

How Pretrial Incarceration Diminishes Individuals' Employment Prospects

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DECADES OF RESEARCH have shown that penal system contact worsens individuals' employment prospects. With arrest, conviction, and incarceration, people are significantly less likely to find work, and when they are employed, they work fewer weeks per year, on average, and earn significantly lower wages (Freeman, 1991; Grogger, 1992; Waldfogel, 1994; Nagin & Waldfogel, 1995; Western, 2006). In keeping with this, three recent reports causally link pretrial detention to diminished employment prospects. In a 2018 publication, economists Will Dobbie, Jacob Goldin, and Crystal Yang show that pretrial release increased formal sector employment by roughly 25 percent compared to equivalent, marginal defendants who were detained instead. Importantly, the employment effects of detention were strongest for first-time "offenders." Jung Kim and Yumi Koh (2022) report that while pretrial release had a negligible effect on employment among Whites, among Blacks of prime working age and across all education categories, pretrial release increased labor force participation, full-time job status, and the number of hours worked. More recently, researchers at the New York City Criminal Justice Agency report not only that justice-involvement was associated with employment, financial, and housing instability, but also that pretrial detention specifically predicted poor outcomes in each of these areas (Bergin et al., 2022).

What accounts for pretrial incarceration's negative effect on individuals' employment? While neither study offers an unequivocal account of the mechanisms linking pretrial

incarceration to diminished employment outcomes, Dobbie, Goldin, and Yang (2018) point to the role that criminal conviction plays: Because pretrial detention increases the likelihood that individuals are convicted, it also diminishes the likelihood of finding work, since employers are disinclined to hire job seekers with criminal records. Criminal conviction, however, is arguably just one mechanism linking detention with diminished employment prospects.

To further explore how pretrial incarceration might erode employment prospects, this study draws from in-depth, semi-structured interviews with 191 ethnoracially diverse individuals in the San Francisco Bay Area who were cited or arrested for low-level misdemeanor offenses between 2013 and 2018. The study focused on study participants' experiences pre-, during, and post-detention. Analysis suggests that both detention-related job losses and vehicle seizures contribute to destabilizing employment post detention, in the short and long term. It also suggests that such losses shape individuals' perceived barriers to employment, no matter their conviction status. Indeed, a higher percentage of people who lost their jobs and/or vehicles perceived the criminal record, employer discrimination, and lack of transportation as major barriers to employment some three years after the detention experience. Thus, this exploration suggests two additional pathways through which pretrial incarceration erodes employment prospects: by initiating job and vehicle losses that then further destabilize employment, and then by shaping perceptions about

the extent and nature of barriers to employment they face, increasing both the number of barriers they imagine and their sense of how important these barriers are to finding and keeping jobs. Importantly, previous research finds that such perceptions negatively affect whether people search for work and how they do so (Apel & Sweeten, 2010; Sugie, 2018; Smith & Broege, 2019).

Why Do Employment Prospects Erode with Pretrial Incarceration?

Theories abound about why incarceration erodes employment prospects. Certainly, some job seekers would struggle with employment even if they had never had contact with the penal system. Before penal contact, justice-involved people, who are disproportionately poor, less educated, and of color, generally struggle with higher rates of unemployment, and when employed garner lower hourly wages, work relatively few weeks per year, and have annual earnings that place them below the poverty line (Grogger, 1995; Useem & Piehl, 2008). After penal contact, however, their employment prospects dim further still (Western, 2006; Visher & Kachnowski, 2007).

The dominant explanation for eroded employment prospects attributes diminished job prospects to institutional exclusion, the role that legal and social stigmas play in erecting institutional barriers to legitimate work in the formal economy. From this perspective, the system-involved people experience higher rates of unemployment, despite their best efforts to find work, because of state and

federal restrictions on access to government employment and government-regulated private industry (Dale, 1976; May, 1995; Olivares et al., 1996; Petersilia, 2003; Mills, 2008); employers' fears that they will be found liable for negligent hiring if marked employees act criminally on the job (Bushway, 1998; Glynn, 1998; Holzer et al., 2007); and employers' general distrust of a pool of applicants who essentially have been certified untrustworthy by the penal system (Schwartz & Skolnick, 1964; Boshier & Johnson, 1974; Pager, 2003, 2007; Holzer et al., 2007; Ispa-Landa & Loeffler, 2016). Faced with blocked access to job opportunities, such job seekers struggle to find work. They also struggle with labor force participation: Discouraged by the stigma associated with the criminal record and frustrated by early job search failures, many who have had contact with the penal system do not put in the amount and type of effort needed for job search success (Apel & Sweeten, 2010; Sugie, 2018; Smith & Broege, 2019).

