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## **Ban the Box: Outcomes of Mandatory Disclosure and Predictors of Voluntary Disclosure of Criminal History in Job Applications**

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BAN THE BOX: OUTCOMES OF MANDATORY DISCLOSURE AND  
PREDICTORS OF VOLUNTARY DISCLOSURE OF CRIMINAL HISTORY IN JOB  
APPLICATIONS

A Thesis

Presented to

The Faculty of the Department of Psychology

San José State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Science

by

Ginevra Marta Scherini

August 2018

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PREDICTORS OF VOLUNTARY DISCLOSURE OF CRIMINAL HISTORY IN JOB  
APPLICATIONS

by

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August 2018

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## ABSTRACT

### BAN THE BOX: OUTCOMES OF MANDATORY DISCLOSURE AND PREDICTORS OF VOLUNTARY DISCLOSURE OF CRIMINAL HISTORY IN JOB APPLICATIONS

by Ginevra Marta Scherini

The present study was conducted in order to examine the outcomes of mandatory disclosure of criminal history on the individual during the job application process and predictors of the likelihood of voluntary disclosure. It was hypothesized that having to disclose criminal history would predict higher levels of self-identification with criminal history, higher levels of experienced discrimination, higher levels of perceived stigma, lower levels of attraction towards the organization, lower confidence in obtaining employment, and lower levels of likelihood of voluntary disclosure. It was also hypothesized that environmental support, employment self-efficacy, self-identification with criminal history, and less experienced discrimination would predict a higher likelihood of voluntary disclosure. Using linear regression analyses and data obtained by surveying 150 participants with prior convictions, results showed that only identifying with criminal history predicted the likelihood of disclosure, and that having to disclose predicted higher levels of experienced discrimination, a lower likelihood of voluntary disclosure, and lower levels of employer attractiveness. These findings provide support to past findings showing that Ban the Box policies have positive outcomes towards the reintegration of ex-offenders, and furthermore, that by not forcing applicants to disclose their criminal history, ex-offenders are more likely to voluntarily disclose and have a better perception of their potential future employers.

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## **Introduction**

The United States has seen a 500% increase in incarceration rates over the last 40 years, resulting in over 2.2 million people currently in jail or prison (Kaeble & Glaze, 2016). Changes in sentencing laws, rather than a change in crime rates, are primarily seen as the cause of the rise in mass incarceration (Flake, 2015). For example, since the beginning of the War on Drugs era in the 1980s, sentencing policies have resulted in the number of incarcerations for drug offenses skyrocketing from 40,900 in the year 1980 to 469,545 in the year 2015 (Carson & Anderson, 2016). This trend has had pervasive repercussions which have spurred debates about removing barriers for formerly incarcerated individuals who are reentering society (Flake, 2015).

Because the majority of employers ask job applicants about their criminal histories and conduct criminal background checks, ex-offenders face substantial barriers when seeking employment (Jackson & Zhao, 2017). These hiring practices force applicants to disclose their criminal history before having a chance to showcase their skills or demonstrate their reformation since the time of conviction. Consequently, many jurisdictions have adopted Ban the Box policies, which prohibit employers from requiring candidates to disclose their criminal history before evaluating other aspects of their application. Although the effects of these policies have been studied through societal and employer outcomes (D'Alessio, Stolzberg, & Flexon, 2015), few studies have investigated applicants' perspectives on disclosure of their criminal history or the psychological effects of having to check the box.

Drawing from the literature on stigma and disclosure during the job application process for individuals with disabilities (Dalgin & Gilbride, 2003; Jans, Kaye, & Jones,

2011; Schrader, Malzer, & Bruyere, 2014), this study evaluated the following predictors of the likelihood of voluntary disclosure of criminal history for ex-offenders: environmental support, self-identification with criminal history, employment self-efficacy, and experienced discrimination. The current study also aimed to identify the effects of having to disclose past criminal history on the following five outcomes: self-identification with criminal history, experienced discrimination, perceived stigma, employer attractiveness, and job outcome expectations. The following sections will review literature within the societal context during which time the Ban the Box movement began, the expansion of the Ban the Box movement, and the impact that these policies have on applicants with criminal history. The literature review will then cover studies regarding the aforementioned dimensions on disclosure of criminal history and perceived stigma towards having criminal history.

### **Pre-Ban the Box Conditions**

**History of mass incarceration.** Over seven million people are incarcerated or under correctional supervision and about 65 million people, or one in four adults in the United States, have a criminal record (Rodriguez & Emsellem, 2011). These unprecedented statistics result from the rapid growth of incarceration rates, which quadrupled in the past 40 years following five decades of relative stability (Flake, 2015). The United States currently has both the highest incarceration rate and the largest incarcerated population of any country in the world (Flake, 2015).

Increased crime rates alone cannot explain the phenomenon of mass incarceration, as the crime rate has fluctuated since the spike of incarceration rates began 40 years ago (Flake, 2015). The primary cause of the spike in incarceration rates has been attributed to

“tough on crime” policies that became popular during the socially tumultuous 1960s and ‘70s, stemming from the belief that the severity of the criminals’ sentence is the most effective deterrent to crime (Flake, 2015). These policies resulted in a greater range of nonviolent crimes becoming grounds for incarceration. One example of policy that led to the growth of the prison population is the War on Drugs, which began under President Nixon in the 1970s. This policy included harsh sentencing laws for the possession, distribution, and use of illegal drugs. “Three strikes” laws also increased the minimum sentencing for certain repeat offenders to 25 years (Flake, 2015).

Racial minorities have been disproportionately affected by mass incarceration and have a much higher probability of being arrested and convicted with harsher sentences than Whites (Sentencing Project Report, 2013). To put this into perspective, approximately 60% of US prisoners are Black or Latino despite the fact that these groups make up about 30% of the total US population (Sakala, 2014). Across all ethnicities, higher poverty rates are also associated with higher incarceration rates, and education levels are negatively associated with incarceration rates (Sum, Khatiwada, McLaughling, & Palma, 2009). In addition, increased prevalence of police patrol in low-income, minority communities is typically characterized by pervasive stop-and-frisk tactics. These routine searches increase race and class inequalities due to higher criminal and arrest records, especially for minor crimes (Vuolo, Laggesson, & Uggen, 2017).

**Background checks and criminal history questions.** Along with the increasing rate of convictions, technological advances and increased concern with national and personal security have influenced the growing use of criminal background checks in the job application process. Individual criminal records are now more accessible to the general

public than ever before (Jacobs, 2006). Since the terrorist attacks of September 11th, 2001, many states have passed legislation mandating criminal background checks for those employed in various industries, including maritime facilities and airports, those with access to biological agents, and those applying for hazardous materials licenses (Jacobs, 2006). These laws have contributed to the growing market for private information providers, who create databases through court records and perform background checks for employers at affordable rates.

As the Sixth Amendment guarantees that American courts are open to the public, most individual criminal history and arrest records are available to anyone who requests this information. Until recently, these records were limited to being stored in a document repository with few copies produced, and it took considerable effort for the average citizen to obtain these documents (Jacobs, 2006). However, since the advent of the internet, access to criminal records has become readily available to anyone who pays a private information broker for a background check. Additionally, the Fair Credit Reporting Act of 2000 allows for consumer reporting agencies to provide prospective and current employers, and other inquiring businesses, with criminal histories and even information about the arrests of individuals (Jacobs, 2006).

These factors have led to the growth of the criminal background check industry. Currently, over 73% of employers conduct criminal background checks on job applicants (Yu & Dietrich, 2012). Criminal history is often seen by employers as a legitimate risk and heavily influences their hiring decisions (Smith, 2014). Most employers utilize criminal background checks in the employee selection process as ‘best practice’ to prevent legal consequences stemming from negligent hiring. Criminal history may

become increasingly important during employment selection decisions as organizations become more invested in building a positive reputation and portraying a positive public image (McDonald & Thompson, 2016).

As the practice of conducting background checks has become more common, queries regarding an applicant's criminal history on initial job applications have become even more widespread among employers. Questions such as "Have you been convicted of a felony in the last seven years?" can serve as a screen in selection processes, with employers ruling out those who checked "yes" to having a criminal history. Employers then perform a background check for candidates they are considering for the job to ensure applicants did not omit their criminal history from the application. Asking this simple "yes" or "no" question allows employers to rule out applicants with criminal histories, regardless of the type of crime committed or how long ago it occurred. This "Catch-22" results in applicants who check "yes" to having a criminal history being ruled out before the interview process, and those who check "no" being rejected once the background check results show a criminal record on the grounds of them lying on the application.

**Bleak job prospects for applicants with criminal history.** The mark of a criminal record follows individuals long after they served their sentence, making it difficult for them to re-enter society (Pager, 2007). A total of 10,000 local, state, and federal laws bar ex-offenders from specific jobs and occupational licenses (Laird, 2013). Other legislation bans ex-offenders from public benefits including housing, food assistance programs, and voting (Jacobs, 2015; Travis, 2002). Although some restrictions on employment for ex-offenders are reasonable for public and employee safety, such as barring someone who was convicted of money laundering from working in a bank, other restrictions bar ex-

felons from obtaining professional licenses that are unrelated to their offense (Wheelock, Semukhina, & Demidov, 2011). For example, California firefighting inmate crews, who fight seasonal wildfires while serving time in custody and are paid \$1 an hour, are not eligible for employment in municipal firehouses in the Bay Area once they have finished serving their sentence. Additionally, some restrictions suspend ex-offenders' driver's licenses, limiting the number of jobs they can realistically apply for (Flake, 2015).

