

***Experiences with the
Criminal Justice System in a Household Survey:
Introducing the
Survey of Criminal Justice Experience (SCJE)***



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INTRODUCTION

The rise in mass incarceration in the U.S. over the past few decades means that a growing share of the population has spent time in jail or prison or has a family member who has been incarcerated. Research shows the incarceration experience is consequential for the well-being of individuals and families. The nontrivial prevalence of the currently and formerly incarcerated in the U.S. population coupled with the evidence that incarceration has enduring negative consequences for individuals and their families speaks to the importance of capturing the incarceration experience in household surveys.

On January 26-27, 2012, the NCFMR spearheaded the *Measuring Incarceration in Household Survey Invitational Forum* that featured leading scholars, federal data providers, and policy makers to discuss how to measure the incarceration experience in household surveys. Key recommendations from this forum centered on the inclusion of (1) multiple indicators of and timing of involvement with the criminal justice system; and (2) conditions of confinement (e.g., probation, jail, prison, detention) as both may contribute to our understanding of the ramifications of incarceration.

The NCFMR conducted original analyses of existing national data sets to estimate the share of the U.S. population's experiences with incarceration. These analyses of national data were limited by measurement and selection challenges. Based on the recommendations emanating from the Invitational Forum, the NCFMR commissioned a household survey to gauge the criminal justice experiences of U.S. adults ages 18-64. The main objective of the survey was to test the reliability and validity of recommended measures of incarceration with the ultimate goal of incorporating them into future nationally representative surveys.

METHOD

Data Source

The Survey of Criminal Justice Experience (SCJE) is an online survey of U.S. adults regarding their experiences with the criminal justice system. The survey was administered by GfK, a market research organization, between May 8th and 20th of 2013 using the organization's online research panel called KnowledgePanel. Panel members were recruited initially through landline telephone using the random-digit dialing (RDD) sampling method. The frame included households with and without internet access. In response to the growing number of cell-phone-only households that are outside the RDD frame, in 2009, GfK switched to the probability-based sampling of addresses from the U.S. Postal Service's Delivery Sequence File. GfK merged samples from these two frames and selected a single random sample from the panel for client surveys. For panel members without an internet connection, a laptop computer and free internet access were provided. Once households were recruited for the panel, they were contacted by email to complete online surveys. To reduce respondent burden, panel members were generally assigned no more than one survey per week. Incentives were used to improve response rates. The advantages of this mode of administration over other methods are that the survey can be fielded quickly and economically, the contact process is less intrusive, and respondents can choose any day and time to participate in the study.

For this study, 5,278 panel members ages 18 to 64 were randomly selected for interviews. At the end of the field period, 3,260 participated in the survey. Of these participants, 14 did not provide valid answers to any of the questions. The final analytic sample consists of 3,246 respondents, representing a completion rate of 62%. GfK provides a final sample weight for researchers to generalize their estimates to the U.S. population ages 18-64. This weight variable was constructed by taking into account different probabilities of selection related to two

sampling frames: (1) non-coverage, nonresponse, and attrition of the panel members over time and (2) study-specific sample design and survey nonresponse.

This survey contained ‘skip patterns’ because some questions were associated with conditional responses. For example, to ascertain adults’ criminal justice supervision respondents had to answer ‘Yes’ to the question (Q4a), “Since age 18, have you ever been under any form of criminal justice supervision, including on probation, in jail, or in prison?” Respondents who answered ‘No’ were omitted from answering questions regarding recent/current criminal justice supervision. Figure 1 illustrates the skip patterns used in the questionnaire (specific questionnaire wording is described below).

Measures

Two measures capture contact with the criminal justice system: *criminal justice supervision* and *criminal justice experience*. The *supervision* indicator includes respondents who reported having been under any criminal justice supervision (e.g., probation, jail, or prison). The *experience* indicator is broader and consists of respondents who had any *criminal justice supervision* or had either an arrest or conviction.

