. We do not find any significant differences across these groups in the likelihood of feeling comfortable discussing their criminal record. The patterns observed here, however, reflect those shown in Figure 6, above. CPRA participants who received the training are modestly (but not significantly) less likely to feel “very” or “extremely” comfortable discussing their criminal history with an employer. The only potential exception to this pattern is observed for individuals who were not working at Wave 1 and found their record to be inaccurate. This latter group has a higher likelihood of feeling comfortable discussing their criminal record, although it is not significantly different from that of the CPRA participants who were not working at Wave 1 and had not yet received the training.

To summarize, we find only modest evidence that the CPRA training increases confidence in discussing one’s criminal record with a potential employer – and this is limited to respondents who were not working at Wave 1 and found at least one inaccuracy on their criminal record. However, we find, unexpectedly, that many participants who completed the training may be *less* comfortable discussing their criminal records. This negative association is clearest for respondents who found their record to be accurate – including those who were not working at Wave 1 and those who were working at Wave 1. We consider some possible reasons for this unexpected finding in the Discussion section, below.

**Research Question 6: Are CPRA participants more likely to take action to get their record corrected or expunged?**

The Wave 2 survey asked respondents two questions that assessed whether they had taken any action toward correcting, sealing, or expunging their criminal record since the Wave 1 survey. First, respondents were asked whether they had: “taken action related to their criminal record or started the process of seeking record correction, sealing, dismissal, expungement, or a certificate (other than participating in the CPRA training program).” As shown in Table 12, below, about 19.1 percent of respondents indicated that they had taken this kind of action since Wave 1.

Table 11 also shows the proportion of respondents who reported taking this action within remedy groups. CPRA-trained participants who had at least one inaccuracy on their criminal records are significantly more likely to have taken this kind of action. Specifically, about 30.8 percent of CPRA-trained participants with inaccurate records reported taking action to correct their criminal record – compared to only about 19.2 percent of those who had not received the training.

**Table 11. Proportion of Respondents Who Have Taken Action or Contacted Legal Services to Correct Their Criminal Records, by Remedy Group (n = 2443 Wave 2 Respondents)**

	Tried to take action to correct criminal record, since W1 survey	Contacted lawyer /legal services about criminal record, since W1 survey	N
	Proportion	Proportion	
Overall	.191	.146	2443
<b>Remedy Group</b>			
Census Hiring Remedy	.186	.138	1037
CPRA Remedy			
Untrained ( <i>ref.</i> )	.192	.142	832
Trained, Accurate Record	.215	.215*	205
Trained, Inaccurate Record	.308**	.275***	91

\* p < .05; \*\* p < .01; \*\*\* p < .001, based on two-sample tests of proportions compared to the CPRA untrained (reference) group

The Wave 2 survey also asked respondents whether they had “made contact with a lawyer, legal aid, or other legal services about your criminal record.” As shown in Table 11, about 15 percent of all respondents indicated that they had contacted a lawyer or legal services since the Wave 1 survey. CPRA-trained participants – including those who had accurate records and those who had inaccurate records – are significantly more likely to have contacted a lawyer or legal services compared to those who had not yet received the training. About 21.5 percent of those with accurate records, and 27.5 percent of those with

inaccurate records, reported contacting a lawyer – compared to about 14.2 percent of untrained CPRA participants.

Tables 12 and 13 further examine these patterns using Heckman selection models to account for selection into the CPRA remedy before predicting the likelihood of taking action to correct one’s criminal record (Table 13) and contacting a lawyer or legal services (Table 14). The first model in Table 13 indicates that CPRA-trained participants are more likely to report having taken action to correct their record; the association achieves marginal statistical significance ( $b = .172$ ;  $p = .081$ ). The second model differentiates between CPRA-trained respondents who had accurate and inaccurate records. It shows that those who had at least one inaccuracy on their criminal record are significantly more likely to take action to get their record corrected ( $b = .392$ ;  $p < .05$ ). This model also accounts for employment at Wave 1. Respondents who were employed at Wave 1 are less likely to report having taken action to get their record corrected.

