

UNIVERSITY OF CALIFORNIA,  
IRVINE

Working Under Threat:  
Coercive Work on Parole in Los Angeles County

DISSERTATION

Submitted in partial satisfaction of the requirements for the degree of

DOCTOR OF PHILOSOPHY

In Criminology, Law & Society

by

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## **DEDICATION**

To currently and formerly incarcerated workers

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“Understanding contraceptive needs of women who inject drugs in Orange County: A qualitative study.” In Press. *Journal of Addiction Medicine*.

Strong, J., Reiter, K., Gonzalez, G., Tublitz, R., **Augustine, D.**, Barragan, M., Chesnut, K., Dashtgard, P., Pifer, N., & Blair, T. “The Body in Isolation: The Physical Health Impacts of Incarceration in Solitary Confinement.” *PLOS One*. 2020;15(10)

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<https://doi.org/10.7326/M20-4543>

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## OTHER PUBLICATIONS

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Reiter, K., **Augustine, D.**, Barragan, M., Chesnut, K., Gonzalez, G., & Pifer, N. (2020). Reflections on Team Research in Carceral Settings. *Prison Stories: Women Scholars' Experiences Doing Research Behind Bars*, 13.

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## REPORTS AND GUIDANCES

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Williams, Brie, Cyrus Ahalt, David Sears, Leah Rorvig, David Cloud, and **Dallas Augustine**. 2020. “How to Release People from Prison to Achieve Public Health Goals during COVID-19: Recommended Principles and Practices.” *Amend: Changing Correctional Culture*. April 13,

2020. Available from: <https://amend.us/wp-content/uploads/2020/04/Public-health-focused-decarceration-guidelines-1.pdf>

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OCNEP  
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## ABSTRACT OF DISSERTATION

Working Under Threat: Coercive Work on Parole in Los Angeles County

by

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Doctor of Philosophy in Criminology, Law & Society

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Associate Professors Keramet Reiter & Naomi Sugie, Co-Chairs

Coercive work occurs when people are required to work under threat of criminal legal repercussions should they fail or refuse to do so. As a requirement of their parole supervision, people on parole must search for and obtain employment; should they fail, they may face criminal legal sanctions including parole violation and reincarceration. In this dissertation, I document the prevalence of coercive work for people on parole in Los Angeles County, identify the mechanisms through which coercive work operates, and illustrate the exploitative employment conditions of coercive work. I use a novel “Hybrid-RDS” methodology to recruit participants and collect and analyze survey data from 520 people on parole in Los Angeles County and to estimate the prevalence of coercive work experiences among the county’s total parole population. To better understand the mechanisms of coercive work, these innovative “Hybrid-RDS” methods are supplemented with additional data from 40 qualitative interviews with the same population, ethnographic observations, and an analysis of official administrative documents from the California Department of Corrections and Rehabilitation and others.

The findings demonstrate that, though employment is not a formal condition of parole, people on parole largely perceive employment to be a requirement – one that is backed by the threat of sanctions for failure or refusal to comply. This parolee perception is constructed through official parole rules and written documents, verbal communications by parole agents

around expectations and what work is “acceptable,” and parolee past experiences of coercion, threats of sanctions, parole violations, and reincarcerations related to work. Though these parole conditions play a critical role in constructing the requirement that people on parole find employment, other conditions of parole function as barriers to work, creating a “double bind” around employment for people on parole; parole conditions constrict parolee movement and agency to such an extent that they often obstruct people’s attempts to acquire the work they are required to obtain. In the face of these requirements, barriers, and threats around employment, parolees are channeled down into exploitative working conditions in the low end of the labor market or in informal work, often outside the bounds of legal labor protections around wages, faithful representations of job duties, and worker safety. Because of their legally precarious status and the employment “double bind,” people on parole often accept these problematic working conditions in response to parole-initiated pressures to work and the perpetual threat of punitive repercussions and a return to prison.

## Chapter 1. Introduction

Punishment and labor have been inextricably bound together throughout each evolution of the American penal system. From historical roots in slavery through convict leasing, chain gangs, and Jim Crow laws to today's meager wages paid to prison industry and agricultural workers (Blackmon, 2009; Childs, 2015; Du Bois 1935; Hartman, 1997; McLennan, 2008), the criminal legal system has continued to extract labor from incarcerated populations – populations that continue to be disproportionately poor people of color (Hatton, 2020; Zatz, 2020). Across time, the carceral system has continually deployed work as punishment. But, alongside the concept of work as punishment is the notion of work as rehabilitation, undergirded by the American moral valorization of work and grounded in the Protestant work ethic. Carceral labor occurs at the intersection of these two notions: work as punishment and work as rehabilitation, as well as work as economic self-support, for the incarcerated “criminal” class.

Scholars also argue that the modern criminal justice system is as much a means of poverty management as it is a response to criminal behavior (Simon, 1993; Soss, Fording, & Schram, 2011; Wacquant, 2009). In one dominant version of this theorization, the criminal legal and carceral systems regulate the labor market by removing and containing poor people (primarily of color) at the margins of the labor market (Simon, 1993; Wacquant, 2009). A competing theorization emphasizes the role of neoliberal paternalism in relegating former state service provision to external third-party positions while expanding the state's capacity to surveil people under its purview (Beckett & Murakawa, 2012; Soss et al., 2011)

When considering together the historical lineages of coerced, moralized labor and the carceral system's management of poor populations through prison warehousing, it is no surprise that today's prisons continue to function as a site of employment coercion in the name of reforming criminalized, impoverished, and unemployed populations. As such, most scholarship

examining modern day labor coercion within the criminal legal system is focused keenly on the site of the prison (Alexander, 2012; Hatton, 2019; Hatton, 2020). However, there is an emerging body of scholarship considering the way that the criminal legal system continues employment coercion beyond the prison walls.

In recent decades, employment at reentry has been the focus of much scholarly and policymaker attention, yet both researchers and policymakers alike overwhelmingly attend to barriers to employment for formerly incarcerated people and/or those with criminal records (Bushway, Stoll, & Weiman, 2007; Harris & Keller, 2005; Holzer, Raphael, & Stoll, 2003; Pager, 2003; Solomon, 2012). By exclusively emphasizing barriers to employment at reentry, scholars tell a story of pure *exclusion* from the labor market for people after prison. And yet, the reality of post-incarceration employment is only partially about exclusion: formerly incarcerated people do indeed experience exclusion from some realms of the labor market, but they also experience inclusion into others. Formerly incarcerated people face barriers to “good” work, while the criminal legal system pushes people into accepting forms of work they otherwise would not, typically at the lowest end of the labor market (Augustine, 2019; Gurusami, 2017; Harris & Walter, 2017; Zatz et al. 2016; Zatz & Stoll, 2020). When considered at a community level, *coercive work*, or the threat-backed requirement to find and maintain employment, has the potential to perpetuate poverty and socioeconomic inequality and erode labor rights (Handler & Hasenfeld, 2006; Zatz et al. 2016).

Coercive work is made possible by the legal *double-bind* people with criminal records – including those on parole – experience around employment, wherein they are simultaneously legally required to obtain work while also being legally obstructed from doing so (Augustine, 2019). People on parole must obtain work, as a way to meet legal obligations including any



finances, court fees, or outstanding restitution and also to satisfy the supervisory requirements of their parole. Because of this legal compulsion to work, people must navigate other barriers to employment, including legal barriers imposed by parole itself, such as restrictions around geographic movement and other competing parole requirements such as rehabilitative programming. In the face of these barriers, people are channeled down into exploitative work at the low end of the labor market (Bumiller, 2015; Peck & Theodore, 2008; Sugie, 2018), which they must accept should they wish to avoid legal sanctions, potentially including reincarceration.

Coercive work on parole supervision, especially within Los Angeles County, warrants close attention in part because of the growing parolee population in California, as well as nationwide (California Department of Corrections [CDCR], 2020, Kaeble & Alper, 2020). Within California, the parole population is spread unevenly across the state, with Los Angeles County becoming home to the largest proportion of parolees following release from prison. Indeed, in 2019, Los Angeles County received 31.5% of California's parole population, up from 30.7% in 2018, with the next highest being San Bernardino County at 7.6% (CDCR, 2020). Because Los Angeles County is home to nearly one third of California's parole population, any repercussions associated with coercive work disproportionately affect communities within LA County.

Emergent research has documented empirical evidence of coercive work on parole at a national level or state level (Gurusami, 2017; Zatz et al., 2016; Seim & Harding, 2020). A parallel vein of scholarship theorizes coercive work on parole at the intersections of criminal and labor law (Zatz, 2020; Zatz, 2021). The present study adds to our growing knowledge about coercive work after prison by explicating the mechanisms through which coercive work

operates at the local level, including the explicit official written documents governing parole policies and procedures and the verbal communications of individual parole agents who use their discretion to interpret and enact those policies. These written and verbal communications combine with past parolee experiences of threats and sanctions around work, reinforcing the external pressures to work they receive from state actors. This study is also the first to document the prevalence of coercive work on parole, providing evidence that employment coercion is a common experience among people in Los Angeles County and, therefore, likely in other parole jurisdictions across the country.

### **Study Setting: Los Angeles County**

Sociologist Robert Zussman argues that sociological research, especially qualitative sociology, works best when it studies *people in places* at multiple different levels: the people, their experiences, and the context all are of great import (Zussman, 2004). Coercive work begs study in the context of Los Angeles County not because it is the average context, but because the county exists at the intersections of multiple extremes for the people who live within it: large and growing parole populations, recent landmark prison and parole reforms, high rates of socioeconomic inequality and working poverty (largely along racial lines impacting Latino and Black populations), and high rates of exploitative labor practices by employers at the bottom of the labor market (CDCR, 2020; De La Cruz-Viesca et al., 2018). It is because of these extremes, not in spite of them, that coercive work on parole in Los Angeles County requires close attention.

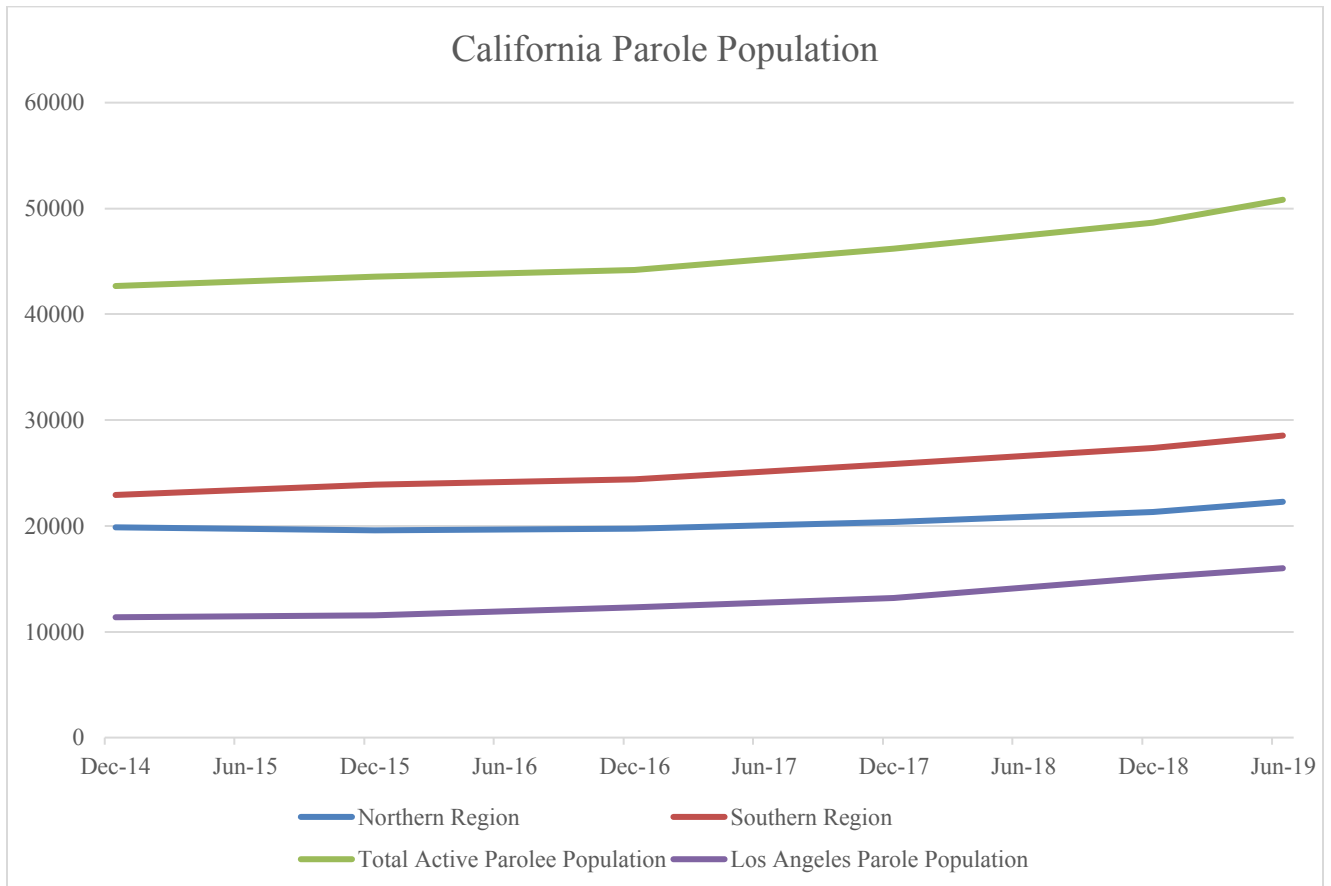
### ***Parole Supervision***

California is home to one of the largest prison populations in the nation. As of June 30, 2019, there were a total of 125,472 adults incarcerated in the state's prisons, 32.3% of whom were originally sentenced in Los Angeles County (CDCR, 2020). A majority of these prisoners are eventually released onto parole, and, as such, the vast majority of these parolees return to Los Angeles County following their release from prison; indeed, in 2019, Los Angeles County received 31.5% of California's parole population, with the next largest proportion of parolees (7.6%) housed in San Bernardino County (CDCR, 2020). At that time, there were 16,002 people on parole in Los Angeles County, up from the total of 14,538 parolees in 2018 – an increase of 10.1% between the two years (CDCR, 2020).

The composition of California's carceral and parole populations has been changing in light of recent state legislation in California, which has been transforming the overall corrections landscape in efforts to reduce the state's booming prison populations. In 2011, after being ordered by the U.S. Supreme Court to reduce prison populations by 25% as part of the decision in *Brown v. Plata*, California passed "Public Safety Realignment" Assembly Bill 109 (AB 109) (Petersilia, 2014). Prior to AB 109, many people on parole who violated their parole conditions were returned to prison when their parole was revoked; however, under AB 109, they were more likely to serve these revocation sentences in county jails or to experience sanctions locally rather than at the state level (Lofstrom & Martin, 2015). Meanwhile, AB 109 also shifted some parolees to local probation caseloads; this effort dramatically reduced parole populations in the short term, which had totaled about 91,000 people in 2011 and dropped to 61,000 in 2012 as a result of the reform (Goss & Hayes, 2018). The parole population dropped further to 42,400 following California's passage of Proposition 47 in November of 2014. However, despite these large, rapid reductions, the parole population has steadily climbed again in each subsequent year

following 2014, reaching 50,822 at the time of study in June of 2019 (CDCR, 2020). Figure 1.1 depicts the growing parole population from December 2014, immediately following the passage of Proposition 47, through June 2019.

**Figure 1.1: California Parole Population, December 2014 through June 2019**



*Source:* California Department of Corrections and Rehabilitation Offender Data Points Reports, 2016, 2017, 2018, and 2019

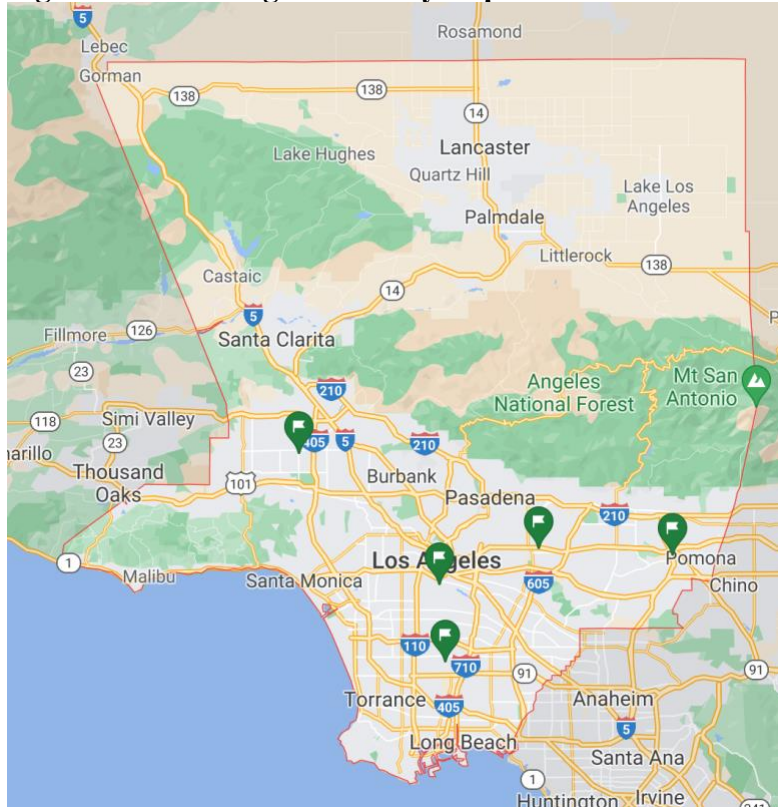
California’s parole population is divided into two large supervisory regions, the Northern and Southern Parole Regions, overseen by the California Department of Corrections and Rehabilitation (CDCR) and its Department of Adult Parole Operations (DAPO). Los Angeles County is part of the Southern Parole Region and consists of five smaller “regional units,” each of which loosely corresponds to a region of the county: Pomona (San Gabriel

Valley), El Monte (Gateway Cities), Downtown LA (Central Los Angeles), Van Nuys (San Fernando Valley and North Los Angeles County), and Compton (the South Bay and Harbor).

Figure 1.2 shows the locations of each of the five regional units within Los Angeles County.

Each month, DAPO holds Parole and Community Together (“PACT”) meetings in each of these five regional parole units of Los Angeles County. These meetings provide a space where people recently released from incarceration come together with representatives from DAPO, as well as private and nonprofit community service providers. The PACT meetings are mandatory for all recently released parolees and fulfill their parole reporting requirements; meeting attendance may also function as an intermediate sanction for a parole infraction for other parolees.

**Figure 1.2: Los Angeles County Department of Adult Parole Operations Regional Units**



Source: Google (n.d.).