We focus on two time referents: (1) *any* criminal justice supervision or experience and (2) *recent* criminal justice supervision or experience. *Any criminal justice supervision* was measured using the following questions, “Since age 18, have you *ever* been under any form of criminal justice supervision, including probation, in jail, or in prison?”; “Since age 18, have you *ever* been on probation?”; “Since age 18, have you *ever* been in jail?” and “Since age 18, have you *ever* been in prison?” *Any criminal justice experience* was measured either by an affirmative response to any criminal justice experience or to either of the following questions, “Since age 18,

have you *ever* been arrested, booked, or charged for breaking a law?” and “Since age 18, have you *ever* been convicted of or pled guilty to any charges (other than a minor traffic violation)?”

To measure *recent criminal justice supervision* respondents had to answer “Yes” to the questions “Have you ever been on probation, in jail, or in prison?” This was followed up by series of questions specific to recent probation, jail, or prison sentences. With respect to probation, respondents were asked, “Are you currently on probation?”; “How long have you been on probation?”; and “When did (does) your most recent probation end?” Respondents who reported having ever been in jail or prison were asked, “Thinking about your most recent time in jail/prison, how long were you in jail/prison?”; and “When did your most recent jail/prison term end?” For questions related to probation, jail, and prison experiences, specific dates (i.e., day, month and year) were reported in order to ascertain criminal justice experiences within the *past 12 months*. To measure *recent criminal justice experience* respondents who answered “Yes” to having ever been arrested or convicted were asked, “Have you ever been arrested, booked, or charged for breaking a law in the *past 12 months*?”; and “Have you ever been convicted of or pled guilty to any charges other than a minor traffic violation in the *past 12 months*?”

Respondents had to answer “Yes” to either question.

Sociodemographic Characteristics. Gender was measured for all respondents. We present initial findings according to gender but focus on men in subsequent tables. Age of respondents ranged from 18-64 years, which was then dichotomized into 18-30 years and 31 years and older categories. Race/ethnicity was coded as four categories: *non-Hispanic white, non-Hispanic black, Hispanic, and other non-Hispanic*. Educational attainment was categorized into: *less than high school, high school/GED, some college and bachelor’s degree or higher*. Marital status distinguished among respondents who were: *married, widowed, divorced or separated, never*

married, or living with partner. Divorced and separated respondents were combined together because only 31 sample members reported being separated. Only 12 respondents reported being widowed, so they were not included in the marital status descriptive tables. *Presence of children in the household* was measured using the respondent's report on the number of children present in the household by age group of child/children (i.e., children 0-1 years, 2-5 years, 6-12 years, and 13-17 years). For ease of interpretation, presence of children in the household was recoded into a dichotomous variable (presence of child/children = 1, otherwise = 0).

RESULTS

Criminal Justice Supervision and Experience

An overall description of the criminal justice experience (ever and recent) of all survey participants is presented followed by a more detailed focus on men. If there were fewer than ten respondents in a cell, we denote that cell '—' to indicate a small sample size. One in 10 (10.2%) adults reported having ever been under any criminal justice supervision (i.e., on probation, in jail, or, in prison) and a little over one-fifth (21.5%) of adults reported criminal justice experience (i.e., any criminal justice supervision, arrest, or conviction) (Table 1, panel A). Considering the specific elements of criminal justice experience, 19.9% of adults reported ever having an arrest and 10.7% of adults reported ever having a conviction. In contrast, respondents' *recent* interaction with the criminal justice system was extremely low with 1.2% of adults reporting having been under criminal justice supervision in the last 12 months and 2.8% having recent criminal justice experience (Table 1, panel A).

Women and men have unique experiences with the criminal justice system. Women were less likely to have any interaction with the criminal justice system. A little over 5% of women reported having ever been under any criminal justice supervision, and 14.3% reported having had

some criminal justice experience. In contrast, about three times more men than women (15%) reported having been under any criminal justice supervision and twice as many (28.9%) men as women reported having any experience with the criminal justice system. The percentages of women's reports of ever arrest or conviction were less than half of the percentages of men with 12.7% and 6.5% compared to 27.4% and 15.1%, respectively (Table 1, panels B and C). In terms of recent experiences, women (0.8%) were less likely than men (1.5%) to report any criminal justice supervision in the past twelve months. In addition, women (1.7%) were only half as likely as men (3.9%) to report any recent criminal justice experience (Table 1, panels B and C).

