

Free but Locked Out: Employment and Housing Barriers for Adults on Probation

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Abstract: Most adults in the United States under criminal justice control are on probation, a form of community supervision where individuals live in their home communities but report to a probation officer. This paper is a mixed-methods analysis of how probation affects employment and housing. We draw upon a sample of 166 interviews of adults on probation featuring structured open-ended and closed-ended questions, focusing specifically on employment and housing quality. In addition, we use quotes from these interviews to construct a more holistic picture of the ways in which employment and housing interact to create substantial barriers for adults on probation. Our findings suggest that probation negatively impacts the ability of individuals to gain employment and housing. We conclude by arguing that policies should be implemented to reduce bias in the tenant and worker selection process and mitigate these negative consequences of having a criminal record.

Introduction

The expansion of the carceral state has been at the forefront of sociological and criminological discourse in the wake of the “tough on crime” era, a period characterized by a greater emphasis on harsh criminal punishment leading to a sharp increase in the number of adults involved with the criminal justice system (Pager, 2007). However, scholars have only recently begun to expand their research to include probation. While community supervision refers to both parole and probation, the focal point of this study is probation, a sentence given for misdemeanor and felony offenses that is often accompanied by community service, fines, and jail time. Despite a majority of criminology research focusing on prisons and jails, adults on probation make up the largest share of the

criminal justice population (Bureau of Justice Statistics, 2016). As of 2016, 3.7 million adults were on probation in the United States (Bureau of Justice Statistics, 2016). In response, researchers have called for reduced probation sentences both in length and quantity of sentences given (Mitchell, 2017).

As states seek to reduce their prison populations in the wake of the “tough on crime” era, some jurisdictions have turned to expanding community corrections instead (Phelps, 2015). Yet rather than a simple alternative to imprisonment, evidence suggests that probation is another form of state surveillance, creating more economic and social barriers for people in already precarious situations. For example, a criminal record can have a domino effect on employment and housing, deepening pre-existing disadvantages for low-income adults

(Doherty, 2016). Unsurprisingly, these hurdles are not limited to employment and housing; health care access, family dynamics, and other factors pose challenges for adults on probation as they attempt to cope with the stigma of a criminal record and the burdens of supervision (Phelps, 2020).

To investigate these dynamics, our research team interviewed 166 adults on probation in Hennepin County in 2019, asking both structured open-ended and closed-ended questions on participants' employment, housing, health care access, family relationships, and experiences with the criminal justice system.¹ In this paper, we conduct a mixed-method analysis of housing and employment outcomes among these study participants. First, we analyze the economic circumstances that affect outcomes for adults on probation. As a result, we gain a clearer understanding of the ways in which employment and housing operate together as a barrier to economic stability. Second, using quotes from the interviews with adults on probation, we highlight the voices of the participants and use their own stories to provide a more complete picture of housing and employment patterns. In doing so, we consider the interactions between economic factors faced by adults on probation that complicate or even prevent successful integration post-conviction.

Theoretical Framework

As Phelps (2013) explains, both probation and imprisonment rates have rapidly expanded since the 1970's with the advent of the tough-on-crime era. These statistics suggest that rather than serving as an alternative to incarceration, community supervision often operates as a 'net widener,' increasing state surveillance and the

number of adults in the criminal justice system. In addition, the restrictions and onerous obligations placed on adults on probation make them vulnerable to incarceration for supervision violations, leading to increases in recidivism (Phelps, 2013). Phelps therefore encourages scholars to investigate the causes and consequences of mass probation alongside mass incarceration. While more recent literature has explored the relationship between community supervision and incarceration, little has been written on the intersection of housing and employment instability and probation.