Consistent with the dominant frame, Dobbie, Goldin, and Yang (2018) attribute detention's negative employment effect to the stigma of a criminal conviction. When compared to people who are released pretrial, those who have been detained pretrial are at greater risk of taking a plea deal that includes an admission of guilt, "perhaps simply to avoid further detention and uncertainty while awaiting trial" (10). With a guilty plea, defendants gain a criminal record of conviction, which makes finding work in the formal wage economy much more difficult. As is by now well-known, employers are disinclined to hire job seekers with criminal records of arrest and/or conviction (Schwartz & Skolnick, 1964; Boshier & Johnson, 1974; Pager, 2003; Holzer et al., 2007; Ispa-Landa & Loeffler, 2016).

At the same time, Dobbie, Goldin, and Yang discount two factors. Because the impact of pretrial release on formal employment lasts for at least 3-4 years, they saw little evidence of a role for incapacitation—one's inability to work because one is in jail. Their results also led them to dismiss the role that job disruptions play. Very few who were employed at arrest reported having the same employer one year later (16 percent); pretrial detainees are people who, even without detention, would have precarious ties to the formal economy. Thus, the researchers reasoned, pretrial detention is not likely a major cause of job instability.

Dobbie, Goldin, and Yang's study is perhaps the first to causally link pretrial detention

with reduced employment, contributing to our understanding of the extent and nature of costs borne by pretrial incarceration. Still, while they were able to identify one important mechanism—the stigma of the criminal conviction—they were necessarily limited by the data they had access to—administrative court and tax records—in the factors they could consider. It is very likely that pretrial incarceration erodes employment prospects in other ways, as recent research by Bergin and colleagues suggests (2022), and with other data sources, we can begin to identify what some of these other factors might be. Given this, I further explore just how pretrial detention might lead to reduced employment success post detention.

Data and Methods

To further explore the connection between pretrial incarceration and diminished employment prospects, in this article I draw from in-depth, semi-structured interviews with a non-random sample of 191 ethnographically and, to a lesser extent, class-diverse individuals who participated in two pretrial diversion programs in San Francisco between 2013 and 2018—Neighborhood Court (NCt) and the Pretrial Diversion Program.¹ Respondents were compensated with \$40 to be interviewed by phone or in person at a location of their choosing about their background, relationships and social support, affiliations, employment, substance use and mental health issues, and their experiences with the criminal legal system. The latter included questions about their arrests, convictions, and incarceration; their experiences with and perceptions of legal authorities; their experiences in pretrial detention; and their post-detention integrative experiences, with a focus on employment, housing, and legal financial obligations. Interviews took place between 2016 and 2020, lasted on average

¹ Both programs were designed as alternatives to the traditional legal adjudication process. NCt takes a restorative justice approach, centering on accountability and healing over punishment. Individuals arrested or cited for low-level, non-violent misdemeanor offenses are given the opportunity to have their cases heard before a panel of 3-4 trained volunteers from the neighborhood where arrests took place instead of going to court. The panel decides on a non-carceral "directive," ranging from writing an essay to community service and/or restitution. Through Pretrial Diversion (PD), a judge mandates that individuals accused of low-level, nonviolent misdemeanors attend therapy, group classes, and/or community service for a set number of hours or sessions. For NCt and PD, program completion is rewarded with dismissed charges.

roughly two hours, and were transcribed to facilitate coding and analysis. A five-member coding team adopted both a deductive and an inductive approach. Each transcript was read by two coders to ensure intercoder reliability. The process allowed for the development of mini theories based on findings from prior research, respondents' interpretation of their circumstances, and team members' thinking about the meaning of responses that respondents shared. Thus, in-depth interview responses allowed for a unique opportunity to explore mechanisms linking pretrial detention to post-detention employment.

Study participants were disproportionately male (68 percent), diverse in terms of ethnoracial background (23 percent are Black, 24 percent are Latino, and 30 percent are White) and educational attainment (24 percent are high school graduates, 41 percent have some college, and 25 percent have a college degree or more), and predominately low-income (30 percent live in households that make under \$20,000 per year and an additional 28 percent live in households with incomes under \$40,000 per year). Although more than half relied solely on jobs to make ends meet, almost one-fifth relied on government programs exclusively, and one-quarter relied on a combination of income sources to get by.