We consider variation according to age among men as shown in Table 1 (panels D and E). Almost 12% of men ages 18-30 years and 16.3% of men 31 years and older had ever been under any criminal justice supervision. One-fifth (20.8%) of younger men compared to nearly one-third (32.0%) of their older counterparts had any criminal justice experience. Younger men's reports of recent criminal supervision were higher than those of older men (3% versus 1%), while younger men's reports of recent criminal justice experience were twice that of older men (6.2% versus 2.9%),.

Table 2 presents the percentages of respondents reporting criminal justice supervision and experience among those living with children. Almost one-tenth (9.3%) of respondents who currently have a child in the household have ever been under any form of criminal justice supervision, whereas one-fifth (20.6%) reported having any criminal justice experience (Table 2, panel A). The percentage of women ever having been under any criminal justice supervision among those living with a minor child was nearly half that of men (6.6% to 12.4%), (Table 2, panels B and C). Fifteen percent (15.2%) of women compared to 26.6% of men living with a minor child reported having any criminal justice experience (Table 2, panels B and C). Among

respondents with children in the household, women (2.5%) were less likely than men (4.2%) to have any recent criminal justice experience (Table 2, panels B and C).

Race and Ethnicity

Black men reported the highest percentage (24.8%) having ever been under criminal justice supervision, followed by Whites (14.2%), and Hispanics (12.0%) (Table 3). Similarly, criminal justice experience was most common among Blacks (38.4%), Whites (28.2%), and Hispanics (26.2%) (Table 3). Blacks (6.5%) had the higher report of any recent criminal justice experience than Whites (2.6%) (Table 3).

Table 4 illustrates racial/ethnic patterns of men's criminal justice supervision and experience among those who currently have a child in the household. There are too few cases to report on recent experiences. Black men (18.6%) had higher reports of having been under any criminal justice supervision compared to 11.7% for Whites. Hispanic men with children presently in the household were least likely to report ever having any criminal justice experience (19.0%), whereas one-quarter (26.8%) of Whites and nearly one-third of Blacks (31.0%).

Education Attainment

Men with less than a high school education (19.8%) and only a high school/GED diploma (21.1%) were more likely than men with some college education or higher to report having ever been under any form of criminal justice supervision (Table 5). The sample size limitations prevent distinctions of recent supervision or experience according to educational attainment. There was an inverse relationship between educational attainment and criminal justice experience such that the likelihood of having criminal justice experience decreased as the level of education increased. Men with less than a high school education (37.7%) were nearly twice as likely to report some criminal justice experience as men with a bachelor's degree or higher

(20.5%) (Table 5). The inverse relationship between criminal justice supervision and experience and educational attainment of men persisted among men with children currently in the household. Almost 20% of men with less than a high school education who currently had a child in the household reported ever having been under any criminal justice supervision compared to less than 10% of men with a bachelor's degree or higher (Table 6).

Union and Marital Status

The patterns of criminal justice supervision and experience vary dramatically by marital status as shown in Table 7. Fewer married and never married men reported ever being under criminal justice supervision or criminal justice experience compared to divorced and cohabiting men. Among married men, about one-tenth (11.7%) reported ever having been under criminal justice supervision and over one-fourth (26.7%) reported ever having any criminal justice experience. One-fifth (21.4%) of currently divorced men reported ever having been under some form of criminal justice supervision, and over two-fifths (44.2%) ever had some criminal justice experience. Almost one-quarter (24.8%) of cohabiting men reported ever having been under criminal supervision, and more than one-third (38.3%) ever had any criminal justice experience. Fifteen percent of never-married men reported ever being under criminal justice supervision and one-quarter (24.4%) of never-married men reported ever having some form of criminal justice experience. Divorced men (8.0%) were most likely to have any recent criminal justice experience followed by never-married men (5.3%) and lastly married men (1.8%).

Cohabiting men (25.2%) with children currently in the household were twice as likely as married (12.1%) to report having ever been under criminal justice supervision (Table 8). Similarly, a focus on recent criminal justice experience indicates that cohabiting men (40.1%) reported the highest levels followed by divorced (33.9%), married (27.5%), and never-married

(16.9%) men (Table 8). There were too few cases to report levels of recent criminal justice experience according to union status among men with children in the household.

