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**Citation for published version:**

McVie, S (ed.), Francis, B, Soothill, K & Humphreys, L 2013, 'Middle-class Offenders as Employees – Assessing the Risk: A 35-year Follow-up' Journal of Offender Rehabilitation, vol 52, no. 6, pp. 407-20., 10.1080/10509674.2013.813617

**Digital Object Identifier (DOI):**

[10.1080/10509674.2013.813617](https://doi.org/10.1080/10509674.2013.813617)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Author final version (often known as postprint)

**Published In:**

Journal of Offender Rehabilitation

**Publisher Rights Statement:**

© Middle-class Offenders as Employees – Assessing the Risk : A 35-year Follow-up. / McVie, Susan (Editor); Francis, Brian; Soothill, Keith; Humphreys, Les.  
In: Journal of Offender Rehabilitation, Vol. 52, No. 6, 2013, p. 407-20.

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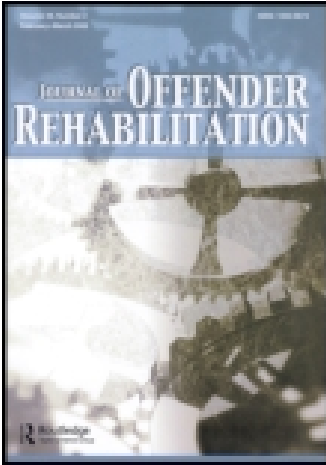


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On: 18 August 2014, At: 03:21

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



## Journal of Offender Rehabilitation

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/wjor20>

### Middle-Class Offenders as Employees—Assessing the Risk: A 35-Year Follow-Up

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Published online: 02 Aug 2013.

To cite this article: Keith Soothill, Les Humphreys & Brian Francis (2013) Middle-Class Offenders as Employees—Assessing the Risk: A 35-Year Follow-Up, *Journal of Offender Rehabilitation*, 52:6, 407-420, DOI: [10.1080/10509674.2013.813617](https://doi.org/10.1080/10509674.2013.813617)

To link to this article: <http://dx.doi.org/10.1080/10509674.2013.813617>

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## **Middle-Class Offenders as Employees— Assessing the Risk: A 35-Year Follow-Up**

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*A 35-year follow-up of a series of 317 middle-class offenders in England and Wales suggests that the dangers of employing offenders may be more limited than expected. Although 40% were subsequently convicted, only 8% were subsequently convicted of offenses that directly and adversely affected an employer. This work should challenge the “exaggerated fears” of employers. Interestingly, variables which normally predict subsequent criminal activity made no impact in trying to predict offenses against an employer.*

**KEYWORDS** *criminal careers, embezzlement, employee theft, white-collar crime*

### INTRODUCTION

Interest in white-collar crime is a burgeoning area, but there has been much less focus on middle-class persons who commit crime. Elsewhere (e.g., Soothill, Humphreys, & Francis, 2012), it has been argued that this comparative neglect of middle-class persons in criminology is for at least three reasons that can be identified as “ideological,” “conceptual,” and “methodological.” The ideological reason is simply the belief that middle-class persons rarely

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Funding for this project was provided by the UK Economic and Social Research Council under the National Centre for Research Methods Initiative (RES-576-25-0019).

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commit crime. The conceptual issue is the importance of distinguishing between the offense and the offender, where the interest has been on the white-collar offense rather than the middle-class offender. The methodological point is that many, if not most, research designs fail to incorporate middle-class persons in their samples.

As a result, there is a dearth of literature that focuses on middle-class persons committing crime. So, for example, the book, *Crimes of the Middle Classes*, by Weisburd et al. (1991), would seem to be pivotal in widening the focus on crime to the activities of the middle classes. While appropriately titled, it is potentially misleading. The crimes discussed in the book certainly are the crimes of the middle classes (in other words, it considers crimes that are unlikely to be committed by persons designated as belonging to the “working” or “lower” classes), for the series is derived from a large empirical study of persons prosecuted in the federal courts for white-collar offenses. However, with its focus on white-collar crime, it may mislead on the potential criminal repertoire of the middle-class offender (which will overlap with the criminal repertoire of the working or lower classes). In short, middle-class persons can commit sexual crimes, drive dangerously, murder, shoplift, and burgle houses, as well as commit white-collar crime. Curiously, the potential repertoire of the middle-class offender is wider than that of the working-class offender, but they are popularly expected to do less criminal activity.