To determine the impact of pretrial detention on employment prospects, I considered the material losses that might reasonably affect employment in the short and long term. Coding revealed several material losses experienced by a significant minority of study participants (see Figure 1). Almost half reported some type of material loss directly or indirectly related to pretrial incarceration, including legal debt (36 percent), missed work (40 percent), lost jobs (18 percent), and lost property (18 percent). Descriptive analysis revealed strong relationships between detention-related job and/or vehicle losses and employment woes 2-3 years later. It also revealed a strong link between detention-related job and/or vehicle losses and perceived barriers to employment two-to-three years later. I take each in turn, focusing specifically on those who report strong work histories—they worked all or most of their adult lives—to control for the likely role this variable plays in shaping individuals' employment prospects.

Pretrial Incarceration-Related Job Loss

Incapacitation kept people from going to work, and, importantly, missing work dramatically

increased the likelihood that detained people would lose their jobs. Focusing on those with strong work histories, roughly 40 percent missed work because they had been detained. Importantly, as their number of days in detention grew, so too did the percentage of people missing work—20 percent of those detained less than one day grew to 43 percent for those detained one-to-three days, which increased to 62 percent for those detained four-to-seven days; just 46 percent of those detained eight days or longer reported missing work. Almost one-fifth of the employed lost their jobs while incapacitated or immediately after. And as days in detention grew, so too did the percentage who lost their jobs. Three percent held less

than one day lost their jobs; 7 percent held one-to-three days did too. After three days in detention, however, job losses spiked—almost one-third held four-to-seven days reported losing their jobs, as did 37 percent held eight days or more (see Figure 2). Missing work because of incapacitation was by far the single greatest reason that people lost their jobs after arrest (see Figure 3). With only two exceptions, people who did not miss work did not lose their jobs; however, among those who did miss work, 17 percent held for under four days lost their jobs, 46 percent held for four-to-seven days lost their jobs, and 77 percent held for eight days or more lost their jobs (see Figure 3).

In relative terms, the odds of losing one’s job after just a few hours of incapacitation were very low, because few had to miss work.² Among those held for less than one day, four in five avoided absences. In so doing, they also avoided job loss. This outcome was also typical for people arrested and detained over the weekend and released before work on Monday morning. Stays in detention were short enough that they were out and back to their normal lives before those lives were disrupted. Among people held one-to-three days, none lost their jobs if they made it to work, but most who missed work were also able to keep their jobs. Forty-three percent missed work; five of six of them kept their jobs. Some were in management roles; their positions of authority and autonomy shielded them, to some extent at least, from whatever negative consequences might have resulted had they been in positions of less authority and autonomy. Others simply lied about the circumstances surrounding their absences. Fearing the stigma of arrest and detention, they either asked close family ties to reach out to employers on their behalf to explain that they had been leveled by a bad cold or the flu or were tending to a family emergency, or they reemerged after a day or two in detention to share these tales themselves. Still others told the truth and received sympathy and support. The few who did lose their jobs were “no show, no call,” a primary factor leading to job loss among those detained four days or more.

The percentage experiencing job loss increased significantly for those held four-to-seven days and eight days and beyond, respectively: 46 percent of the former who missed work lost their jobs, and 77 percent of the latter who missed work lost their jobs. This general pattern helps us to understand ethnoracial differences in job loss. Black and multiracial workers were the big job-losers, and this was in good part because they were held in detention longer on average, were less able to get bailed out, and were more likely to be released on their own recognizance days after admission. Whereas one-third of Latinos and Whites who missed work lost their jobs, half of multiracial workers and two-thirds of Black workers did (see Figure 4). Almost two-thirds of Latinos and Whites were released in under four days, but similar percentages of Black and multiracial workers were released

FIGURE 1
Percentage of Respondents Reporting Detention-Related Material Losses



FIGURE 2
Among Respondents with Strong Work Histories, Percentage Missing Work and Losing Jobs by Days in Detention