People on parole in Los Angeles County, as in all other jurisdictions, are subject to a series of general conditions of parole consisting of 19 standard rules that all parolees must abide

(see Figure 1.3). In addition to these general conditions of parole, people may be assigned any number of special conditions relating to the criminal conviction for which they were most recently sentenced or other aspects of their criminal background deemed relevant by the parole

**Figure 1.3: General Conditions of Parole in California**

<b>General Conditions</b>
Your Notice and Conditions of Parole will give the date that you are released from prison and the maximum length of time you may be on parole.
You, your residence (where you live or stay) and your possessions can be searched at any time of the day or night with or without a warrant, and with or without a reason, by any parole agent or police officer.
You must waive extradition if you are found outside the state.
You must report to your parole agent within one day of your release from prison or jail.
You must always give your parole agent the address where you live and work.
You must give your parole agent your new address <b>before</b> you move.
You must notify your parole agent <b>within three days</b> if the location of your job changes, or if you get a new job.
You must report to your parole agent whenever you are told to report or a warrant can be issued for your arrest.
You must follow all of your parole agent’s verbal and written instructions.
You must ask your parole agent for permission to travel more than 50 miles from your residence and you must have your parole agent’s approval before you travel.
You must ask for and get a travel pass from your parole agent before you leave the county for more than two days.
You must ask for and get a travel pass from your parole agent before you can leave the State, and you must carry your travel pass on your person at all times.
You must obey ALL laws.
If you break the law, you can be arrested and incarcerated in a county jail even if you do not have any new criminal charges.
You must notify your parole agent immediately if you get arrested or get a ticket.
You must not be around guns, or anything that looks like a real gun, bullets, or any other weapons.
You must not have a knife with a blade longer than two inches except a kitchen knife. Kitchen knives must be kept in your kitchen.
Knives you use for work are allowed only when approved by your parole agent but they can only be carried while you are at work or going to and from work. You must ask for a note from your parole agent that approves carrying the knife while going to and from work, and you must carry the note with you at all times.
You must not own, use, or have access to any weapon that is prohibited by the California Penal Code.

Source: California Department of Corrections and Rehabilitation, 2019  
<https://www.cdcr.ca.gov/parole/parole-conditions/>

board (MacKay, 2019). Special conditions may include enhanced reporting requirements, electronic monitoring, explicit prohibition of the use of alcohol and/or other drugs, parolee registration accompanied by forms of public notice, and more.

### ***Race, Inequality, and Employment***

Los Angeles County is also the site of growing socioeconomic inequality, and these disparities are especially pronounced for certain marginalized racial/ethnic and/or foreign-born groups. Over the past half-century, Los Angeles' racial/ethnic composition shifted dramatically: the Latino population grew from 11% to 49%, while the white population decreased from 80% to 27%, Asian American population increased from 2% to 14%, and the Black population remained stable at 8% between 1960 and 2015 (De La Cruz-Viesca et al., 2018). In 2014, the Los Angeles metropolitan area was home to the largest Latino population in the United States (about 6.0 million people), approximately 40% of whom were born outside of the U.S. (Stepler & Lopez, 2016).

At the same time as these demographic shifts occurred, economic disparities widened. Across LA County today, workers earn less than they did in 1980 – a disparity that is especially dramatic for the county's immigrant workers, who make approximately 30% less in wages than the rest of the nation's labor force (Ong et al., 2018). Overall, workers in LA County earn less than the national average, and Ong, et al. describe the county as “disproportionately more unequal than the country” with regard to income and wealth distribution, with gaps driven primarily by citizenship status, but also associated with gender, race, and language fluency (2018:13).

Simultaneously, the number of people in poverty in Los Angeles County has increased over recent decades in ways that occur along racial and spatial lines; economic inequality in the

county is increasingly segregated and concentrated within poor neighborhoods, with the highest concentrations of poverty in Latino neighborhoods (Ong et al., 2018). As income and wealth disparities widened over recent decades, housing prices have skyrocketed, the cost of living broadly has increased, and unequal access to public transportation exacerbate these inequalities (De La Cruz-Viesca et al., 2018; Ong et al., 2018).

As income inequality grows in Los Angeles County, workplace conditions also seem to deteriorate for the county's workers. Within LA County, 30% of the county's workers receive subminimum wage pay and workers experience a weekly total of \$26-28 million in wage losses due to wage theft (Milkman, Gonzalez, & Narro, 2010). A 2010 report found that Los Angeles had higher rates of workplace violations than even New York and Chicago, including issues around unfair compensation and wage theft (e.g., subminimum wage payrates, workers required to work off the clock, employer failure to compensate workers for overtime performed, meal and rest break violations, worker's compensation violations, etc.) (Milkman, et al. 2010). The same 2010 report found that low wage workers in Los Angeles County earned an average annual income of \$16,536 and lost an average of \$2,070 annually to wage theft – a loss of 12.5% of their annual income (Milkman et al., 2010). Amidst Los Angeles' high cost of living and constricted job market, these cuts to already meager wages can have devastating consequences, keeping workers and their families hovering around the poverty line.

When taken together, the intersecting phenomena of growing parole populations, worsening socioeconomic inequality, and deteriorating labor protections make Los Angeles an ideal site for investigating coercive work on parole. As Zussman argues, “successful case studies look at extremes, unusual circumstances, and analytically clear examples [...] not because they are representative but because they show a process or problem in particularly clear relief”



(Zussman, 2004:362). Because of its multiple intersecting extremes, LA County presents an analytically clear example of the mechanisms, experiences, and conditions of coercive work for people on parole in Los Angeles County who exist at these intersections. Further, though Los Angeles County may be a geographical outlier for parole, this analysis has implications for generalizability along lines other than geographical region. While this dissertation examines the experiences of people on parole, its findings speak to the experiences of other vulnerable workers more broadly, as well as specifically to other populations on criminal legal supervision, including people on probation and supervised release.

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## **Chapter 2. Methodology**

This mixed methods dissertation draws on four sources of data: qualitative interviews (n=40), ethnographic observations from Parole and Community Team (PACT) meetings (about 30 hours), a partially in-person, partially online Respondent-Driven Sampling (“hybrid-RDS”) survey (n=520), and the analysis of official documents from the California Department of Corrections and Rehabilitation (CDCR) Division of Adult Parole Operations (DAPO) (collected between December 2019 and March 2021). The interviews were conducted prior to the Hybrid-RDS survey as a way to identify the mechanisms of coercive work, partially confirm existing hypotheses, and to understand the outcomes associated with coercive work. Ethnographic observations were conducted at the PACT meetings where interview recruitment occurred, and observations were ongoing throughout the time of interviews. The interviews informed both the larger aims and content of the survey, as well as the construction of individual survey questions. While interviews allow for the identification of coercive work mechanisms and conditions, the survey, in contrast, allows for the quantitative measurement of these coercive work mechanisms and conditions, and for the estimation of prevalence across the large population of people on parole in Los Angeles County. Documents were collected throughout the other three data collection stages and were analyzed at the conclusion of other forms of data analysis. These four methodological approaches are detailed below in the order in which they occurred. The University of California, Irvine Internal Review Board approved all human subjects research procedures for this study (UCI IRB HS# 2017-4104).

### **Qualitative Interviews**

Between Fall 2018 and Spring 2019, I conducted 40 in-depth semi-structured interviews with people on parole supervision in Los Angeles County, CA. Interview participants were recruited from Parole and Community Team (PACT) meetings hosted by DAPO and held monthly in each of the five supervisory regions in LA County: Pomona (San Gabriel Valley), El Monte (Gateway Cities), Downtown LA (Central Los Angeles), Van Nuys (the San Fernando Valley), and Compton (the Harbor / the Southwest Corridor). As part of their parole-mandated reporting requirements, all parolees released onto parole supervision in LA County were required to attend the next available PACT meeting in their respective region following their release from prison. Parole agents could also require other parolees on their caseload to attend PACT meetings, such as if the parolee was part of DAPO's Substance Abuse Treatment and Recovery (STAR) program or if a parole agent mandated PACT attendance as an intermediate sanction for a parolee having violated parole.

At all PACT meetings, a parole agent gave a presentation about general and special parole conditions and provided guidance about how to successfully complete parole supervision. Following the agent's talk, representatives of community organizations including housing providers, employment agencies, educational services, career centers, and local libraries took turns presenting their organization and the services they offered to people on parole. At some point during these presentations, I would deliver my recruitment pitch to the meeting attendees, describing the study purpose, eligibility requirements, incentives, and interview procedures. After all presentations had concluded, parolees were released to move about the room and speak with service providers; to satisfy their reporting conditions, parolees were required to obtain signatures from at least three service providers as proof they had engaged with the opportunities

presented.<sup>1</sup> Anyone who approached my table to express interest in participating in an interview received a flyer (in either English or Spanish) with more information and my contact details; if they were willing, I also recorded their first name and phone number. In the days following the PACT meeting, my research assistant and I called the interested participants, confirmed eligibility, and scheduled interviews at a time and location convenient for them. The same process occurred for any participants who called in expressing interest. The research assistant was fluent in Spanish and fielded all calls and questions from Spanish-speaking potential participants and was prepared to provide translation during interviews; despite this, all participants that scheduled interviews spoke English and translation was not required.

To be eligible for interview, participants needed to be adults actively on parole supervision who had looked for work or worked since their release from prison. All interviews were conducted in a public location such as a park, coffee shop, or fast-food restaurant in a seating area far enough from other patrons to preserve participant confidentiality. Prior to the start of the interview, participants were informed that their participation in the interviews was voluntary and in no way an obligation related to their parole supervision, and that all information collected and published would be protected and anonymized. Participants then again had another opportunity to ask questions about the study purpose and procedures, and then provided their informed consent to participate. No identifiable data other than basic demographic information were collected and participants chose their own pseudonym at the start of the interview.

Forty-four potential participants arrived for interviews having been reminded of the eligibility requirements at the PACT meeting and again at the time of scheduling, but four did

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<sup>1</sup> I was not considered to be a service provider and did not provide meeting attendees with one of their three required service provider signatures.

were not eligible to participate, resulting in a final total of 40 interviews, which ranged in length from 45 minutes to 2 hours. All but two interviewees agreed to having the interview audio-recorded; for the two that declined, I took copious hand-written notes and recorded my own summary guided by the interview instrument immediately following the interview. Participants received a \$20 gift card at the interview's conclusion. The incentive amount was based on a prior study which provided \$15 gift cards for similar interview procedures with a similar population that had slightly lower than expected participation rates (Augustine, 2019); I increased the incentive to \$20 to adequately compensate participants for their time while avoiding increasing to an amount that might become make participants feel unable to refuse should they wish to.

The semi-structured interviews followed a common interview instrument but deviated when unanticipated topics of interest arose based on each participant's unique experiences. Because many participants were fairly recently released from prison, I designed and conducted the interviews in accordance with post-prison narrative generating interview strategies, where the participant is encouraged to retrospectively relay salient experiences from both this parole term and any other recent parole terms (Irwin and Cressey, 1962; Hlavka, Wheelock, & Cossyleon, 2015; Maruna, 2001; O'Brien, 2001). I was careful to clarify when and where participants' reported experiences had occurred, to delineate between experiences relevant to this analysis and those warranting exclusion (e.g. experiences having occurred 10 or more years prior or while on supervision in a state other than California or region other than Los Angeles County).

The interview instrument contained 47 questions asked of all participants, some of which were open-ended, some warranting a yes/no answer, and one being a matrix of 13 sub-questions about coercive work; all questions were accompanied by potential follow-up questions, though I was prepared to ask additional probing questions when unanticipated topics arose. Questions

addressed topics including employment history, incarceration history, current parole conditions, coercive work, and substance use history. I used an initial version of the interview instrument for the first three interviews, and then revised the instrument to eliminate irrelevant questions and improve wording; I used this revised instrument for the remaining 37 interviews.

**Table 2.1: Interview Sample Characteristics, n=40**

	Frequency	%
<b>Time since most recent release from prison</b>		
Less than 1 month	7	17.5
1 month to less than 3 months	13	32.5
3 months to less than 6 months	4	10.0
6 months to less than 9 months	4	10.0
9 months to less than 1 year	4	10.0
More than 1 year	8	20.0
<b>Gender</b>		
Male	35	87.5
Female	5	12.5
<b>Race/Ethnicity</b>		
Black/African American	9	22.5
Hispanic/Latino	25	62.5
Native American	2	5.0
White/Caucasian	4	10.0
<b>Educational Attainment</b>		
7 <sup>th</sup> or 8 <sup>th</sup> grade	2	5.0
Some high school	10	25.0
High school diploma or GED	17	42.5
Some college	5	12.5
Some college or 2 year degree	6	15
<b>Housing</b>		
Own or rent home or apartment alone	4	10.0
With spouse or significant other	2	5.0
With parents or other family	19	47.5
With a friend	3	7.5
Transitional housing or sober living	11	27.5
Hotel or motel	1	4.0
<b>Transportation</b>		
Own vehicle	12	30.0
Borrowing vehicle or receiving rides	4	10.0
Public transportation, ride share, bicycle, walking	24	60.0



The interviews, which were audio-recorded and transcribed by the author or a professional transcription service, were analyzed using Atlas.ti qualitative analysis software. The transcripts were coded in two rounds. First, I coded the transcripts inductively line-by-line using a modified grounded theory approach (Cutcliffe, 2005) for overarching thematic conceptual categories guided by hypotheses about employment coercion occurring for people on parole and the mechanisms of that coercion, while leaving room for unanticipated mechanisms or themes to emerge; this first round of coding produced 15 “parent” codes including “Employment Requirements,” “Parole Conditions,” “Threats,” “Pressures to Work,” “Barriers to Work,” and “Sanctions.” The second round of coding more systematically addressed sub-themes within the larger thematic conceptual categories and ensured consistent coding coverage, including “Acceptable Work,” “Temp Agency,” “Underpaid,” and “Violations re: Work.” In total, the codebook contained 95 codes, including the 15 parent codes. The coding was conducted by the author alone, therefore requiring no intercoder agreement metrics.

### **Ethnographic Observations**

Data on the construction of employment requirements and threats of sanctions were collected between Fall 2018 and Spring 2019 at the PACT meetings where qualitative interview recruitment was conducted. In total, I conducted ethnographic observations at 20 PACT meetings across the five parole supervision sub-regions within Los Angeles County in Pomona, El Monte, Compton, Downtown Los Angeles, and Van Nuys. Each PACT meeting lasted approximately two hours, resulting in a total of 45 hours of observations, including time before and after meetings.

While I had originally intended to only utilize PACT meetings for interview and survey recruitment, it immediately became clear that these meetings were a site of active narrative-building around what makes a “successful” parolee and the role of employment therein. Indeed, Wacquant argues that, unlike other data collection approaches, ethnographic methods are able to “detect how and why agents on the scene act, think and feel they way they do” because of ethnographic methods’ utilization of “up-close, on-the-ground observation of people and institutions in real time and space” (Wacquant, 2003:5). Observations at PACT meetings allowed me to observe the communications from parole agents to parolees directly, while also noting the changing expressions and body language of parolees in response to the information they absorbed.

The ethnographic questions that guided observations and notetaking were shaped by the hypotheses motivating the interviews and larger study as a whole, including questions such as: Are people on parole required to work? How is the requirement to work constructed? What happens if they do not find employment? How are these requirements and threats communicated and received? I took detailed notes during the beginning of each meeting, with an intention toward capturing as much of the parole officer’s opening speech as possible, as well as noting meeting attendees, parole agent presence, and community service providers present. When unable to take detailed notes, such as during active recruitment for qualitative interviews, I relied upon “jottings,” or “a word or two written at the moment [that] will job the memory later in the day” taken down when possible during the course of my own participatory activities (Emerson, Fretz, & Shaw, 1995:29). Together, I followed the “stepwise fashion” of recording observations, relying on these jottings and notes in real time, which I later expanded upon in more detail when transcribing the notes after returning from the field (Snow & Anderson, 1987).

I typed up the handwritten notes into Microsoft Word as soon as possible after each PACT meeting, fleshing out the jottings with additional recalled details and context. I printed these typed notes and manually coded them, first loosely by hand on the printed documents and then more systematically in Microsoft Word using highlighting, commenting, and copy/paste functions. I relied on coding within Microsoft Word as recommended by Emerson, Fretz, & Shaw, rather than qualitative analysis software because this portion of the analysis occurred prior to more systematic coding and analysis of the interviews or documents (1995). I had not yet established a codebook for these other forms of data (and data collection were ongoing) and found the manual method of analysis more conducive to early stages of broader thematic coding.

### **Hybrid-RDS Surveys**

Following interviews and ethnographic observations, I conducted a large-scale web survey (n=520) of people on parole in Los Angeles County that began in July and concluded in November of 2019. Because this study is the first to systematically document the phenomenon of coercive work, the primary aim of the web survey was to determine the prevalence of employment coercion and the conditions of coercive work for people on parole. To report prevalence rates, this study utilized Respondent-Driven Sampling (RDS; Heckathorn, 1997), a data collection and analytical method used to study hard-to-reach populations by relying on participant social networks for recruitment in a strategic, tracked form of snowball sampling. Though sampling is also non-random, RDS approximates simple random sampling methods by applying statistical weights to particular elements of the sample; these weights accommodate for unevenly surveyed social networks, better reflect the sample population, and counter sampling bias (Heckathorn, 2011). RDS is grounded in statistical theory suggesting that, over enough

waves of participant recruitment, the sample composition will reach equilibrium and counter typical chain-referral sampling biases (Heckathorn, 1997). The weighted estimates allow for inferences about the larger population, such as reports about the prevalence of coercive work for people on parole in LA County.

RDS is one of the most effective strategies for studying hard to reach populations and has been widely used in studies of “hidden” populations such as intravenous drug users and people with HIV/AIDS (Heckathorn, 1997, Heckathorn, 2011, Milkman et al., 2010, Volz and Heckathorn, 2008; World Health Organization, 2013). Unlike these hidden populations that may be difficult to identify and locate for recruitment, official criminal records and reporting requirements make parolees relatively easy to locate. However, like the populations above, parolees are “hard to reach” in that their lives are often characterized by precarity and instability, making recruitment challenging.

Additionally, some people on parole may be unwilling to speak about their experiences (some of which may be illegal) out of fear of being “outed” to parole officials or employers or due to general mistrust of people who may appear to be directly or tangentially affiliated with parole (though I frequently clarified to participants during recruiting and the consenting process that I was in no way part of DAPO or other criminal legal bodies) or outsiders writ large. Some people on parole may also experience fatigue around service providers (a category that they may lump researchers in to), as the early months of reentry are often characterized by frequent exchanges with, advertisements from, or programming provided by non- or for-profit reentry service providers. If participants have had negative experiences with these service providers, they may extend that same distrust and skepticism toward the researcher. Lastly, several participants explained that, because of their low levels of technological literacy, they had been

scammed or bothered by people disguised as service providers but who had not delivered any promised services; because of the intersecting confusion around smartphones and prior negative experiences with surveys or other online forms, potential participants expressed more interest when another person on parole referred them or could “vouch” for me and the project onsite.