These restrictions severely limit the job prospects of ex-offenders attempting to re-enter society and obtain meaningful employment. This is illustrated by Western's (2006) findings that incarceration can reduce the number of weeks worked per year by five to eight weeks. Negative effects on employment are even greater for ethnic minorities. For example, a Black applicant with no criminal record is half as likely to receive a callback than an equally qualified White applicant, and the likelihood of a Black applicant receiving a callback drops from 14% without a record to 5% with a criminal record (Pager, 2007). Additionally, the likelihood of a White applicant with a felony drug conviction getting a callback is about equal to the likelihood of a Black applicant without a criminal record getting a callback (Pager, 2007).

Employers are more likely to activate negative stereotypes and find the applicant unemployable if discrimination based on ethnicity is compounded with the stigma attached to having a criminal record. This double stereotype phenomenon is described as "two strikes and you're out" (Pager, 2007). Vuolo (2017) and his colleagues corroborated these findings, showing that Black applicants had a significantly reduced chance of receiving a callback than White applicants with the same criminal history. These findings are even more important when taking into account that obtaining employment after

release is the single greatest predictor of decreased recidivism (Berg & Huebner, 2001; La Vigne, Davis, Palmer, & Halberstadt, 2008; Matsuyama & Prell, 2010).

Ex-offenders who do manage to obtain employment often find themselves earning less than those without criminal records and are relegated to the secondary labor market. Ex-offenders are also found to be marginally employed, or part of the working poor, at a disproportionate rate (Nally, Lockwood, Knutson, & Ho, 2013). For example, in 2008, they were especially hard-hit by the year's recession, having lower earnings and higher underemployment rates than those without criminal records during this time (Nally et al., 2013). On average, incarceration reduces hourly wages by 15% (Visher, Debus-Sherrill, & Yahner, 2010). This adds up to an earning loss of \$179,000 for ex-offenders by the age of 48 (Western & Pettit, 2010).

### **Emergence and Growth of Ban the Box**

Ban the Box is a movement to end discrimination based on former incarceration in regards to access towards housing, universities, public benefits, serving on juries, voting, and employment (Evans, 2016). The term "ban the box" was coined in reference to applicants being forced to "check the box" on questions regarding criminal history on an application or module. Although employment is the most developed area of the movement, it is important to note that the movement is also dedicated to addressing the other services from which formerly incarcerated individuals are currently barred from accessing.

Ban the Box began as a grassroots movement in Hawaii in the 1990s. The first piece of legislation banning discrimination in both the public and private sector for individuals with criminal history seeking employment was passed in the state in 1998 (Mosley,

2013). All of Us or None, another early grassroots campaign, was founded in the San Francisco Bay Area in 2002 as a civil rights organization dedicated to ending discrimination faced by those with criminal records (Evans, 2016). There are currently 24 states that have “banned the box” from public employment, and nine of those states have extended the law to private employers (Evans, 2016). In 2017, California passed AB 1008, the California Fair Employment and Housing Act, making it the tenth state to require both public and private employers to delay inquiries into an applicant’s criminal history (California Fair Employment and Housing Act, 2017). As the state with the largest population, California’s adoption of these policies reaffirms the growth of the Ban the Box movement. There are also efforts to pass additional pieces of legislation which would require employers to consider how pertinent the crime is to the job, time elapsed since the crime, and evidence of rehabilitation before employers can reject applicants due to their criminal history (Avery & Hernandez, 2017). The Equal Employment Opportunity Commission already has federal guidelines recommending that employers implement these tactics while evaluating an applicant.

### **Effects of Ban the Box on Reentry**

The effects of Ban the Box have been heavily studied in recent years, with mixed results and contrasting interpretations of the effects of the policies. The adoption of Ban the Box legislation corresponds with a decrease in recidivism in Hawaii (D’Alessio et al., 2015). Removing convictions that were over ten years old from individuals’ records had beneficial effects on the labor market and decreased recidivism as well (Denver, 2017). Other findings show that hiring managers within states that have adopted Ban the Box policies are more likely to take into account the characteristics of the offense, concerns

about safety and costs, and applicant growth as factors when making final hiring decisions (Griffith & Jones-Young, 2017). Managers also indicated the increasing importance of being flexible in order to help applicants obtain employment, which indicates growing visibility and support for Ban the Box legislation (Griffith & Jones-Young, 2017). However, not all studies on the effects of the Ban the Box movement yielded positive outcomes.

Studies found that when employers had no access to criminal history information due to Ban the Box policies, prospective employees faced increased discrimination based on their ethnicity. For example, Agan and Starr (2016) found that Ban the Box policies prompted some employers to discriminate against Black applicants in particular. Vuolo et al. (2017) also found that Black applicants without criminal records had the lowest callback rates than any other group when employers did not have access to criminal history information. Doleac and Hansen (2017) found that the implementation of Ban the Box policies significantly decreased the likelihood of employment for Black and Latino males without college degrees.

### **Overview of the Aims of the Current Study**

Much of the existing literature on Ban the Box discusses the impact of these policies on applicants with criminal history. This literature provides evidence of the stigma associated with formerly incarcerated applicants which bars them from getting hired (Decker, Ortiz, Spohn, & Hedberg, 2015; Flake, 2015). Findings also show that Ban the Box policies can mitigate these adverse effects (D'Alessio et al., 2015; Denver, 2017; Griffith & Jones Young, 2017), but the policy may also lead to increased discrimination based on ethnicity or race (Doleac & Hansen, 2017; Vuolo et al., 2017). Few studies have

examined the effects of disclosing personal information about criminal history on applicants' self-perception and their attitudes towards the employer. This form of forced disclosure could have extensive repercussions regarding an applicant's sense of self-worth, self-esteem, perceived stigma, and perceived employability. As Ban the Box is an emerging topic, few constructs have been developed to examine the psychological effects of disclosure of criminal history in employment settings on ex-offenders. Constructs from the literature on disclosure of other personal information, such as disability, therefore, is analogous in several regards to disclosure of criminal history and can be borrowed for the purposes of the current study.

### **Disclosure of Disability in the Application Process and the ADA**

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination on the basis of disability and requires employers to provide reasonable accommodation to employees with disabilities. This is only possible if the employer is aware of the disability, and for this reason disclosure for employees and candidates with disabilities has become an important topic (Brohan et al., 2012). Consequently, employers include an optional form on job applications that allows applicants to disclose their disability status. Although there are benefits to disclosing a disability in the application process, such as receiving the proper accommodations for succeeding on the job, many applicants with disabilities still choose not to disclose their disability for fear of discrimination. (Brohan et al., 2012)

The ADA has sparked interest in the topic of disclosure for employees and applicants with disabilities, which parallels the issues faced by applicants with criminal histories since Ban the Box policies have become widespread. Some have argued that criminal

history is a form of civil disability, as it limits the individual's rights and possibilities of finding employment (Radice, 2017). Because of the similarities of the issues faced by applicants with disabilities and those with criminal history in terms of disclosure and employment applications, the current study draws from the more exhaustive literature on disability disclosure in order to understand the perceived effects of disclosure on ex-offenders, as well as their attitudes towards disclosure.

Literature on disclosure of disability in the workplace indicates several predictors as determining factors in an employee's decision on whether or not to disclose their disability. Based on the aforementioned similarities between the stigmatized characteristics of disability and criminal history, the present study sought to determine whether the characteristics that would be predictors of the likelihood of disclosure of disability would be also applicable to the disclosure of criminal history. The present study aimed to examine whether the following dimensions would be predictors of the likelihood of disclosing criminal history voluntarily in applications: environmental friendliness, including supervisor and peer support, employment self-efficacy, experienced discrimination, and self-identification with criminal history. The rationale and importance behind these constructs in regards to disclosure of criminal history will be explained in the following paragraphs.

In addition to finding the predictors of the likelihood of voluntary disclosure, the present study aims to find the psychological repercussions of mandatory disclosure of criminal history on job applications. Because Ban the Box policies affect mandatory disclosure on job applications, it is important to discover whether or not mandatory disclosure has effects on applicants' attitudes and behaviors towards their criminal

history and the companies they apply to. The present study aimed to determine the effects of having to disclose criminal history during the job application process on ex-offenders in the following dimensions: identification with a stigmatized characteristic, experienced discrimination, perceived stigma, employer attractiveness, and job search outcome expectations. These effects are based on literature discussed in the following sections related to stigma, disclosure, and recruitment.

### **Predictors of Disclosure**

**Workplace environment.** Environmental influences including emotional support in the workplace and environmental support have been found to increase the likelihood of employees disclosing their disability at work (Brohan et al., 2012; Jans et al., 2011). One predictor of positive attitudes towards disclosure for applicants with disabilities is their expectation of receiving emotional support in the workplace (Brohan et al., 2012). This meta-analysis identified themes in 54 studies on disclosure and found that applicants were more likely to disclose if they felt disclosing their disability would lead to the organization being more supportive and understanding of their condition. Another construct that has been significantly tied to positive attitudes towards disclosure is the perceived “disability-friendliness” of organizations (Jans et al., 2011) and whether the supervisor and environment are perceived as supportive towards employees with disabilities (Schrader et al., 2014). The latter study noted that applicants pointed out the importance of companies going beyond just having “lip service” regarding their inclusiveness towards applicants with disabilities. Instead, participants valued supervisors and co-workers who were accepting and supportive of their conditions when deciding whether or not to disclose their disability.