**Table 12. Results from Selection-Corrected Probit Regression Models Predicting the Likelihood of Taking Action to Correct One’s Criminal Record**

	Model 1		Model 2		Model 3	
	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )
<b>CPRA Status</b>						
Untrained ( <i>ref.</i> )	--	--	--	--	--	--
Trained	.172	(.099)				
Trained, Accurate Record			.058	(.117)		
Trained, Inaccurate Record			.392*	(.162)		
Employed at Wave 1			-.229*	(.093)		
<b>Employment * CPRA Status</b>						
Not working-Untrained ( <i>ref.</i> )					--	--
Working -Untrained					-.244*	(.111)
Not working-Trained-Accurate Record					-.052	(.170)
Working-Trained-Accurate Record					-.079	(.167)
Not working-Trained-Inaccurate Record					.549*	(.236)
Working-Trained-Inaccurate Record					.010	(.227)
Constant	-1.095**	(.408)	-.682	(.579)	-.705	(.574)
N (total)	2,114		2,114		2,114	
N (selected)	972		972		972	

†  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Finally, Model 3 in Table 12 shows patterns in the likelihood of taking action to get one’s record corrected, across remedy groups, record accuracy/inaccuracy, and employment status at Wave 1. This provides additional evidence that respondents who received the CPRA training are more likely to have taken action to get their records corrected – but it shows that this impact of the training is unique to respondents who were not working at Wave 1 and found at least one inaccuracy on their records. Other groups do not significantly differ from individuals who were not working at Wave 1 and did not receive the training.

Table 13 presents selection-corrected coefficients predicting the likelihood that respondents had contacted a lawyer or legal services about their criminal record. The first model indicates that CPRA-trained respondents are more likely to have contacted a lawyer

than those who selected into CPRA but had not yet received the training ( $b = .301$ ;  $p < .01$ ). The second model differentiates between CPRA-trained respondents who had accurate and inaccurate criminal records. Both of these groups were more likely than the untrained respondents to have contacted a lawyer about their criminal record ( $b = .215$ ;  $p < .05$  and  $b = .370$ ;  $p < .05$ ). This model also accounts for employment status at Wave 1, and suggests that those who were employed at Wave 1 are less likely to have contacted a lawyer about their criminal records between Waves 1 and 2. However, the difference is only marginally significant ( $b = -.143$ ;  $p = .056$ ).

**Table 13. Results from Selection-Corrected Probit Regression Models Predicting the Likelihood of Contacting a Lawyer or Legal Services About One’s Criminal Record**

	Model 1		Model 2		Model 3	
	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )
<b>CPRA Status</b>						
Untrained ( <i>ref.</i> )	--	--	--	--		
Trained	.301**	(.114)				
Trained, Accurate Record			.215*	(.103)		
Trained, Inaccurate Record			.370*	(.160)		
<b>Employed at Wave 1</b>			-.143+	(.075)		
<b>Employment * CPRA Status</b>						
Not working-Untrained ( <i>ref.</i> )					--	--
Working -Untrained					-.201*	(.096)
Not working-Trained-Accurate Record					.113	(.130)
Working-Trained-Accurate Record					.113	(.131)
Not working-Trained-Inaccurate Record					.303	(.204)
Working-Trained-Inaccurate Record					.235	(.185)
<b>Constant</b>	-.381	(.435)	-.095	(.333)	-.084	(.329)
<b>N (total)</b>	2,122		2,122		2,122	
<b>N (selected)</b>	980		980		980	

+  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

The third model in Table 13 further differentiates respondents by remedy group, training status, employment status at Wave 1, and the accuracy of their criminal records. Here we observe that all four of the subgroups of CPRA-trained respondents seem to be more likely to have contacted a lawyer about their record – although none of the differences are statistically significant. This may be due to smaller sample sizes within these subgroups compared to the larger trained-accurate and trained-inaccurate groups.