Doherty (2016) establishes that the majority of adults on probation come from low-income families, a population already at risk of housing insecurity. She also argues that racial minorities are overrepresented in probation populations. In her study of probation conditions, Doherty examined both federal and state jurisdictions and the terms that must be followed by adults on probation in order to avoid recidivism. She collected her sample from the 10 states with the most adults on probation and 10 states with the highest percentage of adults on probation. She then sorted the conditions into general categories such as "obey the law" and "be good," and examined which jurisdictions enforced each condition. Across several jurisdictions, she found that adults on probation are expected to maintain "good" behavior, avoid police contact and new charges, not associate with "disreputable" persons and places, and find (or maintain) legal employment (Doherty, 2016). But as Doherty reveals in her analysis, terms such

¹ The research project was directed by Dr. Michelle Phelps. The second author of this paper was part of the interviewer team and conducted 7 of the interviews. Both the first and second author assisted in the transcription, data cleaning, and coding process.

as “disreputable” and “good” are subjective and often left to be defined by the probation officer.

Furthermore, in using these subjective terms, the risk of revocation is greater as prohibited behavior is left unclear. The terms of probation can also jeopardize stability. For example, probation officers can conduct unannounced visits at the probationers’ place of employment, potentially exposing their criminal record, or stop by their current address and conduct home visits, potentially jeopardizing their housing (Doherty, 2016).

Focusing on the relationship between probation and housing, Herbert, Morenoff, and Harding (2015) explain that housing instability is common among adults who were formerly incarcerated, though few experienced homelessness or were living in homeless shelters. Their participants noted that higher earnings and support networks such as family, significant others, or friends, protected against “outright rooflessness or shelter use.” In addition, while housing stability may not be explicitly included in the conditions of probation, many probation officers use housing conditions as a tool to judge the progress and status of the probationer. In fact, some probation officers dictate that by associating with non-law-abiding adults, an adult on probation would be automatically violating the conditions of their probation (Doherty, 2016). This is made difficult if the adult resides in a neighborhood with a high concentration of other adults on probation or parole. Given that these are often adults from low income communities that experience limited financial mobility, a criminal record only serves to further prevent any relocation to a safer neighborhood (Doherty, 2016).

In another study, Radcliff, Crouch, Strompolis, and Strivastav analyzed the adverse

outcomes of homelessness in childhood, giving insight into the additional pressure faced by parents combating housing instability (Radcliff, Crouch, Strompolis, & Strivastav, 2019). While their study doesn’t measure the effects of a criminal record in obtaining housing, it does reveal that children who experienced homelessness were more likely to face adversities such as maltreatment and family dysfunction; those who didn’t face homelessness during childhood faced far fewer adversities than their counterparts. Therefore, parents with a felony record may face additional pressure to find secure long-term housing not just for themselves, but for their children. As such, future studies that evaluate the effects of homelessness should consider the limitations that arise from criminal records for parents.

In terms of employment, the literature indicates that incarceration and supervision have a negative impact. Zatz (2018), for instance, shows how incarceration leads to an increase in “precarious work” (characterized by low wages, instability, and a lack of basic protections for workers), which disproportionately impacts Black people, given the racial inequities of the justice system. In addition, other state burdens faced by precarious workers – including child support enforcement and work requirements of supervision -- may exacerbate their vulnerability to coercive policies (Zatz & Stoll, 2020). Such policies tend to lead to worse employment outcomes for these workers as well (Zatz & Stoll, 2020).

Thus, while probation rates have remained very high for several decades, the lived experiences of people on probation remain under-studied. In this paper, we focus on the housing and employment outcomes for adults on

probation, many of whom have never spent time in prison. We analyze employment and housing together because employment instability and housing insecurity are interdependent (Burgard, Seefeldt, & Zelner, 2012) and represent two critically important indicators of economic stability or precarity. As described below, we focus on descriptive analyses of employment and housing statuses and draw preliminary conclusions about how participants described the impact of a criminal record and supervision on their life trajectories. Future research might examine the causal impacts of probation on housing and employment (and related) outcomes across the U.S.