I drew upon the strengths of traditional in-person RDS methods, supplemented with elements of an online version of the method (“webRDS”) in a novel hybrid form of RDS (“hybrid-RDS”). Because traditional in-person methods are resource intensive and may be impractical for researchers with financial or personnel constraints, researchers developed webRDS, an online version of the method where all stages and interactions, from recruitment to data collection to incentive compensation, occur online (Wejnert & Heckathorn, 2008). Prior studies utilizing webRDS have been aimed at technologically integrated subject populations such as youth (Bauermeister et al.), with some expanding to more traditional RDS populations like men who have sex with men (Bengtsson et al., 2012; Strömdahl et al., 2015). Unlike these populations, people on parole have lower levels of technological literacy that present unique issues when conducting entirely online research. However, prior research has shown that parolees have almost ubiquitous access to smartphones, though their comfort and proficiency using smartphones may differ across the population (Sugie, 2018). Given this wide access to smartphones, I adapted the hybrid-RDS approach to reach people on parole in Los Angeles County through a combination of in-person recruitment and online data collection and incentive payments.

Necessary sample size was calculated based on the expected prevalence of phenomena of interest ( $P$ ), in this case, experiences of coercive work (i.e., parolees reporting being required to work and receiving threats or sanctions related to work). The calculation also incorporates an

adjustment for how much the sampling method differs from a simple random sample; RDS requires a minimum design effect of 2, though scholars suggest a design effect of 4 (for rationale behind using a design effect of 4 for RDS, see Wejnert et al. 2012; Salganik, 2006). The sample size calculation also factors in the desired confidence level ( $Z_{1-\alpha}$ ) and precision level ( $d$ ) (World Health Organization, 2013).

$$n = D \frac{Z_{1-\alpha}^2 P(1 - P)}{d^2}$$

Using the formula below, an expected phenomena prevalence of 10% ( $P = 0.1$ ) based on interviews and conversations with potential participants during recruitment, design effect of 4 ( $D = 4$ ) (Wejnert et al. 2012; Salganik, 2006), confidence of 95% ( $Z_{1-\alpha} = 1.96$ ), and precision of 5% ( $d = 0.05$ ) results in a targeted sample size of 553 participants.

### ***Data Collection***

Beginning from the assumption that hidden populations cluster in social networks, RDS methods harness these social networks both for analytical procedures and for participant recruitment. For recruitment, RDS methods require the identification of a primary set of independent participants (“seeds participants”) with robust social networks who will then recruit additional participants. Initially, I recruited ten seeds from the same PACT meetings where interview recruitment took place; these individuals all had robust social networks and an interest in the project’s goals. To the extent possible, I remained attentive to selecting seeds that were representative of parolee subgroups across race, gender, geographic area, and length of time on parole. Participants were encouraged to recruit up to three referees, though eight participants recruited more than three.<sup>2</sup>

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<sup>2</sup>In the project’s design phase, I had anticipated being able to manually prevent survey-takers from referring more than three people; however, responses often came in at unanticipated hours

Several of the PACT meeting recruitment chains ended quickly or continued in a single-person (“1:1”) chain, where each person only recruited one additional participant, and so on until recruitment ceased – a phenomenon that was either due to the nature of parolees as a subject population or the PACT meetings as a recruitment site. After the initial 10 PACT seeds, I began recruiting additional “seed” participants outside of parole offices in each of the five supervisory regions, for a final total of 47 seeds. When a person on parole approached or left the parole office, I approached them, briefly described the study, explained the recruitment process, and asked if they were interested. If so, I provided them a flyer with directions to the survey website and instructions for recruitment and compensation. The person was then free to take the survey at their convenience from their mobile phone or other device. A research assistant translated the online survey and all recruitment materials into Spanish for intentional inclusion of Spanish-speaking populations, but only the English versions were ever utilized.

Surveys were designed and distributed using Qualtrics, an online survey platform contracted with the University of California, Irvine as approved by the UC Irvine Institutional Review Board. Qualtrics’ servers are protected by high-end firewall systems and frequent vulnerability scans to further ensure data protection. The survey consisted of two separate forms, one containing the main, substantive body of the survey, which asked no personally identifying questions. The second, as described in more detail below, was a second form that required participants enter either a phone number or email address to receive their incentives; this data was retained only until the survey’s conclusion and then was immediately deleted from Qualtrics

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or too rapidly for manual management. Future studies should build in automatic protections or other means of ensuring participant compliance with maximum referrals.

and any downloaded spreadsheets. By design, the contact information could not be tied to the main survey so as to protect anonymity of answers.

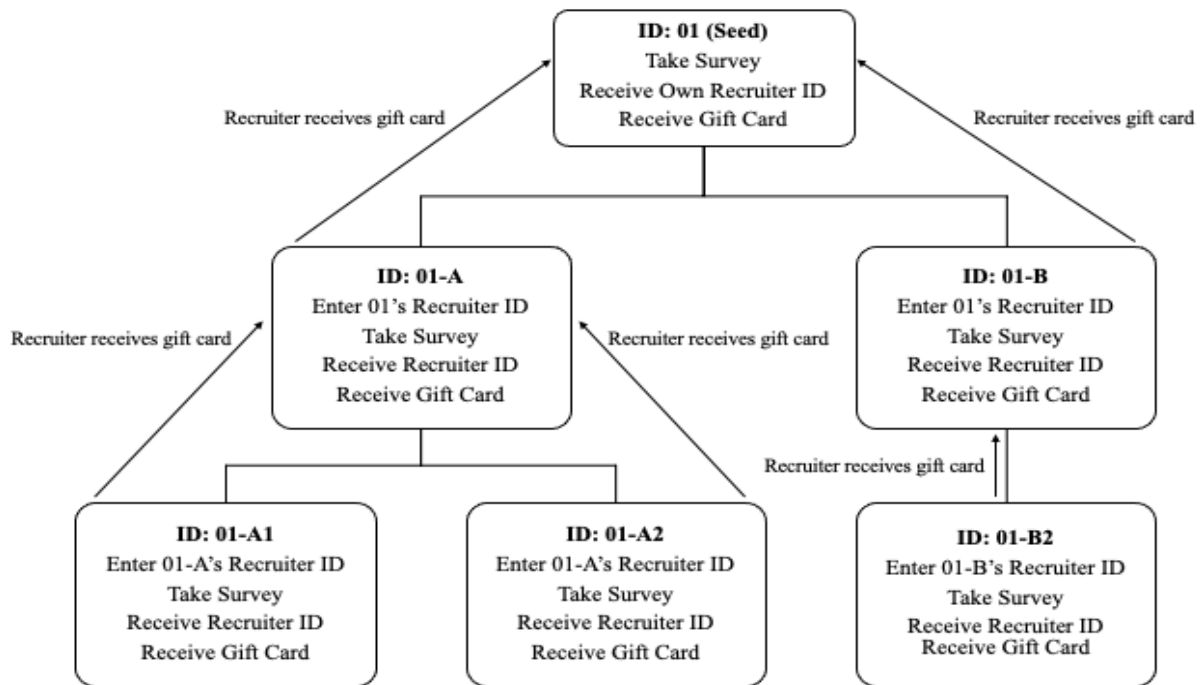
To recruit RDS participants and to track chain length of referrals, researchers can use one of two methods: the coupon method or Recruiter ID method. I used the Recruiter ID method, each new participant provides the ID code of the participant that referred them, rather than their own unique coupon code. Prior to beginning the online survey, participants were asked to enter the 4-digit Recruiter ID of the person that referred them (Wejnert and Heckathorn, 2008). After entering a Recruiter ID (or a code indicating “seed” status), the survey-taker was presented with two questions requiring affirmative answers to confirm eligibility (*Are you currently on parole in Los Angeles County?* and *Have you worked or looked for work during your current parole term?*) followed by an electronic consent form. The survey then proceeded to 24 primary questions asked of all participants (with one question being a matrix of 12 sub-questions), some of which were accompanied by 1 to 3 follow-up questions; surveys included vaguely titled topical sections addressing mechanisms of coercive work, coercive work environments and experiences, parole conditions, substance use, and demographic information. In total, surveys took 5-10 minutes to complete.

After answering the last substantive survey question, participants were asked about the size of their social networks, which would be used to calculate the statistical weight needed to balance recruitment bias so as to produce population estimates (Volz & Heckathorn 2008; Gile 2011). To determine network size, participants were first asked how many other people they knew on adult parole in Los Angeles County; then, they were asked how many of these people they had spoken to in the last six months (Ramirez-Valles, et al. 2005; World Health Organization, 2013). Based on findings from exploratory interviews that informed the survey



design, I did not ask about the nature of the relationship between recruiter and recruited participant. People on parole seemed likely to underreport the nature of their relationship with someone, downgrading regular acquaintances to strangers when asked by the researcher (though expressing that they see the person regularly at the parole office, in group, the transitional housing facility, etc.). This may be a holdover of the prison politics that structure social life inside carceral spaces, as a result of institutionalization or the continued criminal justice presence of parole supervision even after release into the community (Goodman, 2014).

**Figure 2.1: Hybrid-RDS Peer-Recruitment and Incentive Payment Process**



Participants were then pushed through to a secondary page also hosted by Qualtrics online survey software. On this page, the participants were assigned their own randomly generated 4-digit ID number to serve as their Recruiter ID for any participants they referred. They were also asked to provide either a phone number or email address to which I would send the survey compensation. Though slightly logistically complicated, this secondary page was

essential so that the contact information entered could not be associated with the anonymous answers provided on the primary survey form, while entering them at the end of the survey ensured that it had been completed and the incentive could be delivered. Participants were compensated with a \$10 electronic gift card for taking the survey and were encouraged to recruit three additional participants from their social network; participants received an additional \$10 gift card for each completed referral connected to their Recruiter ID. Gift card URL links were either texted or emailed to the participant as soon as possible after their survey completion or any surveys completed by new participants using the originator's Recruiter ID. Any contact information provided was deleted from Qualtrics and any downloaded spreadsheets immediately following the close of the survey.

### *Analysis and Sample Characteristics*

For RDS to approximate simple random sampling, population weights are applied based on respondents' reported network size; this accounts for the probability that participant groups would be selected based on their probability proportional to network size, wherein groups with larger social network sizes are assigned less weight during analysis, and vice versa (Heckathorn, 1997). RDS analysis also differs from traditional sampling analyses. Whereas simple random sampling analyses generate inferences about the population directly from the sample, in RDS analyses, this estimation is mediated by the samples' social network information. In a two-step process, the sample is used to make inferences about the social networks connecting them, and then these inferences about social networks are used to produce weighted estimates about the population (Gile & Handcock, 2010; Salganik and Heckathorn, 2004). See Gile and Handcock (2010) or Salganik and Heckathorn (2004) for a full discussion of the statistical calculations for calculating estimated population prevalence.

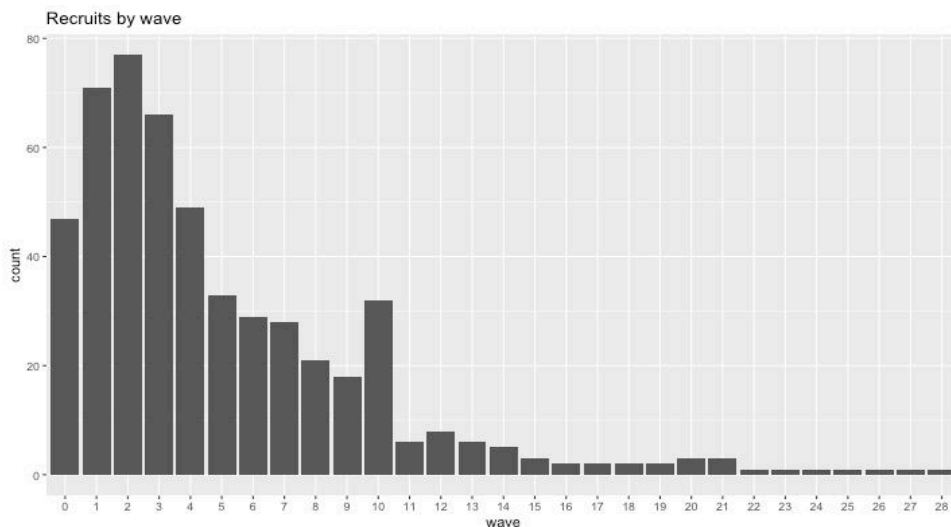
I used RDS Analyst (RDS-A), a software package built out from the R statistical environment to facilitate analysis of RDS data (Handcock, Fellows, and Gile, 2014). RDS-A not only allows for the calculation of population estimates from sample data, but also for the analysis of the recruitment chains themselves. RDS-A provides recruitment and diagnostic plots and analyses to assess the extent to which the prevalence calculation has been biased by seed selection or clustering within participants' social networks. To diagnose whether the sample is affected by individual seeds or has successfully passed that point (therefore adhering to the assumption of seed non-dependence), researchers previously relied on a comparison of the chains to a first-order Markov chain model (Heckathorn et al, 2002); however, more recent research has suggested that assessing convergence and bottleneck may be as if not more effective (Gile, Johnston, & Salganik, 2015). I ran convergence plots for several key measures and found that the answers stabilized as the size of the sample increased, converging along the estimators, suggesting that the sample adhered to the assumption. To confirm, I ran bottleneck plots on the same measures; the bottleneck plots indicated some slight variance by seeds, though not enough to be of great concern. Tests aimed to address issues around with-replacement sampling (given that, in practice, sampling is actually *without* replacement) are concerned primarily with discerning whether a limited global or local sample population has overly restricted the sample recruitment possibilities (Gile, Johnston, & Salganik, 2015); because this study is the first of its kind, let alone the first within Los Angeles County, these diagnostics are not conducted.

There were 615 total recorded responses to the online survey; of those, 537 were responses from respondents meeting the eligibility criteria, and only 528 had answered a sufficient number of questions for inclusion. Eight of these 528 entered Recruiter IDs that could

not be traced to another participant, resulting in a final sample of 520 respondents, slightly under the desired sample size of 553.

Recruitment technically occurred over 28 waves; however, the bulk of recruitment occurred over 10 waves and slowed through the 21<sup>st</sup> wave. The last seven waves only included one respondent each, resulting from a long 1:1 referral chain. Figure 1 shows recruitment count by wave, Figure 2.2 shows participant network sizes, and Figure 2.3 presents the participant recruitment tree. The majority of the recruitment chains were wide, as opposed to long, which is desirable for permeating networks further from the original seed. However, there were three 1:1 referral chains; I analyzed survey duration, attention check accuracy, and answer content to determine patterns or haphazard answering, which might be indicative of repeat survey takers; however, these chains did not demonstrate reason warrant exclusion. Further, a secondary analysis was conducted excluding these and any other potentially suspicious referral chains; the findings from these separate analyses largely reflected the results from the full sample and there were no significant, systematic differences. As such, the results from the full sample are presented here.

**Figure 2.2: Hybrid-RDS survey recruitment count, by wave**



**Figure 2.3: Hybrid-RDS recruitment tree**

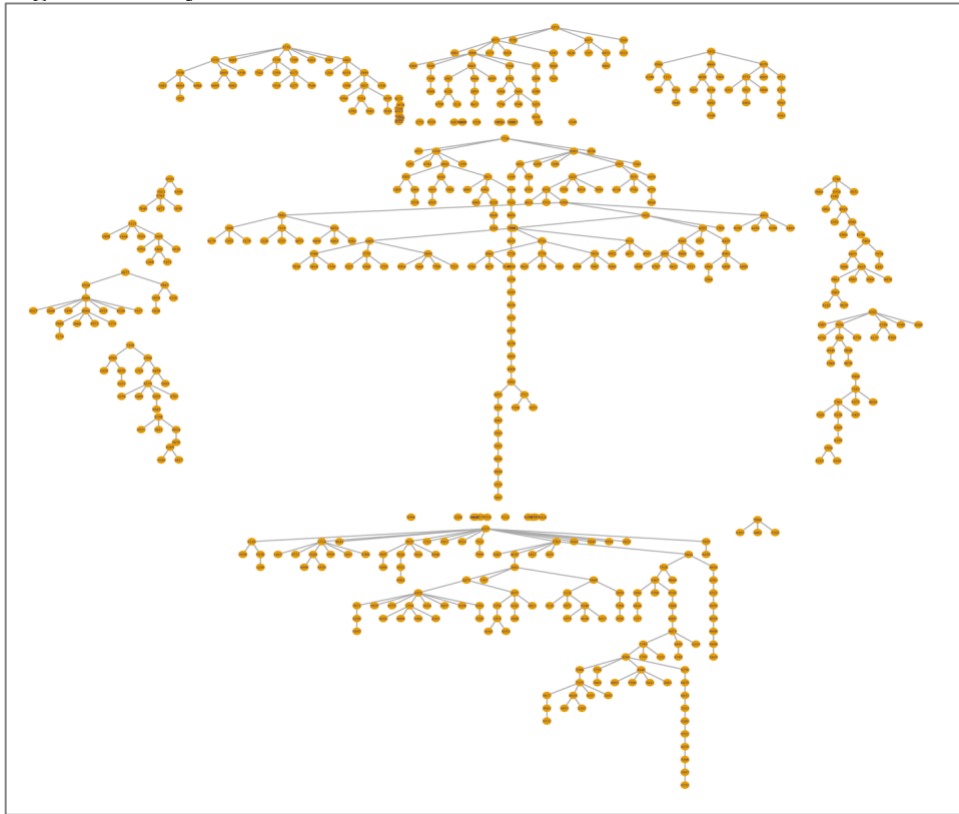


Table 2.1 presents the demographic characteristics of the survey sample. Participants were asked: *On what date were you released from prison? (mm/dd/yyyy)*; there were no missing responses. I subtracted the reported date of release from the date of the recorded survey response, and calculated time since release in both months and days. I then broke responses up into 6 categories for ease of reporting: less than 1 month, 1 month to less than 3 months, 3 months to 6 months, 6 months to 9 months, 9 months to less than 1 year, and more than 1 year. The remaining demographic characteristics include gender, race/ethnicity, and educational attainment at the time of survey. I also include length of time on current parole term as determined by the length of time since the reported date of each participants' release from prison. There were 6 missing responses to these questions; these missing answers are excluded from the characteristics table.

