

ARE POLICE RECORD CHECKS USEFUL IN EMPLOYMENT SCREENING?

The evidence on criminal records, risk and reoffending

A GROWING NUMBER of Canadian organizations are turning to police record checks to screen potential employees and volunteers. There is a general perception that a police record check is a useful risk-mitigation tool – that it will help screen out “bad” people and keep assets and vulnerable clients safe. Although these goals are important, the available social science evidence does not show that police record checks are an effective way to achieve them. In fact, because jobs and social ties are so important to helping people lead stable lives, widespread, unnecessary police record checks can undermine, rather than enhance, community safety.

It is also important to critically examine how we are using record checks, because the information that can be disclosed on a police check can be very private and personal. These checks can reveal information far beyond just criminal convictions and findings of guilt. Depending on the jurisdiction and the level of check requested, the results may include records of suicide attempts, mental health apprehensions, alleged incidents where no charges were laid, withdrawn charges and acquittals. When information like this is revealed to a potential employer, school or organization offering a volunteer placement, it can be highly prejudicial and stigmatizing. Some people will be discriminated against. Others will simply decide not to apply for jobs or participate in community activities to avoid having to explain the details of their personal lives or medical history.

So what, exactly, is the evidence regarding the usefulness of record checks in employment and volunteer screening?

- After a few years, there are no differences in the risk of offending between those with a prior conviction and those without.¹
- Although professionals do sometimes use a criminal record as one factor in a general risk assessment, employers and other agencies that request record checks are not good at predicting risk. Risk factors as interpreted by requesting background checks – namely, the existence or nature of convictions or arrests – “depart markedly from criteria included in commonly accepted and validated assessments of offender risk.”²

Looking at the workplace specifically:

- There is no compelling evidence to suggest that workplace violence is perpetrated more by persons with criminal records than those without one; indeed, “Considering the problem of workplace crime in the aggregate, an assumption that much employee-perpetrated illegal activity may be due to employees with no prior criminal justice involvement is probably not unreasonable.”

- Past criminal convictions are not correlated with an increased likelihood to commit a work-related offence in the future: “variables which normally predict subsequent criminal activity made no impact in trying to predict offenses against an employer.”³
- Stable employment, as well as the income, stable housing and social networks that employment can foster, are significant protective factors against future reoffending.⁴
- All studies available to date focus only on the predictive value of *convictions*; an enormous range of circumstances may give rise to a *non-conviction* record, making their utility in employee screening even more dubious.

Notes

1. Megan C. Kurlychek, Robert Brame and Shawn D. Bushway, “Scarlet letters and recidivism: Does an old criminal record predict future offending?” *Criminology and Public Policy* 5 no. 3 (2006): 483, as well as Megan C. Kurlychek, Robert Brame and Shawn D. Bushway, “Enduring risk? Old criminal records and short-term predictions of criminal involvement,” *Crime and Delinquency* 53, no. 1 (2007): 64. See also A. Blumstein and K. Nakamura, “Redemption in the presence of widespread criminal background checks,” *Criminology* 47, no. 2 (2009): 327.
2. Patricia Harris and Kimberly Keller, “Ex-offenders need not apply: The criminal background check in hiring decisions,” *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 6.
3. Keith Soothill, Les Humphreys and Brian Francis, “Middle-class offenders as employees – Assessing the risk: A 35-year follow-up,” *Journal of Offender Rehabilitation* 52, no. 6 (2013): 407.
4. Curt T. Griffiths, Yvon Dandurand and Danielle Murdoch, *The Social Reintegration of Offenders and Crime Prevention* (Ottawa: National Crime Prevention Centre, 2007); Dominique Fleury and Myriam Fortin, “When working is not enough to escape poverty: An analysis of Canada’s working poor,” Human Resources and Social Development Canada (working paper, 2006); Christopher Uggen, “Work as a turning point in the life course of criminals: A duration model of age, employment and recidivism,” *American Sociological Review* 65, no. 4 (2000): 529.

About this document

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