Environmental support in regards to disclosure of disability can also be applied to disclosure of criminal history, as there is evidence of both groups facing discrimination in the workplace. It could therefore be posited that both employees with disability and those with criminal history would be concerned with the environmental support when deciding whether or not to disclose their personal information in the workplace. Thus, the first hypothesis was:

*Hypothesis 1:* Environmental factors including perceived supervisor support, perceived peer support, and perceived friendliness towards employees with criminal history will predict a higher likelihood of disclosure.

**Self-efficacy.** The disability literature lists self-efficacy as a major predictor of attitudes towards disclosure. Generalized self-efficacy measures an individual's beliefs about their capabilities of performing well in a wide-variety of achievement scenarios (Eden, 2001). Self-efficacy is well-documented as a predictor of disclosure of disability (Getzel & Thoma, 2008; Hartman-Hall & Haaga, 2002). More specific forms of self-efficacy, such as disclosure self-efficacy (e.g. Jans et al., 2011) and job search self-efficacy (e.g. Brown, Cober, Kane, Levy, & Shalhoop, 2006; Varghese, Anderson, Cummings, & Fitzgerald, 2017), have also been found to predict attitudes towards disclosure, and are relevant to the topic of disclosure of criminal history and Ban the Box policies. Job search self-efficacy is defined as one's job search behaviors, outcomes, and confidence in ability to obtain a job (Saks, Zikic, & Koen, 2015). Disclosure self-efficacy is defined as the behaviors and strategies that allow applicants to disclose their stigmatized characteristic during the interview process with positive outcomes (Jans et al., 2011).

Non-disclosure was found to be significantly related to having low self-efficacy of disclosure for individuals with HIV (Mayfield Arnold, Rice, Flannery, & Rotheram-Borus, 2008). Additionally, employees who have strategies for disclosing or acknowledging their disabilities also advocated for disclosing the disability in the initial employment interview (Jans et al., 2011). For the present study, job search self-efficacy and disclosure self-efficacy are combined to create the employment self-efficacy dimension, which is tested as a predictor of attitudes towards disclosure.

*Hypothesis 2: Employment self-efficacy will predict a higher likelihood of disclosure.*

**Identifying with a stigmatized characteristic.** Viewing disability as part of one's identity predicts positive attitudes towards disclosure (Dalgin & Gilbride, 2003; Rocco, 2001; Schrader et al., 2014). Rocco (2001) showed that participants felt as though the disability was a part of who they were and therefore needed to be able to discuss the disability in order to be happy. Similarly, another study found that for participants with psychiatric disabilities, self-identification with their psychiatric disability is related to employment disclosure (Dalgin & Gilbride, 2003). Finally, Schrader et al. (2014) found that respondents wanted to disclose in order to gauge whether or not an employer would accept them for who they were, and some respondents even noted that if they believed they would not be accepted, they would seek employment elsewhere. The study also found that several individuals felt the obligation or desire to disclose in order to show that employees with disabilities could be productive members of the workforce.

Given the aforementioned similarities between criminal history and disability disclosure in the employment application process, the current study tested whether the

relationship between self-identification with a stigmatized characteristic and disclosure could be extended to individuals with criminal history. Self-identification with criminal history is defined as the extent to which ex-offenders perceive their criminal history to be part of their identity. The third hypothesis aimed to find whether this relationship would hold true when applied to individuals with criminal history:

*Hypothesis 3a:* Self-identification with criminal history will predict a higher likelihood of disclosure.

The literature regarding disclosure of disability used to create Hypothesis 3a focuses on the likelihood of voluntary disclosure, whereas a major topic of discussion in the literature for the disclosure of criminal history is the mandated disclosure aspect, due to job applications requiring disclosure. Based on the theory of stigma by Erving Goffman (1963), those with stigma of group identity may use “disidentifiers” or characteristics that make them appear as though they are not part of the stigmatized group, in order to pass as a non-member of the stigmatized group. By having to “check the box,” ex-offenders instead are forced to disclose their stigmatized characteristic. Goffman also lists turning to other members of the stigmatized group to feel a sense of belonging as a stigma response. This would indicate that forcing disclosure of criminal history could increase self-identification with the stigmatized characteristic of criminal history. In order to test whether Ban the Box policies have an effect on self-identification with criminal history, the current study examined the relationship between having to disclose criminal history and self-identification with criminal history.

*Hypothesis 3b:* Having to disclose criminal history will predict higher levels of self-identification with criminal history.

**Experienced discrimination.** Employees who choose to disclose their disability at work often report experiencing discrimination (Dalgin & Gilbride, 2003; Jans et al., 2011; Madaus, 2008; Schrader, et al., 2014). Various studies found that attitudes towards disclosure of disability were predicted by experienced discrimination such that higher levels of experienced discrimination predicted a lower likelihood of disclosure (Brohan et al., 2012; Schrader et al., 2014). Formerly incarcerated individuals also experience high rates of discrimination in both the job application process and in the workplace (Carlin & Frick, 2013; Western, 2006). The current study aimed to find whether the results regarding experienced discrimination and attitudes towards disclosure for employees with disabilities would affect individuals with criminal history in a similar manner.

*Hypothesis 4a:* Experienced discrimination will predict a lower likelihood of disclosure.

Research has also found that when employees suppress stigmatized group identity, including ethnicity, sexual orientation, and disability, in the workplace, they experience higher levels of perceived discrimination. Perceived discrimination, in turn, predicts job satisfaction and turnover intentions (Madera, King, & Hebl, 2012). Criminal history is a form of group identity which is commonly suppressed in the workplace, due primarily to the stigma associated with it (Carlin & Frick, 2013). Suppression of criminal history has not been studied in regards to perceived discrimination, job satisfaction, and turnover intentions. For this reason, the inverse relationship between attitudes towards disclosure and discrimination was also be studied.

*Hypothesis 4b:* Having to disclose criminal history predicts higher experienced discrimination.

One notable difference between the disclosure of disability and disclosure of criminal history is that applicants are often required to disclose their criminal history during the hiring process, whereas applicants can choose whether or not to formally disclose if they have a disability under the ADA. Employers are also allowed to deny applicants a job on the basis of their criminal history, although anti-discrimination laws such as the ADA prohibit discrimination based on disability in the United States. For these reasons, it is important to study the outcomes of disclosure for applicants with criminal history.

**Perceived stigma.** Perhaps the most prominent outcome of incarceration is the stigma faced by ex-offenders. Stigma and incarceration are closely associated concepts, as even Émile Durkheim (1895), the first sociologist to explore stigma as a social phenomenon, referred to the offense committed by the stigmatized individual as a crime, and the judgement and consequent treatment given by the society as punishment. According to Goffman (1936), stigma occurs when individuals with certain attributes are deeply discredited and rejected by their society. He posits that stigma is caused by the discrepancy between attributes that are socially expected and acceptable versus the actual attributes an individual possesses.

In regards to criminal history, the societal norm of being untouched by the criminal justice system contrasts with the attribute of being an ex-offender, leading to social stigma. The negative stereotypes and lasting effects of stigma faced by ex-convicts are an invisible punishment and a large obstacle to re-entry to society (Henderson, 2005). Because of the extensive negative stigma associated with criminal history, the current study aimed to look at whether having to disclose criminal history on job applications would predict higher perceived stigma. The labeling theory of deviance states that an

association between labels and further deviant behavior creates a self-fulfilling prophecy (Tannenbaum, 1938). Stigma reduces an individual's credibility and associates him or her with negative characteristics (Link & Phelan, 2001). Although stigma towards ex-offenders has been well-documented, particularly in regards to employment, few studies have investigated self-perceived stigma experienced by ex-offenders.

Chiu and Cheng's (2013) model for perceived stigma in ex-offenders includes self-stigmatizing cognition, which is the negative sense of self and a general feeling of unworthiness, shame and embarrassment, and negative behaviors which include avoidance and withdrawal from social interaction. Winnick and Bodkin (2008) replaced the word "former mental patient" with "ex-convict" on the stereotype awareness scale designed by Link, Cullen, Struening, ShROUT, and Dohrenwend (1989) and found that the majority of medium security inmates agreed that most people stigmatized former prisoners. The scale includes items measuring how respondents feel they are personally viewed as inferior, untrustworthy, or how much they feel their internalized stigma applies to them. Another study found that inmates' self-perceived stigma is higher than the stigma that college students have towards inmates (Moore, Stuewig, & Tangney, 2012). This study also found that the more inmates perceived that the public had stigmatizing attitudes towards inmates, the more likely they were to reoffend violently within the first year of their release. Similarly, the difficulty finding jobs predicted devaluation and discrimination beliefs of ex-offenders (Winnick & Bodkin, 2008).

