

Employing Ex-Offenders:

Researchers Develop Method for Computing “Redemption” Time

By Nancy Ritter

Author’s Note: *Points of view expressed in this article do not necessarily represent the official position or policies of the U.S. Department of Justice.*

Researchers at Carnegie Mellon University have developed a method for computing the point in time when a person with a criminal record presents no greater risk of committing another crime than people in the general population. Initial findings from a National Institute of Justice-funded project offer the first-ever empirically devised way to determine when an ex-offender has been clean long enough to be considered “redeemed” for employment purposes.

To develop this actuarial-like method, Alfred Blumstein, Ph.D., one of the nation’s foremost criminologists, and Kiminori Nakamura, a doctoral student at Carnegie Mellon’s Heinz College, examined the criminal-history records of 88,000 people who were arrested for the first time in 1980 in New York. Then, they 1) determined whether these ex-offenders had committed another crime during the ensuing 25 years or if they had stayed clean; 2) compared these results against data for same-age people in the general population; and 3) plotted these data on curves to see at what point the risk of re-arrest for the 88,000 ex-offenders crossed the curve representing the risk of arrest for same-age people in the general population.

The availability of an empirically based approach such as this could have tremendous ramifications regarding the employment of ex-offenders. Currently, when employers are considering hiring someone with a criminal record, they have to make a

largely arbitrary decision regarding whether the person’s past does — or does not — represent a continuing risk that should affect a hiring decision. Now, the preliminary results of the Blumstein-Nakamura study offer a scientifically rigorous way to help employers decide when a person’s record is stale enough to be considered no longer useful or relevant in a hiring decision.

The Results of the Study

The researchers looked at three types of crime (robbery, burglary and aggravated assault) and three different ages at first arrest (16, 18 and 20 years old).

Comparing this data for the 88,000 ex-offenders in the study group to data (based on FBI Uniform Crime Reports) for people the same age in the general population, they found:

- The risk of recidivism of someone arrested for robbery when he was 18 years old declined to the point where it was the same as the risk of someone of the same age in the general population committing a crime at age 25.7 — or 7.7 years after the redemption candidate’s crime (in this example, an arrest in 1980 for robbery). This means that after approximately 8 years, the probability of the robbery ex-offender committing another crime is lower than the probability of other 26-year-olds in the general population committing a crime.
- The risk of recidivism of someone who was arrested for burglary when he was 18 years old declined to the same risk as

someone the same age in the general population at age 21.8, or 3.8 years after the crime.

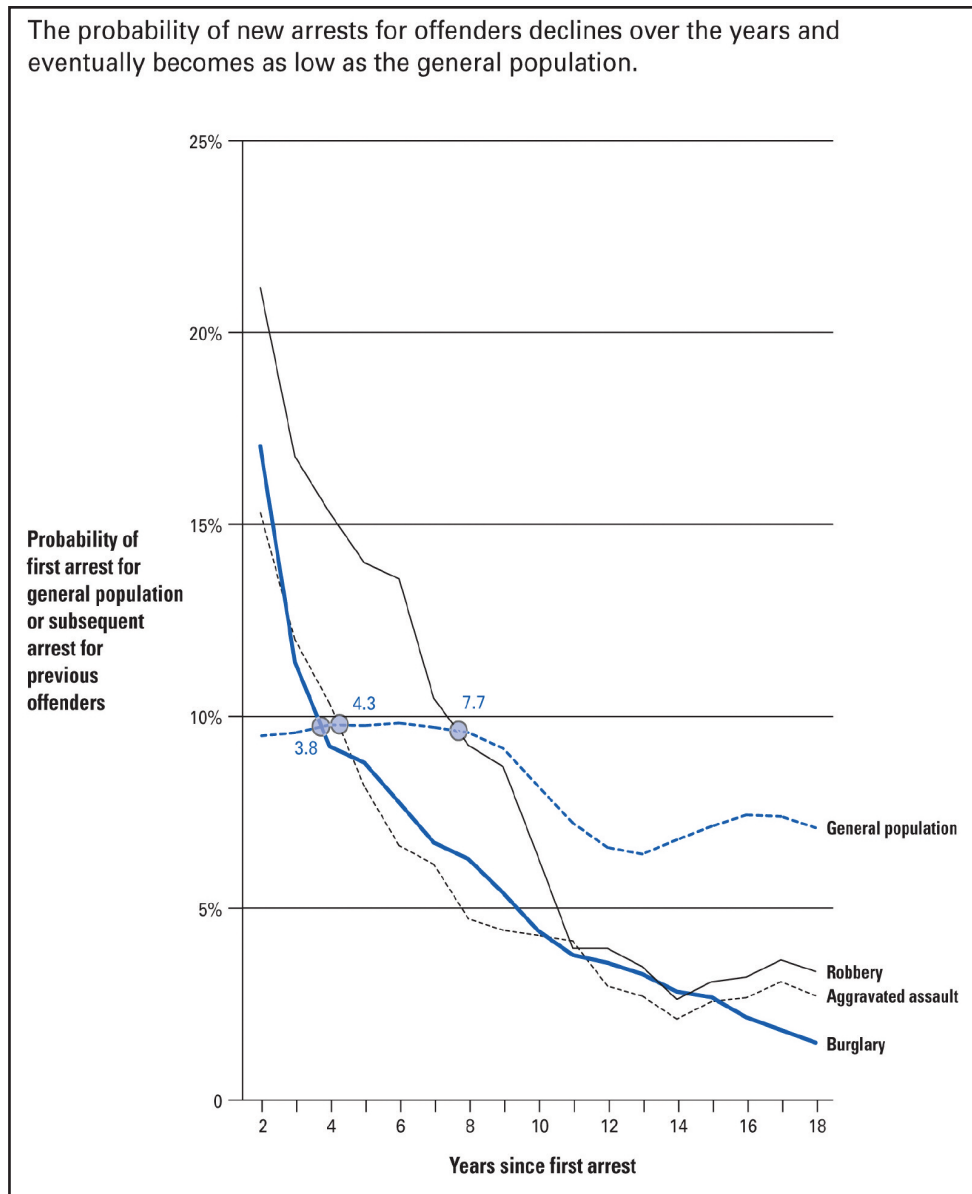
- The risk of recidivism of someone who was arrested for aggravated assault when he was 18 years old declined to the same risk as the general population at age 22.3 or 4.3 years after the crime.