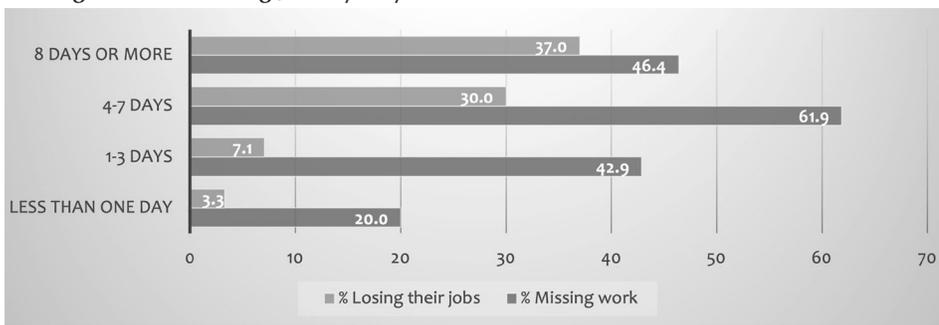
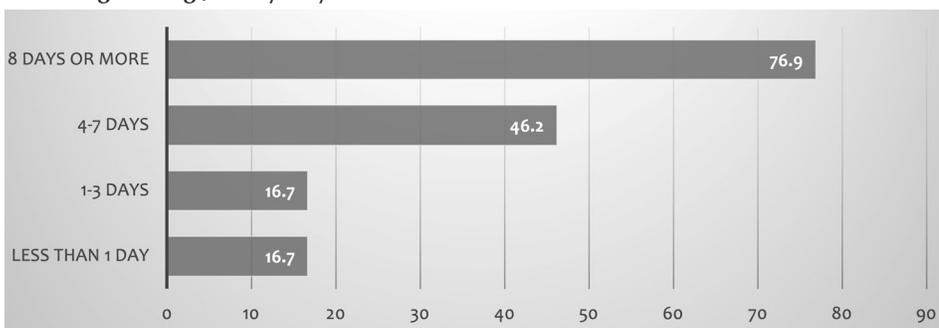


FIGURE 3
Among Respondents with Strong Work Histories, Percentage Losing Jobs by Days in Detention



² Indeed, for some, arrest and detention took place when they had plans to be away from work; their employers had not expected them, and so they did not miss any days.

after four days or more—64 percent and 71 percent, respectively. Thus, although a somewhat lower percentage of Black and multiracial workers missed work when compared to Latinos, when they did, they missed work for longer days, and so a higher percentage lost their jobs.

For workers held longer than three days, job loss was associated with failing to show and failing to call. Assuming they would be fired no matter the reason for their absences, many saw no point in calling. “No show, no call” was not always intentional, however. Some detainees wanted to inform their employers immediately that they would likely not be in attendance for a few days, even if they did not want to explain why. But they could not, for reasons related to barriers to using jail phones. Some were never given the opportunity to call out; some struggled with a phone system that was too difficult to navigate or was frequently broken; some could not remember the telephone numbers of the people or organizations they needed to call; and some were stymied by the rules around what times of day and for how long phones could be used. To some extent at least, these barriers to phone usage affected detained workers’ employment. For instance, among those who were disallowed by officers from making phone calls or not given the opportunity, 57 percent reported missing work. This compares to just 31 percent of those who did not report that they were disallowed from using the phone.

Pretrial-Incarceration-Related Vehicle Losses

While 18 percent of study participants lost jobs, 12 percent of all study participants (and 14 percent of participants with strong work histories) reported a detention-related vehicle loss. Among those who spent less than one day in jail, roughly one in ten lost their vehicles; 3 percent and 7 percent of those held one-to-three days and four-to-seven days, respectively, did too. Most who lost their vehicles did so after being detained eight or more days. One in three held for that long reported lost vehicles, and they represented 68 percent of all who lost their vehicles (see Figure 5).³

³ How did individuals lose their vehicles? The state confiscated them. In California, almost one million vehicles are towed each year. In 2016, for instance, 979,000 were. In San Francisco that same year, over 42,000 vehicles were towed, roughly 163 daily. Among those whose vehicles were confiscated, over half occurred after arrests precipitated by traffic stops and, to a lesser extent, parking disputes.

It is important to note that Black and Latino defendants were disproportionately represented among those whose vehicles were confiscated. Fifteen percent had their vehicles taken compared to just 9 percent of Whites. Except for DUI cases, all but one of the arrests, detentions, and vehicle confiscations resulting from traffic stops or parking disputes were of people of color, and especially black men. In most encounters that formerly detained people described, there did not appear to be sufficient cause for a warrantless seizure, and so, based on respondents’ reports, most confiscations were likely violations of individuals’ Fourth Amendment protections.

Longer Term Employment Consequences of Detention-Related Job and Vehicle Losses

Employment Instability

Losing work because of detention-related

After an encounter that led to an individual’s arrest and detention, police authorized their vehicles to be towed from the scene and impounded. These included stops that led to arrests for driving under the influence (DUIs). These also included possibly pretextual stops for alleged moving violations, such as running a red light, that eventually revealed a bench warrant. The remaining confiscations occurred following alleged criminal acts.

incapacitation appears to have had longer term employment consequences. Among those with an otherwise strong work history, job loss was negatively associated with stable employment—40 percent of job-losers reported that they worked immediately after detention (T1) and at the time of the interview (T2)—typically around three years later; 61 percent of job-keepers reported working both periods (see Figure 6). Job loss was also associated with stable joblessness. While 25 percent of job-losers reported working neither at T1 nor T2, just 10 percent of job-keepers with otherwise strong work histories reported the same. Related to this, a lower percentage of job-losers reported that they relied on employment exclusively to make ends meet—50 percent versus 73 percent. Further, at T2 more relied on multiple sources of income, including government assistance and friends and family members, to get by—32 percent vs. 20 percent—or on government support exclusively—20 percent versus 12 percent. What this suggests is that while pretrial incarceration might not lead to job instability, or staying employed with the same employer, it very well might amplify the risks of employment instability—or staying employed with any employer over some period.