Data & Methodology

The data collection was based in Hennepin County, Minnesota, in collaboration with Hennepin County, and it was designed to illuminate the connection between probation supervision and participants' employment, housing, family relationships, physical and mental health. We focus in this paper on the employment and housing domains. Minnesota is unique in that it is among the states with the lowest incarceration rates, but it has one of the highest rates of probation supervision (Mitchell, 2017). In 2015, for every 100,000 adults in Minnesota, 2,490 were sentenced to community supervision (Mitchell, 2017).

The research team conducted interviews with 166 adults on probation in Hennepin County in 2019 for the study. Eligibility was determined by two factors: the participant had to be at least 18 years old and currently serving a probation term in Hennepin County. The interview guide asked about economic status, the effects of probation on employment opportunities, housing status, family relationships, and criminal history through survey

questions and open-ended prompts. These interviews ranged in length from one to two hours and were audio-recorded and transcribed. All quotes from the qualitative data are anonymized through a unique pseudonym assigned to each participant.

Within the housing section of the survey, participants were asked about their housing arrangements at three different times: six months before the arrest; at the time of the arrest that led to the current probation sentence; and current housing arrangements. For each time frame, the survey asks where the participant stayed most nights and if they spent at least one night in any temporary housing shelters. The survey also records if the participant received financial (public assistance included) or moral support when obtaining their housing, how long they have been staying at the address, and how long they expect to live at the address. In addition, participants were asked an open-ended question about what had been most difficult for them regarding their housing situation.

In the employment section of the survey, respondents were asked about their employment circumstances at two points. We first asked about employment at the time of the arrest that led to their current probation sentence and then about employment at the time of the interview. Specifically, participants were asked to detail whether they were employed, the kind of work they did, whether most of their income came from employment (or other sources), and whether they received benefits. In addition to the closed-ended employment questions, participants were asked to explain how community supervision has impacted their ability to find and keep a job.

The aforementioned variables provide further insight into the economic changes that

occur in the wake of incarceration. More specifically, we focus on housing and employment characteristics of adults on probation. To map different types of housing, we look at participants living in another person's house or apartment, their own house or apartment, supportive housing, and unstably housed participants (i.e., participants living in hotels, moving around, or experiencing homelessness). In order to assess quality of work, we differentiate between four categories: participants in jobs with benefits, participants in jobs without benefits, participants who are not employed, and participants who are employed but earn most of their income from other sources. While some of the participants in the study did earn money through illegal activities, this labor was not considered due to its highly sensitive and variable nature.

In addition, quotes of participants' experiences and summaries of their stories were chosen to illustrate the patterns observed in the preliminary descriptive statistics from the employment and housing questionnaire during the interview. Using a convenience sample, we profiled three men and one woman of different racial backgrounds encountering housing and employment barriers both before and during their probation periods. We selected these cases to highlight common obstacles (unsafe living conditions, termination of employment, and a severe decrease in wages) among our sample. Being that many of these barriers were shared experiences for participants within the study, we were able to capture the hardships most pertinent to our paper by focusing on these four individuals.

Findings

Quantitative Measures of Housing and Employment Changes

As noted above, the literature suggests that

adults on probation face major challenges in securing and maintaining stable housing because of their criminal record, although supervision may provide some support (e.g., referrals to "felon-friendly" landlords). In the following section, we examine the housing status for participants, focusing on three groups: white participants (64, including 1 Hispanic participant), Black or African American participants (60), and people of other race/ethnicities (41, including 4 Hispanic participants). As shown in Figure 1, the incidence of supportive housing among respondents rose from 5% to 56% from the time of the arrest to the time of the interview. This change was mirrored by a fall in all other housing categories; the incidence of unstable housing fell from 32% to 11% while participants living in their own homes or apartments fell from 60% to 38%.