The researchers found that people who were arrested for robbery at age 18 had to stay clean longer than those who were arrested for burglary or aggravated assault to reach the same risk of arrest as same-age people in the general population. The following figure illustrates this concept: how the probability of a new arrest for offenders declines over the years and eventually becomes as low as the risk of arrest for the general population.

With respect to the factor of an arrestee’s age at first arrest (again, remember that the researchers used data for 88,000 ex-offenders who were first arrested in New York in 1980), the researchers found that:

- People who were first arrested for robbery when they were 18 years old had the same risk of arrest after 7.7 years as same-age individuals in the general population;
- People who were first arrested for robbery at age 16 had the same risk of arrest after 8.5 years as same-age individuals in the general population; and
- People who were first arrested for robbery at age 20 had the same risk of arrest after 4.4 years as same-age individuals in the general population.

Figure 1. First-Time 18-Year-Old Offenders Compared to General Population



The researchers empirically demonstrated what the criminal justice community had long known to be true: The younger an offender is when he first commits a crime, the longer he has to stay clean to have the same risk of arrest as people his same age in the general population. What is so promising about this study, however, is that it appears to be possible to scientifically compute the precise point — using a variety of factors, such as type of crime and age at first arrest — at which the risk of recidivism for an ex-offender becomes the same as the risk of someone in the general population.

The Potential Impact of This Model

One of the goals in President Barack Obama’s crime and law enforcement agenda is breaking down employment barriers for people who have committed a crime, but then stay out of trouble for a number of years. Although readers of *Corrections Today* know first-hand how many people are affected by such barriers, one need only look at how widespread the computerization of criminal-history records is in the U.S. to understand the potential impact of the Blumstein-Nakamura research.

For example, in its 2005 survey of U.S. employers, the Society for Human Resource Management found that more than 80 percent perform criminal background checks on prospective employees.¹ The number of criminal-history records is also a factor:

- In 2006, there were nearly 81 million criminal records in the states, 74 million of which were in automated databases (see the 2006 Bureau of Justice Statistics *Survey of State Criminal History Information Systems*, available at www.ojp.usdoj.gov/bjs/crs.htm).

- In 2008, there were 14 million arrests (see the FBI's *Crime in the United States, 2008*, available at www.fbi.gov/ucr/cius2008).

Considering all these factors — the number of criminal-history records, the number of employers performing background checks, and advancements in information technology that allow access to records — one can begin to understand how challenging it has become for ex-offenders to find a job.

Certainly, employers have varying sensitivities regarding a potential employee's criminal record. Those serving vulnerable populations, such as children and the elderly, would be particularly sensitive to a prior record involving violence, while a bank hiring a teller would be sensitive to a record of property crimes. On the other hand, a construction company hiring crew might be far less sensitive to most prior records.

Factors such as these can be taken into account using the model that Blumstein and Nakamura have developed. They also used this model to compare data of the study group (ex-offenders who were arrested for robbery, burglary or aggravated assault in New York in 1980) to people in the general population who had never been arrested to show when the risk of recidivism of those with a prior record came "close enough" (as far as what employers might require) to the risk of people who had never committed a crime.

Blumstein and Nakamura believe that this model, which they continue to study and refine, makes it possible to identify when the risk of recidivating has declined sufficiently to be empirically regarded — based on an employer's particular parameters — as irrelevant in a hiring decision. "Our preliminary findings and our ongoing research offer an important opportunity for this nation to think about when an ex-offender might be considered redeemed for employment purposes," Blumstein said.

ENDNOTE

¹ Burke, M.E., 2006. *2004 Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management*, Alexandria, Va.: Society for Human Resource Management.

For More Information: [Graphics, box this information]

Blumstein, Alfred, and Kiminori Nakamura. 2009. Redemption in the presence of widespread criminal background checks. *Criminology*, 47(2).

Blumstein, Alfred, and Kiminori Nakamura. 2009. 'Redemption' in an Era of Widespread Criminal Background Checks," *NIJ Journal*, 263(June):10-17 (available at www.ojp.usdoj.gov/nij/journals/263/redemption.htm).

Watch a video of Blumstein and Nakamura at the 2009 NIJ Conference: www.ojp.usdoj.gov/nij/journals/263/redemption.htm.

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