Among those with an otherwise strong

FIGURE 4
Among Workers Who Missed Work, Percentage Losing Jobs by Race

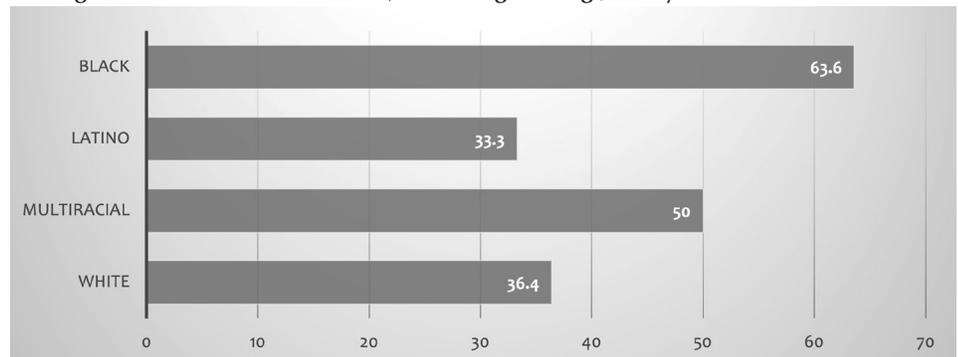
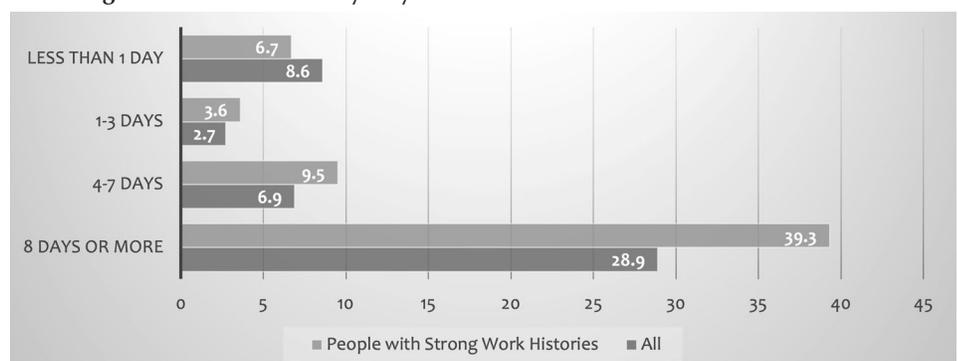


FIGURE 5
Percentage Who Lost Vehicles by Days in Detention and Work Status



work history, vehicle loss was also negatively associated with stable employment. While 59 percent of those who had not reported detention-related vehicle losses reported working at T1 and T2, just 38 percent of vehicle losers reported employment at both time points. Reports also indicate that a higher percentage of vehicle losers experienced stable joblessness (see Figure 7). Whereas 25 percent of vehicle losers reported being without a job

at T1 and T2, 12 percent of those who had not lost their vehicles reported joblessness at both time points. And, as with those who experienced employment-related job losses, proportionately fewer vehicle-losers relied exclusively on employment to make ends meet (31 percent versus 75 percent). Far more relied on a combination of sources—44 percent versus 14 percent—or on government support solely—25 percent versus 12 percent.

Not surprisingly, those who suffered both employment and vehicle losses were also most disadvantaged where employment stability was concerned. A much higher percentage of workers who lost both were jobless at T1 and T2—38 percent relative to 0-17 percent (see Figure 8). Proportionately fewer worked at T2. Whereas 83-86 percent of those who had not suffered these twin losses had at least one job at the time of their interviews, just 63 percent of those who lost their job and vehicle reported the same. Proportionately fewer also relied exclusively on employment to make ends meet. Just 25 percent relied solely on employment to make ends meet. This compared to 76 percent of those who lost neither, 67 percent of those who lost a job, and 43 percent of those who lost a vehicle. And finally, a far higher percentage relied exclusively on government assistance to make ends meet—38 percent compared to 12 percent of neither, 8 percent of job-losers, and 14 percent of vehicle losers.