There has been a recent emphasis in most western societies of greater disclosure of criminal records. This has accompanied a massive shift in the nature of employment over the past 50 years or so. No longer are there many work activities where persons are recruited with “no questions asked” in the way that is described in John Martin’s (1962) classic study, *Offenders as Employees*. Most permanent jobs now require the completion of a form that demands the declaration of any previous convictions. In short, there is more difficulty for offenders seeking employment than yesteryear. As Williams (2007) poignantly stated, “Employers would just as soon not hire ex-offenders” (p. 521). She went on to say:

Because current law places the burden on employers to evaluate the risk that a particular ex-offender poses on the job, but gives them few tools with which to make that evaluation, employers would rather err on the side of caution and turn ex-offenders away. (Williams, 2007).

In brief, there is a need for more evidence about the risk of employing exoffenders.

Traditionally, in considering rehabilitation, there has been much focus on the likelihood or not of a further conviction. There are studies galore that attempt to show the variables that help to predict the outcome of reconviction. However, in terms of evaluating workplace risks, many types of reconvictions are strictly irrelevant, for they are committed outside the purview of

the workplace. While crime relating to activities outside the workplace may have an indirect impact—such as, loss of time attending court hearings, et cetera—most crime is not a direct danger to the interests of an employer.

White-collar crime provides an interesting example. Without getting too involved in definitional issues, there is an important distinction between crime that is committed for the supposed benefit of the organization (that is, to increase profits) and crime that is committed against the interests of the organization (such as embezzlement). In the former case, when offenders are convicted of offenses for a firm they can expect support from fellow businessmen. The evidence is that persons who commit offenses which, wisely or unwisely, they believe to be in the interests of the firm or organization, do not seem to suffer the stigma normally attached to a criminal conviction.

The pattern has always been clear. In 1961 in the United States, in what became known as the “incredible electrical conspiracy,” 45 executives of 29 of the nation’s leading heavy electrical equipment companies, including General Electric and Westinghouse, were convicted of conspiracy to set bid prices for electrical equipment in violation of the Sherman Antitrust Law. But they did not need to fear ill consequences from penal sanctions, for the defendants did not seem to have much problem in continuing their careers after they had come out of the courts, or else after a very short prison sentence (Smith, 1969). In contrast, those persons convicted of offenses against the interests of the organization can expect a much harsher employment climate to face in terms of reentry. Indeed, in the United Kingdom the state engages with employers in an effort to protect employers from such rogues. The UK National Fraud Strategy Authority has established a staff fraud database. Employers are encouraged to record “staff frauds” with the database and this data can then be shared with responsible employers.

Further, what happens to middle-class offenders who commit crimes not directly relevant to their business career (sexual or drug offenses, for example)? This is a constituency that is rarely considered in research terms, but one must recognize that with the increasing bureaucratization of recruitment and the antipathy towards recruiting offenders they also will have increasing difficulty in finding employment.

The focus here is specifically on middle-class offenders. This is because of the dearth of evidence on the employment of middle-class offenders and yet this constituency will be much affected by the recent emphasis on the greater disclosure of criminal records.

Two issues are confronted here:

1. How much of the subsequent criminal activity of middle-class offenders is to the direct detriment of employers?
2. Is it possible to predict the risk that a particular middle-class offender poses on the job?

## PREVIOUS WORK

Apex, an employment agency for exoffenders, carried out a study in the early 1970s to find suitable employment for a consecutive series of 474 middle-class offenders (all but five of them men; Soothill, 1974). Of the 474 clients, there was placing action carried out on behalf of 388 of them. In fact, there were 18,575 different contacts with employers to try to find suitable employment. As a result, 173 of the clients eventually started work. At least 80 of them stayed a year or more. This is an ideal series to probe the eventual outcome for middle-class offenders, for there is now scope for a long-term criminological follow-up. The aim of this paper is to assess the criminological outcome after a 35-year follow-up in terms of estimating the dangers to employers. In short, the difficulties of finding work for this series were massive, but how did the offenders respond to this effort?