Results from National Survey of Family Growth 2006-10 on Criminal Justice Experience

The National Survey of Family Growth (NSFG) is a nationally representative sample of men and women ages 15-44 years living in households in the U.S. This 2006-10 survey provided restricted data—obtained from NCHS—on men’s incarceration history (not available on the public release data file). These data are not available about women. To compare reports of experiences with the criminal justice system from both surveys, two sets of supplemental analyses were conducted with analyses restricted to men ages 18-44 years in both surveys (n=8,988 in the NSFG and n=777 in the SCJE). In the first analysis, comparisons were made between NSFG and the SCJE in the percentage reporting ever being under residential criminal justice supervision (excludes probation, and includes jail, prison, or juvenile detention). Using the NSFG, residential criminal justice supervision was measured based on a single question “Have you ever spent any time in a jail, or a prison, or a juvenile detention center?” For the SCJE residential criminal justice supervision was measured by a series of questions, which began by asking, “Since age 18, have you ever been under any form of criminal justice supervision, including probation, in jail, or in prison?” If respondents answered yes, they were then specifically asked—since age 18—if they had been on probation, in jail, or in prison, separately. All respondents were also asked “Prior to age 18, did you ever spend time in a juvenile detention center?” Drawing on this set of questions, an indicator was created to be as parallel as possible to the single NSFG question. The second analyses include comparisons of residential criminal justice supervision by men’s socioeconomic status (education level).

The results from this supplemental analysis indicated that among men 18-44 years, 26.5% (NSFG) compared to 14.1% (SCJE), reported ever having being under residential criminal justice supervision. Interestingly, when we examine ANY contact with the criminal justice system (including arrest, conviction, probation, jail, prison, and/or juvenile detention) among SCJE respondents, we find 26.4% report any criminal justice experience. It is possible that in the NSFG when respondents are asked a single question regarding criminal justice experience they provide a more global/inclusive response than is explicitly asked. The NSFG respondents may have been thinking about their arrest, conviction, and/or probation experiences when they answered this question, but we have no way of discerning their thought processes.

We explored the relationship between residential criminal justice supervision and socioeconomic status (measured by respondent's educational attainment). An education gradient in criminal justice experience (regardless of how it is measured) exists in the SCJE data, but not in the NSFG. Of male respondents in the NSFG ages 18-44, 25.8% with less than a high school education, 26.7% with a high school diploma, 27.1% with some college, and 26.1% with a bachelor's degree or higher reported ever being under residential criminal justice supervision. In contrast, the SCJE data indicate a linear relationship by educational attainment. Men with a less than a high school education (19.6%) had the highest percentage of reports of ever having any criminal justice experience followed by men with a high school education (17.7%), some college (14.9%), and bachelor's degree or higher (7.8%). The education gradient in the SCJE remains when we assess any criminal justice experience (34% of men ages 18-44 with less than a high school degree and 20% of men with a college degree).

IMPLICATIONS AND RECOMMENDATIONS

This report summarizes the findings from the new NCFMR Survey of Criminal Justice Experience (SCJE), which was designed to explore the utility of various measures of involvement with the criminal justice system among the general population. We have demonstrated that a few simple questions can be employed to capture criminal justice experience. The survey revealed that one in ten adults between ages 18-64 has experienced some form of criminal justice supervision (probation, jail, or prison). One in five adults between ages 18-64 has some form of criminal justice experience, meaning they have been under criminal justice supervision, arrested, or convicted. When we focus on gender, almost one-third (29%) of men and 14% of women have had ever some criminal justice experience. The findings follow the racial and education gradients established in other research. These relatively high prevalence rates (which for men are nonetheless somewhat lower than those obtained in the NSFG) attest to the feasibility of measuring involvement with the criminal justice system in household surveys. Our levels may be lower than the NSFG because the NSFG single item may be capturing any criminal justice experience and not just residential criminal justice experience. Ideally, future surveys will include multiple measures, such as the time frame of involvement (ever versus recent) and indicators of involvement (supervision versus experience) with the criminal justice system.