With respect to Research Question 6, then, we find evidence that respondents who received the CPRA training are more likely to report taking action to get their criminal record corrected, expunged, or sealed. Those who were not working at Wave 1 and found at least one inaccuracy on their criminal record are more likely to report having taken some action toward correction. Furthermore, all individuals who completed the CPRA training – regardless of the accuracy of their record and their employment status – seem to be more likely to have contacted a lawyer or taken legal action toward correcting, expunging, or sealing their record.

### **CPRA Training and Social and Civic Engagement**

Our third aim is to consider how participation in the intervention is associated with social and civic engagement and perceptions of the law, which may have downstream effects on economic attainment. We consider whether those who have received the training are more likely to engage with economic and social institutions such as banks, schools, and community groups that they may have avoided in the past due to concerns about a criminal background check. Specifically, we ask:

***Research Question 7:** Are CPRA participants more likely to participate in social groups, community organizations, and institutions?*

To test this research question, we draw on three items from the Wave 2 survey. First, respondents were asked how often they spent a social evening with their close family members or friends during the past year. Responses ranged from “several times a week” to “never.” We focus on whether respondents reported spending a social evening with family or friends at least once a week. As shown in Table 14, about 35.6 percent of all respondents socialized with friends and family at least once a week.

Second, respondents were asked how often they performed unpaid volunteer work for religious, charitable, political, health-related, or other organizations. Responses again ranged from “several times a week” to “never.” The responses were widely distributed across the range of responses, with nearly 38 percent of respondents reporting that they had not done any volunteer work during the past year. Thus, we focus on whether respondents did any volunteering.

Third, respondents were asked if they currently have a checking account. As shown in Table 12, about 78.0 percent of respondents indicated that they do have a checking account.

Next, we examine whether these forms of social, community, and institutional participation differ across remedy groups. We do not find any significant differences with respect to social participation and volunteering. However, CPRA-trained participants who had accurate criminal records are significantly more likely to have a checking account. About 87.0 percent of respondents who received the training and had an accurate record reported that they have a checking account, compared to only about 79.3 percent of respondents who selected into CPRA but had not yet received the training.

**Table 14. Social, Community, and Institutional Engagement across Remedy Groups and CPRA-Training Status**

	Social evening with friends at least once/week in past year, at Wave 2	Any volunteering in past year, at Wave 2	Has checking account, at Wave 2	N
	Proportion	Proportion	Proportion	
Overall	.356	.637	.780	1903
<b>Remedy Group</b>				
Census Hiring Remedy	.377	.647	.756	909
CPRA Remedy				
Untrained ( <i>ref.</i> )	.350	.623	.793	735
Trained, Accurate Record	.304	.679	.870***	184
Trained, Inaccurate Record	.280	.560	.733	75

\* p < .05; \*\* p < .01; \*\*\* p < .001, based on two-sample tests of proportions compared to the CPRA untrained (reference) group

Results from Heckman selection models, which account for selection into the CPRA remedy, echo the patterns observed above. Table 15, below, presents selection-corrected estimates of the association between CPRA status and 1) spending a social evening about once a week or more; 2) volunteering; and 3) having a checking account. Again, we observe no significant differences in the likelihood of spending an evening with family or friends – nor do we observe any significant associations with volunteering. However, we find that CPRA participants who received the training and had an accurate record are significantly more likely to report that they have a checking account, compared to untrained CPRA participants ( $b = .268$ ;  $p < .01$ ).