Previous analyses of this series have been particularly concerned in trying to probe whether the efforts of Apex were beneficial in helping the members of this series in avoiding further confrontation with the law. The evidence is contentious, but it would seem that “remaining in contact with the organization, irrespective of whether a suitable job is found, benefits those with around four to twelve previous convictions” (Soothill, Francis, & Escarela 1999, p. 303). More recently, a study (Soothill et al., 2012) considered 317 of these offenders with a follow-up of at least 35 years. It showed, for example, 40% were reconvicted of any standard-list offense<sup>1</sup> and 8% were reconvicted of a sex or violence offense. The study helps to support the notion that middle-class persons are very much part of “the crime problem.” However, it is not clear from this previous analysis how much danger the employers actually faced in terms of their own interests from the criminal activity of these middle-class offenders.

## METHODOLOGY

The basic resource for the present study is a consecutive series of 388 middle-class offenders who were actively seeking employment in the United Kingdom in the early 1970s; during this time they contacted or were referred to the Apex Trust, who acted as a specialist employment agency for exoffenders. The aim is to consider the criminological outcome after a 35-year follow-up of the basic employment-placing interview at this organization. In particular, the focus is on the crimes that directly affect an employer employing an exoffender.

First, however, the issue of the definition of a middle-class offender. The crucial point is that this consecutive series were accepted by Apex on the basis that these offenders were seeking white-collar employment. The placing officers decided that they had appropriate credentials or experience

for seeking this type of employment. A pivotal element is that seeking white-collar employment requires the development of a detailed CV (*curriculum vitae*), which involved the expertise of the Apex placing officers. We contend that seeking white-collar employment pinpoints their class position as middle class,<sup>2</sup> defined in occupational terms, when they were interviewed by Apex.

The basic employment Apex interview took place between January 1970 and February 1974 and, particularly for those imprisoned, this interview could take place some time after they had originally contacted Apex. The outcome measures of subsequent reconvictions were calculated from a “target date” (the target date is the date that the basic Apex interview was conducted if the offender had a noncustodial sentence or was interviewed by Apex after release from custody) or the day of release from custody if the offender was interviewed by Apex whilst still in custody. Hence, the target date is when the offender is genuinely at risk of committing further offenses after being interviewed by Apex.

Those approaching help from the Apex Trust in seeking white-collar employment are certainly not a random series of middle-class offenders. However, as previous work (Soothill, 1981; Soothill & Holmes, 1981; Soothill, Francis, & Ackerley, 1997; Soothill et al., 1999) has shown, they are a heterogeneous group. At the time of the Apex basic interview, “the clients covered the full adult age range, but were generally somewhat older than an average offender population—41%, for example, were aged 40 or over.<sup>3</sup> Around two thirds of the clients had probably obtained at least one educational qualification.<sup>4</sup> Of the series, 84% had received a custodial sentence for their last offense (the target offense) and property offenses (86%) predominated. For 42% the offense prior to contacting Apex was their first conviction. There was evidence that at least 157 (or 45%) had convictions for offenses committed against employers, while in the course of employment checks several other cases were found to have committed offenses against previous employers which had not led to prosecution’ (Soothill et al., 1997, p. 585).

In previous work the employment background and aspirations of the series have been described as follows:

While there were some very highly qualified professional men among the clients, the vast majority were in the lower grades of white-collar work. Around 40% were primarily interested in clerical work usually involving some aspect of book-keeping (e.g., accountancy, credit control), a further one-quarter were seeking professional and administrative work which did not involve book-keeping, just under one-quarter were interested in selling, while the remainder specifically stated that he would accept any kind of employment or gave such a variety of possibilities that the client clearly had no fixed ideas or was simply desperate for employment. (Soothill, 1976, pp. 451–452)

**TABLE 1** The Home Office (HO) Codes and the Number of Offenders Convicted for Each Category of Offenses Against Employers

Category of offense	HO code	No. of offenders with previous offenses <sup>a</sup>	No. of offenders with subsequent offenses <sup>a</sup>
Stealing by an employee; embezzlement	41	101	23
Stealing mail bags or postal packets; unlawfully taking away or opening mail bag	42	8	1
Frauds by agents, trustees, company directors, etc.	51	22	0
False accounting	52	45	6

<sup>a</sup>The total is greater than the number of offenders as some offenders had more than one conviction for an OAE during the follow-up.