Our results show that, in the aggregate, participants across initial housing statuses move into supportive housing during probation. For example, 30% of white participants were living in another person's house or apartment at the time of arrest as compared to 29% at the time of the interview. Additionally, 46% of white participants reported living in their own home or apartment at the time of the arrest while only 24% did so at the time of the interview. At the same time, 23% of white participants were unhoused or unstably housed at the time of the arrest as compared to 5% at the time of the interview. This difference was determined to be statistically significant ($p < 0.01$). During the same time period, the incidence of supportive housing among white participants rose from 0% to 42%.

Such results, while useful for gaining a general understanding of housing barriers, elide important disparities among different racial groups. For example, the incidence of unstable

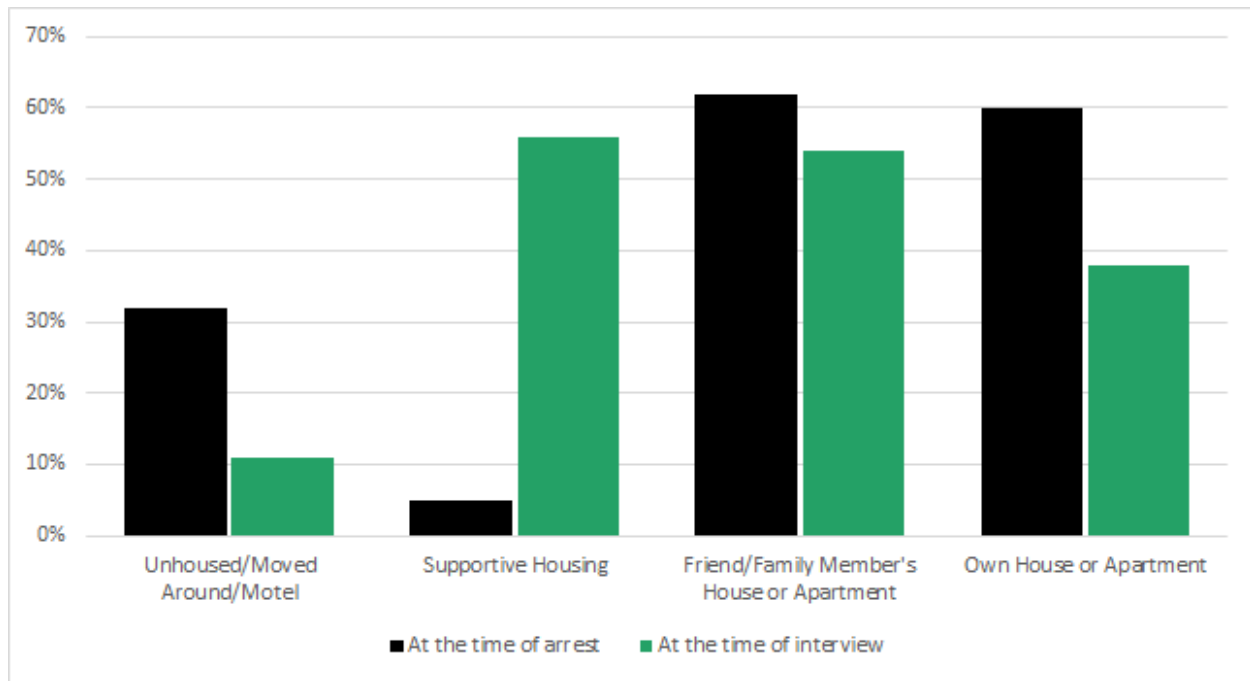


Figure 1. Housing Type

housing among Black and African American Participants decreased from 13% at the time of arrest to 10% at the time of the interview, while supportive housing increased from 5% at the time of arrest to 28% at the time of the interview.

Additionally, fewer Black and African American participants reported living in residences not belonging to them with rates falling from 55% to 43% between the time of arrest and the time of the interview, respectively. Probation also reduced the percentage of Black participants living in their own homes; 27% of respondents indicated they lived in their own home (house or apartment) at the time of arrest, while 19% indicated they did at the time of the interview.