Borrowing from the labeling theory of deviance, the current study aimed to find whether having to disclose by "checking the box" on employment applications would serve as a tangible artifact of stigma. The current study therefore also predicted that

“checking the box” would lead to increased self-perceived stigma. This finding would indicate a cycle in which ex-offenders seeking employment feel more stigmatized by having to “check the box” and perceive themselves to be less likely to obtain gainful employment as a result. Decreased self-esteem and self-efficacy in turn predicts lower employment optimism and economic self-sufficiency, as supported by the findings of Hong, Lewis, and Choi (2014). The fifth hypothesis of the current study aimed to find out whether “checking the box” on an application would be related to perceived stigma:

*Hypothesis 5: Having to disclose criminal history will predict higher levels of perceived stigma.*

**Employer attractiveness.** Research has also found that when employees suppress their group identity in the workplace or choose not to disclose aspects of their identity including ethnicity, sexual orientation or disability, they rate higher levels of perceived discrimination. Perceived discrimination, in turn, predicts job satisfaction and turnover intentions (Madera et al., 2012). Criminal history is a form of group identity which is commonly suppressed in the workplace, due primarily to the stigma associated with it (Carlin & Frick, 2013). Suppression of criminal history also has not been studied in regards to perceived discrimination, job satisfaction, and turnover intentions.

The findings of Madera et al., however, also imply that disclosure of group identity is related to attitudes and beliefs towards the organization. This study aimed to find whether the findings of Madera et al. could be extended to the group identity of criminal history. Studies show that individuals with a concealable stigmatized identities experience fear of disclosure in the process of determining whether or not to disclose (Ragins, Singh, & Cornwell, 2007). Findings also show that the individual’s ecosystem, or external,

intrapersonal environment, predicts higher rates of disclosure, and that the psychological benefits of disclosure occur only if the disclosure is met with positive and supportive reactions from confidants (Garcia & Crocker, 2008; Leopre, Ragan, & Jones, 2000; Rodriguez & Kelly, 2006).

Given the evidence supporting the influence of environmental factors on disclosure, the current study aimed to find whether having to disclose criminal history on job applications would predict attitudes of applicants towards the organizations they are applying to. Because checking the box occurs before the job offer is extended, the current study measured job attraction characteristics in lieu of job satisfaction and turnover intentions, which can only be measured if the applicant is hired. Job attraction encompasses the attitudes an applicant has towards the organization and job. The present study tests whether being required to disclose one's identity as an ex-offender will predict their job attraction and perception of the organization.

*Hypothesis 6:* Having to disclose criminal history will predict a more negative perception of the organization, position, and application outcomes.

### **Job outcome expectations.**

Findings show that perceived discrimination can predict job satisfaction and turnover intentions (Madera et al., 2012). Because Ban the Box affects ex-offenders in the application stage, the present study aimed to find whether or not having to “check the box” could be considered a preemptive form of discrimination, and whether this experience during the application process could affect an applicant's job interview outcome expectations.

*Hypothesis 7:* Having to disclose criminal history on job applications will predict more negative job outcome expectations.

**Forced disclosure and voluntary disclosure.** The reactance theory of psychology (Brehm, 1966) states that individuals are more likely to give increased importance to certain behaviors when these perceived behavioral freedoms are threatened. In regards to disclosure of criminal history, the perceived behavioral freedom is the choice of whether or not to disclose criminal history in the job application process. By having to “check the box”, the behavioral freedom of choosing whether or not to disclose is taken away from the ex-offender. Therefore, according to the reactance theory, “checking the box” would make ex-offenders less likely to disclose their criminal history voluntarily. In order to test whether the reactance theory applies to Ban the Box policies, the current study tested the relationship between having to disclose and the likelihood of voluntary disclosure.

*Hypothesis 8:* Having to disclose criminal history will predict a higher likelihood of voluntary disclosure.

## Method

### Participants

Surveys were emailed to 330 clients of a public agency in the southwest region of the United States and 77 participants responded within four weeks. A link to an online survey was emailed to 1500 clients of another public agency in the southwest region of the United States and the link was closed within five days, after 66 responses were submitted. An additional 18 paper surveys were administered in person at the public agency, 15 of which were usable responses included in the study. Thus, the final sample consisted of 158 individuals. Responses were collected anonymously and client emails and identities were kept confidential by the employees of the public agencies.

Of the 158 total participants, 64 were females (40.5%) and 94 were males (59.5%). The ages of participants ranged from 22 to 77 ( $M = 41.46$ ,  $SD = 11.71$ ), with half of the sample between the ages 35 and 55. The largest ethnic group represented in the sample was White (41.8%,  $n = 66$ ), followed by Latino (37.3%,  $n = 59$ ), Black (14.6%,  $n = 23$ ), Asian (6.3%,  $n = 10$ ), of other ethnic backgrounds (5.1%,  $n = 8$ ), Pacific Islander (2.5%,  $n=4$ ), and American Indian (1.9%,  $n = 3$ ). About 26% ( $n = 42$ ) of participants reported having some college education as their highest level of education, 16.5% ( $n = 26$ ) obtained an Associate's degree, 17.1% ( $n = 27$ ) reported obtaining a high school diploma or GED, 17.7% ( $n = 28$ ) reported obtaining a Bachelor's degree, and 12% ( $n = 19$ ) reported obtaining a professional or trade school certificate.

Almost half of participants were last convicted less than one year prior to taking the survey (45.5%,  $n = 71$ ). About 48% ( $n = 67$ ) of participants were last convicted between 2 and 7 years prior to taking the survey. Of the 157 participants who reported the type of

conviction on their records, 35.4% ( $n = 56$ ) of participants were convicted of a misdemeanor as the highest level of conviction and 64% ( $n = 101$ ) were convicted of a felony. At the time that the survey was taken, 52.7% ( $n = 84$ ) of participants had their records cleared prior to taking the survey and 47.3% ( $n = 74$ ) did not have their records cleared.

## **Measures**

**Disclosure.** The predictor for the majority of the hypotheses was whether or not participants had to disclose their criminal history on job applications, as this is the primary issue addressed in Ban the Box movements and legislation. In order to measure mandatory disclosure, the present study utilized record clearance as a proxy measure of whether or not applicants had to disclose criminal history on job applications. Record clearance, or expungement, is a legal procedure that seals the records from earlier proceedings of an ex-offender, making the records unavailable through government repositories. In California, one is eligible for dismissal if criteria including paying court fees and completing probation are met, except for convictions in which one is sentenced to state prison or sentenced under the authority of the Department of Corrections and Rehabilitation (Cal. Stat. P. C. § 1203.4 § 1203.4a, 1872).

Those who are granted record clearance through expungement are not required to disclose their criminal history on job applications or any other form that asks about criminal history. For the current study, participants were asked “Have you had your record cleared?” and could choose to respond either “*Yes*” or “*No*.” It is important to note that record clearance does not release an individual from all penalties and disabilities due to charges. For example, information pertaining to the case can be made available with

approval from governing bodies (County of Santa Clara Public Defender Office, 2013). Additionally, expunged convictions are likely to be visible when applying for government jobs or licensing boards such as for cosmetology and child care. At times, record clearances may take time to be processed, and convictions may accidentally be reported in background checks that should have been removed.

**Likelihood of voluntary disclosure.** In addition to mandatory disclosure, the present study also encompassed the predictors of the likelihood of voluntary disclosure for ex-offenders, regardless of whether or not they were required to disclose. The likelihood of voluntary disclosure was measured on a 7-point Likert-type scale (1 = *Extremely Unlikely*, 2 = *Moderately Unlikely*, 3 = *Slightly Unlikely*, 4 = *Neither Likely nor Unlikely*, 5 = *Slightly Likely*, 6 = *Moderately Likely*, 7 = *Extremely Likely*). Participants were asked “How likely are you to choose to disclose your criminal history on the next job application you complete?”

**Perceived environmental friendliness.** The perceived environmental friendliness scale measured the extent to which an individual finds environmental factors such as supervisor and colleague support important when choosing whether or not to disclose criminal history information in the workplace. The present study combined perceived criminal history friendliness in organizations with supervisor and co-worker support items in the construct assessing the participants’ potential work environment. Three items measuring the importance of organizational attitudes towards disability for employee’s disclosure intentions were adapted from Schrader et al.’s scale (2014) for the current study.

Items were adapted by changing the subject of disclosure from disability to criminal history, including “Employees have disclosed their criminal history and were successful in the workplace” and “The company has a mission to employ formerly incarcerated individuals.” Responses were recorded on a 7-point, Likert-type scale (1 = *Not Important at All*, 4 = *Somewhat Important*, 7 = *Extremely Important*). Cronbach’s alpha was calculated to estimate the reliability of the perceived environmental friendliness scale, and the scale demonstrated relatively low internal consistency ( $\alpha = .66$ ). The mean of the three items was calculated to create a single score of the participants’ perceived importance of environmental friendliness items when choosing whether or not to disclose criminal history in the workplace. Higher scores indicate more importance of environmental friendliness.

**Self-identification.** Self-identification with criminal history is defined as the extent to which individuals perceive their criminal history to be part of who they are. Four items were developed based on Rocco’s study (2003) regarding the importance of self-identification with disability in attitudes towards disclosure. Interview data revealing individuals’ attitudes towards disability identity including “My disability is a part of me. It’s a part of what makes me a person and I figure if I can’t talk about it then I’m ashamed of it and I’m not happy as a person” and “The best way to deal with ignorance is through education” were selected. Statements were then adapted into survey items to measure how strongly ex-offenders identified with their criminal history. A 7-point, Likert-type scale (1 = *Strongly Agree*, 2 = *Agree*, 3 = *Somewhat Agree*, 4 = *Neither Agree nor Disagree*, 5 = *Somewhat Disagree*, 6 = *Disagree*, 7 = *Strongly Disagree*) was used to measure participants’ degree of identification with their criminal history. Cronbach’s

alpha was calculated to estimate the reliability of the self-identification with criminal history scale, and the scale demonstrated low internal consistency ( $\alpha = .48$ ). The removal of the item “The best way to deal with ignorance towards people with criminal history is through education” somewhat increased the scale’s internal reliability ( $\alpha = .50$ ). The mean of the three items was calculated to create a single score of the participants’ self-identification with criminal history in which a higher score indicates lower identification with criminal history.