For the present 35-year follow-up, 317 persons (of the 388 in the original series) were successfully traced using the Home Office Offenders Index (1998) and are included in the analysis. The main outcomes of interest in this study are convictions for offenses against employers. We include four offenses in our count of offenses against employers (OAE) which can be gleaned from the Home Office Offenders Index output, namely, embezzlement; stealing by an employee,<sup>5</sup> (stealing mail bags, etc.); frauds by agents, trustees, company directors; and false accounting. Table 1 shows the relevant Home Office code for each offense and the number of previous and subsequent offenses in the five categories. For both previous and subsequent OAE offenses, stealing by an employee and false accounting clearly dominate.

## RESULTS

### How Much Subsequent Criminal Activity is to the Direct Detriment of Employers?

As Table 2 shows, a high proportion of this series of middle-class offenders had OAE convictions prior to coming to Apex for the target interview—131 (or 41%) in this series had such previous convictions. However, a much smaller

**TABLE 2** Number of Offenders with Subsequent Offenses Against Employers (OAE) by Number of Offenders with Previous Offenses Against Employers (35-Year Follow-Up)

No. of offenses	No. of offenders	No. of offenders with at least one subsequent OAE conviction	%
No previous OAE offenses	186	13	7.0
One or more previous OAE offense	131	12	9.2
Total	317	25	7.9

Note.  $\chi^2 = 0.5$  on 1 *df*,  $p = .48$ .



proportion—25 (or 8%)—had such subsequent convictions. Interestingly, as Table 2 also shows, having a previous OAE conviction is not a powerful predictor for a subsequent OAE conviction. In fact, 9% of those with a previous OAE conviction have a subsequent one as well, while 7% of those with no evidence of a previous OAE conviction are actually convicted of such an offense subsequently. The chi square statistic for this contingency table is 0.50 with 1 degree of freedom and the associated  $p$  value is .48. Therefore, there is no evidence to accept the hypothesis that there is an association between previous OAE and subsequent OAE. In other words, the difference we observe is of no practical significance. This was an unexpected result.

In a previous article on this data (Soothill et al., 2012), the authors identified—on the basis of previous criminal history and using latent class analysis (LCA)—five clusters of offenders: low-rate white-collar, low-rate general, medium-rate acquisitive specialists, medium/high-rate generalists, and high-rate generalists, which had reconviction rates for any standard-list offense at the end of 35 years of 19.1%, 27.8%, 37.9%, 71.4%, and 87.0%, respectively. Certainly, the low-rate clusters have an appreciably lower reconviction rate than the higher rate clusters. We expected that the five clusters would be able to help to differentiate those offenders with subsequent OAE offenses. However, Table 3 certainly challenges this notion with very little difference between the clusters in terms of the numbers and percentages reconvicted for a subsequent OAE offense.<sup>6</sup> As one of the main differences between the clusters is the mean conviction rate—that is, the frequency of offending—the similarity between the clusters in terms of the likelihood of OAE offenses suggests frequency is not a crucial variable. In other words, OAE offenses are not simply yet another feature in the repertoire of prolific offenders, for OAE offenses feature to a similar extent in those engaged at different rates of offending. Hence, if there are differences that one can identify, one needs to look elsewhere for a solution.

Table 4 considers the subsequent offenses against an employer in relation to Apex placing action. While overall 7.9% of the series subsequently have OAE convictions, there are some marginal differences between the

**TABLE 3** Offenses Against an Employer (OAE) by Cluster Types (35-Year Follow-Up)

Cluster type	No. of offenders	No. of offenders with at least one subsequent OAE conviction	%
Low-rate white-collar	93	7	7.0
Low-rate general	64	5	7.2
Medium-rate acquisitive specialists	71	6	7.8
Medium/high-rate generalists	44	4	8.3
High-rate generalists	20	3	13.0
Total	317	25	7.9

Note.  $\chi^2 = 1.0$  on 4 *df*,  $p = .91$ .