**Table 2.1: Survey Sample Characteristics, n=520**

	Frequency	%
<b>Time since most recent release from prison</b>		
Less than 1 month	60	11.5
1 month to less than 3 months	121	23.3
3 months to less than 6 months	89	17.1
6 months to less than 9 months	63	12.1
9 months to less than 1 year	34	6.5
More than 1 year	153	29.4
<b>Gender</b>		
Male	360	70.0
Female	144	28.0
Other	10	1.9
<b>Race/Ethnicity</b>		
Asian/Pacific Islander	25	4.9
Black/African-descent	158	30.7
Hispanic/Latino	160	31.1
Middle Eastern	13	2.5
Native American	18	3.5
White/Caucasian	92	17.9
Two or more races/ethnicities	26	5.1
Other race/ethnicity	14	2.7
Declined to state	8	1.6
<b>Educational Attainment</b>		
6 <sup>th</sup> grade or below	4	0.8
7 <sup>th</sup> or 8 <sup>th</sup> grade	12	2.3
Some high school	94	21.4
High school diploma or GED	234	45.5
Some college or 2-year degree	99	19.3
Technical or trade school	41	8.0
Bachelor's Degree	19	3.7
Graduate or professional school	11	2.1

*Note: Questions on gender, race/ethnicity, and education occurred at the end of the survey; all 4 of these categories had 6 missing answers (1.2% of the sample).*

## **Document Analysis**

Interviews, surveys, and observations were supplemented with the analysis of publicly available written materials. Between Fall 2018 and Spring 2021, I collected printed and electronic documents, including official and legal administrative documents, materials made

available to people on parole, and fliers and pamphlets from services providers at PACT meetings. I collected a total of 16 printed documents and 11 electronic documents.

The printed documents were scanned, and electronic materials were downloaded from relevant websites; these files were then uploaded into Atlas.ti qualitative analysis software resulting in 1,309 pages of text within Atlas.ti. I used a qualitative content analysis approach to focus on the use of language within the documents, specifically with regard to mentions or discussions of employment and the context of those discussions (Budd, Thorp, & Donohew, 1967; Hsieh & Shannon, 2005; Lynch, 2017). More specifically, I used directed content analysis to “validate or extent conceptually a theoretical framework or theory,” based on the hypotheses that drove my project at conception and the emergent findings from interviews, observations, and surveys (Hsieh & Shannon, 2005:1281).

I coded the documents deductively, with an eye toward prior research, my hypotheses, and emergent themes from the other methods within this project while also leaving room for inductive coding of unanticipated themes. While coding, I focused on the language deployed within these official documents by correctional authorities or service providers, with an eye toward how they construct narratives around employment and what constitutes “successful” parole and reentry (Lynch, 2010). The coding process produced a total of 29 codes, including deductive codes pertaining to anticipated themes such as “Employment Pressure,” “Reincarceration,” “Individual Responsibility,” “Agent Discretion,” and “Employment as Criminogenic Need” and inductive codes capturing newly emergent themes such as “Rewarded/Punished Behaviors,” “Public Safety,” and “Housing.”

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### Chapter 3. Requirements, Threats, and Sanctions

When examining the relationship of employment and the criminal legal system, research focuses almost exclusively on the challenges of finding work after prison. This scholarship tells a story of labor market *exclusion*, focusing on barriers to employment during reentry (e.g., Bushway, Stoll, & Weiman, 2007; Harris & Keller, 2005; Holzer, Raphael, & Stoll, 2003; Pager, 2003; Solomon, 2012). However, the reality of post-incarceration employment is only partially about exclusion; people experience exclusion from some realms of the labor market, but inclusion into others, typically at the bottom of the labor market. While formerly incarcerated people face barriers to “good” work, the criminal justice system pushes people into accepting forms of work they otherwise would not – work that is often low paid, unstable, or dangerous (Augustine, 2019; Gurusami, 2017; Harris & Walter, 2017; Zatz et al. 2016; Zatz & Stoll, 2020).

Employment coercion is one such way formerly incarcerated people may be pushed into these undesirable jobs. Coercive work occurs when, under threat of punitive sanctions associated with criminal legal supervision, people accept employment in positions they otherwise would not so as to avoid potential repercussions. Because they are excluded from many job opportunities, formerly incarcerated people may also accept substandard work, including positions that underpay them, overwork them, and/or where they are working outside the bounds of legal labor protections. Relegation to these exploitative conditions then exacerbates socioeconomic inequality and stratification, particularly along racial and ethnic lines and in already economically disadvantaged communities (Couloute & Kopf, 2018; Pettit, 2012; Shannon, et al., 2017; Wakefield & Uggen, 2010).

People on parole in Los Angeles County experience this type of coercive work. Though employment is not a freestanding general or specific condition of parole condition of parole in

California, expectations around work are explicitly communicated through official DAPO administrative documents and through verbal communications from parole agents, as are the threats (including parole violation or reincarceration) that undergird these requirements. People on parole internalize these written and verbal expectations, understanding work to be a requirement of their parole supervision. These communications also shape parolees' perceptions of what constitutes "acceptable" and sufficient employment to meet these work requirements. Additionally, past experiences of threats and sanctions around employment reinforce parolees' perceptions about the pressing need to find work. Explicit and implicit pressures around acquiring "acceptable" employment under threat of repercussions alters parolees' behaviors around job searching and what work they accept.

Through the analysis of official policy and administrative documents from the California Department of Corrections and Rehabilitation, semi-structured qualitative interviews with people on parole (n=40), ethnographic observations from Parole and Community Team (PACT) meetings, and a large scale "hybrid-RDS" surveys (n=520), this chapter identifies the mechanisms of coercive work on parole, including the construction of employment requirements backed by threats of punishment, and reports the estimated prevalence of these phenomena across the larger population of people on parole in Los Angeles County.

## **Background**

The term *coercive work*, or forced employment under the threat of punishment, draws upon conceptions of "coercive treatment," where people are compelled into drug or psychiatric treatment under threat of punishment (Satel, 1999), and the long legacy of threat-based labor extraction by the penal system (Blackmon, 2009; Childs, 2015; McLennan, 2008). While the notion of coerced labor is far from new, the term as used here refers to the employment that

results at the intersection of requirement and threat. When used in the context of parole, as it is here, the term describes the type of employment people on parole engage in – employment that is required as part of their parole supervision, where a failure to adhere to this requirement can result in criminal legal repercussions. More succinctly described, it is the requirement that people on parole “get to work or go to jail” (Zatz et al., 2016; Zatz, 2020).

Employment coercion more broadly is a disturbingly common phenomenon, affecting diverse populations including people under the purview of welfare who are subject to welfare-to-work policies (Dean, 2007; Gustafson, 2011, Soss, Fording, & Schram, 2011); student athletes and graduate students who must perform specialized labor to maintain academic standing (Hatton 2020); and undocumented workers for whom any formal employment is illegal (Abrego 2011; De Genova, 2005; Paret, 2014). Perhaps most notoriously, the carceral system has historically been an epicenter of labor coercion (Blackmon, 2009; Childs, 2015; Du Bois 1935; Hartman, 1997; McLennan, 2008; Zatz, 2020). In part because of this historical legacy, scholarship examining carceral labor coercion largely centers on the locus of the prison: the site of centuries of unfree labor and one of the starkest contemporary examples of racialized labor extraction (Alexander, 2012; Hatton, 2019; Hatton, 2020).

In a recent article, Noah Zatz calls out the false dichotomy between the prison as a site of unfree labor as compared to the “free” market and, theoretically, the freedom non-incarcerated workers have to navigate the market and maintain ownership of their own labor (2021). Zatz pushes against this “Prison Labor/Free Labor” binary of carceral labor as that occurring within the prison and free labor as that occurring beyond it (2021). Instead, Zatz argues that, just as we consider a carceral state containing but existing beyond the prison (Beckett & Murakawa, 2012), we should also consider a *carceral labor continuum* wherein prison labor is situated “within a

more capacious analysis of how criminal law shapes and compels contemporary work,” including within the “free” market (Zatz, 2021:2). This chapter takes up the phenomenon of coercive work as an inherent characteristic of carceral labor and, thus, as occurring at loci across Zatz’s theorized continuum – both within and beyond the prison.

### ***Coercive Work Beyond the Prison***

Employment coercion outside the prison walls takes on several different forms. For example, intermediate sanctions and sanctions used as alternatives to incarceration can be (and often are) sites of employment coercion. People can incur fines or fees for a variety of criminal legal reasons, including fines for law violation, unpaid court fees, restitution, and even as child support enforcement (Harris, 2016; Harris, Evans, & Beckett, 2010; Martin et al., 2018). The failure to pay these debts can result in what Zatz calls “a new peonage,” wherein debtors are compelled to work as a way to earn income to pay debts or, alternatively, face incarceration (2015). The threat of incarceration can be levied not only against debtors who fail to engage in work outright, but also those who the court deems are not demonstrating sufficient effort to search for or maintain employment (Zatz et al. 2016). Additionally, the court can define what work is “enough” and may threaten or enact punishment for people who the court deems to be actively choosing not to engage in “acceptable” or “sufficient” work (e.g., refusal to change occupations, accept overtime work, or relocate for employment) (Zatz et al. 2016; *United States v. Fuller*, 2014; *McDaniel v McDaniel*, 2004).

Alternatively, people who are unable to pay their criminal legal debts may be subject to court-ordered community service, as can those who have been convicted of low-level misdemeanors or legal violations. Under court-ordered community service, people must perform unpaid labor, often for state or local governmental agencies or for nonprofit organizations

(Herrera et al. 2019; Sonsteng-Person, 2021). If paid work is imbued with cultural beliefs in the rehabilitative power of labor, compelled *unpaid* work (especially that resembling common volunteer positions) carries even weightier assumptions about reformative potential; the irony of rehabilitation through forced community service is what Harland refers to as the “tyranny of benevolence” (1980). Meanwhile, public agencies and nonprofit organizations benefit from free labor, commonly in the form of manual labor including roadside maintenance, custodial work, and graffiti removal (Herrera, 2019; Sonsteng-Person, et al. 2021) while workers are credited at rates below minimum (Herrera et al. 2019). Further, because of their status as “volunteers” rather than employees, these workers often work outside the bounds of legal labor protections that would otherwise insulate them from discrimination or provide compensation in the event of injury on the job (Zatz, 2020).

Court-mandated program attendance is another increasingly utilized alternative to incarceration. Through specialized courts and diversion programs, people may be allowed to attend programming or treatment in place of jail or prison (assuming they successfully complete the mandated programming). While scholars have questioned the ethics and effectiveness of coercing participation in rehabilitative programming and drug treatment (Sung & Belenko, 2005; Day, Tucker, & Howells, 2004; Tiger, 2011), labor coercion within these spaces remains relatively understudied. However, several exposés by Harris and Walter documented how participants sentenced by judges to drug treatment were coerced into dangerous, unpaid work or experienced other forms of legal labor violations (e.g., Harris & Walter, 2017).

Court-ordered employment or community service as payment for criminal justice debt and court-mandated programming are ways that the criminal legal system coerces employment as alternatives to incarceration, though the threat of incarceration remains should the person fail

to engage in the required labor. Though probation may also be used by judges as alternatives to incarceration, parole and probation typically follow a period of incarceration resulting from a criminal conviction and sentence. Probation and parole are forms of criminal legal supervision following release from jail and prison, respectively. As part of the conditions of supervision, both probation and parole may include explicit or implicit employment requirements; these work requirements may be backed by a threat of incarceration for failure to work, akin to the threat of incarceration accompanying “debt peonage” and court-ordered community service.

Evidence has shown that, because of pre-incarceration characteristics and intersecting barriers to employment after release, people on parole often rely on low-wage work in the secondary sector (Purser, 2012a; Purser, 2012b; Sugie, 2018). Further, rather than searching for and securing a single, long-term, career-oriented job, parolees are more likely to engage in “foraging,” or the “pursuit of short-term, income-generating opportunities across a range of job types” where the “primary motivation is income” (Sugie, 2018:1455). The conception of work as foraging highlights the “uncertain, haphazard, and precarious nature” of the type of survival work engaged in by men after prison (Sugie, 2018:1456). However, parole agent expectations around work may not take into account the reality of post-prison work at the bottom of the labor market. Just as judges may determine what constitutes “enough” employment for people paying criminal legal debts or child support, state officials create their own definitions of what work is acceptable and sufficient. Gurusami (2017) argues that state agents require formerly incarcerated workers to find employment that is “reliable, recognizable, and redemptive,” and that those who fail to obtain work meeting these three criteria are framed as individually “failing to demonstrate an appropriate commitment to their moral –and therefore criminal—rehabilitation” (2017:433).

With regard to parole supervision specifically, the vast majority of parole jurisdictions in the United States include a formal condition pertaining to employment. Most commonly, as part of an array of mandated programming, people on parole are required to participate in educational or vocational programs (Doherty, 2015; Travis & Stacey, 2010). Twelve states in the U.S. explicitly require that, as a standard condition of parole, parolees maintain employment; California, however, is not and has not recently been one of those 12 states<sup>3</sup> (CDCR, 2021a; Travis & Stacey, 2010). Despite employment not being a formal condition of parole in California, expectations around work are explicitly communicated through official DAPO administrative documents and through verbal communications from parole agents. People on parole perceive parole agents as defining the boundaries of what work is deemed acceptable and sufficient, and parolees interpret these definitions in ways that shape their pursuit of work. Explicit written and verbal expectations are reinforced by implicit pressures to work from parole agents, parolees' past experiences of work-related sanctions, and collective knowledge of coercive work.

## **Methods**

This chapter draws upon four data sources: analysis of official documents from the California Department of Corrections and Rehabilitation (CDCR) Division of Adult Parole Operations (DAPO) (collected between December 2019 and March 2021), semi-structured interviews (n=40), ethnographic observations from Parole and Community Team (PACT)

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<sup>3</sup> Though California does not have a standard condition of parole requiring parolees to maintain employment, it is one of 94% of parole jurisdictions that have standard conditions of parole mandating parolees to participate in employment or educational programming (Travis & Stacey, 2010).



meetings (about 30 hours), and a hybrid, partially in-person and partially online respondent-driven sampling (Hybrid-RDS) survey (n=520). When the data sources were analyzed independently, narratives emerged within each data source pointing to the ways that either state agencies (CDCR, DAPO), street-level officials (parole agents), and parolees' past experiences contributed to the construction of coercive work. However, when analyzed separately in this way, essential elements of the story can be overlooked that can only emerge when these diverse data sources are put into conversation. Together, these sources construct and convey explicit and implicit expectations around work, including what work is "acceptable" for parolees to perform, and the very real possibility of sanctions associated with parolee failure to obtain employment.

### ***Document Analysis***

To understand additional potential sources that might shape parolee's perceptions of work requirements and the potential for sanctions, interviews, surveys, and observations were supplemented with the analysis of publicly available written materials. Between Fall 2018 and Spring 2020, I collected 16 printed and 11 electronic documents, including official and legal administrative documents, materials made available to people on parole, and fliers and pamphlets from services providers at PACT meetings. This chapter relies upon an analysis of 11 of these documents; for these 10 documents, any hard copies I collected were also available electronically.

**Official and legal administrative documents.** (1) The Operations Manual for the California Department of Corrections and Rehabilitation, Adult Institutions, Programs, and Parole – Updated through January 1, 2020; (2) California Code of Regulations – Title 15. Crime Prevention and Corrections, Rules and Regulations of the California Department of Corrections and Rehabilitation, Adult Institutions, Programs, and Parole;

(3) CDCR Statutory Parole Requirements; (4) list of Parole Services; (5) Lifer Parole Process; (6) Parolee Conditions; (7) Los Angeles County Sherriff's Department Parolee Monitoring Program (Revised March, 2010)

**CDCR-authored documents provided to or made accessible to parolees:** (1) Division of Adult Parole Operations - Parolee Handbook

**External legal documents:** (1) Parolee Rights Handbook (Updated August 2013), Prison Law Office; (2) The California Prison and Parole Law Handbook, Heather MacKay and the Prison Law Office

**Official public-facing materials:** (1) "Criminogenic-needs addressed through Parole and Community Team meetings," Inside CDCR blog (August 9, 2019)

Documents were uploaded into Atlas.ti qualitative analysis software and coded using a directed content analysis approach (Hsieh & Shannon, 2005) focused on the language deployed within these official documents with an eye toward how they construct narratives around employment (Lynch, 2010). The coding process produced a total of 29 codes, including "Employment Pressure," "Sanctions," "Reincarceration," and "Rewarded/Punished Behaviors."

### ***Qualitative Interviews***

Between Fall 2018 and Spring 2019, I conducted 40 in-depth semi-structured interviews with people on parole supervision in Los Angeles County, CA. Interview participants were recruited from Parole and Community Team (PACT) meetings hosted by DAPO; all recently released parolees were required to attend PACT meetings as a condition of their parole, and other parolees may be required to attend, likely as an intermediate sanction for a parole infraction. To be eligible for interview, participants needed to be adults actively on parole supervision who had looked for work or worked since their release from prison. All interviews were conducted in a

public location such as a park, coffee shop, or fast-food restaurant and ranged between one and two hours in duration. The interview instrument contained 47 questions asked of all participants, some of which were open-ended, some warranting a yes/no answer, and one being a matrix of 13 sub-questions about coercive work; all questions were accompanied by potential follow-up questions, though I was prepared to ask additional probing questions when unanticipated topics arose. Questions addressed topics including employment history, incarceration history, current parole conditions, and coercive work. All but two interviewees agreed to having the interview audio-recorded; for the two that declined, I took copious hand-written notes and recorded my own summary guided by the interview instrument immediately following the interview. Participants received a \$20 gift card at the interview's conclusion.

All interview participants were asked about their conditions of parole; if the participants did not mention employment, they were explicitly asked whether employment was a condition of their parole. Participants who answered affirmatively were then asked follow-up questions about how they learned about the requirement, how their parole agent enforced the requirement, and what they believed the purpose of the requirement to be. The interviews then moved to questions about whether the person's parole agent had encouraged them to find work, followed by questions regarding why or why not, the type of work they had been encouraged to pursue, and any employment assistance they had received. Later, participants were asked about past experiences (either on their current parole term or a prior term) violating parole, the reasons for violation, and any sanctions related to the violation(s). To better understand employment preferences and decisions, participants were also asked overarching questions about how they had been making money since release, including details about the type of work (e.g. informal or

formal, industry, temporary or permanent) and their decision-making around the work they accepted.

The audio-recorded interviews and notes were transcribed in Microsoft Word, deidentified, and uploaded into Atlas.ti qualitative analysis software. The transcripts were coded in two rounds. First, I coded the transcripts inductively using a modified grounded theory approach (Cutcliffe, 2005) for overarching thematic conceptual categories guided by hypotheses about employment coercion occurring for people on parole and the mechanisms of that coercion, while leaving room for unanticipated mechanisms or themes to emerge. This initial round of coding produced broad family code groups such as “Employment Requirement,” “Threat of Sanction re: Work,” and “Sanction re: Work” reflecting the motivating hypotheses, as well as “Individual Responsibility,” “Parole Agent Discretion,” and “Acceptable Work” reflecting emergent themes about the mechanisms of coercion. The second round of coding ensured that the emergent themes had been captured systematically across all transcripts and also identified more nuanced sub-themes including “Secretly Working,” “Blackout Periods,” and “Lying to Parole Agent.” The quotations utilized in the findings section of this chapter were drawn from these and other relevant codes.