**Table 15. Results from Selection-Corrected Probit Models Predicting the Likelihood of Social, Community, and Institutional Engagement**

	Social evening at least once/week, during past year		Any volunteering during past year		Has checking account	
	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )	<i>b</i>	( <i>SE</i> )
<b>CPRA Status</b>						
Untrained ( <i>ref.</i> )						
Trained, Inaccurate Record	-.156	(.161)	-.081	(.113)	-.056	(.127)
Trained, Accurate Record	-.112	(.104)	.119	(.081)	.268**	(.103)
Constant	-.771	(.312)	.846	(.039)	1.265	(.042)

\* p < .05; \*\* p < .01; \*\*\* p < .001

To summarize, we find evidence that the CPRA training increases engagement with institutions such as banks. Respondents who received the training and found their record to be accurate were more likely to report having a checking account at Wave 2. However, we do not find any evidence that the CPRA training increases social engagement or civic involvement in the form of volunteering.

***Research Question 8: Do CPRA participants perceive the law as more legitimate and legal procedures as more fair?***

Table 16, below, shows the distribution of responses to four questions assessing attitudes toward the law. Respondents were asked to indicate their level of agreement with the following statements: “Law does not protect your interests;” and “Law represents values of those in power, not you.” Responses ranged from “strongly agree” to “agree,” “neither agree nor disagree,” “disagree,” and “strongly disagree.” For these two items, we look at the proportion of respondents who indicated agreement with these statements – both of which, therefore, reflect *lower* perceived legitimacy and fairness within the law. Respondents were asked how often courts make fair decisions, with responses of “never,” “rarely,” “sometimes,” and “often.” We focus on the proportion of respondents who indicated that courts make fair decisions sometimes or often.

We find no significant differences in agreement with these statements across the remedy groups, or across the CPRA respondents who were trained and those who had not received the training. The modest differences we observe suggest that participants who received the training – and, especially, those whose records were found to be inaccurate – were more likely to express feelings that the law is not legitimate or that legal procedures are unfair. Among CPRA trained participants who had inaccurate records, about 45% indicated agreement with the idea that law does not protect their interests (compared to under 41% of untrained CPRA participants). Nearly 62% of CPRA-trained participants with inaccurate records indicated agreement with the idea that the law represents the values of those in power rather than the values of ordinary citizens (compared to about 55% of untrained CPRA participants). INSERT ABOUT COURTS. Thus, we find no support for the idea that the CPRA training increases the perception of the law as legitimate and fair.

**Table 16. Attitudes Toward the Law across Remedy Groups and CPRA Training Status**

	Law does not protect your interests: "Agree" or "Strongly Agree"	Law represses values of those in power, not you: "Agree" or "Strongly Agree"	Courts make fair decisions: "Sometimes" or "Often"	If witnessed a crime, would call police: "Very likely"	N
	Proportion	Proportion	Proportion	Proportion	
Overall	.398	.530	.614	.734	2083
<b>Remedy Group</b>					
Census Hiring Remedy	.379	.503	.617	.749	997
CPRA Remedy					
Untrained (ref.)	.406	.549	.609	.719	800
Trained, Accurate Record	.436	.557	.619	.728	202
Trained, Inaccurate Record	.452	.619	.619	.702	84

\* p < .05; \*\* p < .01; \*\*\* p < .001, based on two-sample tests of proportions compared to the CPRA untrained (reference) group

Finally, respondents were asked how likely they are to call the police if they witnessed a crime. Responses included “very likely,” “somewhat likely,” and “not at all likely.” About 73% of all respondents said that they were “very likely” to call the police. We observe only small differences across the remedy groups and the trained and untrained CPRA participants. The proportion of individuals who would call the police is slightly higher (almost 75%) among the respondents who opted for early notice of hiring, and slightly lower (about 70%) among those who received the CPRA training and had at least one inaccuracy on their record. But the differences are not statistically significant. We therefore do not find any support for the idea that the receiving the CPRA training increases individuals’ willingness to engage with the police; although the high percentages of respondents who were “very likely” to engage with the police suggest that this measure has limited ability to capture an increase in positive attitudes toward the police.