**Employment self-efficacy.** Career self-efficacy measures the extent to which individuals possess attitudes and behaviors that are conducive to positive career outcomes. Three items were used to measure two aspects of employment-related self-efficacy: career self-efficacy and disclosure self-efficacy. Career self-efficacy was measured through the following items “I can determine what my ideal job is” and “I can effectively bring up my skills and qualifications during the interview” which were adapted from Taylor and Betz’s (2012) career decision self-efficacy scale. The following item was adapted to measure disclosure self-efficacy: “I can effectively downplay the obstacles that arise from my criminal history during the job interview” from the disclosure self-efficacy construct in Jan et al.’s study of predictors of disclosing disability (Jans et al., 2011). Participants were asked to rate these items using a 7-point, Likert-type scale (1 = *Strongly Agree*, 2 = *Agree*, 3 = *Somewhat Agree*, 4 = *Neither Agree nor Disagree*, 5 = *Somewhat Disagree*, 6 = *Disagree*, 7 = *Strongly Disagree*). Cronbach’s alpha was used to estimate the reliability of the career self-efficacy scale, and the scale demonstrated low internal consistency ( $\alpha = .50$ ). The logarithmic transformation of the three items, to account for skewness, increased the internal reliability ( $\alpha = .53$ ). The mean

of the three items was calculated to create a single score of the participants' career self-efficacy in which a higher score indicates lower self-efficacy in job-related attitudes and behaviors.

**Experienced discrimination.** The discrimination scale measured the extent to which individuals experienced adverse behaviors and actions due to criminal history. Three items were developed based on the findings of Madaus (2008) to measure experienced discrimination in the work settings. The items included "I have been rejected from a job because of my criminal history" and "I have been passed up for promotions because of my criminal history." Participants were asked to rate these items on a 7-point, Likert-type scale (1 = *Strongly Agree*, 2 = *Agree*, 3 = *Somewhat Agree*, 4 = *Neither Agree nor Disagree*, 5 = *Somewhat Disagree*, 6 = *Disagree*, 7 = *Strongly Disagree*). Cronbach's alpha was calculated to estimate the reliability of the discrimination against criminal history scale, and the scale demonstrated appropriate internal consistency ( $\alpha = .75$ ). The mean of the three items was calculated to create a single score of the participants' experienced discrimination against criminal history in the workplace such that a higher score indicates less discrimination experienced.

**Perceived stigma.** The perceived stigma scale measures the extent to which individuals perceive the stigma attributed to them based on their criminal history. Four items from Winnick and Bodkin's devaluation / discrimination beliefs scale (2008) were used to measure perceived or anticipated stigma. Items included "Most people would accept an ex-con as a close friend" and "Most people would not accept an ex-con as a teacher in public schools." The items were scored on a 7-point, Likert-type scale (1 = *Strongly Agree*, 2 = *Agree*, 3 = *Somewhat Agree*, 4 = *Neither Agree nor Disagree*, 5 =

*Somewhat Disagree*, 6 = *Disagree*, 7 = *Strongly Disagree*). Cronbach's alpha was calculated to estimate the internal reliability of the perceived stigma towards participants' criminal history scale, and the scale demonstrated low internal consistency ( $\alpha = .56$ ). The removal of the item "Most people would not accept an ex-con as a teacher in public schools" somewhat increased the scale's internal reliability ( $\alpha = .60$ ). The mean of the remaining items was calculated to create a single score of the participants' perceived stigma in which a higher score indicates less perceived stigma regarding criminal history.

**Employer attractiveness.** The employer attractiveness scale measures the extent to which participants find positive qualities in the last company they applied to in the year 2017. Four items were used to measure participants' degree of attraction towards the last company they applied to in 2017. Participants were asked about 2017 applications rather than 2018 because California's Ban the Box legislation AB 1008 went into effect in January of 2018, affecting participants' mandatory disclosure. Items were adapted from Tuzuner and Yuksel's (2009) employer attractiveness scale including "Good reputation and is highly thought of" and "Good leadership and management." Participants were asked to rate the company on each item using a 7-point, Likert-type scale (1 = *Very Low*, 2 = *Low*, 3 = *Somewhat Low*, 4 = *Average*, 5 = *Somewhat High*, 6 = *High*, 7 = *Very High*). Cronbach's alpha was calculated to estimate the reliability of the employer attractiveness scale, and the scale demonstrated high internal consistency ( $\alpha = .80$ ). The mean of the five items was calculated to create a single score of the attractiveness of the last company participants applied to in which a higher score indicates more company attractiveness.

**Job outcome expectations.** Job outcome expectations are defined as a participants' perceived confidence in the different steps of the job application process. These items were adapted from the work of Madera et al. (2012) on how perceived discrimination regarding identity could lead to lower job satisfaction and higher turnover intention. This construct was created in order to observe participants' employment outcome expectations. Three items were used to measure participants' confidence towards obtaining employment. The items are "Getting an interview," "Getting a job offer," and "Getting a good starting pay." Participants rated the items on a 7-point Likert-type scale (1 = *Not Confident*, 4 = *Moderately Confident*, 7 = *Extremely Confident*). Cronbach's alpha was calculated to estimate the reliability of the confidence in obtaining a job scale, the scale demonstrated high internal consistency ( $\alpha = .92$ ). The mean of the three items was calculated to create a single score of the participants' confidence in obtaining a job in which a higher score indicates more confidence.

**Demographic variables.** Demographic variables including age, gender, ethnicity, education level, level of conviction (misdemeanor or felony), and length of time since last conviction were also collected.

## **Procedure**

Data for the present study were collected through the use of the online survey software Qualtrics as well as through administering paper surveys. Participants were sent the link to the survey through email distribution lists of past clients of two public service agencies in the Southwest United States. Clicking the survey link presented the participants with an informed consent form which briefly explained the purpose and procedure of the study. Participants were informed that they would be asked to answer

several questions regarding how their criminal history affected their employment situations. The consent form included a statement of confidentiality that assured participants that all survey responses would be kept confidential and anonymous. The form ended with an option to continue with the survey or to decline participation. If “No” was selected, they were directed to the end of the survey and no responses were collected.

For paper surveys, participants were asked if they would like to fill out a survey regarding criminal history and employment after their meetings with the public service agency representatives. They were presented with an informed consent form along with the survey and were instructed to sign and keep the form for their records. Once they read and signed the consent form, they were presented with the survey. Paper survey responses were collected in an unmarked envelope and stored in a locked cabinet.

Participants who agreed to take the survey were presented with a series of questions regarding the importance of environment friendliness when deciding whether to disclose their criminal history, how much they agreed with statements regarding their self-identification with their criminal history, employment self-efficacy, experienced discrimination, and self-stigma. They were then asked to rate the last company they applied to on different qualities, and to rate their confidence in job application outcomes if they were to apply to a company today. They were then asked the likelihood of choosing to disclose criminal history on the next application they complete, the type of conviction on their record, length of time since last conviction, and whether or not their record had been cleared. Finally, they were asked four demographic questions related to their ethnicity, gender, age, and education. Once the survey was completed, they were thanked for their participation in the survey.

## **Statistical Analysis**

The means, standard deviations, and frequencies of demographic variables and constructs were measured using SPSS software. Pearson's Correlations between demographic variables and constructs were also measured using SPSS software. Each hypothesis was tested using a linear regression analysis with SPSS software.

## Results

### Descriptive Statistics

Means, standard deviations, and correlations among the measured variables are listed on Table 1. When participants were asked their choice regarding the likelihood of disclosing their criminal history on the next job application they complete, on average, they indicated that they were somewhat slightly unlikely to choose to disclose their criminal history on their next job application ( $M = 3.29, SD = 2.41$ ). About 46% of participants indicated that they were extremely unlikely to choose to disclose. The number of participants having to disclose their criminal history on applications (46.8%,  $n = 74$ ) was about equal to those who had their records successfully cleared and therefore were not required to disclose (53.2%,  $n = 84$ ).

Participants reported that environmental friendliness was an important factor when deciding whether or not to disclose criminal history in the workplace ( $M = 5.35, S = 1.64$ ). Participants scored moderately low on self-identification with criminal history ( $M = 4.38, SD = 1.59$ ). Participants scored somewhat high on employment self-efficacy ( $M = 2.36, SD = 1.09$ ). Participants scored somewhat high on experienced discrimination ( $M = 3.11, SD = 1.69$ ). Participants scored low on perceived stigma ( $M = 4.91, SD = 1.16$ ). Participants scored high on employer attractiveness ( $M = 4.46, SD = 1.20$ ). Participants scored high on job outcome expectations ( $M = 4.54, SD = 1.90$ ).