**TABLE 4** Subsequent Offenses Against an Employer (OAE) by Apex Placing Action (35-Year Follow-Up)

Placing action	No. of offenders	No. of offenders with at least one subsequent conviction for OAE	%
Stayed less than 1 year	79	8	10.1
Stayed 1 year or more	66	4	6.1
Not placed	172	13	7.6
Total	317	25	7.9

Note.  $\chi^2 = 0.87$  on 2 *df*,  $p = .65$ .

subgroups. 6.1% of those placed by Apex and who stayed at the job arranged by Apex for 1 year or more had OAE convictions—the lowest reconviction rate of the three subgroups. In contrast, 10.1% of those who were placed by Apex and stayed at the job for less than a year had OAE convictions—the highest rate of the three subgroups. Combining the two groups who were placed into work by Apex provides an OAE conviction rate of 8.3%, marginally higher than the 7.6% rate of those not placed by Apex. This all suggests that the Apex placing action had no impact on the likelihood—or not—of an OAE conviction<sup>7</sup> but, nevertheless, the outcome of the placing action indicates that those who stayed the longest in the Apex job were marginally less of a threat to an employer.

This leads to the question whether any of those placed by Apex subsequently had OAE convictions. In fact, we have very limited information on the subsequent work histories on these persons beyond knowing whether they were placed by Apex and whether they stayed at the job up to the 1-year point. At the 1-year point, those placed agreed not to try to make further contact with either them or their employers. However, one is able to probe the point when the OAE activity that led to a subsequent conviction took place.

In relation to the 25 offenders who had a subsequent OAE conviction, Table 5 shows the date of their OAE subsequent conviction in relation to the target date when they were genuinely at risk of committing further offenses. If they had more than one such subsequent conviction, the first conviction is the one considered in Table 5.

**TABLE 5** Time (in Years) to First Conviction Against an Employer During 35-Year Follow-Up, for the First 25 Offenders Convicted of an OAE.

	<i>M</i>	Range
Stayed 1 year or more ( $n = 4$ )	9.1	5.0, 11.9
Stayed less than 1 year ( $n = 8$ )	4.2	0.2, 15.0
Not placed ( $n = 13$ )	6.2	0.7, 19.7
All offenders ( $n = 25$ )	6.0	0.2, 19.7

Table 5 demonstrates that those who were placed and stayed more than 1 year at the Apex job seemed to do much better than the other two subgroups. In brief, of those who failed in respect of being convicted of offenses against an employer, the downfall tended to occur much quicker among the other two subgroups and the likelihood of an OAE conviction occurring lasted much longer among those who stayed less than one year or who were not placed by Apex.

The second point is that the bulk of OAE convictions (around two thirds) occur after being at risk between 2 and 10 years. In addition, around one sixth occur before the 2-year point and another one sixth occur after the 10-year point. It is not surprising that there are no such offenses after the 20-year point as many of the series will be past retirement age by this time.

### Is It Possible to Predict the Risk that a Particular Middle-Class Offender Poses While Employed?

While there are marginal differences between the subgroups in the previous section, it seems appropriate to combine the subgroups to focus on the second question.

The Appendix shows a series of criminal history and background variables recorded at the time of the Apex interview and which are available for analysis. *Prima facie* one might have expected at least some of these variables to have a possible relationship—and hence, could be regarded as risk factors—in terms of going on to be convicted for an OAE. So, for example, age and previous criminal history are usually powerful predictors. The Appendix lists all the variables that were tested.

All of these variables were individually entered as single covariates into binary logistic models with OAE as the dependent variable to test their significance in the absence of any other variables. Remarkably, none of the variables was significant even at the 10% significance level. Another model was fitted in which all covariates were entered into the model and the backward elimination method was used to estimate the significance of each variable. Significance was assessed using likelihood ratio tests. This is an iterative procedure that starts by testing the significance of removing each variable whilst all other variables remain in the model. The least significant variables are then completely removed from the model and the significance of the remaining variables is tested. The process is repeated until all variables are significant at the specified level (in this instance the 10% significance level). Once again, none of the covariates proved to be significant. Finally, a number of models were estimated using backward elimination in which various combinations of covariates were entered to see if significance was dependent on the inclusion of only certain of the possible covariates. Again, none of the variables showed any predictive power. Certainly, using the variables identified in the Appendix, there is no evidence to suggest that one can, indeed, predict those likely to be convicted of OAE activity.