FIGURE 6
Among Respondents with Strong Work Histories, Employment (In)Stability by Detention-Related Job Loss Status

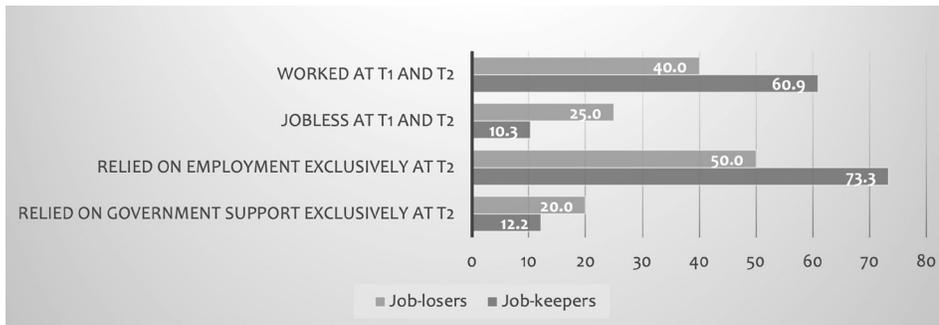


FIGURE 7
Among Respondents with Strong Work Histories, Employment (In)Stability by Detention-Related Vehicle Loss Status



FIGURE 8
Among Respondents with Strong Work Histories, Employment (In)Stability by Job and Vehicle Losses



Perceived Barriers to Employment

Importantly, too, job-losers were far more likely to report that a criminal record, employer discrimination, and transportation acted as major barriers to their employment at T2. Whereas 65 percent of formerly detained job-losers reported the criminal record as a barrier, just 20 percent of job-keepers saw a criminal record as a barrier. Whereas 55 percent of job-losers reported employer discrimination as a barrier, just 29 percent of job-keepers did. And whereas 50 percent of job-losers reported that transportation was a barrier to employment, just 26 percent of job-keepers did.

This was especially true among Black, Latino, and to a lesser extent multiracial workers. Further, no other categories of employment barriers—housing instability, health, substance abuse, human capital, domestic violence, familial obligations, lack of jobs, residency status, and soft skills—could account for the strong relationship between losing one’s job at T1 and perceiving at T2 the following as barriers: the criminal record, employer discrimination, or transportation. In other words, perceived barriers to employment resulting from a criminal record, employer discrimination, and transportation seem directly linked to their detention-related job loss.

And conviction status did not alter this pattern. Indeed, among those who reported zero convictions, 38 percent of those who lost their jobs shared that their criminal record

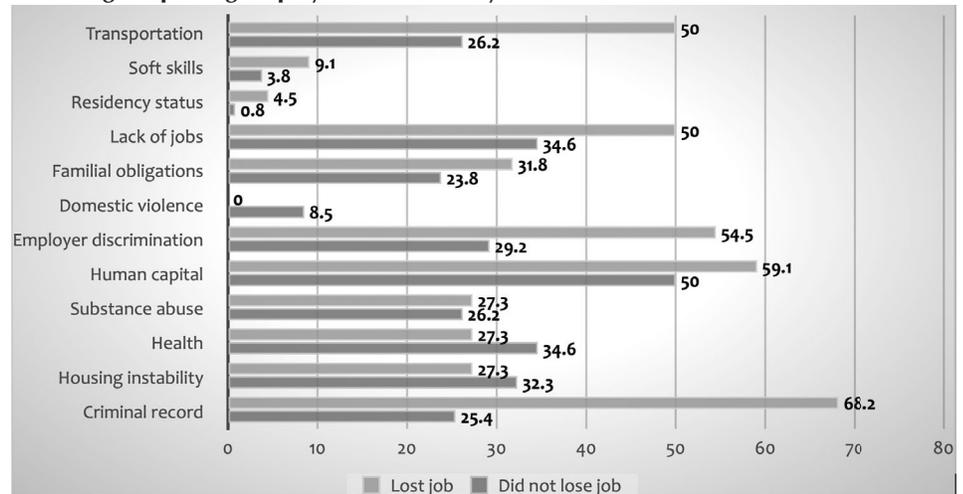
made finding work difficult; just 12 percent of job-keepers shared the same, representing a gap of 26 percentage points. Among those who did have prior convictions, 67 percent of job-losers reported that their criminal records were a barrier to their employment; this compares to just 39 percent of job-keepers, a gap of 28 percentage points (see Figure 9). In other words, even among those who report that they do not have criminal convictions, detention-related job loss seems to drive the perception that the criminal record is a significant barrier to finding work.