Figure 1. NCFMR Survey of Criminal Justice Experience Skip Patterns

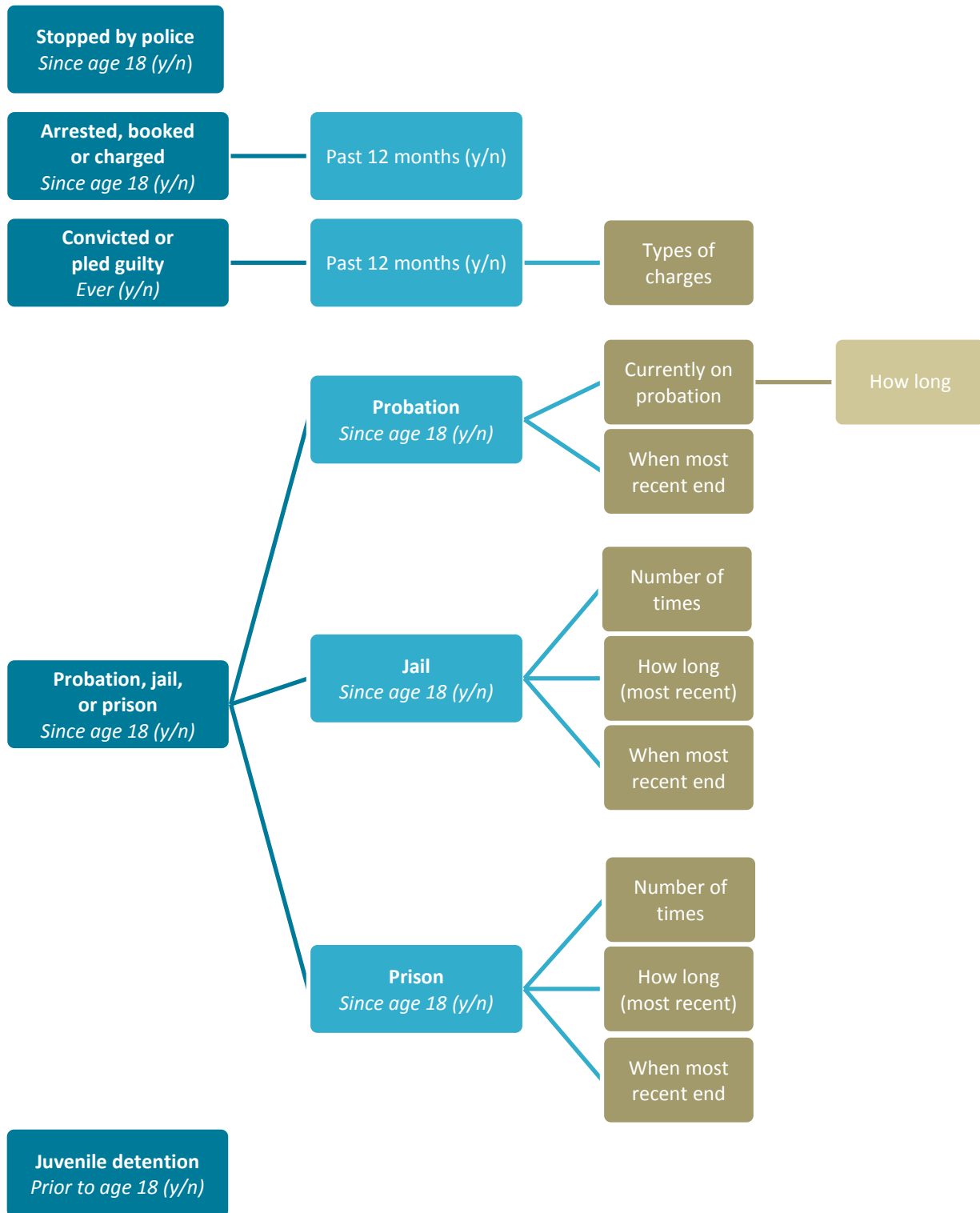


Table 1. *Criminal Justice Supervision and Experience*

	A		B		C		D		E	
	All (18-64 yrs) N=3,246		Women (18-64 yrs) N=1,631		Men (18-64 yrs) N=1,615		Men (18-30 yrs) N=320		Men (31 yrs & older) N=1,295	
	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent
Criminal justice supervision	10.2	1.2	5.5	0.8	15.0	1.6	11.6	3.0	16.3	1.0
Criminal justice experience	21.5	2.8	14.3	1.7	28.9	3.9	20.8	6.2	32.0	2.9
Arrest	19.9	1.4	12.7	0.8	27.4	2.0	18.5	--	30.9	1.4
Conviction	10.7	1.2	6.5	--	15.1	1.8	11.3	--	16.6	1.2