### ***Ethnographic Observations***

Ethnographic observations occurred at the PACT meetings, concurrent with interview recruitment. I attended 20 PACT meetings across the five regions. Each meeting lasted two hours, resulting in between 40 and 45 hours of observations, including time before and after meetings. Ethnographic questions were shaped by the hypotheses motivating the interviews and larger study as a whole, including questions such as: Are people on parole required to work? How is the requirement to work constructed? What happens if they do not find employment? I

took copious handwritten notes and jottings at each PACT meeting before and after conducting interview recruitment with an eye toward statements and occurrences relevant to these questions. Notes were typed into Microsoft Word following each PACT meeting, where they were later manually coded into broad thematic codes based on the questions driving the observations and the study writ large. This chapter utilizes observations coded as “Employment Requirement,” “Punishment re: Work,” and “Revocation.”

### *Hybrid-RDS Surveys*

From July through November of 2019, I conducted a partially in-person, partially online Respondent-Driven Sampling survey of people on parole in Los Angeles County (n=520). This study is the first of its kind to systematically document the outcomes associated with coercive work; as such, the primary aim of the survey was to estimate the prevalence of coercive work and its associated outcomes for people on parole in LA County. To do so, this study utilized Respondent-Driven Sampling (RDS) methods (Heckathorn, 1997), a data collection and analytical method used to study hard-to-reach populations that relies upon participants’ social networks for both recruitment and analysis. RDS uses a strategic, tracked form of snowball sampling where participants recruit other eligible people from within their social networks; to approximate simple random sampling, statistical weights are applied to particular elements of the sample at the time of analysis to accommodate for unevenly surveyed social networks, better reflect the sample population, and to counter sampling bias (Heckathorn, 2011). These weighted estimates then allow for inferences about the larger population, such as the estimated prevalence of coercive work conditions and experiences for people on parole in LA County.

The first ten preliminary participants, or “seed” participants, were recruited from Parole and Community Together (PACT) meetings. PACT meetings are held monthly at each of the

five regional parole units within Los Angeles County and are mandatory for recently released parolees as part of the reporting conditions of their parole. All other seed participants were recruited from outside of parole offices across the five regional units. Participants received a \$10 gift card for completing the survey and another \$10 gift card for each participant they referred that completed it.

There were 615 total recorded responses to the online survey; of those, 537 were responses from respondents meeting the eligibility criteria, and only 528 had answered a sufficient number of questions for inclusion. Eight of these 528 entered Recruiter IDs that could not be traced to another participant, resulting in a final sample of 520 respondents. I used RDS Analyst (RDS-A), a software package built out from the R statistical environment to facilitate analysis of RDS data (Handcock, Fellows, & Gile, 2014) to assess sample frequencies and calculate estimated population prevalence (EPP) of relevant measures. Data sets were transformed into RDS analytical formats using the Recruiter ID method (as compared to the Coupon Code method), where recruitment chains are established based the 4-digit ID of the person that recruited them to participate in the survey. RDS-A not only allows for the calculation of population estimates from sample data, but also for the analysis of the recruitment chains themselves.

Recruitment technically occurred over 28 waves; however, the bulk of recruitment occurred over 10 waves and slowed through the 21<sup>st</sup> wave. The last seven waves only included one respondent each, resulting from a long one recruiter to one recruit (“1:1”) referral chain. The majority of the recruitment chains were wide, as opposed to long, which is desirable for permeating networks further from the original seed. However, there were three 1:1 referral chains; I analyzed survey duration, attention check accuracy, and answer content to determine

patterns or haphazard answering, which might be indicative of repeat survey takers; however, these chains did not demonstrate any reasons for exclusion. Further, a secondary analysis was conducted excluding these and any other potentially suspicious referral chains; the findings from these separate analyses largely reflected the results from the full sample and there were no significant, systematic differences. As such, the results from the full sample are presented here.

### ***Survey Measures***

**Estimated Population Prevalence.** Social network size was determined by participants' answers to the question, *How many other adults on parole do you know that live in your area and that have been working or looking for work (including friends, family members, acquaintances, etc.)?* with potential answers ranging from 1 to "More than 100" (See World Health Organization, 2013 for a discussion of social network assessment questions and rationale.) Because network questions were asked at the end of the survey, there were six missing answers; for measures around the requirements to work and past threats and sanctions, these six were replaced with the mean network size for EPP were calculations. Recruitment chains were tracked using participants' own randomly assigned ID number and the ID number of their Recruiter. Population size estimate was entered as 15,000, based on the known population of parolees in Los Angeles at the time of design (14,538) and anticipated growth. Population weights were calculated using the Gile's SS method (Gile, 2011), the confidence level was set at 0.95 with 500 bootstrap samples. See Salganik and Heckathorn (2004) for a full discussion of the statistical calculations for calculating estimated population prevalence. To determine estimated population frequency, I calculated the total number of people impacted by each phenomenon of interest by taking the RDS EPP multiplied by the Los Angeles County parole population at the time of study. The survey ran from July to November 2019, so I utilized the CDCR June 2019

population data (dated 6/30/2019) from the Offender Data Points report (CDCR, 2020). This was the closest available data to the survey period.

**Requirements to Work.** The RDS survey included two questions about participants' perceptions of work requirements while on parole: (1) *As part of your conditions of parole, are you required to work or actively look for work?* and (2) *Are you required to work in order to be discharged from or complete parole?* For each question, participants were prompted to select *Yes, No, or Don't know*. There were no missing responses for these questions.

**Past Threats and Sanctions.** Immediately following these questions were three questions about past experiences with parole threats and sanctions. The first question asked: *Has your parole officer ever threatened to violate you for a reason related to work?*, followed by answer options *Yes, No, and Don't know*. Participants who responded affirmatively were then asked the follow-up question: *Which of the following best describes the situation when your parole officer threatened to violate you?* Survey-takers were presented with seven options based on findings from the interviews, and were asked to select one of the following: (a) *I was not working or looking for work*, (b) *I was looking for work but had not found a job yet*, (c) *I was working off-the-books (cash job) and the P.O. wanted me to have a formal job (with a paycheck)*, (d) *I was working but told my P.O. I wanted to quit my job*, (e) *I told my P.O. I was working but wasn't*, (f) *my employer had contacted my parole agent*, or (g) *Other* (accompanied by an open text box). This pattern was followed by two additional questions, (1) *Has your parole officer ever violated you for a reason related to employment?* and (2) *Since your release from prison, have you been incarcerated (including jail flashes) because you didn't find employment?* As with the question about threats, affirmative answers to each of these questions were followed



by a prompt asking participants to select from the seven scenarios to best describe why they had been violated and/or reincarcerated.

After the questions about reincarceration and the scenario prompting the incarceration, participants who had answered yes (indicating they had been reincarcerated for a reason related to work) were then asked the duration of that most recent reincarceration. Options included: (a) *Less than 1 week*, (b) *1 week to 3 weeks*, (c) *1 month to less than 3 months*, (d) *3 months to less than 6 months*, (e) *6 months to less than 9 months*, (f) *9 months to less than 1 year*, and (g) *1 year or more*. There were no missing answers to any of these questions.

## **Findings**

For coercive work to occur, there must be both the real or perceived requirement to work, backed by a real or perceived threat. Together, official written documents from state agencies (CDCR and DAPO), verbal communications from street-level officials (parole agents), and parolees' past experiences of coercion combine to construct threat-backed parole requirements around employment for people on parole in ways that enable coercive work. First, official CDCR/DAPO documents communicate requirements to work for parolees, guide agents in their enforcement of employment, and allow for broad agent discretion in what they require of parolees. Next, parole agents verbally communicate their expectations around employment to the parolees on their caseload. Parolees then internalize the various written and verbal sources of information; combined with prior experiences of requirements, threats, and sanctions, official written policies and agent verbal communications shape parolees' understandings of requirements around work, including what type of work is acceptable and what ramifications they may face for failure to meet these requirements.

### ***Creating Coercive Work: Written Employment Requirements and Pressures to Work***

As noted above, California does not have a standard condition of parole requiring that people on active parole supervision look for, acquire, or maintain work. However, despite the lack of a formal parole condition pertaining to employment, CDCR and DAPO construct and convey expectations around employment through other intersecting conditions of parole, administrative documents, and informational materials and handbooks. Between this cumulative messaging, employment functionally becomes a requirement of parole.

Each person on parole receives a written list of the general conditions of parole, defined by CDCR as “the general written rules you must follow,” and any special conditions assigned to the individual. According to the CDCR Operations Manual, parole agents provide their supervisees with these lists at the first parole check-in following release and must obtain the parolee’s signature to verify that the parolee understands and acknowledges these conditions (CDCR, 2021a). While the general conditions of parole do not mandate employment, there are four general conditions relevant to employment (either directly or indirectly), listed both in the Parolee Handbook and on the CDCR website, that help to shape parolee perceptions of employment requirements while on parole.

The first general condition, though not directly related to work, lays important grounds for parolees who may perceive the workplace as a potential site of agent surveillance. The first condition establishes that parolees and their homes are subject to search at the discretion of their parole agent or any other law enforcement officer. It reads: “You, your residence (where you live or stay) and your possessions can be searched at any time of day or night, with or without a warrant, and with or without a reason, by any parole agent or officer” (CDCR, 2021a). The text of this condition emphasizes the perpetual possibility of home searches and potential “stop and

frisk” scenarios, as well as the complete discretion agents have over conducting these searches. However, because these searches are not bound to the home and can occur at any time, this rule also creates opportunity for parole agents to visit the parolee’s place of work in the name of searching “you and your possessions.” Because searches are at the agent’s discretion and require no warrant or justification, the parole agent is empowered to visit a parolee’s workplace without any documentation or stated reason, and the parolee has no grounds to protest.

Following DAPO’s broad allowance of agent searches, there are two interrelated rules that further facilitate workplace visits. First, according to the Handbook “You must always tell your parole agent where you are living or working,” or, as per the website “You must always give your parole agent the address where you live and work” (CDCR, 2021a; CDCR, 2021b). The Handbook version of this rule implies that the parolee must tell their agent the name (and potentially location) of their employer; in contrast, the website explicitly conveys that the parolee must inform their agent of their workplace’s physical location. The Handbook version of the rule requires the parolee to relay more substantive information, allowing the parole agent to react to the employer and type of work, including determining whether the work sufficiently satisfies their interpretation of the implied but not explicitly stated employment requirement. The website version, in contrast, more explicitly facilitates parole agent visits to the workplace by providing them with a street address. The next condition, “you must tell your parole agent about any changes to your job within three days, including work address changes” further facilitates these visits by ensuring the parole agent has up to date information about the worksite. What is more, by broadly requiring the parolee to update their agent about “any changes,” this condition implicitly emphasizes that it is not enough to *find* work, but one should maintain work; under

this rule, the parole agent will be aware of a parolee's frequent job changes, which may draw increased negative attention from the agent.

The fourth relevant condition functions as a blanket rule requiring compliance with the parole agent and any discretionary decisions. The rule reads: "You must follow all of your parole agent's instructions" (CDCR, 2021b). Though an Operations Manual details official CDCR/DAPO policies and procedures that parole agents must abide, this condition imbues them with considerably broad discretionary powers, both around what the agent requires of their parolee and, therefore, what infractions warrant sanctions. Whereas the other conditions were narrower in their scope, this condition allows parole agents to functionally create their own special conditions or rules requiring that the parolees they oversee obtain employment, and to draw the bounds on what employment is acceptable. Further, this condition then allows parole agents to respond to a breach of the new employment rules with a punitive sanction, potentially including reincarceration.

The CDCR Operations Manual, the document detailing policies and procedures for parole agents, outlines positive and negative parolee behaviors which would accordingly (though not necessarily) warrant reward or sanction. On this list, positive behaviors that might warrant reward include both that the parolee had "displayed a diligent search for gainful employment" and/or "obtained verifiable gainful employment." In contrast, negative behaviors potentially warranting sanction included a parolee having "failed to diligently search for gainful employment" and/or "failed to secure a verifiable legal income" (CDCR, 2021c:677).

Written documents provided to people following release from prison also emphasize the central importance of work while on parole, contributing to the perception of work as an implied requirement. DAPO's official Parolee Handbook opens with the heading "IT'S YOUR CHOICE

– SUCCESSFUL PAROLE,” followed by the statements “You will have a lot of freedom while you are on parole. How well you do will be up to you. In order to be successful, you will need to play by the rules and make sure that your basic needs are being met. Basic needs include things like [...] employment” (DAPO, 2021b). This opening text frames employment as a basic need to be met, not for the individual’s socioeconomic self-sufficiency but “to be successful” on parole. The emphasis on individual “choice” and the narrative that success is “up to” the parolee, a narrative repeated throughout the Handbook, frames employment as a simple choice between whether to find work or not, without regard for any potential barriers to doing so. The handbook later states “getting a job should be one of your top priorities if you are capable of working,” further driving home the point that all able-bodied people on parole are expected to work.

### ***Communicating Coercive Work: Verbal Employment Expectations from Parole Agents***

Parole agents conveyed narratives about employment and what constitutes a “good parolee” at the PACT meetings all recently released people on parole in LA County were required to attend. Each meeting opened with a speech given by a ranking parole agent about the expectations agents have for their parolees. The agent’s speech always entailed a version of the statement “you need to find employment” alongside other expectations including housing and substance use treatment or programming, typically immediately preceding a review of parole conditions; this statement, its proximity to other fundamental needs at reentry, and its presentation immediately preceding official conditions of parole suggested to parolees that employment is indeed a formal condition of parole. At one PACT meeting, the parole agent asked the audience of parolees, “What is the first thing you should do when you’re done with this meeting?” to which he received a smattering of quiet replies. The agent then answered on the group’s behalf: “Apply for jobs! When you leave here, you need to go find a job!”

These PACT meetings concluded with service providers introducing their organization's resources; these presentations were often followed by concluding remarks from the parole agent that parolee attendees "had better take advantage of these opportunities" offered by service providers, which included organizations offering job placement or assistance, as well as housing, community college courses, tattoo removal, and the local library. At one PACT meeting, the agent concluded the meeting by saying "All of these services, these jobs... They're all here. You just have to decide that you want it and to take advantage. You're the only thing standing in your way." Interview participants reported internalizing this messaging from the PACT meeting(s) they attended. For example, when asked if work was a requirement for his parole, Eduardo first responded that it was *not* a requirement; however, he corrected himself, saying "well, that one guy [parole agent] at the [PACT] meeting said that if you work your parole gets knocked out...so I will call it a requirement, then."

Interview participant Smith noted that he knew his parole agent expected him to obtain employment, even if work was not a formal condition of parole. However, rather than recounting a conversation about conditions (the way many participants had), he operated on assumption or implicit understanding. After being asked if he had work requirements as part of his parole, Smith replied:

Well, of course. It wasn't on mandate, not written on paper. But any parole officer is gonna push for you to be employed or in school or something like that, or what kind of parole officer would he be? I've never seen it on paper but, he [my P.O.] definitely has no problem with dialogue about it.

Smith's statements suggest that he and his agent had at some point spoken about employment expectations; however, Smith delineates between a written formal condition or "mandate" and a more informal (but nonetheless real) verbal expectation. Together, written guidances from

parole, verbal conversations with parole agents, and PACT meetings create a cohesive message that employment, even if not a standard condition of parole itself, is a requirement.

All interview participants were asked broadly about the conditions of their parole before being asked more specific questions about employment requirements. In response to this open question about parole conditions, about one quarter of interviewees volunteered employment as a perceived condition of their parole. For example, when asked what his conditions of parole entailed, Spike immediately answered: “maintain employment.” Similarly, Malik listed work alongside his other general conditions, stating, “My conditions is that I have to do an anger management class, [...] find employment, get my social security card, become independent, and I can’t travel without a pass.”

Some participants reported that their parole agent had directly communicated expectations around work. Participants described the way their agents commonly tied these employment expectations to underlying cultural values associated with work after prison. Mike, who said that employment was a requirement of his parole, described the reasoning behind his agent’s emphasis on work:

The one [parole agent] I have now, work’s his main thing. I mean, probably not because he’s being an asshole [but] because he believes that if you’re back in society, you should have something to pay your bills, do your taxes. Kind of like, a resident kind of thing. That to me, that’s no biggie. That’s why I’m always working.

Mike understood the parole agent’s emphasis on employment as based in values around what constitutes productive citizenship (“a resident kind of thing” within “society”), as well as practical necessity (to “pay your bills”). Diego described how his agent associated work with productive citizenship; when asked if he had any work requirements associated with his parole, Diego noted “She [my agent] does- I can’t just be at home sitting down doing nothing. But I did already get a job.” For Diego’s parole agent, and thus for Diego by extension, obtaining

employment is the antithesis of “just [being] at home [...] doing nothing.” By finding work, Diego is performing rehabilitation via productive citizenship in a way that is legible to and acceptable for his parole agent.

The majority of interview participants also noted that they had experienced or observed frequent parole agent turnover during their current parole term. When asked about their current agent’s expectations of parole, Ryan said, “He’s a brand-new P.O. [and] I’ve only had him once. My last one was really cool, but they switch up the parole officers all the time.” These participants described notable variation between current and past agents’ expectations, attitudes, and preferences about their parolees’ employment. Because of the broad discretion granted to agents by CDCR, heterogeneity in parole agent expectations, and frequent agent turnover, participants’ answers about their parole requirements and agent’s expectations often had an air of uncertainty. When I asked Chris about employment requirements, he replied, “I’m honestly not sure, we [Chris and his P.O.] haven’t talked about it yet. My last P.O. wanted me to [work], so this guy probably does, too.” In the face of uncertainty, Chris defaulted to assuming that his current agent expected him to work.

Other interviewees tied employment requirements to larger notions of what it means to be a “good” parolee. For example, Gabriel recounted that his agent “asked me to get a job so it looks good on parole.” When asked what the conditions of his parole entailed, Brad replied, “He [my P.O.] just tells me, ‘Get a job, do good, stay away from trouble.’” Similarly, Adrian answered the same question by saying, “My conditions would be to stay employed, don’t get in trouble...I’d say that’s it.” Though both Brad and Adrian would necessarily also have had additional standard conditions of parole (e.g. restrictions on travel, reporting requirements, etc.), they only noted employment and the broader need to avoid “trouble” when listing their parole



conditions. This flattening of all other conditions into a general notion of trouble avoidance places extra emphasis on employment as requiring prioritization when compared to other conditions (for discussions of trouble or risk avoidance, see Cross, 2000; Goffman, 2009; Jacobs, 1996; Nagin, 2013). In the quotations above, not only did parolees treat employment and their other parole conditions equally (especially when flattened into the sweeping category of “avoiding trouble”), but they also understood work to be central to the status of “good parolee,” or one who does not require close supervision by their parole agent.