## DISCUSSION

The CRPS provides an unprecedented opportunity to assess the accuracy of criminal records and examine how a criminal records education intervention may shape job-seeking and related factors among individuals who have criminal records. The current study utilized administrative data from the CPRA intervention, along with data from the CRPS Wave 1 and Wave 2 surveys. Below, we summarize and interpret key findings within each of our three main research aims:

**1. Our first aim was to describe the rate of errors or inaccuracies in criminal records among members of the *Gonzalez* class who participate in the CPRA remedy.** To explore this, we used data from the criminal records and administrative data gathered during the CPRA training sessions. We found that:

- Overall, 30% of participants’ records contained at least one duplicate or dismissed entry (Table 2). These participants’ records misrepresent their criminal history as being more extensive than it is, which may unfairly reduce their success with job searches or erroneously limit their eligibility for jobs, certification, and benefits.
- CPRA trainers noted duplicate entries on only 5% of the records they reviewed (Table 2).

- Dismissed entries were more common. About 28% of participants' records contained at least one entry for a charge that was dismissed, dropped, or absolved as part of a plea bargain (Table 2).
- Inaccuracies are more common in criminal records of participants who are younger (age 18-49, compared to those 50-64 and 65+) and among participants who identify as African-American (compared to those identified as Hispanic or White) (Figure 2).

**2. Our second aim was to examine the impact of participation in a criminal record education program on employment-related behavior.** To assess this, we used Wave 1 and Wave 2 survey data to compare employment-related behavior of *Gonzalez* class members who opted to participate in the CPRA intervention and received the training and those who opted for the intervention but had not yet received the training. We found that:

- CPRA training increases employment- or promotion-seeking, for some participants. Trends in the data indicate that two groups of CPRA participants may be more likely to have applied – or to expect to apply – for a job, new job, or promotion:
  - o Those who were working at Wave 1 and had accurate criminal records; and
  - o Those who were not working at Wave 1 and had at least one inaccuracy on their criminal record (Figure 4, Table 6, Figure 5, and Table 8).
- However, some CPRA participants who received the training were *less* likely to have applied for a job, new job, or promotion. Trends in the data indicate that two groups of CPRA participants were *less* likely to have applied for a job, new job, or promotion in the past 6 weeks:
  - o those who were working at Wave 1 and had accurate criminal records; and
  - o those who were not working at Wave 1 and had inaccurate criminal records (Figure 4 and Table 6).
- Some participants who received the CPRA training reported that they were *less* comfortable discussing their criminal records with an employer. This was most common among those who did not have any inaccuracies on their criminal record (Figure 6 and Table 10).
- Other participants who received the CPRA training reported greater comfort with discussing their criminal record with an employer. This pattern is most clear for participants who were not working at Wave 1 and found at least one inaccuracy on their criminal record. However, the association does not achieve statistical significance after we adjust for selection into the CPRA remedy, which may be due to the relatively small size of the sample of individuals who have received the training (Figure 6 and Table 10).
- CPRA participants who received the training are more likely to have taken action to correct their criminal record or contacted a lawyer or legal services. These

associations are clearest for those who were not working at Wave 1 and found at least one inaccuracy on their record (Tables 11 and 12).

**3. Our third aim was to consider how participation in the CPRA intervention is associated with social and civic engagement and perceptions of the law – both of which may have downstream effects on economic attainment.** We considered whether those who have received the training are more likely to engage with economic and social institutions such as banks, schools, and community groups that they may have avoided in the past due to concerns about a criminal background check. We find very limited support for this idea:

- CPRA-trained participants are no more likely to report social participation or volunteering than those who have not yet received the training (Table 15).
- Receiving the CPRA training is associated with having a checking account. Compared to those who have not yet received the CPRA training, participants who received the training and had an accurate criminal record are more likely to have a checking account (Table 15).
- We did not find any differences in attitudes toward the law or legal institutions across trained and untrained CPRA participants (Table 16).

