

# Workplace Disability and Death in an Era of Mass Incarceration: Insights from the US Military

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The United States is the global leader in two important areas: incarceration and military strength. The country has the highest incarceration rate in the world. The rise of aggressive policing and mass incarceration since the 1980's have led to as many as 100 million, or close to 1 in 3 Americans, having some type of criminal record. Secondly, the US spends more on its military than any other country and maintains the world's third largest armed forces with over 1.4 million women and men on active duty.

Taking these two facts together, it is not surprising that the military happens to be one of the largest employers in the US to regularly hire people with a criminal record. However, little attention has been paid to understanding the lives of the individuals thus hired.

In Strader and Hines (2020), we examined the relative risks of combat exposure, disability, and death between enlisted soldiers with and without criminal records in the Army, using the administrative data obtained through a Freedom of Information Act (FOIA) request. Our analysis found that people with felony and misdemeanor records are far more likely to be placed in dangerous (that is, with a high likelihood of exposure to combat) occupations than those without criminal records. After accounting for the level of combat exposure, we discovered that enlisted soldiers with felony and misdemeanor records face 1.25 and 1.13 times higher odds of disability and injury. As for the likelihood of death, we estimate that, compared to those with no felony or misdemeanor records, the odds of death are 1.4 times higher among those with misdemeanor-level records and 1.74 times higher among those with felony records.

To fully comprehend these findings, the following three points must be considered. First, people who come into contact with the criminal justice system face multiple barriers to employment, even when they have not been charged. Many employers conduct background checks during the hiring process and are hesitant to hire people with criminal records. In addition to social stigma, people with criminal records face legal barriers barring them from applying for occupational licenses, housing assistance, and social welfare benefits. Collateral consequences of criminal conviction also include voting restrictions. These exclusionary practices have resulted in the disenfranchisement of people with criminal records (Wakefield and Uggen 2010).

Second, because people with a criminal record are excluded from the labor market and from social and political life, the military remains one of the important second-chance institutions. Although the US Code, Title 10, Section 504 prohibits people with a felony conviction from enlisting in the armed forces, the military conducts a "whole person" evaluation to screen applicants and grants a waiver on meritorious basis. Given that many people with criminal records are screened out of consideration with the use of background checks elsewhere,

While the US military offers persons with criminal records a 'second chance', this employment comes with elevated risks of combat exposure, disability and death compared to regular recruits.

it is striking that the military collects and evaluates information about the “who, what, when, where, and why” of the offense in question. If a waiver can be obtained, military service offers stable employment, competitive pay, and comprehensive benefits that are hard to come by in the civilian sector, including health care, housing, and tuition assistance. These institutional factors likely promote upward mobility and social integration, and there is some evidence that military service may facilitate desistance from future crimes (Lundquist, Pager and Strader 2018).

Lastly, although military enlistment comes with an array of benefits and incentives, it also carries serious risks of death and injury, as well as psychological trauma. The unavoidable truth is that the military is a profession of arms. Because joining the armed forces is a life changing decision not to be taken lightly, previous research has sought to understand who joins the military and how the military may reduce or reproduce inequality found elsewhere in the US. While there is ample evidence indicating that the military reduces various racial and class disparities found in the civilian sector, studies also suggest that those from disadvantaged backgrounds tend to enlist at higher rates and the burden may fall unequally on their members.

These insights and our findings provide important implications for policy and practice to address the economic, social, and political barriers hindering the full participation of people with criminal records. To reduce inequality in the labor market, it is critical for policymakers and practitioners to evaluate the nature of jobs that are currently available to people with criminal records (Purser 2012) and encourage employers to conduct a “whole person” review of applicants. Speaking specifically about the military, because second chances are scarce, it is important that people with criminal records remain eligible to enlist through the moral waiver program. Nevertheless, disparities in combat assignment and casualties between those with and without criminal records must be addressed. Finally, a recent executive order issued by the Biden Administration to facilitate voting for eligible people in federal custody or under supervision is a step in the right direction. However, because many people with a criminal record still lack the right to vote, it is important for all of us to understand and document the full extent of collateral consequences, as we work to strengthen democracy and promote social justice.

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