## DISCUSSION AND CONCLUSIONS

The aim of this study is to probe the dangers to employers of employing a series of middle-class offenders who had previously been convicted of a variety of offenses. The long-term nature of the follow-up is particularly important in relation to assessing the likelihood of offenses against employer (OAE) convictions in the context of white-collar employment. The latter type of employment often involves trust, which may need to be built up over a period of time before being abused. In other words, the usual follow-up periods of 1, 2, or 3 years are inappropriate for a series of this kind. Within the scope of the present long-term follow-up of 35 years, the present study provides evidence that the dangers in employing offenders may not be as great as some might imagine. It enables us to address Williams's point (2007, p. 521) that "the current system of employer evaluations is based on exaggerated fears and leads to ex-offender unemployment, which is likely to make our communities less safe, rather than more." However, first there are methodological issues to confront in the present study.

The methodological issues are straightforward ones. Firstly, the measure of harm to the employer is based on four Home Office codes, which reflect OAE. The strength of the measure is that it is consistent and was applied in the same way to both previous and subsequent convictions and, thus, one can say with some confidence that this series of middle-class offenders had many fewer subsequent OAEs than they had committed previously. However, the weakness of the measure is that it is not all-inclusive, for there is other criminal activity that may happen in the workplace and which would not be captured by this measure. Assaults in the workplace would be one example and the extreme example of homicide would be another.

Secondly, while convictions are a solid measure, they do not represent the extent of "trouble" at the workplace. Suspicions of serious misbehavior leading to dismissal may well take place without the interventions of criminal justice agencies. In other words, there is a potential "iceberg" phenomenon in this study with convictions being the only visible manifestation of serious misbehavior in the workplace. However, the crucial issue is whether ex-offenders are disproportionately sacked for offenses against the employer (but without notice to the police) compared with other employees. In fact, there is some merit in the argument that ex-offenders in such a context are more likely to be reported to the police if their previous criminal history is known.

Thirdly, the sample is not a random one, but a consecutive series of middle-class offenders that came to a specialist employment agency for ex-offenders for help to find employment. They had been previously convicted of a variety of crimes, but they are not typical insofar as a significant minority had been convicted of offenses against employers in the past. The series also included men who had committed sexual and violent offenses and so would be seen by employers as potential dangers in other respects. Indeed, most of

them came to the agency because they knew they would be difficult to place. They had agreed for Apex to present and discuss their employment and criminal histories directly with employers.

So what were the outcomes? Previous work (Soothill et al., 2012) has shown that a significant minority of these middle-class persons were still engaged in criminal activity after contacting the Apex organization; indeed, 40% were reconvicted of any standard-list offense. But our contention is that most of this subsequent criminal behavior does not directly involve an employer. To test this, the present study focuses on the more specific topic of the criminal encounters that directly affect employers. While the results of the present study can be recognized as an underestimate, 25 (or 8%) were subsequently convicted of offenses that directly and adversely affected an employer. However, few of these seemed to be related to the successful placings by the Apex organization where employers would have been warned of the possible risks involved. In contrast, those who were not placed by Apex perhaps demonstrate what employers might expect from such a series of middle-class offenders without such a direct intervention.

While the results provide evidence of a much lower reconviction rate than one might expect of offenses directly involving employers, employers would still, of course, like to be among those who avoid an unfortunate outcome. So can we predict which offenders are likely to be convicted of offenses adversely affecting employers?

In fact, this study provides some counter-intuitive results. This series—many with poor records in terms of offenses against employers—unexpectedly showed that previous OAE offenses do not provide much help in predicting the likelihood of subsequent OAE offenses, nor, again perhaps more surprisingly, do criminal histories (in terms of the typologies we developed) provide any assistance. Indeed, the variables that normally predict the likelihood of subsequent criminal activity made no impact in trying to predict OAE activity. All this has serious implications for the placing of offenders into employment after conviction. Further, this is in the context of a situation that over the past 50 years has steadily grown worse for offenders seeking rehabilitation through employment opportunities. Earlier, we highlighted the immense difficulties experienced in trying to place this series into suitable employment but, in truth, many of the risks that employers were prepared to take in the 1970s would not be repeated now.