With regard to participants of all other races/ethnicities, our data show that the incidence of unstable housing fell for them as well, declining from 24% to 5% ($p < 0.01$), while the incidence of supportive housing increased from 5% to 38%. The number of participants of other races/ethnicities living in another person's house or apartment decreased from 29% at the time of the arrest to 26% at the time of the interview. These participants were

also less likely to live in their own house or apartment after starting probation, with 41% living independently at the time of the arrest compared to 31% at the time of the interview.

Moving to employment, we found that many of the adults in our sample were underemployed and/or out of the labor force. Our results found little change in the percentage of respondents working at a job with no benefits between the time of the arrest and the time of the interview, as seen in Figure 2. Additionally, the percentage of respondents working at a job with benefits fell from just under 13% to 9%. Our results also found an increase in respondents reporting non-employment. At the time of arrest, 55% of respondents reported not being employed as compared to 64% at the time of the interview. This rise in being out of the labor force was driven by job losses among people who were previously employed (perhaps as a result of the demands of supportive housing programs like in-patient drug treatment programs.) Roughly half of the people who were employed at the time of the arrest in jobs with no benefits were out of the labor force by the

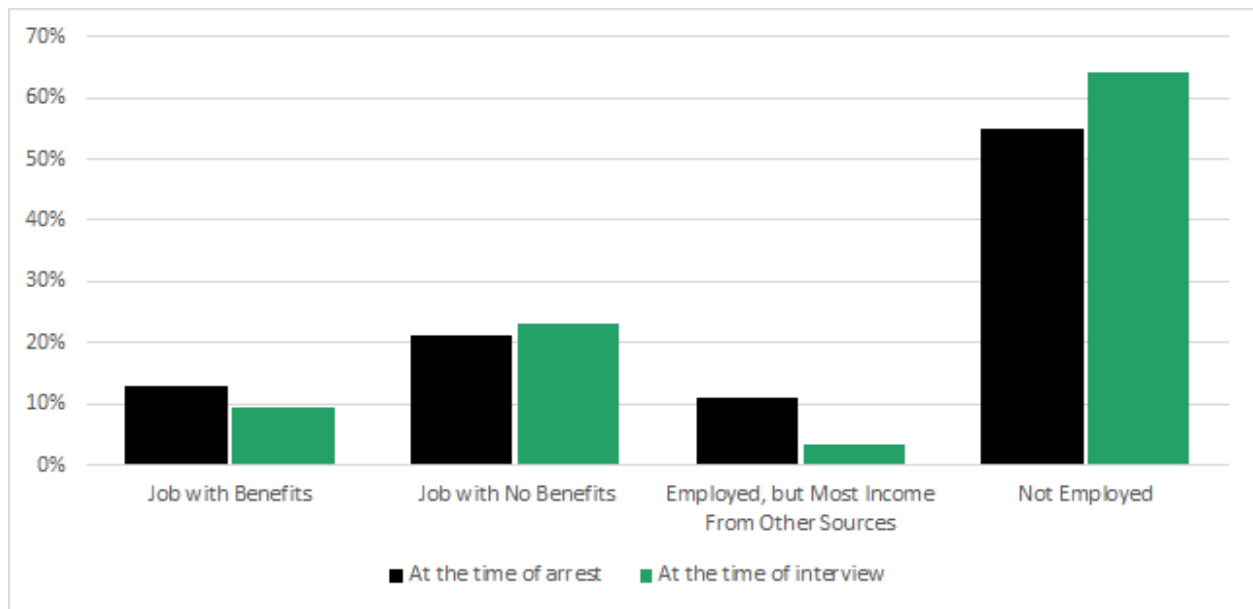


Figure 2. Employment and Job Quality

time of the interview. In addition, among those who were not employed at the time of the arrest, only 20% transitioned into employment. Finally, our results indicate that fewer participants were earning most of their income from outside of their job (which could include government benefits and/or illegal earnings), with just 3% of participants indicating that this was the case at the time of the interview, as compared to 11% at the time of arrest. These findings suggest that respondents may have difficulty maintaining or transitioning into employment following an arrest.