Table 1

*Pearson Correlations and Cronbach's Alpha, Predictor and Criterion Variables.*

Variable	M	SD	$\alpha$	1	2	3	4	5	6	7	8	9
1. Environmental Friendliness	5.35	1.64	0.66	--								
2. Self-Identification	4.38	1.59	0.48	-.16 *	--							
3. Employment Self-Efficacy	2.36	1.09	0.50	.02	.15	--						
4. Discrimination	3.11	1.69	0.75	-.06	.13	-.12	--					
5. Perceived Stigma	4.91	1.16	0.56	.02	.26 **	.14	-.24 **	--				
6. Employer Attractiveness	4.46	1.2	0.80	-.11	-.02	-.13	.22 **	-.25 **	--			
7. Job Outcome Expectations	4.54	1.9	0.92	-.04	.05	-.10	.31 **	-.35 **	.30 **	--		
8. Having to Disclose	--	--	--	-.04	-.04	.17 *	.17 *	-.11	.09	.31 **	--	
9. Likelihood of Disclosure	--	--	--	.03	-.16 *	-.04	-.10	.00	-.01	-.14	-.17 *	--

Note:  $N = 158$ , \*  $p < .05$  \*\*  $p < .01$  \*\*\*  $p < .001$

### **Pearson Correlations**

In Table 1, the correlations of the measured variables are also listed. The strongest relationship was between job outcome expectations and perceived stigma ( $r = -.35, p < .01$ ) such that the more stigma participants perceived due to their criminal history, the less confident they felt in obtaining a job. A strong and positive relationship was found between experienced discrimination and job outcome expectations ( $r = .32, p < .01$ ) such that the more discrimination participants experienced, the less confident they felt in obtaining a job. A moderate and negative relationship was found between experienced discrimination and perceived stigma ( $r = -.28, p < .01$ ) such that the more discrimination participants reported they experienced, the more stigma they perceived. There was no relationship found between environmental support factors and employment self-efficacy ( $r = -.014, p > .05$ ). This indicates that environmental support does not have a strong impact on employment self-efficacy.

### **Tests of Hypotheses**

All of the hypotheses were tested using simple linear regression analyses with Type I error rate of .05. Figure 1 shows the proposed model.

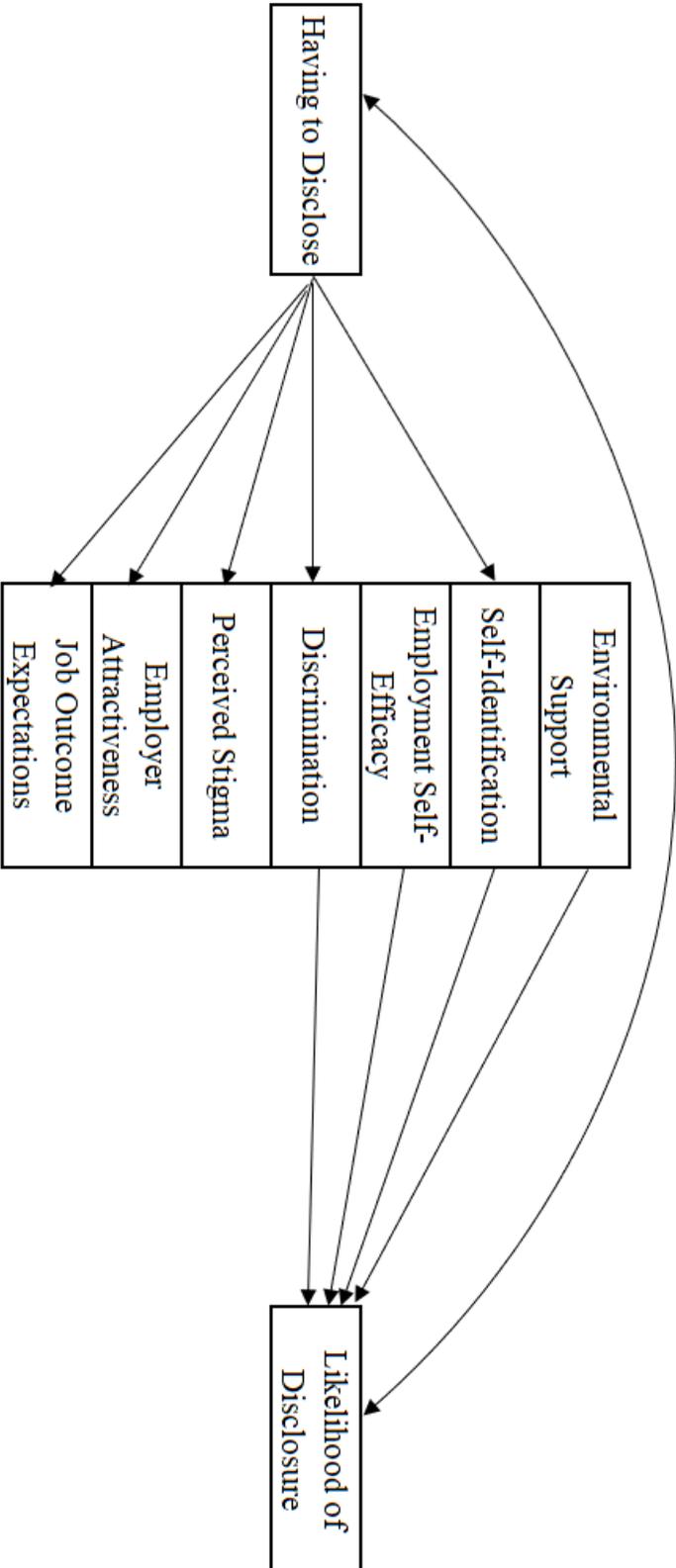


Figure 1. Diagram of proposed hypotheses.

Hypothesis 1 stated that environmental support factors would predict a higher likelihood of disclosure. A regression analysis with environmental friendliness as the predictor and the likelihood of disclosure as the outcome was run to test this hypothesis. The results of this analysis did not provide support for Hypothesis 1, as importance of environmental friendliness was not related to the likelihood of disclosure ( $\beta = .03, p > .05, R^2 = .00, F(1,156) = .11$ ).

Hypothesis 2 stated that employment self-efficacy would predict a higher likelihood of disclosure. A regression analysis with employment self-efficacy as the predictor and the likelihood of disclosure as the outcome was used to test the hypothesis. The results of the analysis did not provide support for Hypothesis 2, as employment self-efficacy was not related to the likelihood of disclosure ( $\beta = -.04, p > .05, R^2 = .00, F(1,156) = .25$ ).

Hypothesis 3a stated that self-identification with criminal history would predict a higher likelihood of disclosure. A regression analysis with self-identification with criminal history as the predictor and the likelihood of disclosure as the outcome was used to test the hypothesis. The results of the analysis supported Hypothesis 3a, as self-identification with criminal history was found to be significantly related to the likelihood of disclosure ( $\beta = -.16, p < .05, R^2 = .03, F(1,156) = 4.09$ ) such that the more participants were identified themselves with criminal history, the less they were likely to disclose their criminal history.

Hypothesis 3b stated that having to disclose criminal history would predict higher ratings of self-identification with criminal history. A regression analysis with having to disclose criminal history as the predictor and self-identification with criminal history as the outcome was used to test the hypothesis. The results of the analysis did not support

Hypothesis 3b, as having to disclose criminal history on applications was not found to be significantly related to self-identification with criminal history ( $\beta = -.04, p > .05, R^2 = .00, F(1,156) = .22$ ).

Hypothesis 4a stated that experienced discrimination would predict a lower likelihood of disclosure. A regression analysis with experienced discrimination as the predictor and the likelihood of disclosure as the outcome was run to test the hypothesis. The results of the analysis did not support the hypothesis as having experienced discrimination was not found to be significantly related to the likelihood of disclosure ( $\beta = -.1, p > .05, R^2 = .01, F(1,156) = 1.56$ ).

Hypothesis 4b stated that having to disclose criminal history would predict higher levels of experienced discrimination. A regression analysis with having to disclose criminal history as the predictor and experienced discrimination as the outcome was run to test the hypothesis. The results of the analysis supported Hypothesis 4b as having to disclose criminal history was found to be significantly related to experienced discrimination ( $\beta = .17, p < .05, R^2 = .03, F(1,156) = 4.87$ ) such that those who were required to disclose their criminal histories on job applications were more likely to experience discrimination in the employment setting.

Hypothesis 5 stated that having to disclose criminal history would predict higher levels perceived stigma. A regression analysis with having to disclose as the predictor and self-stigma as the outcome was run to test the hypothesis. The results of the analysis did not support Hypothesis 5 as having to disclose criminal history was not significantly related to self-stigma ( $\beta = .14, p > .05, R^2 = .02, F(1,156) = 3.21$ ).

Hypothesis 6 stated that having to disclose criminal history predicted lower perceived employer attractiveness. A regression analysis with having to disclose criminal history as the predictor and perceived employer attractiveness as the outcome was run to test the hypothesis. The results of the analysis did not support Hypothesis 6 as having to disclose was not significantly related to employer attractiveness ( $\beta = .09, p > .05, R^2 = .01, F(1,156) = .18$ ).

Hypothesis 7 stated that having to disclose criminal history would predict lower job outcome expectations. A regression analysis with having to disclose criminal history as the predictor and job outcome expectations as the outcome was run to test the hypothesis. The results of the analysis supported Hypothesis 7 as having to disclose criminal history was significantly related to job outcome expectations ( $\beta = .31, p > .01, R^2 = .10, F(1,156) = 16.73$ ) such that those who were required to disclose their criminal history on job applications were more likely to have a negative outlook on their job outcome expectations.