Furthermore, in figures not shown here, formerly detained people who lost jobs because of detention reported a greater number of barriers to employment three years later than did detainees who did not lose work—4.2 versus 2.5. This set of findings is important. Even if job-losers were objectively no more hampered by a criminal record than those job-keepers, because they rightly perceive that the nature of their contact with the penal system has constrained them, such perceptions will likely affect the extent and nature of their labor force participation in ways that have noteworthy employment effects (Apel & Sweeten, 2010; Sugie, 2018; Smith & Broege, 2019).⁴

⁴ A growing body of research suggests that because of discouragement born from the anticipation of stigma, and because of frustration born from early job search failures, many do not put in the amount of effort required to find a job (Apel & Sweeten 2010; Sugie 2018). Using the NLSY97, for instance, Apel and Sweeten (2010) investigated the factors that lay behind incarceration's apparent effect on employment outcomes, contrasting the experiences of convicted young men who had been incarcerated with convicted young men who had not. They showed that formerly incarcerated young men were less likely to be employed in good part because they were less likely than their non-incarcerated counterparts to search for work. For Apel and Sweeten, it was this detachment from the labor market that contributed significantly to the lower wages that formerly incarcerated individuals earned when employed. Time without employment further eroded the skills, education, and training they brought to the labor market, which negatively affected wage outcomes as well. More recently, Sugie (2018) reports that immediately after release from prison, the formerly incarcerated in her sample overwhelmingly searched for work, but within one month their search efforts plummeted, likely also the result of frustration and discouragement (see also Visher & O'Connell, 2012).

And finally, to investigate whether and how criminal justice contact — arrest, conviction, and incarceration — altered search patterns and, through search, affected search success, Smith and Broege (2019) analyzed the 2001-2011 panels of the 1997 cohort of the National Longitudinal Survey of Youth (NLSY97). Focusing solely on men,

FIGURE 9
Percentage Reporting Employment Barriers by Job Loss Status



As with detention-related job loss, vehicle confiscation took a toll, in particular shaping individuals' objective and subjective sense of barriers to employment years later. Of all the barriers, it should come as no surprise that people whose vehicles were confiscated reported transportation as a significant barrier to employment three years later—42 percent versus 28 percent of non-vehicle-losers (see Figure 10). A higher percentage of vehicle-losers also reported that a criminal record was a major barrier to employment—53 percent

who still comprise the vast majority of those who have had penal contact, they examined whether and how young, justice-involved blacks, Latinos, and whites searched for work. In the process the authors implicated both non-search engagement and the use of ineffective search methods in job seekers' relative lack of job-finding success. After penal contact, individuals were less likely to search for work; for whatever reasons they appeared to detach from labor force participation. Those who did search tended to use fewer methods of job search and abandoned search methods that were more effective and efficient at producing jobs, such as direct application. This resulted in less successful job search episodes; they suffered unemployment. Smith and Broege also show that whether and how individuals searched mattered not only for former prisoners, but also for arrestees and nonincarcerated convicts. For the full sample, all three penal dispositions showed patterns of search that differed from the search efforts observed before contact with the criminal justice system. Further, these changes in job search patterns contributed significantly to justice-involved individuals' lower odds of search success, especially for blacks. Thus, although we continue to study the proportion of justice-involved individuals who continue to search for work, more research needs to be done to better understand the process by which some individuals opt out of labor force participation altogether, or alter their search patterns to the point of ineffectiveness.