Along these lines, multiple interviewees described employment as a way of avoiding their agent’s attention and scrutiny. For example, at the time of interview, Jerry was working as a dishwasher in a local restaurant. Jerry described this position as “just for show;” it was a formal job he maintained so he could prevent “get[ting] more attention from parole.” Jerry also noted later that he was engaged in illicit income-generating activities, suggesting that he was using the dishwashing position not only to avoid agent attention overall, but to distract from his illicit activities.

#### *“Acceptable” Employment*

About half of the interview participants in this study reported that their agent had not provided any guidance or specifications about what type of employment they expected the person to obtain, other than the obvious exclusion of illegal income-generating activities. These participants also generally described being willing to take any “honest” or “legal” work available in order to meet financial needs and fulfill perceived work requirements. However, the remaining participants reported limitations on what forms of “honest” employment their parole agent would deem sufficient to fulfill expectations; these real or perceived limitations shaped what participants believed constituted acceptable work.

Primarily, participants delineated acceptable and unacceptable work as dependent on whether the work was on-the-books or off-the-books, though participant reasoning behind that delineation varied. Interview participant Sam explained that the requirements around employment inherently meant formal, on-the-books work, and that informal work would not meet the requirement. As Sam noted, “In terms of what [work] a parolee’s looking for, it has to be on the books. They don’t want anything cash, they [parole agents] have to see that paystub; if not, it doesn’t count.” Sam continued on, adding that he would have liked to pursue both on-the-books and off-the-books work to fulfill his financial needs, but is refraining from doing so because under-the-table work wouldn’t “count” toward fulfilling his parole requirements.

Relatedly, Anastacio was working in a cement laborer job at the time of interview – a position he was keeping secret from his parole agent. When asked why he had not informed his agent of the employment, Anastacio replied, “Because if you have employment and you get an annual review [by parole], they need all paycheck stubs to say that you worked from this time to this time. And if there’s a gap, ‘Well, what happened between here and here? What did you do?’” For interviewees like Anastacio, paystubs that accompany formal work are necessary proof of having met any (real or perceived) employment requirements; even if one is working off-the-books, the lack of documentation appears to be evidence of failure to engage in employment. Later, Anastacio suggested that these “gaps” might also be interpreted by parole agents as times where the person may have been engaged in illicit activity, whether to generate income or because they had returned to other activities such as drug use that would prevent them from participating in formal work.

A few interviewees noted the variation in individual parole agent preferences, where some agents would only accept formal work while others would allow their parolees to engage in

off-the-books work so long as some form of documentation could be obtained. Interviewee Steve said that his parole agent approved of his under-the-table position once his employer agreed to start paying him with personal checks, rather than cash; Steve showed his agent the checks, which his agent approved as served as an acceptable form of documentation. Similarly, Kris reported that her parole agent required her to get a letter from her off-the-books employer, but then permitted her to continue working there once the documentation was obtained. While these scenarios point to parole agent discretion in determining what work “counts,” parole agents also tended to associate acceptable employment with a “paper trail.” For these parole agents, the work was only valid if and when it could be properly documented.

In contrast, one interview participant emphasized their agent’s concern with payrate as opposed to formality. Though some interviewees described engaging in off-the-books work that paid sufficiently well (or relatively well in the absence of potentially higher-paying formal work), Smith believed that the low pay of his current informal position would be what drew his agent’s scrutiny. Smith was asked if he believed his parole agent would mind that his current job was off-the-books, to which Smith replied:

No, no. In fact, if I told him about it, he'd probably talk shit. [...] “Ah man, that's a bullshit ass job, get a job that's gonna give you some benefits, man.” He'll probably downplay it. [...] Cause he's never really said, "Man, quit that job." He's never said that. He'd just downplay it, that's all. “Ah man, that's pennies man. That ain't gonna nothing but get you to the next paycheck.”

It is plausible that Smith’s agent emphasized higher-paying work as a way to encourage Smith to pursue employment that would increase his chances of self-sufficiency and reentry success; however, Smith saw it differently. Instead, Smith reported feeling pressured by his agent in a way that was “making it hard for [him] to progress, to where it’s actually becoming a problem in my immediate life.” After anticipating a discouraging response from his parole agent, Smith

continued to work this under-the-table job without his agent's knowledge. Smith acknowledged, though, that the pressure from his agent to find "acceptable" work would continue.

### *Experiencing Coercive Work: Threats and Sanctions*

Interview participants also demonstrated that the requirement to work was often accompanied by a real or perceived threat of sanctions should they fail to obtain work. When people do not comply with the conditions of their parole, the parole agent has discretion in determining whether the person's actions constitute a parole violation (as opposed to a verbal warning or other alternative sanction), as well as some discretion in choosing the sanction. Relatively benign sanctions include additional mandatory programming, such as a return to the Adult Computer Literacy Lab, or "Lit Lab," a DAPO program intended to provide basic educational assistance and job readiness skills. Interview participant Sam's parole agent used the Lit Lab (referred to below as the "career center") as a potential sanction for failure to secure a job; Sam said:

She did mention to me that if I don't get a job within a certain amount of time, I would have to start going to the career center three times a week and go to whatever seminars they offer and ask them for help to get me a job, go through the system and try to get a job, write a resume, so, that will be the alternative because that is required. They want you to be productive and not just doing nothing around the house and just lying there.

Though parole agents and the Lit Lab staff likely view the Lit Lab as a constructive way to help jobseekers navigate an unfamiliar, constrained job market, Sam's comments instead frame the Lit Lab as a sanction for failure to obtain work. Like participants above, Sam ties this punishment to the underlying value of work as productive citizenship. If one is not able to find work, the implied alternative is that they are "just doing nothing around the house," rather than acknowledging other challenges to finding work, including the structural barriers and stigma

experienced by people on parole (which the job readiness skills taught in Lit Lab largely cannot overcome). Relatedly, several interview participants also reported that they had been required to attend the PACT meeting where they were recruited for the study as an intermediate sanction for a rule infraction.

In contrast to Lit Lab, sanctions can be as severe as reincarceration, either in the form of shorter “flash incarcerations” of up to ten days in a local jail or longer sentences in jail or state prison. In the section above, Brad listed his conditions of parole as requiring that he “get a job, do good, stay away from trouble,” linking employment to a larger sense of “doing good” by following the rules and avoiding violation. The conversation with Brad continued:

Interviewer: Have you two [Brad and his parole agent] talked much about work? Have you had conversations about that?

Brad: He just tells me to do good. I have like, 90 days to show him that I’m doing good.

Interviewer: Does he express any specific expectations?

Brad: He’s not strict, but he made his point in the beginning, like, “If you get in trouble, I’m gonna be on you. And if you go to jail, I’m gonna make sure you go the maximum time for a violation.”

Without context, the statement above would seem unrelated to employment; however, Brad described these threats in direct response to a question about his agent’s expectations around work. Brad equates employment with “doing good;” therefore, Brad also equates a threat related to the failure to “do good” to a threat related to employment. What is more, the parole agent is not only threatening sanctions for a failure to “do good,” but he is pledging to pursue the harshest available punishment for even the first parole violation.

As with the construction of the requirement to work, the threat of sanctions did not always come directly from the parole agent themselves. Interview participant Kareem identified written materials provided to incarcerated people prior to release from jail or prison as a source conveying the perpetual threat of parole violation and reincarceration. According to Kareem,

“They say in the packet that we fill out when we’re incarcerated they say they can send you back for no reason at all. [...] You don’t have to violate nothing, they just can send you back.” Here, Kareem is likely conveying his interpretation of the general condition of parole which states, “You must follow all of your parole agent’s verbal and written instructions” or other official documents relaying a similar message (CDCR, 2021a). Kareem’s comments, combined with the reality of this broad parole mandate, highlight the extent of the discretion agents have in making decisions around violations and sanctions. It also underscores why interviewees frequently described feeling continually on guard, or as though they have to “look over their shoulder” constantly.

In his interview, Malik also discussed how this same parole condition factored into a prior experience violating parole. Malik reported having received multiple parole violations for reasons related to employment, which resulted in reincarcerations in the local jail. After being asked why his parole officer gave him violations, Malik replied:

Malik: Because I wouldn’t do as he said. One of the conditions was he wanted me to find employment, but I refused.

Interviewer: So he violated you specifically for that?

Malik: Well, not specifically for not finding employment, but it’s called “disobeying a peace officer.” [...] It’s in our conditions that we have to find employment. We have to find stable housing. And if we don’t do them within a set period of time, we get violated. [...] He wanted me to find employment. [...] I was in LA County Jail. I did a 9 month, I did a 6 month, and I think I did a 5 month. All under the same P.O.

Malik described perceiving employment as a formal requirement of parole, though he understood that the actual violation trigger was the broader condition requiring parolees to adhere to all of their agent’s commands. Following these employment-related incarcerations, Malik accepted a

position with Evolution<sup>4</sup>, a nonprofit third-party organization he learned about at the PACT meeting. Evolution is a large nonprofit organization that draws clients for its transitional job program from parole, as well as nonprofit and social service agencies, and places workers in jobs including positions with state and municipal governmental agencies. At the time of interview, Evolution had placed Malik in a job doing roadside cleanup on the side of the highway for the California Department of Transportation. In Chapter 3, Malik will describe the dangerous working conditions of this job – a job he accepted so as to avoid future violations and reincarceration.

### ***The Prevalence of Coercive Work in Los Angeles County***

As anticipated based on interview findings, survey participants in this study overwhelmingly report perceiving looking for and obtaining employment to be a requirement of their supervision. Indeed, of the 520 people on parole who participated in the RDS survey, 455 (87.5% sample) reported that they were either required to work or to be actively looking for work as a condition of their parole. Applying RDS weights, an estimated population prevalence (EPP) of 84.9% of people on parole in Los Angeles perceive that they have requirements to work while on parole. Relatedly, 354 of the 520 participants (68.1% sample, or 65.4% EPP) understood employment to be required in order for them to successfully discharge from parole and complete their supervision. The EPP calculations become even more striking when put in the context of the larger population of people on parole in Los Angeles County at the time of study.

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<sup>4</sup> The name of this organization has been changed. Though there is public interest in naming the organization, the name has been changing to fully protect the identity of research participants. Further, Evolution is not a unique phenomenon but, rather, emblematic of an increasingly common type of predatory institution arising within the “reentry industrial complex” – an institution warranting further investigation as a whole.

On June 30, 2019, there were 16,002 people on parole in LA County. The RDS population prevalence estimates above thus suggest that approximately 13,586 people understand employment to be a requirement of their parole, and 10,465 parolees understand employment to be a requisite for parole discharge. See Table 3.1 for sample and estimated population prevalence and frequency.

**Table 3.1: Mechanisms of Coercive Work, by sample frequency, sample percentage, estimated population prevalence, and number in population, n=520**

	Sample	Percent of Sample	Estimated Population Prevalence	Estimated Population Frequency
Believe work is a condition of parole	455	87.5	84.9	13,586
Believe work is necessary for discharge	354	68.1	65.4	10,465
Past threats from agent related to work	105	20.2	26.2	4,193
Past parole violation related to work	48	9.0	11.9	1,904
Past reincarceration related to work	41	7.9	11.2	1,792

For coercive work to occur, there must be both the real or perceived requirement to work, backed by a real or perceived threat. Just as survey participants overwhelmingly reported believing that employment was a requirement of their parole, many also reported prior experiences of threats and sanctions. Just over one fifth of survey respondents (105 participants, or 20.2% sample) reported that their parole agent had threatened to violate them for a reason related to work, resulting in a projected prevalence of 26.2% or 4,193 current parolees in Los Angeles County who have experienced these threats. The majority of survey-takers who received threats of violation reported that the threat occurred because they were either looking for work but hadn't yet found a job (34 or 32.4% of the 105 respondents who had been threatened) or were not working or looking for work at all (34 or 32.4% of subsample). Table 3.2 shows the full range of work-related reasons participants reported as the basis of threats and sanctions from their parole agents.



**Table 3.2: Threat, Violation, and Reincarceration Scenarios, by number of responses and percentage of subsample, N=520**

Reported Reason	Threat	Violation	Reincarceration
Not working or looking for work	34 (32.4%)	14 (29.8 %)	11 (26.8%)
Looking for work but hadn't yet found a job	34 (32.4%)	9 (19.2%)	9 (22.0%)
Told P.O. was working but was not	11 (10.5%)	12 (25.5%)	1 (2.4%)
Working off-the-books	8 (7.6%)	5 (10.6%)	5 (12.2%)
Employer contacted P.O.	7 (6.7%)	2 (4.3%)	4 (9.8%)
Working but told P.O. they wanted to quit	3 (2.9%)	2 (4.3%)	2 (4.9%)
Other	8 (7.6%)	3 (6.4%)	9 (22.0%)

Some survey participants reported experiencing not only threats from parole, but actual sanctions associated with work. For a total of 48 participants (9.0% of the sample), a current or former parole agent had at some point given them a violation for a reason related to parole – an estimated prevalence of 11.9% or 1,904 LA County parolees. As with the threats above, participants commonly reported receiving violations because they were either looking for a job but had not yet found one (9 of 48, 18.8% of subsample) or were not working or looking for work at all (14 of 48, 29.2% of subsample). An additional 12 participants (25% of 48) reported that they had lied to their P.O., falsely stating that they were employed even though they were not; when their lie was discovered, they received a violation.

Forty-one of 519 survey respondents (7.9% of the sample; 11.2% EPP) reported that, while on parole, they had been reincarcerated for some duration of time, at either the state or county level for a reason related to work. This suggests that, based on an estimated population prevalence of 11.2%, 1,792 people currently on parole in Los Angeles have experienced employment-related reincarceration. The majority of survey takers who reported having been reincarcerated for a reason related to work reported that they had not been working or looking for work (11 of 41, or 26.8% of subsample). An additional nine participants (22.0% of subsample) were reincarcerated because they were looking for work but hadn't yet found a job, while

another nine (22.0%) reported that their reincarceration was due to another unlisted reason.

Durations of incarceration ranged from jail “flashes” of less than one week to, most commonly, stays of over one year. Table 3.3 presents the reported length of the most recent incarceration term for a reincarceration related to employment.

**Table 3.3: Length of the most recent incarceration term for a reincarceration related to employment, by frequency and percentage of subsample (N=41)**

	Frequency (%)
Term Length	
Less than 1 week	4 (9.8%)
1 week to 3 weeks	8 (19.5%)
1 month to less than 3 months	8 (19.5%)
3 months to less than 6 months	2 (4.9%)
6 months to less than 9 months	3 (7.3%)
9 months to less than 1 year	2 (4.9%)
1 year or more	14 (34.2%)

## Discussion

The findings above demonstrate how, through a combination of written and verbal communications from state actors and past experiences of requirements and sanctions, people on parole perceive employment as a threat-backed requirement of their parole, even in the absence of a formal standard condition of parole mandating employment. Prevalence rates and estimated population frequencies produced from RDS analyses show that, not only are these perceptions common for the study sample, but also likely extremely common for people currently on parole more broadly.

The findings above report the estimated population prevalence and frequency for the *current* active parole population. These findings have staggering implications when we consider the population of all people who have been on parole over time, and those who will be on parole in the future. At the time of study, there were 16,002 people actively on parole in Los Angeles County (CDCR, 2020); the majority of these parolees serve parole terms of one to three years,

suggesting that every few years, a new cohort of approximately that same size (if not increasing) is on active parole supervision in the county. If we consider the estimated population frequency of incarcerations for reasons related to work in the current parole population (1,792), this number is already troubling. However, this number becomes all the more disconcerting if we infer that this frequency likely increases to tens of thousands of people on parole who have *ever* been reincarcerated because of a failure or refusal to meet unofficial parole requirements around work, and when considering that parole is just one among multiple supervisory systems (e.g., probation, supervised release, etc.).

While some sanctions for failure to work are inarguably punitive (e.g. reincarceration), some participants described receiving sanctions that were framed by their agents or other service providers as “helping” rather than punishing them. For example, several participants above described both Lit Lab and PACT meeting attendance as potential employment-related sanctions their agents had meted out; however, participants’ descriptions of these sanctions echoed other forms of coerced rehabilitation or treatment, where people in power require attendance in rehabilitative programs as either punishment or an alternative to other sanctions. Indeed, the curated information and services made available at both PACT meetings and the Lit Lab objectively may have the potential to fulfill parolees’ basic and “criminogenic needs” and to provide much-needed assistance navigating the reentry landscape. However, the effectiveness of these resources is called into question when parolees are coerced into attendance (or perceive that they are), rather than voluntarily seeking out these services themselves. These questions echo the questions raised in the literature addressing the ethics and effectiveness of court- and other state actor-mandated attendance in drug treatment or other rehabilitative programs (Sung & Belenko, 2005; Day, Tucker, & Howells, 2004; Tiger, 2011). To what extent can participants

benefit from programs or resources if they perceive the experience to be punitive? Agents and parolees alike may benefit from agents taking an alternative, non-punitive approach to support and service provision for parolees who they believe to be struggling.

The same question about coerced involvement and positive outcomes applies, of course, to coercive work. Parole agents may reasonably (and somewhat paternalistically) believe that threat-backed pressures to work are effective: on its face, coercive work seems as though it would not only increase employment rates for parolees, but also improve parolees' short- and potentially long-term socioeconomic wellbeing while also reducing the risk of recidivism. However, the actual implications of employment coercion are bleaker. As I discuss in more detail in Chapter 3, coercive work pressures workers into lower-quality positions, often in dangerous or outright illegal working conditions. These positions are generally low-paying and unstable, making it difficult for workers to attain economic stability. Further, while common wisdom among parole officials and service providers suggests that any employment is protective against recidivism, there is some evidence that positions in the secondary labor market, like those parolees are coerced into accepting, may actually be criminogenic (Crutchfield & Pitchford, 1997; Crutchfield, 2014; Nguyen, Kamada, & Ramakers, 2020; Uggen, 1999). In a recent study, Seim & Harding find that parole supervision is associated with increases in employment after release, but this increased employment is not associated with any lasting changes to poverty level or recidivism (2021). What is more, if, like other mandated rehabilitative activities, work itself is experienced as punishment, any potential benefits to parolees may cease to occur or may be offset by the negative effects of perceived coercion.

