



Police Record Checks:

Are they Effective Screening Tools?



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A growing number of Ontario-based organizations are turning to police record checks to screen potential employees and volunteers. For example, a recent [Toronto-based study](#) (2018)ⁱ found that over 60% of employers required police record checks for all new hires. Another [Ontario-based study](#) found that half of employers surveyed in two counties in Ontario require police record checks of new hires as a condition of employment.ⁱⁱ Other studies from comparable jurisdictions indicate similar levels of demand, if not higher.

Generally speaking, organizations state that they are using police record checks to manage and mitigate liability and to protect vulnerable persons. For example, in the 2014 study of employers by the John Howard Society of Ontario, the top reason employers cited for requiring police record checks was “Liability/Risk Management.” Indeed, there is a general perception that a police record check can be used as an effective risk-mitigation tool – that it will help screen out ‘bad’ people and keep assets and vulnerable clients safe. Although these are important goals, the available social science evidence does not support the assumption that police record checks are an effective way to achieve these goals. In fact, because employment and social ties are so important to people leading stable lives, widespread, unnecessary police record checks can undermine, rather than enhance, community safety.



Given the nature and scope of information released in police background checks for employment and volunteer purposes, releasing this information often results in stigmatizing or prejudicial treatment. These record checks can reveal information beyond just criminal convictions and findings of guilt. When information like this is revealed to a potential employer, school or 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. The evidence regarding the usefulness of police record checks in employment is as follows:

- There is no compelling evidence to support the assumption that workplace violence is perpetuated more by persons with criminal records than those without one. After a few years, there are no differences in the risk of offending between those with a prior conviction and those without.ⁱⁱⁱ

- Although criminal justice 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.”^{iv}
- 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, it may even be the opposite: “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.”^v
 - 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.”^{vi}
- Stable employment, as well as income, stable housing and social networks that employment can foster, are significant protective factors against future reoffending.^{vii,viii,ix,x}

It is important to note that all available studies 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 questionable.

The Case FOR Hiring People with Criminal Records

Beyond the arguments outlined above on the broader societal benefits associated with inclusive hiring practices, employers stand to benefit individually from recruiting from a pool of largely untapped talent.

Employers who willingly hire individuals with criminal records frequently attest to the great value and loyalty this population brings to their organizations^{xi}. One such organization was evaluated^{xii}, and the findings demonstrated that negative performance outcomes (i.e., disciplinary rates and terminations) did not differ between employees who had a previous conviction versus those who did not. By putting record checks in their place in the overall screening and hiring process, organizations can secure the best candidates that have the talent and capacity to perform jobs, criminal record or not.

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- ⁱ John Howard Society of Ontario. (2018). Invisible Burden: Police Records and the Barriers to Employment in Toronto. <https://policerecordhub.ca/en/invisibleburden/>
- ⁱⁱ John Howard Society of Ontario. (2014). Help Wanted*: Reducing Barriers for Ontario's Youth with Police Records. <http://www.johnhoward.on.ca/wp-content/uploads/2014/07/johnhowardontario-help-wanted.pdf>
- ⁱⁱⁱ Megan C. Kurlychek, Robert Brame, 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, 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.
- ^{iv} 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.
- ^v Ibid.
- ^{vi} 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.
- ^{vii} Christa A. Gillis & D. A. Andrews. (2005). Predicting Community Employment for Federal Offenders on Conditional Release. Correctional Service of Canada.
- ^{viii} Curt T. Griffiths, Yvon Dandurand and Danielle Murdoch, *The Social Reintegration of Offenders and Crime Prevention* (Ottawa: National Crime Prevention Centre, 2007), <http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scl-rntgrtn/scl-rntgrtn-eng.pdf>.
- ^{ix} 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), http://tamarackcommunity.ca/downloads/vc/When_Work_Not_Enough.pdf
- ^x 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.
- ^{xi} See DKBF Second Chance Playbook for video interviews with employers: <https://www.dkbfoundation.org/playbook-3/>
- ^{xii} G. Harmon, Laura J. Hickman, Alexandra M. Arneson, and Ashley M. Hansen. (2017). "Is Criminal History at the Time of Employment Predictive of Job Performance?" in *After Prison: Navigating Employment and Reintegration* edited by Rose Ricciardelli, Adrienne M.F. Peters, eds.