The Challenges of Housing and Employment

Across the transcripts we reviewed, there were common themes of general instability, unsafe living conditions, disrupted family dynamics, limited spatial mobility and lack of resources and tools to improve housing arrangements. In fact, 45% of our sample reported an annual personal income of less than \$10,000 in the previous year at the time of the interview, underscoring the severity of financial limitations among adults on probation.

One participant, Nancy, explained that despite feeling unsafe in her community, she expects

to stay in her apartment for the next two years as both her and her boyfriend have felony records. “I don’t want to stay there anymore, but I have to now that I have a felony record, it’s gonna be hard,” Nancy responded when asked about the most difficult aspect of housing since starting probation. She also described feeling stuck in her neighborhood, where she occasionally heard heated conflicts that led to physical altercations with weapons. Despite experiencing such conditions and wanting to move to a new neighborhood, Nancy explained that she was only able to find housing with the help of a homeless shelter employee, and that in many other neighborhoods landlords had rejected housing applications solely on the basis of a criminal record. This barrier during the search for secure housing is not unique to Nancy; 62% of the adults on probation in 2018 had been convicted of a felony, severely narrowing their options for shelter (Bureau of Justice Statistics, 2016).

Furthermore, many of the participants with children felt an additional pressure to provide a safe and secure place to live. One man, John, had a criminal record before his most recent probation sentence and had been homeless on and off for five

years. One of the conditions of his probation was completing 30 days of house arrest, a requirement he viewed as a blessing in disguise. Upon reflecting on his time on house arrest, he commented that it was the first time he experienced housing stability in several months. In the process, he stayed with the mother of his children and spent more time with his family. Although he doesn't expect to maintain this housing arrangement for long, his hope was that he would secure a well-paying job followed by stable housing. In this sense, housing instability can strain parent-child relationships and impact family dynamics.

These housing challenges were inter-related with employment barriers. Approximately 36% percent of the sample reported being employed at the time of the interview. This low level of employment likely reflects, at least in part, employers' discrimination against people with records for entry-level jobs (Pager, 2007). What is left in the narrowed job pool is typically not salaried, does not include any benefits, and has little stability. While there are legal protections in place preventing adults who have criminal records from being discriminated against during the hiring process in Minnesota, many times stigma prevails beyond the hiring process.

Of those who did not have a criminal record prior to their arrest and probation sentence, some reported being terminated after their employer discovered their arrest. Danny, an adult on probation for the first time, was among those who were terminated. Prior to his arrest, he had been working as an insurance agent, with a gross annual income of approximately \$60,000 a year. At the time of his interview, he made \$48,000 less at his current position and had lost benefits such as health insurance, life insurance, retirement contributions, paid holiday, and vacations. Overall, only 10% of

our sample reported being employed with benefits at the time of the interview. "I went from six grand a month to a thousand and my rent is a thousand," Danny commented when reflecting on the drastic change in income since being terminated from his previous job. Despite working nearly 80 hours a week, Danny was unable to afford paying for groceries or medications after paying his rent and the possibility of losing his home loomed large. In addition, his partner at the time was unable to work, putting extra pressure on him to maintain an income that could support two adults. Like many others, after one mark on his criminal record, Danny faced a series of hurdles preventing him from accessing employment opportunities he was otherwise qualified for, and such limitations in employment put him and his partner at risk of homelessness. His story highlights the importance of a joint analysis of employment and housing in order to understand the effects of a criminal record.