Further, people are not coerced into *any* work, but participants reported feeling pressured to acquire work that they perceived would be acceptable and count toward satisfying their parole

requirements. As Gurusami found in her study of formerly incarcerated Black women in Los Angeles (2017), participants in the present study continually spoke of how individual parole agents subjectively shape what constitutes “acceptable” work. Gurusami finds that the formerly incarcerated women in her study understand work that “counts” as work that is “reliable, recognizable, and redemptive.” In the present study, interview participants emphasized the need for formal work, falling in between Gurusami’s reliable work (that which “produce[s] consistent, long-term financial benefits and therefore cannot be contract or insecure work”) and recognizable work (which is “legible to state actors as employment in a conventional workplace setting”) (2017:434). In the present study, people on parole believe that their agents more often are concerned with employment’s formality, regardless of its consistency, stability, or conventionality, per se; participants also perceived temporary work and other forms of inconsistent, unstable employment as “acceptable,” so long as it is on the books. Further, participants in the present study largely equated “acceptability” to the ability to provide official documentation of employment, as in the rare occasions off-the-books work was considered “acceptable” so long as it was accompanied by paper checks or a letter of employment.

Parolee perceptions of “acceptability” as equated with the ability to document their employment shapes the employment they accept in ways that are not necessarily consistent with their own wants and needs. This concern with documentability also echoes parolee experiences of other aspects of parole as prioritizing surveillance rather than substantive rehabilitation. As parole agent caseloads grow (as is the case in Los Angeles County), agents may come to rely on more administrative ways of conducting their supervisory duties, and parolees may experience heightened levels of surveillance. In this scenario, employment then becomes more of an administrative requirement for parolees, as opposed to a central, substantive element of

rehabilitation or reintegration. In turn, parolees then must prioritize positions that believe satisfy these “acceptability” standards rather than prioritizing work that might meet their economic needs or be more personally fulfilling.

Above all else, coercing people into employment through criminal legal mechanisms further extends the legacy of the criminal legal system as method of extracting unfree labor from criminalized populations. This chapter has shown that employment coercion can occur even in the absence of a formal requirement such as a general condition of parole mandating parolee employment; other factors (e.g., written documents, verbal communications, communal knowledge, and prior experiences) can combine to create the perception of these requirements in ways that are as compelling as a formal mandate itself would be. And, regardless of the formality of the requirement, the ongoing practice of punishment for a failure to work reinforces parolees’ understandings of work as required (lest they risk reincarceration). Together, these real and perceived requirements, threats, and sanctions create the conditions for coercive work on parole.

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## Chapter 4. Parole Conditions as Barriers to Employment

People on parole experience a *legal double-bind* as related to employment, wherein parolees are legally compelled to acquire work while simultaneously being legally obstructed from doing so (Augustine, 2019). Implicit in the notion of the legal double-bind is the constant threat of legal sanctions associated with the failure to obtain employment, even while the law itself creates obstacles to work for formerly incarcerated people. Parole conditions, and the ways they are interpreted and enforced by agents, are a primary element of the legal double-bind for people on parole, requiring that parolees find “acceptable” work (e.g., work that matches the subjective priorities of the parole agent) while also so constricting parolee mobility that the conditions may actually prevent people from finding or maintaining work.

As demonstrated in Chapter 3, parole conditions are foundational to establishing supervisory requirements around work for parolees, even in the absence of a general condition explicitly mandating parolee employment. More broadly, parole conditions also facilitate parole agent surveillance of parolees while compelling parolees into rehabilitative activities including rehabilitative programming (e.g., job readiness programs, anger management classes, and substance addiction support groups), housing, education, and, of course, employment. These parole conditions often create numerous, conflicting demands on parolees who must navigate the multitude of demands on their time and limitations on their movements and agency in an attempt to successfully complete parole.

This chapter draws upon data from semi-structured qualitative interviews (n=40) and text responses from a partially in-person, partially online Respondent Driven Sampling (“Hybrid-RDS”) survey (n=520) to illustrate how parole conditions can function as barriers to employment, even when employment is itself a requirement of parole supervision. Though these

parole conditions may be intended to facilitate reentry by limiting parolees' opportunities for misbehavior and compelling them into rehabilitative activities, the subjective nature of punishment and heterogeneity of parolee needs and desires lead to different experiences of these conditions; some parolees experience conditions as helpful structure, while others experience them as punitive. In part based on these different experiences, parolees navigate a multitude of conflictual parole conditions and must make choices between which rules they prioritize, all of which are backed by punitive criminal legal threats for failure to comply, despite the near impossibility of fulfilling all of these conflicting conditions.

## **Background**

Parole as an institution has historically been tasked with two dual missions: ensuring public safety in the community and supporting the rehabilitation of people on parole supervision (Caplan, 2005; Petersilia, 2003; Simon, 1993). To pursue these dual missions, parole departments rely primarily on the conditions imposed by the parole board at the time of a parolee's release from prison and parole field agents in the community enforcing those conditions (Champion, 2002; Petersilia, 2003). Over time, the approach parole departments take in pursuing these missions, and the relative balance and prioritization between the two, has shifted in a pattern that overarchingly follows a trend away from individualized rehabilitative service provision and guidance and, instead, toward surveillance (Caplan, 2005; Feeley & Simon, 1992; Petersilia, 2003; Simon, 1993).

In 1992, Feeley and Simon famously theorized that the American carceral system had undergone a fundamental discursive and technical shift into what they termed the "new penology," characterized by a focus on managing risks at the population (rather than individual)

using actuarial methods. Within this new penology and larger “risk society,” justice-involved people are constructed “a risky population to be efficiently and prudently managed by the state, as well as by citizens and a host of non-state agencies” (Hannah-Moffatt, 2005). As an extension of the carceral system, parole governance underwent a parallel shift into emphasizing management and control (Simon, 1993); as part of this shift, parole agents came to rely heavily on parole violations and parole revocations as a blunt instrument for enforcing parole conditions in the name of public safety (Opsal, 2009).

As the past decade has seen the pendulum of popular opinion swinging back in favor of rehabilitation after decades of extremely tough-on-crime rhetoric (Wozniak, 2016), the administrative infrastructure of parole continues to rely heavily on managerial techniques of supervision, even in their approaches to rehabilitation. Contemporary parole approaches parolee rehabilitation primarily through assessments of parolees’ “criminogenic needs” – a hybridized actuarial assessment of one’s risks and needs as related to crime prevention – and group programming responding to these identified needs (Hannah-Moffatt, 2005; Miller, 2012). At the same time, and in part due to shifting public opinion (as well as critical legislative actions), the number of people on parole in California has boomed following several legislative actions increasing prison release rates (e.g., California Public Safety Realignment Act of 2011; Proposition 47 of 2014; Proposition 57 of 2016), and the state’s California’s Department of Adult Parole Operations (DAPO) is tasked with pursuing the dual missions of law enforcement supervision and rehabilitation of this growing caseload. In its attempts to conduct supervision and rehabilitation for a growing number of parolees, parole governance relies on parole conditions that emphasize surveillance and mandated group rehabilitative programming.

## *Surveillance*

Parole conditions facilitate parole agents in their supervisory capacities, functioning as rules that either prohibit “criminogenic” parolee actions or by compelling parolees into activities considered by parole departments and agents to be rehabilitative. Overall, the number and types of parole conditions have increased over recent decades, and as a result “parolees are held more accountable for a broader range of behavior” (Petersilia, 2003:90; Travis & Stacey, 2010). As the number and scope of parole conditions has expanded, the majority of these conditions remain focused on surveillance and managing risk associated with “criminal” behaviors (Opsal, 2009; Travis & Stacey, 2010).

Criminal justice institutions’ heavy reliance on surveillance is grounded largely in criminological theories of deterrence, wherein people are viewed as rational actors who engage in criminal behavior based on ongoing internal cost/benefit analyses and can be dissuaded from engaging in crime when the perceived costs outweigh the perceived benefits (Beccaria, 1754; Becker, 1974; Nagin, 1998). Techniques of surveillance aim to prevent crime by attempting to increase the certainty that criminal behavior will be detected (Caplan, Kennedy, & Petrossian, 2011; Piza, Caplan, & Kennedy, 2014). Parole conditions requiring ongoing parolee reporting and drug testing, and those allowing for warrantless visits to and searches of one’s person, home, or place of employment, facilitate parole agents’ abilities to surveil their parolees (Petersilia, 2003; Travis & Stacey, 2010).

Relatedly, some risk management-oriented parole conditions constrain parolee movement and mobility in ways that facilitate surveillance and, in so doing, attempt to be deterrent effects on criminogenic behavior, such as conditions limiting geographic movement (e.g., barring travel outside the parolee’s established county or state of residence) and those establishing curfews

(Petersilia, 2003; Travis & Stacey, 2010). In addition to enabling agent surveillance, these conditions also draw upon a routine activities approach and attempt to prevent crime by limiting a parolee's opportunities and access to potential "targets" (Cohen & Felson, 1979). Heightened surveillance and constrained "opportunities" assume that the person on parole is motivated and likely to engage in criminal acts if able and not under the watchful eye of a criminal legal body, emphasizing contemporary parole governance's construction of the parolee as "risky" and "criminal" (Clarke, 1995).

Whereas parole institutions and agents may view these risk management techniques as necessary for public safety, scholars have documented that the experience of surveillance-oriented parole governance for people on parole varies across individuals (Leverentz, 2014; Opsal, 2009). Some people on parole may be ambivalent, feeling neutrally that parole conditions are simply rules that must be followed, while some may experience them as helpful structure limiting access to and temptation of "criminogenic" people and places (Opsal, 2009). However, people under these types of parole or other analogous surveillance regimes may experience these approaches to supervision as punitive, feeling fear, anxiety, and/or anger under the perpetual distrusting gaze of their criminal legal supervision (Gustafson, 2011; Leverentz, 2014; Opsal, 2009).

### ***Rehabilitation***

In early iterations of parole governance, a parole officer's central duties were to provide parolees with individualized counseling around personal issues and hands-on assistance with employment and housing placement (Petersilia, 2003; Simon, 1993). Today, the parole agent is tasked primarily with surveillance while the individual parolee is primarily responsible for their own employment, and external non- and for-profit organizations in the growing "reentry

industry” fulfill the majority of rehabilitative and/or treatment programming and services (Miller, 2012; Miller & Purifoye, 2016). Some parolees may even be assigned to day reporting centers, third-party companies that provide rehabilitative programming as well as conduct daily drug and reporting surveillance on the parole agency’s behalf (Hyatt & Ostermann, 2019).

Both within prisons and on parole, contemporary approaches to rehabilitation rely heavily on group programming rather than individual counseling or therapy. Within the framework of criminogenic needs and risks, these “strategies intervene within the cognitive processes and non-cognitive capacities of former prisoners, engaging and reframing their emotions, perceptions, and character traits” (Miller, 2012:328). This framework and resulting approach to rehabilitation treat parolee needs as pathologies that require management and treatment in a way that echoes other criminal legal and welfare responses to social issues generally and underemployment specifically (Stuart, 2013; Tiger, 2011; Gustafson, 2011). To enroll “risky” and “needy” groups in rehabilitative or treatment programs, the criminal legal system often deploys coercive strategies of court-ordered or parole-mandated attendance under threat of sanctions for refusal or failure (Satel, 2000; Tiger, 2011). These forms of “therapeutic jurisprudence” and “enlightened coercion” include forced drug treatment, as well as “recovery management” approaches to policing where law enforcement shepherd unhoused people into shelter or transitional housing programs (Stuart, 2013; Tiger, 2008; Tiger, 2011).

These coercive approaches to rehabilitation, which may produce some of the desired outcomes (e.g., attending a reentry program, accepting shelter housing, or ceasing active drug addiction), may be viewed by criminal justice actors as benevolent and necessary (Nace, et al., 2007; Satel, 2000). However, even if objectively positive outcomes like desistance from crime or drug use are achieved, people undergoing these forms of coercive rehabilitation may be

experience them as punishment. While some may conceive of uniform punishments as objective, the actual experience of punishment is subjective (Crewe, 2015); thus, different people under enforcement of the same rules will experience them differentially – some as helpful structure or guidance, and some as punitive. The latter is especially true when social services like rehabilitative programming are associated with potential punitive sanctions and linked to carceral institutions (Gustafson, 2011; Young, 2002). Further, these residential and non-residential rehabilitative programs often further expand parole’s surveillance capacities by conducting their own, additional forms of surveillance of the parolees under their care and often by reporting directly back to parole agencies (Leverentz, 2014; Miller, 2008; Miller & Alexander, 2015; Prior, 2020).

### ***Employment on Parole***

Parole agents were also historically tasked with facilitating parolee placement in employment and techniques of rehabilitation centered on vocational and educational programming (Petersilia, 2003; Simon, 1993). However, the responsibility for job placement has shifted in large part to the parolee themselves, with some assistance provided by job readiness programming from parole departments largely focused on soft skills, resume preparation, and job search assistance (Ferabee, Zhang, & Wright, 2014). And yet, people on parole and people with criminal records more broadly experience substantial barriers to employment, structural and social barriers that these types of “soft skills” job readiness programs cannot meaningfully address.

Employers are often averse to hiring formerly incarcerated people, largely due to the stigma associated with criminal records. Because of this stigma, the criminal record functions as a “negative credential” signaling stereotypes of criminality and triggering discrimination, social



exclusion, and status loss (Pager, 2003). The effects of criminal record stigma are especially pronounced in hiring for higher-status, career-oriented jobs that require greater levels of trust or security (Burkhardt, 2009; Nagin and Waldfogel, 1998; Sabol, 2007; Sugie, Zatz, & Augustine, 2020; Western, 2002). In recent decades, criminal databases have proliferated and become increasingly easy to access, thereby extending the potential for criminal record stigma and its impact on employer hiring practices (Lageson, 2020).

In an attempt to circumvent the stigma associated with a record, formerly incarcerated people may develop strategies for navigating criminal record stigma during the job search. People with records may deploy impression management tactics to determine what criminal history information they disclose, as well as when, how, and to whom they disclose it (Harding, 2003). Job applicants may decide to withhold criminal record information from their employer by lying on the job application; indeed, both Harding (2003) and Augustine (2019) find that job seekers who once wished to honestly report their records began withholding information after repeated rejection by potential employers. Alternatively, applicants may engage in conditional disclosure by strategically timing, limiting, and framing information about their criminal record or incarceration history (Halushka, 2016). People with records may continue to utilize impression management tactics even after being hired, and employees who withheld information at the time of hire may turn down opportunities for advancement to avoid any risk that their criminal record will be discovered during the course of their promotion (Augustine, 2019).

Another major barrier to work after prison is spatial mismatch, or the incongruity between the concentration of paroled job seekers (many of whom are low-skilled, non-white laborers) and appropriate job opportunities (Boessen & Hipp, 2021; Kain, 1968; Sugie & Lens, 2017). People released from prison tend to return to economically disadvantaged communities

with high rates of poverty and fewer relevant job prospects (Sampson & Loeffler, 2010). As such, research suggests that residential location is related to job access: job seekers who live proximate to job-rich areas have more favorable employment outcomes. Several studies specifically document this type of residential spatial mismatch within Los Angeles, the site of the present study (Blumenberg & Ong 1998; Johnson 2006; Stoll 1999). Further, Sugie and Lens find that spatial mismatch extends to the locations of daytime activities, and that the proximity of these activities to job clusters may be even more important than residential location for employment outcomes (2017); for people on parole, these daily activities would likely include parole offices, day reporting centers, and the sites of other mandated programming. The negative effects of spatial mismatch are exacerbated by challenges around travel and transportation (Bullard, 2003; Pager, 2007; Stoll, 1999).

Despite these practical, structural barriers to employment, people on parole are required to find and obtain work as part of their parole supervision (Petersilia, 2003; Zatz et al., 2016; Zatz & Stoll, 2020). These employment requirements coexist among the multitude of surveillance-oriented conditions and rehabilitative programming requirements of parole that people must attempt to somehow fulfill. As the number and scope of parole conditions has continued to expand, many of these conditions attempt to achieve conflictual goals – including those at the intersections of surveillance and rehabilitation (including employment). For people on parole, “what masquerades as success [on parole] is the unobtainable standard of perfection, all the time” (Caplan, 2005:32). This chapter demonstrates how conditions of parole – specifically those that facilitate surveillance, constrain parolee movement, and mandate rehabilitative programming – conflict with parole requirements for employment, often forcing people to choose which conditions to prioritize while pursuing parole’s “unobtainable standard

of perfection.”

## **Methods**

This chapter draws primarily upon data from qualitative semi-structured interviews (n=40), supplemented by selected open text responses from a hybrid respondent-driven sampling (Hybrid-RDS) survey (n=520). Interviews were conducted at the beginning of the study to understand the mechanisms of coercive work; information gathered from the interviews then shaped the content of the Hybrid-RDS survey, which was used to systematically assess how common experiences of coercive work are for people on parole in Los Angeles County. During interviews, participants continually mentioned how their parole conditions hindered their attempts to look for or maintain work. These themes were incorporated into the survey, including an open text question to illicit more detailed information about how parole conditions may affect the job search or ongoing employment. Together, these two data sources –qualitative interviews and open-text answers from the Hybrid-RDS survey – illustrate a largely understudied source of barriers to employment and a mechanism of the legal double-bind.

### ***Qualitative Interviews***

Between July 2018 and April 2019, I conducted 40 semi-structured qualitative interviews with adults on parole supervision in Los Angeles County. Every month, each of the five parole regional units within Los Angeles County host a Parole and Community Team (PACT) meeting. Interviews were held in public locations such as parks, coffee shops, and fast-food restaurants and all ranged between one and two hours. With participants’ consent, interviews were audio-recorded; two participants preferred not to be recorded, so I took handwritten notes and then

audio-recorded my recollections of the interview immediately following its conclusion.

Participants received a \$20 gift card at the end of the interview.

The interview instrument had 47 numbered questions, each accompanied by potential probes or follow-up questions. These standard questions covered topics including participant's reentry experience to date, parole conditions, and experiences looking for work and/or working while on parole. All participants were asked about the conditions of their parole, how their parole officer enforces conditions and requirements, and what the participant perceived the purpose of those requirements to be. I also asked all participants about basic aspects of their reentry experience, including information about their current housing situation, any rehabilitative or other mandated programming, and methods of transportation; when it appeared relevant, I asked follow-up questions about how those aspects of reentry interacted with job searching or maintaining employment. Nearing the conclusion of the interview, I asked all participants what the most difficult thing is about looking for work on parole, what the most challenging thing is about parole in general, and then any advice they would give to someone else searching for work while on parole.

All interviews and the two audio-recorded notes were transcribed by the author or a professional transcription service and transcripts were analyzed using Atlas.ti qualitative analysis software. Analysis occurred in two rounds of coding. The initial round of inductive coding used a modified grounded theory approach to identify topics relevant to the driving research questions as well as new emergent themes (Cutcliffe, 2005) and produced broad family code groups including "Barriers to Work" and "Parole Requirements/Conditions." A second round of systematic coding identified more specific sub-themes within these family codes, producing

codes like “Geographic Limits,” “Stigma,” and “Curfew.” This chapter draws upon quotations from these and other relevant codes.