Hypothesis 8 stated that having to disclose criminal history predicts a lower likelihood of choosing to disclose voluntarily. A regression analysis with having to disclose criminal history as the predictor and the likelihood of choosing to disclose criminal history as the outcome was run to test the hypothesis. The results of the analysis supported Hypothesis 8 as having to disclose criminal history was significantly related to choosing to disclose criminal history ( $\beta = -.17, p < .05, R^2 = .73, F(1,156) = 4.72$ ) such that those who were required to disclose their criminal history on job applications were less likely to want to disclose voluntarily.

The results are summarized in Table 2 and the updated model showing significant relationships between predictor and outcome variables is shown in Figure 2.

Table 2

*Summary of Linear Regression Results for Predictor and Criterion Variables*

Variable	$\beta$	F	R <sup>2</sup>
<b>Predictors of Likelihood of Disclosure</b>			
Environmental Support	.03	0.11	.00
Self-Identification	-.16	4.09	.03 *
Employment Self-Efficacy	-.04	.25	.25
Discrimination	-.10	1.56	.01
<b>Outcomes of Having to Disclose</b>			
Self-Identification	-.04	.22	.00
Discrimination	.17	4.87	.03 *
Perceived Stigma	.14	3.21	.02
Employer Attractiveness	.09	.18	.01
Job Outcome Expectations	.31	16.73	.10 **
Likelihood of Disclosure	.17	4.72	.73 *

*Note.* N = 158, \*p < .05, \*\*p < .01, df = 1, 156

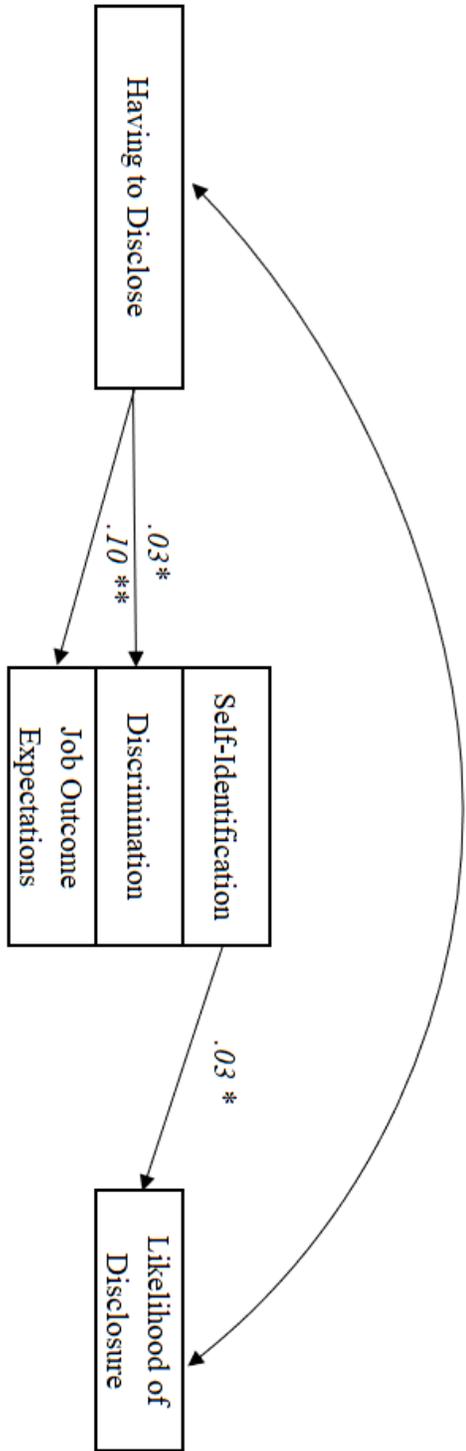


Figure 2. Diagram showing  $R^2$  Values of Significant Relationships, \* $p < .05$ , \*\* $p < .01$

## **Discussion**

With the rapid growth of prison populations and disenfranchisement of ex-offenders from various aspects of daily life, from voting and housing to employment, Ban the Box movements across the nation have grown to advocate for the rights of ex-offenders. This movement aims to improve their conditions in order to better facilitate the reintegration of ex-offenders. Although some researchers have studied the effects of Ban the Box policies on recidivism and re-employment rates (D'Alessio et al., 2015; Doleac & Hansen, 2017; Griffith & Jones Young, 2017; Jackson & Zhao, 2017; Vuolo, Laggesson, & Uggen, 2017), no studies have examined the psychological effects of having to disclose something as personal and stigmatized as criminal history on job applications. Additionally, no studies have investigated potential predictors of voluntary disclosure for ex-offenders. For this reason, the current study examined the self-identification with criminal history, experienced discrimination, perceived stigma, employer attractiveness, and job outcome expectations as outcomes of having to disclose, and environmental support, employment self-efficacy, self-identification with criminal history, and experienced discrimination as predictors of voluntary disclosure.

### **Summary of Findings**

Hypothesis 1 stated that environmental support factors would predict a higher likelihood of disclosure. Results showed that there was no relationship between environmental support factors and the likelihood of disclosure. This finding could indicate that ex-offenders did not consider manager and coworker friendliness and support an important factor in making their decision on whether or not to disclose. This is inconsistent with the literature on disability and disclosure which found that

environmental support predicted disclosure in the workplace (Brohan et al., 2012; Jans et al., 2011; Schraeder et al., 2014). Two main differences between the disclosure of disability and disclosure of criminal history may explain the discrepancy in the findings. First, criminal history may be more stigmatized than disability, especially in the workplace. Second, the likelihood of disclosure in the context of criminal history is discussed during the application process, as employers are most likely to run a background check and find existing criminal history before the job offer is extended, or during the onboarding process. For this reason, disclosure of criminal history occurs in a much briefer timeframe with the company than disclosure of disability. Therefore, job applicants may not have felt as though they could accurately gauge environmental support during the application process and therefore did not give environmental support great consideration when deciding whether or not to disclose voluntarily.

Hypothesis 2 stated that employment self-efficacy would predict a higher likelihood of disclosure. There was no significant relationship between employment self-efficacy and the likelihood of disclosure. It is worth noting that the employment self-efficacy scale was biased and the scale reliability was low. This may be due to the fact that different types of self-efficacy were combined to make one construct, and therefore could have been measuring more than one concept, which might have contributed to the lack of significant relationship between employment self-efficacy and the likelihood of disclosure. This finding is also inconsistent with the disability literature findings that disclosure self-efficacy predicts a greater likelihood of disclosure (Getzel & Thoma, 2008; Hartman-Hall & Haaga, 2002). This may also be due to the differences between the stigma attached to criminal history and that attached to disability. Criminal history is

perceived in a more negative light because individuals are considered responsible for the actions that lead to their sentences, whereas although individuals with disability still face great discrimination, the cause of their disability is not attributed to their lack of judgement or character flaws.

Hypothesis 3a stated that self-identification with criminal history would predict a higher likelihood of disclosure. There was a significant relationship between self-identification with criminal history and the likelihood of disclosure. This finding is consistent with the disability literature stating that those who identify with their disability are more likely to disclose it at work (Dalgin & Gilbride, 2003; Rocco, 2001; Schrader et al., 2014). It is likely that if one identifies with a stigma (e.g., disability, criminal history), he or she is more likely to disclose the stigma.

Hypothesis 3b stated that having to disclose criminal history would predict higher levels of identification with criminal history. Results show that this hypothesis was not supported, as no relationship was found between having to disclose criminal history and identifying with criminal history. This is inconsistent with the literature on disability which found that disclosure of disability and self-identification with disability were related (Dalgin & Gilbride, 2003). This inconsistency could be because of the low reliability for self-identification scale, due to some of the items referring to the individual in first-person and others referring to society in general. The items referring to the individual may have elicited a more emotional response (i.e. “My criminal history is a part of who I am”), whereas the broader items may have been perceived less personally (i.e. “The best way to deal with ignorance towards people with criminal history is through education”). These items were adapted from a scale measuring self-identification with

disability. As previously mentioned, the differences between criminal history and disability identity may have contributed to lower reliability of the scale, as the items were not designed to measure identification with criminal history.

Hypothesis 4a stated that experienced discrimination would predict a higher likelihood of disclosure. Results did not support this hypothesis, as experienced discrimination was not found to predict the likelihood of disclosure. This finding is not consistent with the disability literature showing that experienced discrimination for employees with disabilities was negatively related to lower rates of the likelihood of disclosure (Brohan et al., 2012; Schrader et al., 2014). This finding may have been due to the non-voluntary nature of disclosure of criminal history. Because many applicants have no choice in disclosing their criminal history, asking whether discrimination predicts voluntary disclosure may not have been a realistic scenario for participants.

Hypothesis 4b stated that having to disclose criminal history would predict more experienced discrimination. This hypothesis was supported by this study, as it found that having to disclose criminal history predicted experienced discrimination. This finding supports previous research findings regarding employers discriminating against applicants with criminal history (Carlin & Frick, 2013; Western, 2006). This was the only direct outcome of criminal history disclosure in the present study that had previously been researched. This confirms that the stigma attached to criminal history and the liability concern expressed by employers when faced with hiring ex-offenders lead adverse action towards applicants who have “checked the box.”