## **CONCLUSIONS**

This study yields two key research findings that should be of interest to researchers and policymakers who are interested in improving re-entry and employment and economic outcomes individuals who have had contact with the criminal justice system. First, we find evidence that, for a substantial majority of individuals, the criminal record is not a fully accurate representation of their criminal history. More than 30% of CPRA participants' criminal records included at least one duplicate or dismissed entry. These participants' records misrepresent their criminal history as being more extensive than it is, which may unfairly reduce their success with job searches or erroneously limit their eligibility for jobs, certification, and benefits. African-Americans and younger participants were more likely to have inaccuracies on their record. These results point to the need for further research on the extent of inaccuracies on criminal records, their sources, and their effects on employment and economic outcomes.

Second, our analysis of data from the Wave 2 survey provides evidence that some individuals who received the CPRA training were more likely to apply for a job or promotion. Evidence of this positive effect of the training is found for two specific groups of participants: those who were working at Wave 1 and had accurate criminal records, and those who were not working at Wave 1 and found at least one inaccuracy on their criminal records. We also find evidence that CPRA-trained participants were more likely to take action or contact a lawyer or legal services to begin the process of getting their record corrected, sealed, or expunged.

Some of our findings were unanticipated. We were surprised to find that the CPRA training was associated with a reduced likelihood of having applied for a job or promotion – although this was limited to participants who were not working at the prior wave and found their criminal record to be accurate. The lack of associations between the CPRA training and

comfort with discussing one's criminal record, social participation, and attitudes toward the law were also unexpected. Further waves of the survey will be critical in gaining better understanding of the effects of the CPRA training, and why these effects may differ across individuals.

As the CPRA remedy continues to train participants, future surveys will afford us a larger number of trained respondents to compare against our control groups (untrained respondents and those who opted for early notice of hiring for the 2020 Census). This will allow us to further differentiate the sample by prior labor market status, which may confound employment-related behavior.

Follow-up surveys will also allow us to assess whether some CPRA participants, after viewing their criminal record, decide to pursue record correction before applying for employment-related opportunities. By continuing to follow respondents and administering additional surveys in the coming years, we will be able to examine whether respondents pursue record correction and how this affects employment-related behavior over the longer term.

Further research will allow us to gain more understanding of how participants experience the training, perceive their criminal record, and react to seeing their past interactions with the criminal justice system on paper. One possibility is that – for some participants – viewing their criminal record may invoke feelings of shame, regret, or hopelessness. For many individuals in this study, a long period of time has passed since their last contact with the criminal justice system. Viewing their criminal record may open up “old wounds” – refreshing memories of negative things that occurred in the distant past. Invoking negative feelings is not the intended outcome of the training, but may be unavoidable to some extent. Indeed, qualitative research has emphasized the stigma and shame of viewing one's criminal record (Myrick 2013) and how doing so often leads individuals to opt out of family, social, and institutional roles (Lageson 2016). Learning more about how individuals perceive their record and how it shapes their view of themselves as a worker or job applicant is an important direction for further research.

It is important to remember that participants in our study are a unique group. CRPS participants are class members in the *Gonzalez v. Pritzker* lawsuit: they are primarily African-Americans and Latinos who have criminal records, making them doubly disadvantaged – by minority status and by their criminal record (Pager 2003). These individuals sought employment with the US Census (an entity of the federal government). Few of these individuals have active involvement with the criminal justice system; in fact, most of them have not had contact with the justice system for many years. Thus, their criminal records may have had long-term and far-reaching effects on their employment, income, and civic engagement. Finally, those who selected into the CPRA remedy are individuals who had some interest in – or perceived some value in – learning more about their criminal record and their rights.

Our study reflects a rare opportunity to examine the criminal records of this particular group of individuals, and how they respond to learning about their record and their employment rights. However, it is not clear whether our findings can be generalized to other groups. Further research should therefore also consider how criminal record review and education may shape employment-related behavior and attitudes among individuals who have had more recent contact with the criminal justice system or among those who are just beginning to enter into the labor force, perhaps following a period of incarceration. Interventions aimed at these stages may have different effects, and they could have particularly far-reaching impacts on trajectories of employment, civic engagement, and well-being.

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