Note:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Recent supervision and experience are measured within the last 12 months
4. Percentages are weighted and Ns are unweighted
5. -- denotes cell with less than 10 cases

Table 2. *Criminal Justice Supervision and Experience among Respondents with Children in Household*

	A		B		C	
	All (18-64 yrs) N=1,174		Women (18-64 yrs) N=609		Men (18-64 yrs) N=565	
	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent
Criminal Justice Supervision	9.3	1.2	6.6	--	12.4	--
Criminal Justice Experience	20.6	3.3	15.2	2.5	26.6	4.2

Note:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Recent supervision and experience are measured within the last 12 months
4. Percentages are weighted and Ns are unweighted
5. -- denotes cell with less than 10 cases

Table 3. *Criminal Justice Supervision and Experience among Men (18-64 years) by Race/Ethnicity*

	White N=1,176		Black N=156		Hispanic N=157	
	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent
Criminal justice supervision	14.2	1.4	24.8	--	12.0	--
Criminal justice experience	28.2	2.6	38.4	6.5	26.2	--

Note:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Recent supervision and experience are measured within the last 12 months
4. Percentages are weighted and Ns are unweighted
5. -- denotes cells with fewer than 10 cases

Table 4. *Criminal Justice Supervision and Experience among Men (18-64 years) with Children in Household by Race/Ethnicity*

	White N=399	Black N=62	Hispanic N=73
	% Ever	% Ever	% Ever
Criminal Justice Supervision	11.7	18.6	--
Criminal Justice Experience	26.8	31.0	19.0

Note:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Percentages are weighted and Ns are unweighted
4. -- denotes cells with fewer than 10 cases

Table 5. *Criminal Justice Supervision and Experience among Men (18-64 years) by Educational Attainment*

	Less than High School N=130	High School/GED N=425	Some College N=471	Bachelor's Degree or Higher N=589
	% Ever	% Ever	% Ever	% Ever
Criminal justice supervision	19.8	21.1	15.8	6.6
Criminal justice experience	37.7	34.0	29.1	20.5

Notes:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Percentages are weighted and Ns are unweighted

Table 6. *Criminal Justice Supervision and Experience among Men (18-64 years) by Educational Attainment with Children in Household by Educational Attainment*

	Less than High School N=57	High School/GED N=143	Some College N=150	Bachelor's Degree or Higher N=215
	% Ever	% Ever	% Ever	% Ever
Criminal justice supervision	19.3	14.3	10.8	8.5
Criminal justice experience	40.2	26.1	26.6	20.5

Notes:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Percentages are weighted and Ns are unweighted

Table 7. *Criminal Justice Supervision and Experience among Men (18-64 years) by Union Status*

	Married N=898		Divorced N=163		Cohabiting N=130		Never Married N=412	
	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent	% Ever	% Recent
Criminal justice supervision	11.7	--	21.4	--	24.8	--	15.2	3.0
Criminal justice experience	26.7	1.8	44.2	8.0	38.3	--	24.4	5.3

Notes:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Recent supervision and experience are measured within the last 12 months
4. Widowed category is excluded due to the total number of respondents, n=12
5. Separated respondents (n=31) are included in the divorce category
6. Percentages are weighted and Ns are unweighted
7. – denotes cell with less than 10 cases

Table 8. *Criminal Justice Supervision and Experience among Men with Children in Household by Union Status*

	Married N=414	Divorced N=31	Cohabiting N=37	Never Married N=79
	% Ever	% Ever	% Ever	% Ever
Criminal justice supervision	12.2	--	25.2	--
Criminal justice experience	27.5	33.9	40.1	16.9

Notes:

1. Criminal justice supervision includes probation, jail, or prison
2. Criminal justice experience includes any criminal justice supervision, arrest, or conviction
3. Widowed category is excluded due to the total number of respondents, n=12
4. Separated respondents (n=31) are included in the divorce category
5. Percentages are weighted and Ns are unweighted
6. – denotes cell with less than 10 cases