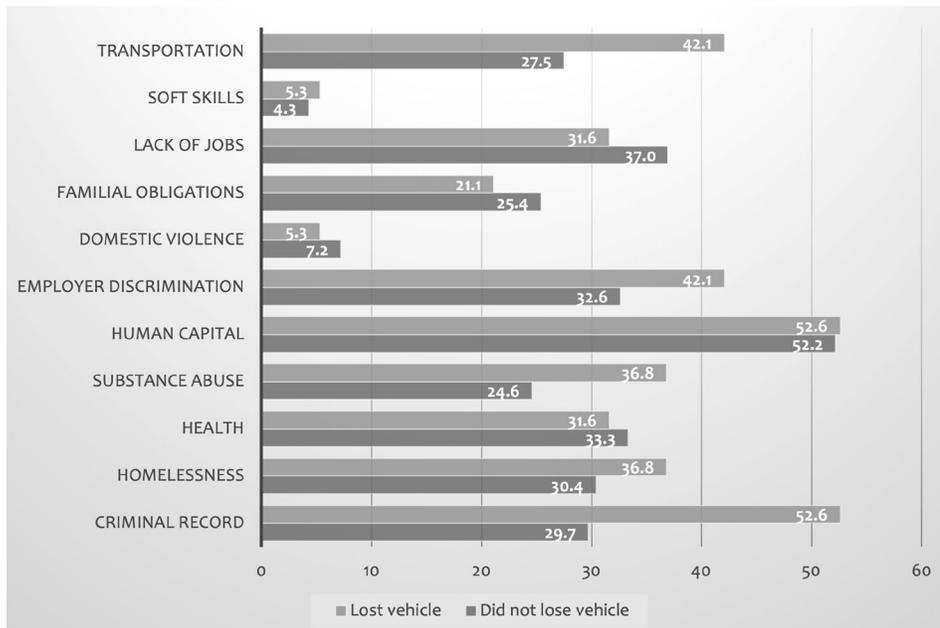
versus 30 percent who had not lost their vehicles. Importantly, for those without criminal convictions, I found no difference in the percentage reporting this barrier, but for those reporting at least one conviction, 75 percent of vehicle-losers reported the criminal record as a barrier to employment, compared to just 44 percent of non-vehicle-losers. In other words, controlling for conviction status, a much higher percentage of vehicle-losers perceived that the criminal record mattered, subjectively at least creating a barrier to employment that made finding and keeping work difficult.⁵

Discussion and Conclusion

Three recent publications causally link pre-trial detention to the erosion of employment prospects (Dobbie et al., 2018; Bergin et al., 2022; Kim & Koh, 2022). To explain this relationship, Dobbie, Goldin, and Yang (2018) offer empirical support for the role that stigma plays, noting that because detention increases the likelihood that people will plead guilty, it indirectly makes employment harder to come by, because employers have a distaste for hiring job seekers with records of conviction. Meanwhile, they discount other potential factors, notably job instability and incapacitation, citing a lack of support—empirical or analytical. Data limitations, however, make it difficult for them to explore other potential factors,

⁵ Among formerly detained people with co-occurring disorders, vehicle-losers also reported roughly three years later that their struggles with substance abuse represented a barrier to employment. Whereas 86 percent of vehicle-losers reported that substance abuse was a major barrier to employment downstream, 43 percent of non-car-losing CODs reported the same.

FIGURE 10
Percentage Reporting Employment Barriers by Vehicle Loss Status



since the stigma of the criminal conviction is not likely the only detention-related factor that erodes future employment possibilities.

In this study, I explored other potential mechanisms, drawing from in-depth, semi-structured interviews with 191 ethnographically diverse individuals in the San Francisco Bay Area who were cited or arrested for low-level misdemeanor offenses between 2013 and 2018. Analysis points to the role that detention-related job losses and vehicle seizures play in creating unstable employment histories post detention. Those who experienced one or both detention-related losses appear less stably employed roughly three years later than those who had neither. They also appear far more reliant on public assistance to make ends meet.

This set of findings would seem to conflict with what Dobbie, Goldin, and Yang have reported. Specifically, they suggest that pretrial detention does not increase job instability, because most who experience detention already have unstable jobs. But disruptions differ in degree and kind. For instance, one can leave one employer to immediately begin a new job with another employer—job instability but employment stability. One can also leave an employer without another job lined up—job and employment instability. Both would be considered job disruptions, but only one would be considered an employment disruption, since employment in the former case is continuous. What my research suggests is that while pretrial detention might not

independently destabilize jobs, it might destabilize employment—creating the conditions for job loss and then making employment thereafter more difficult to find. People who lose jobs because of detention become unemployed job seekers, but unemployed job seekers are less likely to meet with job-finding success than their counterparts who are employed. Further, people who lose jobs because of detention might be disinclined to search for a new job until after their cases have been resolved, given the uncertainty of case outcomes. Others might be discouraged from looking at all, fearing the negative effect that a criminal record might have on their likelihood of search success. To the extent that this is true, alternative measures of disruptions in the labor market sphere are needed to better capture these potentially important distinctions.

Analysis also points to how such losses shape individuals' perceived barriers to employment, no matter their conviction status, some three years later. Specifically, a higher percentage of people who lost their jobs and/or vehicles because of detention reported that the criminal record, employer discrimination, and lack of transportation created major barriers to employment. This last point is particularly important given prior research that links negative perceptions about labor market opportunities to reduced search intensity and effort. Thus, this research offers two additional pathways through which pretrial incarceration erodes employment prospects—by making work more difficult to find after a

detention-related job loss and vehicle seizure, and by magnifying individuals' sense of the barriers to employment they face.

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