Hypothesis 5 stated that having to disclose criminal history would predict higher levels of perceived stigma. This hypothesis was not supported by the current study, as no

relationship was found between having to disclose and perceived stigma. The hypothesis was developed based on the findings that difficulty finding jobs predicts the devaluation and discrimination beliefs of ex-offenders (Winnick & Bodkin, 2008) such that having to check the box would be a form of tangible stigma. The hypothesis assumed that participants would perceive “checking the box” as automatic discrimination and therefore would feel more stigmatized by having to disclose. This hypothesis may not have been supported because there was no body of research to build the constructs and survey questions off of. For this reason, the scale may have been unreliable or not a good measure of perceived stigma. Additionally, the theory behind the hypothesis that having to “check the box” would lead to the applicant internalizing feelings of stigma may not hold true, as ex-offenders may have different methods of coping with stigma and discrimination that do not involve increased negative self-perception.

Hypothesis 6 stated that having to disclose criminal history would predict lower levels of employer attractiveness. This hypothesis was not supported by the current study, as there was no relationship between having to disclose criminal history and employer attractiveness. Previous research on disclosure of disability and employees’ perception of the organization contrasts with this finding (Madera et al., 2012). Once again, because the literature focused on stigmatized characteristics such as disability and sexual orientation, the findings may not carry over to criminal history. Current trends in workplace diversity and inclusion efforts, including the Lesbian, Gay, Bisexual, Transsexual pride and differently abled employee network groups and programs, along with legislation including the ADA, have given the aforementioned groups some support and protection

in the workplace. Ex-offenders, instead, are not a protected group and it is legal and commonplace for them to be discriminated against.

Hypothesis 7 stated that having to disclose criminal history would predict lower employment outcome expectations. This hypothesis was supported by the current study, as a relationship was found between having to disclose and employment outcome expectations. This could be due to applicants feeling as though having to “check the box” negatively affected their employment outcomes, as they were discriminated against on many applications and they might feel that the employers who they are left to choose from are less desirable.

Hypothesis 8 stated that having to disclose would predict lower likelihood of choosing to disclose. This hypothesis was supported by the current study as having to disclose criminal history was related to a lower likelihood of voluntary disclosure. This finding is supported by the reactance theory of psychology (Brehm, 1966) in which once someone’s choice is taken away, they are more likely to value that freedom of choice. This translates to checking the box and the current finding as an applicant would be more likely to choose to disclose voluntarily if he or she was not forced to disclose preemptively by checking the box on job applications.

### **Theoretical Implications**

This study was intended to provide some initial insight on the psychological effects that the mandatory disclosure of criminal history, a heavily stigmatized characteristic, has on individuals. Due to the exploratory nature of this study, further studies in the topic will be necessary in order to fully determine the effects of “checking the box” and the importance of Ban the Box policies for ex-offenders. The present study borrowed from

literature on disclosure of disability to create constructs that could potentially affect ex-offenders facing disclosure decisions in a similar manner. The findings from the present study, however, indicate that there are major differences between the disclosure of criminal history and disclosure of disability. This may have affected the results and therefore further research is necessary in order to determine the full range of predictors and consequences of disclosure of criminal history that have yet to be studied. It was interesting to find, for example, that environmental support did not predict voluntary disclosure of criminal history in the same way as it did for disclosure of disability. The disability literature instead was supported by the current study in regards to self-identification with the stigmatized characteristic predicting the likelihood of disclosure (Brohan et al., 2012; Jans et al., 2011; Schraeder et al., 2014). Because the reliability for the aforementioned constructs was low, few conclusions can be drawn directly from these findings.

The finding that having to disclose criminal history predicts experienced discrimination supports a growing body of literature that shows how ex-offenders face significant barriers to re-entry of society. With the exponential growth of mass incarceration and growing number of people being affected by the criminal justice system, this phenomenon is important to study further and see whether the ramifications of “checking the box” on applications is contributing to a disenfranchised sector of the population that will face great difficulty in obtaining gainful employment once released from correctional facilities. This finding gives support to the Ban the Box efforts across the nation.

The implications of experienced discrimination can be seen through the finding that participants who had to disclose reported significantly lower ratings of job outcome expectations. This shows that ex-offenders are aware of the effects of having to check the box has on them, as ex-offenders with similar backgrounds who have had their records cleared and are no longer required to disclose their criminal history on applications have higher hopes of having successful job outcomes.

Finally, although having to disclose did not predict perceived stigma, there is evidence that being forced to “check the box” negatively affects participants’ self-image, as having to disclose criminal history was found to predict the likelihood of choosing to disclose. This shows that having to check the box could have severe effects on ex-offenders’ self-perception, such that the box on job applications symbolizes that they are unemployable.

### **Practical Implications**

Results of the current study indicate that Ban the Box efforts are positively impacting applicants, as there are significant effects of being required to disclose criminal history on job applications. Ex-offenders are more likely to be discriminated against in places that still allow applications to ask about criminal history (Carlin & Frick, 2013; Western, 2006), and therefore, they would benefit from having the policy adopted nationwide.

In terms of concerns regarding safety and liability in hiring an ex-offender, Ban the Box policies allow for applicants to have a chance to meet with the interviewers and disclose on their own terms further down in the interview process. Companies are still allowed to ask applicants to complete a background check as part of their hiring requirement, thus, Ban the Box only affects the initial stages of the interview process. For

this reason, the current study aimed to find what predicted voluntary disclosure of criminal history. Because the nature of criminal history disclosure is so stigmatized and different from other types of stigmatized characteristics in the workplace, further research is necessary in order to determine what may actually predict the likelihood of disclosure aside from self-identification with criminal history. The finding that having to disclose criminal history actually predicted a lower likelihood of voluntary disclosure indicates that perhaps having to “check the box” leads to a feedback loop in which both hiring managers and ex-offenders see criminal history as increasingly more stigmatized. If employers and applicants are allowed to speak more openly about it, rather than having it disclosed on the initial job application, perhaps more emphasis would be placed on an applicant’s qualification, and the nature, severity, and time elapsed since the crime could actually be taken into account. Based on these findings, organizations should adapt more progressive policies towards employing ex-offenders, including implementing Ban the Box and more inclusive hiring practices that allow applicants to volunteer information about their criminal history later on in the hiring process.

### **Strengths, Limitations, and Future Research**

A strength of this study was that the sample consisted of both participants with their records cleared and those still with criminal records. This allowed for a good control for not having to disclose versus having to disclose without much else being different between the two groups. Another study could have been conducted comparing applicants with criminal histories to those who have never been convicted of a crime, but this would have introduced potential confounding variables between the two groups such as work experience and socioeconomic differences.

A weakness of the study is that due to its exploratory nature, proper scale development with strong constructs and high inter-item reliability was not achieved. Environmental friendliness, employment self-efficacy, and perceived stigma were skewed. This may have affected the statistical significance of the result. Therefore, the lack of significant results for many hypotheses may have resulted from the lack of sufficient scale development. Additionally, there were limitations placed on the survey length from the organizations who provided the sample, therefore the constructs had only three or four items, which may have also contributed to lower reliability. For example, the self-efficacy construct had low inter-item reliability because the scale consisted of three items spanning three different types of efficacy: job search, interview performance, and disclosure of criminal history. This was done in order to measure self-efficacy in regards to job search more broadly and in a way that was relevant to formerly incarcerated individuals.

The limitations in number of questions allowed on the survey led to the combination of items from scales measuring different aspects of work-related self-efficacy into one broader scale instead of using narrower subscales. Therefore, reliability between the items could be explained by participants having differing attitudes and behaviors regarding the different subcategories of efficacy. For perceived stigma, the only reverse-coded question in the survey negatively affected the inter-item reliability. This may be because participants skipped over the “not” in the question. Future studies should not include the word “not” in the survey, however, the present study borrowed the item from a scale which used the term. Future research should conduct scale development for constructs that affect ex-offenders in regards to disclosure of criminal history in the

workplace. Perhaps qualitative research on the topic would provide further insight as to which constructs are relevant to this specific type of disclosure.

## **Conclusion**

As the ramifications of mass incarceration are studied and efforts such as Ban the Box to counteract the disenfranchisement of a large sector of the population make headway, it is important to study the effects of such efforts and lend support to them by showing that forced disclosure can have negative effects on ex-offender applicants. Even though not all hypotheses were supported, the findings that were supported indicate that there are repercussions to having ex-offenders “check the box” that are unintended and not necessarily beneficial to the companies enforcing these policies. Future research should delve into what the psychological and societal implications of “checking the box” are, and what best practices employers can use to give ex-offenders a fair chance while maintaining a safe work environment.

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## Appendix

### Survey Items

#### Overcoming Barriers to Self-Identification (Schrader, Malzer, & Bruyere, 2014)

1. Knowing that other employees had disclosed their disability and were successful in the workplace.
2. An open and supportive relationship with one's supervisor.
3. A statement on recruitment materials inviting applicants with disabilities.

#### My Disability is a Part of Me (Rocco, 2001)

1. My disability is a part of me.
2. I want to disclose on the application to find out whether I would be accepted for who I am at work.

#### Perceived Stigma (Winnick & Bodkin, 2008)

1. Most people would accept an ex-con as a close friend.
2. Most people would not accept an ex-con as a teacher in public schools.
3. Most people would hire an ex-con if he or she is qualified for the job.
4. Most people in my community would treat an ex-con like anyone else.