The market situation and the employment context have changed dramatically for all offenders. We have moved from a market situation approaching full employment to high unemployment for many segments of the working population. Further, for the unskilled worker the sector employing persons “with no questions asked” has largely disappeared. For all others, there has been an increased interest in criminal records and there has been a shift in the ease with which such information can be accessed. In other words, the employment context has changed for the worse from an offender’s perspective.

Williams (2007) made a strong case arguing that forcing employers to evaluate risk may not be the best approach:

The conventional background check—obtained through either the state or a private company—usually provides basic information about the crimes for which the individual has been convicted, the release date and location of that individual, and whether the individual is currently under supervision. None provides any factual information about the circumstances surrounding the crime or any rehabilitative measures taken post release. (p. 546)

This study provides some useful evidence in terms of the risks involved and potential ways forward. While there is little to suggest that the intervention of Apex actually reduced recidivism, the skills of the placing officers at informing the employer of the circumstances surrounding the crimes certainly enabled employers to make a much more informed decision. In short, they could reduce the exaggerated fears of employers.

However, this study does more. It also demonstrates that offenses against employers cannot be predicted in the same way and with the same confidence as predicting the likelihood of general criminal activity. Simply predicting the likelihood of future crime does not produce the answer and wrongly suggests that many more offenders are a direct risk to employers than is actually the case. In short, one needs to separate criminal activity that is a genuine threat to an employer from criminal activity that is strictly irrelevant to their interests. In fact, this study suggests that, even among those who have previously been convicted of offenses against employers, the future risk is not as great as one might have expected.

While the solution is not perhaps as straightforward as Williams (2007) suggested, it is argued that the situation can be improved by enabling probation and parole officers to have stronger links with employers. As Williams stressed, “making ex-offender employment safe and rehabilitative will require cooperation between employers and corrections department” (p. 521). Graffam, Shinkfield, Lavelle, and McPherson (2005) pointed out that such support for successful employment might include stable accommodation, addressing training and educational needs, and helping the offender with mandatory reporting. Additionally, Thompson and Cummings (2010) pointed out the need for interpersonal skills development, and communication by probation officers of the future risk of offending to employers (as successfully implemented in the original APEX intervention). Such support and information will assist the employer in assessing risk of employing exoffenders. Certainly probation and parole officers have superior information about and access to exoffenders whereby they can, as Williams suggested, assess any danger posed and notify employers. Already the state is helping employers. In the United States, there is the federal bonding system that protects employers against thefts or embezzlement perpetrated by exoffender employees of up to \$25,000 (National H.I.R.E. Network Federal Bonding Program, <http://hirenetwork.org/content/>

federal-bonding-program). Employers pay nothing for the bond insurance, which is available for all jobs, public or private, part time or full time. However, there are complaints that the protection is too low and the paperwork is too complex, but the principle of a partnership between the state and the employer has been established. Williams also pointed to how in the United States, “Federal and some state tax credits are also available to employers who hire ex-offenders” (p. 532). This can be seen as part of an attempt to shift employers away from erring on the side of caution on account of being provided with minimal and perhaps misleading information. But there needs to be more. In short, there should be “more on a commitment to reentry success through accurate information and community partnerships” (p. 521). As Williams persuasively argued, there should be a shift in the evaluation of workplace risks and opportunities away from employers to corrections departments who can more appropriately assess the circumstances of previous criminal activity.

## NOTES

1. “Standard list” convictions include all offenses triable at Crown Court and also the more serious offenses that are triable at magistrates’ courts only or in either court system (Home Office, 1998).

2. Previous work on this data source (Soothill, 1981; Soothill & Holmes, 1981; Soothill et al., 1997, 1999) has tended to describe the series as white-collar offenders. However, this description is potentially misleading in relation to this series. In fact, when they were originally interviewed, there is evidence that only approaching one half of the series had convictions for offenses committed against an employer. The rest had committed a variety of other offenses, including murder and sexual offenses.

3. Jones (1965, p. 138), for instance, shows that only around one quarter (or 27.5%) found guilty of indictable crimes in England and Wales in 1962 were age 30 years or over.

4. The placing officers interviewed all the offenders to obtain a full CV. This statistic is taken from these CVs. The term “probably” introduces a cautionary note to cover the point that these offenders may have exaggerated their qualifications (the placing officers did not ask to see educational certificates, etc.).

