



CRIMINAL JUSTICE INVOLVEMENT AND WELL-BEING IN OLD AGE

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Individuals who were young adults when tough-on-crime policies became popular in the U.S. are now nearing and reaching retirement age. Because criminal records make it difficult to find and keep formal employment, it is unclear if our social safety net is prepared to support this group. This paper uses data from the [Criminal Justice Administrative Records Systems \(CJARS\)](#) linked with data from the U.S. Census Bureau and the Social Security Administration (SSA) to provide the first evidence on this looming retirement crisis.

A First Look at People with Criminal Records as They Approach Retirement

Federal, state, and local criminal justice policies shifted to become tougher on crime late in the 20th century, with the result that people born in the 1970s through the early 1990s faced dramatically higher likelihoods of being convicted or incarcerated at some point during their lifetime than people born earlier in the 20th century. Meanwhile, there is substantial evidence that having been convicted or incarcerated reduces future employment.

This set of facts raises important questions about whether social safety nets constructed based on the life experiences of previous generations are prepared to support this new class of economically-vulnerable individuals currently reaching or approaching retirement age. Because of changes in criminal justice policy, these cohorts are less likely to have substantial formal-sector employment histories that would normally qualify them for Social Security retirement benefits, and formal rules disqualify people with criminal records from some types of support. Data constraints have, until now, prevented investigation of these issues.

In this paper, we link newly-available, individual-level administrative data on criminal histories from CJARS with administrative and survey data from the Census Bureau and SSA. We use these data to provide the first descriptive analysis of well-being for people with criminal records who are nearing or have reached retirement age. We consider respondents to the 2005 to 2019 American Community Surveys who were age 50-65 at the time of interview and who had at least one felony conviction or incarceration spell before age 50. For context, we use a low-education non-criminal justice (CJ) comparison group: men with only a high school diploma. Across the board we find that our CJ-contact group faces severe socioeconomic disadvantages relative to this comparison group. For example, about 36% of individuals in the CJ-contact group had family income that was below the poverty line, relative to only 9% of the comparison group.

A Growing Share of Retirees Will Have Criminal Records



We forecast the share of people reaching age 62 (“retirees”) who have criminal histories through 2050. There are increases across all race/ethnicity groups and criminal record types, but increases are most striking for Black retirees. Figure 1 shows how we expect the share of retirees with a felony conviction to change over time. While only 15% of Black retirees had a felony conviction in 2018, by 2040 we expect that share to double.

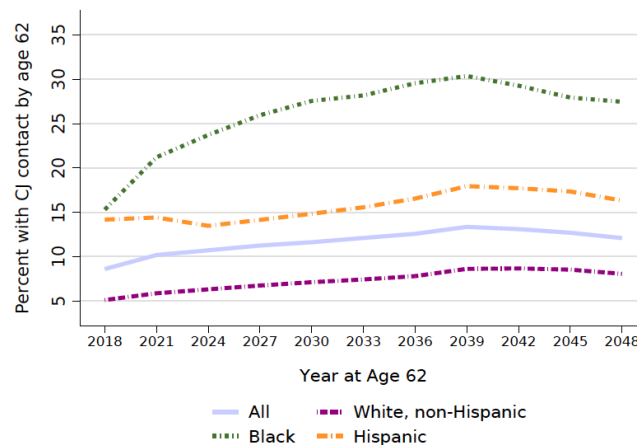


Figure 1: The share of 62-year-olds expected to have a felony conviction, by year. Source: Authors’ calculations based on CJARS linked to SSA Numident and Census Best Race and Hispanic Origin File.

SSI Serves as a Last-Resort Safety Net for the CJ-Involved Population

Individuals with criminal records are more likely to rely on government benefits for which eligibility does not depend on work history, such as the Supplemental Security Income (SSI) program. Those with prior incarceration spells or felony convictions were particularly likely to receive SSI. Focusing on people over age 60, we find that 15-20% of men with a prior incarceration spell received SSI in 2019. By contrast, fewer than 5% of men in our comparison group received SSI that year.

Implications

- Existing safety nets based on life experiences (and work histories) of previous generations may not adequately serve cohorts with more exposure to tough-on-crime criminal justice policies.
- A growing share of the population – particularly Black men – will have a felony conviction or incarceration spell on their record by the time they reach retirement age.
- SSI will likely support a much larger share of cohorts retiring in the coming decades than it has in the past, because eligibility does not depend on work history. This has important implications for program sustainability and budgetary solvency.

The research reported herein was performed pursuant to a grant from the U.S. Social Security Administration (SSA) funded as part of the Retirement and Disability Consortium. The opinions and conclusions expressed are solely those of the author(s) and do not represent the opinions or policy of SSA, the U.S. Census Bureau, or any agency of the Federal Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of the contents of this report. Reference herein to any specific commercial product, process or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply endorsement, recommendation or favoring by the United States Government or any agency thereof. The U.S. Census Bureau reviewed this data product for unauthorized disclosure of confidential information and approved the disclosure avoidance practices applied to this release. CBDRB-FY2022-CES010-002.