Jason, an adult who had been previously incarcerated, found work through an employment assistance program designed to help those re-entering their communities after completing a prison sentence. Although he was not receiving any benefits, he explained that the program forced all employees to save part of their income. However, even with the support of the program, he still had periods of financial instability. "It's a good program, especially with the background that I have." Jason continued: " Things have been really hard for me, especially since I was locked up on the last bit that I did." While Jason was incarcerated, the legal regulations for his field shifted, requiring him to wait to be recertified in his line of work. Despite previously seeking shelter while experiencing housing insecurity, at the time of the interview, Jason reported living in his own house

or apartment and he expected to stay there for more than six months. Thus, even with supportive programs, employment stability remained variable for Jason due in part to the waiting periods before being recertified. While such support programs undoubtedly prevented Jason from experiencing homelessness, the removal of stigma against adults with criminal records would have allowed him to pursue any career, such as nursing, which he described as his true passion. By eliminating barriers to salaried (typically higher income) employment, adults on probation could be protected against housing insecurity (Herbert et al., 2015), and subsequently against poor health outcomes (Burgard, Seefeldt, and Zelner, 2012).

Conclusion

Following the tough on crime era, states looking to decarcerate turned to probation as a possible alternative to jail and prison sentences (Phelps, 2013). However, to frame the exponential growth of the criminal justice system population as a mere issue of mass incarceration is reductive and ignores the underlying financial incentives of probation. Following the 2008 financial crisis, many experts, including those at the Vera Institute of Justice, had identified mass incarceration as financially unsustainable and in turn were advocating for the expanded use of probation as a solution (Doherty, 2016). However, as we have shown, probation does not function solely as a positive force against this trend. While it may, in fact, serve to connect at-risk individuals to needed services, such as in-patient drug treatment and other forms of supportive housing, the discrepancies between white and Black or African American participants indicate that there may be gaps in the system that are being overlooked. At the same time, while supportive housing (like in-patient drug

treatment) may address short-term needs, it does not necessarily mean that the person will later be able to successfully secure safe and affordable housing. In fact, the preliminary common themes from participants in our sample have demonstrated that poverty among criminal justice involved adults is deep and institutional and has very few recourses, and rather than probation being a second chance, it still is associated with severe barriers in economic and spatial mobility.

Additionally, the experiences of the adults on probation highlighted in this study show how pressures and expectations from probation officers, family, and the community put pressure on participants to resolve matters that are often out of their control. It is widely accepted, for example, that employment instability and housing insecurity are interdependent (Burgard, Seefeldt, & Zelner, 2012), but few studies examining either matter include former involvement in the criminal justice system in their framework. Recognizing the importance of a holistic approach, we chose to analyze housing and employment together to further explore the interconnectedness of these socioeconomic barriers. For example, the story we shared above about John shows how housing insecurity and a house arrest order pushed him to rely on his family support system for shelter, protecting him from becoming homeless and strengthening his bond with his children. Yet for Danny, his arrest and subsequent probation sentence threatened to leave him and his partner homeless as a result of a change in occupation and income. Such experiences support claims made by Hebert, Morenoff and Harding that family support and higher income can prevent “rooflessness” for formerly criminal justice involved adults. Our data was limited to adults in probation in Hennepin County, Minnesota. Even so,

race and class disparities affecting justice involved people contribute to many of the employment and housing barriers our participants described at a national level (Herbert et al., 2015). To address these barriers, local, state, and federal policies should seek to combat stigma against formerly criminal justice involved adults both during and after the hiring and tenant selection processes, so that adults on probation have an opportunity for safe and secure housing, and financial stability through gainful employment. Future research might examine how adults in different social contexts experience supervision such as determining whether state or local-level criminal justice and welfare policies impact the ability of adults on supervision to find and/or maintain dignified employment and housing. Such research must also consider the adverse outcomes of housing insecurity on children, and the subsequent additional stress for parents on probation to find secure and stable housing (Radcliff, Crouch, Strompolis, & Strivastav, 2019). Additionally, further research should consider an analysis of the economic benefits and drawbacks that illicit sources of income provide for criminal justice-involved adults.

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