5. The offense of embezzlement relates specifically to theft by employees of the Post Office or the Bank of England; this offense was replaced by Section 1 of the 1968 Theft Act. After 1968, employees of the Post Office or the Bank of England offenders found guilty of such offenses were convicted of stealing by an employee.

6. The chi-square test on this table produces a  $\chi^2$  value of 1.0 on 4 degrees of freedom,  $p = .91$ .

7. The chi-square test on this table produces a  $\chi^2$  value of .87 on 2 degrees of freedom,  $p = .65$ .

## REFERENCES

- Graffam, J., Shinkfield, A., Lavelle, B., & McPherson, W. (2005). Variables affecting successful reintegration as perceived by offenders and professionals. *Journal of Offender Rehabilitation, 40*(1), 147–171.
- Home Office. (1998). *The Offenders Index codebook*. London, UK: Author.
- Martin, J. P. (1962). *Offenders as employees*. London, UK: Macmillan.
- Schwartz, R. D., & Skolnick, J. H. (1964). Two types of legal stigma. In H. Becker (Ed.), *The other side* (pp. 103–117). New York, NY: Free Press.
- Smith, R. A. (1969). The incredible electrical conspiracy. In D. R. Cressey & D. A. Ward (Eds.), *Delinquency, crime and social process* (pp. 884–912). New York, NY: Harper & Row.
- Soothill, K. (1974). *The prisoner’s release*. London, UK: Allen & Unwin.

- Soothill, K. (1976). The effort involved in finding employment for white-collar offenders. *British Journal of Social Work*, 6(4), 449–463.
- Soothill, K. (1981). Employing white-collar ex-offenders: A five-year criminological follow-up. *British Journal of Social Work*, 11(1), 77–87.
- Soothill, K., Francis, B., & Ackerley, E. (1997). The value of finding employment for white-collar ex-offenders: A twenty-year criminological follow-up. *British Journal of Criminology*, 37(4), 582–592.
- Soothill, K., Francis, B., & Escarela, G. (1999). White-collars and black sheep: A twenty-year criminological follow-up of white-collar ex-offenders. *Australian and New Zealand Journal of Criminology*, 32(3), 303–314.
- Soothill, K., & Holmes, J. (1981). Finding employment for ex-prisoners: A ten-year follow-up study. *Howard Journal of Criminal Justice*, 20, 29–36.
- Soothill, K., Humphreys, L., & Francis, B. (2012). Middle-class offenders: A 35-year follow-up. *British Journal of Criminology*, 52(4), 765–785.
- Thompson, M. N., & Cummings, D. L. (2010). Enhancing the career development of individuals who have criminal records. *The Career Development Quarterly*, 58, 209–218.
- Weisburd, D., & Waring, E. (2001). *White-collar crime and criminal careers*. Cambridge, UK: Cambridge University Press.
- Weisburd, D., Wheeler, S., Waring, E., and Bode, N. (1991). *Crimes of the middle classes*. New Haven, CT: Yale University Press.
- Williams, K. A. (2007). Employing ex-offenders: Shifting the evaluation of workplace risks and opportunities from employers to corrections. *UCLA Law Review*, 55, 521–558.

## APPENDIX

**TABLE A1** Variables Tested as Covariates in Binary Logistic Regression Models With Subsequent Conviction for OAE as the Outcome

Present offense	Six categories: White-collar, violence, sexual (nonconsensual), burglary, theft, other
Previous OAE offense	Two categories: None, at least one
Previous custody	Two categories: None, at least one
Cluster	Five categories: Low-rate white-collar, low-rate general, medium-rate acquisitive specialists, medium/high-rate generalists, high-rate generalists
Education	6 categories: Degree, A-levels, O-levels, any (less than O-levels), vocational qualification, none
Age	3 categories: Under 30, 30–45, 45+
Marital status	2 categories: Single, ever married
Difficulties (e.g., marital problems, substance abuse)	2 categories: 0–1, 2+
Level of longest job	3 categories: White-collar (lower), white-collar (upper), blue-collar
Level of most recent job	3 categories: White-collar (lower), white-collar (upper), blue-collar
Apex activity	2 categories: Placed, not placed
Percent of career in longest job (continuous)	