### ***Hybrid-RDS Surveys***

After completing the 40 interviews, I conducted a large-scale in-person/online hybrid Respondent-Driven Sampling (RDS) survey (n=520). The data collection procedures were conducted partially in person, as is done in traditional RDS studies, and partially online, as is done in web-based RDS studies, for what I call a *hybrid-RDS* approach.

Survey participants were primarily recruited outside of parole offices in Los Angeles County. Surveys began with an option to enter a 4-digit code if they had been referred to the survey by another participant, followed by two questions to determine eligibility, as participants had to be adults on parole in Los Angeles County who had worked or actively looked for work during their parole term. Eligible participants were then presented with the digital consent form and were asked to check a box to confirm consent. At the survey’s conclusion, the person was asked to provide either a phone number or email address; I then either emailed or texted them a digital \$10 e-gift card. The participant was also given a 4-digit Recruiter ID code; they were encouraged to refer up to three other job seekers or workers on parole and received an additional \$10 e-gift card for each completed survey submission associated with their Recruiter ID.

The survey contained 24 primary questions, some of which were accompanied by follow-up questions; one of these 24 primary questions was a matrix with 13 sub-questions; the surveys took between five and ten minutes to complete, depending on participants’ answer selection. These questions asked about topics including experiences with coercive work, parole conditions, and demographic questions. While the original survey draft had included questions about parole

conditions (in hopes of eliciting perspectives about work as a condition of parole), parole conditions as barriers to employment was an unexpected theme that arose during the interviews. To further understand this issue, questions about non-employment parole conditions were incorporated into the hybrid-RDS survey.

In addition to broader background questions about work experiences and special conditions, the survey included a question asking, “Since your release from prison, has parole affected your work situation in any way?” Respondents then selected an answer of “Yes,” “No,” or “Don’t know.” Participants who answered “Yes” were then shown an open text box with the prompt: “Please describe how parole has influenced your work situation.” The answers from the open text box were manually coded as “Positive” or “Negative” regarding whether the participant described parole supervision as helping or hindering their employment. Text answers that identified a specific element that helped or hindered were coded accordingly, producing codes such as “Programs,” “Curfew,” and “Workplace Visit.” The patterns that arose from this coding mirrored the patterns that emerged from the qualitative analysis of the interviews.

The findings below primarily utilize quotations from the interviews; quotations from the survey open text box answers are provided when they add additional nuance or convey a theme that was not as clearly or succinctly captured in the qualitative interviews. One of the primary strengths of RDS survey methods are that they allow for the approximation of simple random sampling methods and allow for the estimation of prevalence rates for phenomena among the sample population (Heckathorn, 1999); however, the survey questions this chapter draws upon were more exploratory in nature, and the open text response format does not lend itself to meaningful prevalence estimates. Additionally, participants likely utilized the open text box to report the conflicts that were most salient for them, rather than to list the full range of conflicts

they experienced; therefore, an RDS analysis of estimated prevalence would likely dramatically underreport these phenomena. Future research should systematically assess each unique condition and conflict individually so as to allow for the reporting of estimated population prevalence and an assessment of the scope of each conflict. Despite these limitations, reliance on interview and open-text survey quotations allows for theory building and the identification of previously unanticipated phenomena; these qualitative data allow for a nuanced understanding of *how* parole conditions function as barriers to employment and highlight the heterogeneity in individual parolee wants, needs, and experiences around parole supervision and employment.

## **Findings**

When asked about barriers to employment, interview participants frequently spoke of their parole conditions; these conditions, despite being instituted and upheld by the same body tasked with enforcing employment, created conflicts with or constraints on people's ability to find and maintain work. Indeed, when asked if their parole conditions had affected their employment in any way, 119 of 396 survey respondents who answered the question said yes (30.1%); when estimated population prevalence is calculated through RDS analytical techniques, this suggests that 37.5% of people on parole in Los Angeles have had their employment impacted by their other parole conditions, including both standard and special conditions of parole. All participants, like all people on parole in Los Angeles County, were subject to the general conditions of parole (See Figure 1.3 in Chapter 1 for a full list of these standard conditions). Some participants were also subject to additional special conditions of parole; Table 4.1 reports the most common special conditions for survey participants for context.

**Table 4.1: Reported Special Conditions of Parole, n=512**

	Number	Percent of Sample
Refrain from using drugs	317	61.9
Refrain from using alcohol	235	45.9
Submit to regular drug tests	289	56.4
Attend a residential substance use program	158	30.9
Attend nonresidential substance use program(s)	112	21.9
Report to a day reporting center	116	22.7
None of the above	120	23.4

Survey participants were asked to explain in what ways their conditions had affected their work. While many survey-takers described the negative effects of these conditions on work, some also reported that they helped by providing structure. However, overwhelmingly, between the open-ended survey answers and the qualitative interviews, respondents described how parole conditions (some general and some special) impeded their employment through the creation of temporal and spatial restrictions that constrained their mobility and interfered with work opportunities. These temporal and spatial restrictions ultimately *collapsed* the space they attempted to maintain between parole and work, created *conflicting* demands on their time and space, and *constricted* the space they could navigate in attempts to work and find work.

### ***Collapsed Space***

People on parole must navigate barriers to employment in an attempt to acquire and maintain work. To navigate employer aversion to criminal records and criminal legal involvement, parolees may not disclose their criminal background to their employer. By doing so, they are drawing boundaries around the workplace and criminal legal spaces, attempting to keep these two spaces separate so that their parole status cannot negatively impact their status as a worker. However, when parole agents visit a parolee’s workplace, they erase these boundaries so carefully constructed by the worker on parole.



While in California there is no general condition of parole explicitly stating that people on parole must search for and obtain employment, several conditions emphasize employment in other contexts and create the potential for workplace visits by parole agents. Two conditions require parolees to continually update their parole agent about the location of their workplace; one such condition states, “You must always give your parole agent the address where you live and work,” while another reads, “You must notify your parole agent within three days if the location of your job changes, or if you get a new job” (CDCR, 2021). People on parole provide updated employment information in part to keep their agent abreast of their employment status, as well as to facilitate the supervisory activities of their parole agent. When combined with the general condition of parole that allows agents or police to search a parolee at any time [“You, your residence (where you live or stay) and your possessions can be searched at any time of the day or night with or without a warrant, and with or without a reason, by any parole agent or police officer”], what follows is the shared understanding between parole agents and their parolees that the agents can and may visit the parolee’s workplace at any time, announced or unannounced, to confirm employment and otherwise monitor the parolee (CDCR, 2021).

Several interview participants described the intersection of these two parole conditions – agent workplace visits – to be a requirement of parole in and of itself. Indeed, when asked if her agent had ever visited her workplace, Kris replied, “I think that's one of the requirements. That anytime they can go show up at your work.” Malik made a similar statement: “You gotta let [parole] know who you work with and who your boss is. If they choose, they’re gonna call the guy [employer] and talk to them.”

Some interview participants viewed these visits as a benign, routine aspect of their supervision; however, the anticipation or experience of workplace visits was often more fraught.

A parole agent visiting the workplace functionally collapses the space between criminal justice supervision and employment – two worlds that people on parole often try to keep as separate as possible. Just as the academic literature continually documents the stigma associated with criminal justice contact and the negative impacts on jobseekers, interview participants frequently noted their struggles finding work due to their criminal record. Given the potential for a parole agent to visit the workplace, people on parole are less able to manage their employer’s perceptions or knowledge of their parole status.

Criminal record stigma can take multiple shapes, including outright barring applicants from employment to more generally creating a climate of distrust palpable to the record-holding worker. Kris, who had prior experience with a parole agent visiting her workplace, described how the agent’s presence drew attention to her. Kris said, “At times I felt a fear of judgment because your P.O. is walking in and people are looking at you like, ‘What’s going on?’” While it is unclear if Kris was receiving unwanted attention from her employer, coworkers, or clients/customers, she expressed being uncomfortable in the sudden metaphorical spotlight.

One way people with criminal records, including those on parole, may navigate stigma or legal barriers to employment is by not disclosing information about their criminal history during the job application process, consistent with efforts such as Ban the Box to establish a person’s right to nondisclosure as opposed to a default expectation of disclosure. Thus, they may be hired and working without their employer being aware of the parolee’s involvement with the justice system. For workers who have not disclosed their parole status, part of what underlies the discomfort with increased attention in the workplace may be the fear of being “outed” as a person on parole, and what potential ramifications may occur as a result. Interviewee Steve

expressed that a workplace visit, which prompted him to finally disclose his parole status, impacted the way his employer treated him at his last job:

Steve: I don't like it. Because this is my work. It's my work. If they [parole agents] come and do that [visit the workplace], then that's gonna make me look different now. Cuz I paint a picture of a good person at work, and that's what they look at, is someone that works. But if they [P.O.] come, then they're [employer] like... I think that changes. A different attitude, I guess.

Interviewer: So, one of your P.O.s visited your worksite?

Steve: Yes.

Interviewer: Did your employer say anything about it?

Steve: Yeah, he was like, "What's up with that? You're in trouble?" I go, "Nah." I didn't want to tell him I'm on parole. "Well, who is he? He's a cop?" "Well, no, he's my parole officer." "Oh, you're on parole?" "Yeah..." And [then] I just feel like he was on me a lot, like he would watch more after the fact.

Here, Steve contrasts between his parole status and the version of himself he projects at work who is "a good person," "someone that works." This distinction echoes the underlying stigma surrounding criminal justice involvement, suggesting that someone on parole is not a "good person" or a person "that works."

Some interviewees feared that this "outing" would not only change their employer's perception of them but may result in job loss. At the time of interview, Gustavo was working at a job he enjoyed but had not disclosed his criminal record to his employer. Though Gustavo's parole agent had yet to visit his workplace or even make contact with his employer, Gustavo was worried about being outed if and when his agent contacted the employer:

In the back of my head, I go, "Oh, this dude's [P.O.] going to call them [employer] and tell them all this. Asking, "Does he really work there or not?" You're going to blow my cover. They're going to get rid of me, man. Don't ruin this for me.

Gustavo was not only worried about having his parole status ("all this") revealed, but he anticipated that such a reveal would result in job loss. Because Gustavo had managed to obtain a well-paying job, he perceived this threat as "ruining" something good – something that he had only been able to obtain by not disclosing his parole status.

Whereas Gustavo planned to continue working without disclosing his parole status and hoped to continue on undetected, the potential for being “outed” caused some parolees to change their behavior around disclosing their record. Steve, who above described being treated differently by his former employer after a visit from his parole agent, reported that he was considering changing disclosure strategies. Steve said, “I’m thinking about letting them [employer] know before anything happens. And then, I’m taking a chance that they won’t hire me.” The potential for agent workplace visits places parolees like Steve in a precarious position: they must choose between disclosing their criminal record upfront (and risk being rejected from the job at the time of application) or withholding information about their history (and risk being terminated if they are “outed” by an agent workplace visit). Either choice has the potential outcome of joblessness, either due to rejection or termination, and the associated parole sanctions that may result from a failure to work.

The most proactive interviewees reported that, in anticipation of their P.O. interacting with their employer, they had disclosed their parole status to their employer to prevent any surprises and negative consequences thereof. When asked how parole impacted their employment since their release from prison, one survey respondent noted, “I have lost jobs due to being on parole and my parole officer showing up to my work.” Another survey participant echoed this by stating, “It makes me lose jobs because the P.O. sometimes wants to speak with the employers.”

Interview participant Malik explained that, out of desperation to find work, he had not reported his parole status when applying for jobs:

They hired me at Walgreen’s, but [my P.O.] showed up one day and the boss – he wanted to know who this guy was because he saw me talking to him. Of course, he got a badge, he got a gun. And when I told [my boss] that I was on parole, I got fired. It’s my own fault, I understand, but he didn’t have to walk in! Like, ‘Dude, you know I’m working. I

showed you my paystub. You came in you saw me. But I was dishonest, so I can't blame anybody but myself.

Though Malik accepted responsibility for having withheld information from his employer about his legal status, he reported having provided the necessary documentation to parole to satisfy expectations around employment. However, despite this, the parole agent's presence crossed the spatial boundaries Malik had attempted to maintain between parole and work, resulting in Malik's termination from the job.

### ***Conflicting Demands***

Study participants, like all people on parole in Los Angeles county, were subject to a general condition of parole requiring them to "report to [their] parole agent whenever told to report or a warrant can be issued for [their] arrest" (CDCR, 2021). The frequency of reporting was determined in part by official parole classifications, with some room for discretion among individual parole agents. Commonly, factors impacting parolee reporting frequency included the individual's risk level classification as determined by DAPO, stability of housing (with people labeled "transient" required to attend more frequent check-ins), recent compliance with parole conditions, and time since release from prison. Most commonly, interview participants described reporting bimonthly, with the location of visits rotating between the parole office and at the parolee's place of residence (except for "transient" parolees, for whom all visits occurred at the parole office).

Regardless of their individual reporting location or frequency, interview participants described these check-ins as time consuming. Because check-ins occur on a weekday during business hours, these visits monopolize hours that could otherwise be spent working or searching for work. Further, while the visits themselves were fairly brief (generally involving a urinalysis test and the occasional light home search), the larger process of reporting was lengthy. During an

interview, Jules explained that his home visits lasted “not even a half hour,” but he would have to allot half a day for the visit “because when [my parole agent] gives me a heads-up, it’s anywhere from an hour, two hours, four hours later that she’ll show up.” While even participants with bimonthly reporting schedules described being inconvenienced (e.g. having to request time off work, general time consumption), one might reasonably infer that the severity of these interferences would be exacerbated with increased reporting frequency.

While reporting to the parole office (as opposed to a home visit) gave participants more control over the timing of their visit, they often exchanged waiting time for commuting time. Participants who had their own cars or could secure rides from social networks were in and out of the parole office quickly, while those reliant on public transit reported spending several hours commuting to and from the parole office by bus, bicycle, or foot. Some participants noted that, if they secured employment, their parole officer either had changed or would likely change their reporting schedule to accommodate their work schedule. This, however, is dependent on individual agent discretion, and not all participants described being so fortunate.

Several study participants reported that, as a special condition of their parole, they were required to attend a day reporting center, a separate location run by private third-party contractors who manage some of parole’s “high-touch” caseload. As implied by the name, day reporting centers (DRCs) manage daily reporting check-ins on DAPO’s behalf. DRCs also generally provide additional services that might otherwise be provided by DAPO or another third party, such as drug testing, in-house programming, and employment or educational services, becoming essentially a “one-stop shop” for outsourced parole supervisory functions and rehabilitative services. Terrel, an interview participant required to attend a DRC, described the mandated daily visits to the DRC (as well as the many associated requisite activities there) as

“too much,” especially since he had “to go far to go see them” for check-ins and services. Interview participants largely conflated reporting visits and drug testing, because, for those parolees required to submit to drug tests, the tests were conducted during their mandated parole check-ins at home, the parole office, or an external DRC for those mandated to attend one. Because drug testing occurred concurrent with the otherwise ubiquitous check-ins, people described testing as interfering with work in the same ways, such as “having to leave or call off [work] to do these tests.”

Just as with reporting requirements, all study participants were required to adhere to three general parole conditions restricting their movement: one requiring permission to travel more than 50 miles from their residence at any time, another requiring a travel pass before leaving Los Angeles County for more than two days, and a third requiring a travel pass to leave the state of California (CDCR, 2021). Though these constraints on parolee movement were intended to facilitate the supervisory aspect of parole governance, these conditions also created geographic restrictions on employment opportunities for parolees. For example, interview participant Little spoke of his difficulty finding work in the area immediately surrounding his home, located in an economically distressed part of Los Angeles County with few job openings available, especially for people with a criminal record. Little had widened the spatial scope of his job search, stating that he could find “felon-friendly” job listings that matched his skill set in an affluent neighboring county. He explained:

Any parolee’s not supposed to go more than 50 miles. All of ‘em. But I’ve went and gone way out of 50-mile range, way out in Costa Mesa in Orange County. And I’ve had them like, “Hey! Why did you go down there?!” You asked me to look for a job! There’s no jobs out here. All the jobs are way out towards Irvine and they’re paying \$17, 18 an hour. Out here they don’t even have no jobs like that.

Little went on to say how he reduced the radius of his job search to comply with the geographic limits of parole. However, at the time of interview, he had yet to find a position locally.

Relatedly, Christopher was offered a position with a moving company that “paid good money;” however, he turned down the position because “you have to travel far, like to Washington [state.]” He again emphasized the position’s high pay and noted that he had briefly considered breaking his parole conditions, but ultimately did not accept “because I’m on parole, and if I get pulled over there [in Washington], I’m gonna end up going to jail.”

About three quarters of interview participants reported having a parole-instituted curfew. Some participants noted that parole-imposed curfews interfered with job opportunities involving particularly early or late shiftwork, especially for overnight shifts. For example, Interviewee Steve explained that his curfew “kinda stops [him] sometimes” and that, without them, he could “get a better job if it’s a graveyard job or something like that.”

The curfews, which most commonly began at 10:00 p.m. and ended at 6:00 a.m., could be extended temporarily or permanently with parole agent approval; however, the approval process was not always fast enough to prevent parolees from losing work. Interviewee Wells discussed how, even with the potential for adjustment, the curfew prevented him from accepting work on multiple occasions:

I got hired at a temp agency, but I’ve never used them. They’ve called me for three jobs, but I’ve denied all three, simply because all three required me to work outside my time frame, so I couldn’t do it. One wanted me to work from 5:00-1:00, but my curfew is 6:00. And they would’ve wanted me to say I’ll work tomorrow, but it would take me at least a couple days to get P.O. approval of that shift time. And another one wanted me to work from 3:00-11:00, but I can’t do that either! And it’s not that my P.O. wouldn’t have approved it; it’s just that, whenever it happens, I have to ask for permission and it may take them a couple days to get back to me, and I can’t do that until I get approval.

While people are able to apply for a curfew exception or adjustment, this may only benefit people who are being hired with advanced notice for a position with consistent shift hours.



Meanwhile, those like Wells relying on temporary staffing agencies or other similarly unstable forms of work may find themselves unable to accept job opportunities due to the curfew.

Relatedly, participants' employment options could be limited even if shift hours were within curfew. For people on parole reliant on public transit, commuting time to and from the jobsite can be lengthy, depending on the distance of the job. Several participants stated that they had rejected job opportunities if the time needed to commute via public transit would require leaving before 6:00 a.m. or would return them home later than 10:00 p.m. Interview participant Kareem described one such scenario, explaining that, due to distance and bus schedules, he would have to leave his home at 5:00 a.m. for an 8:00 a.m. shift in a different part of the county. Because the commute was burdensome and because it crossed over into his curfew, Kareem reported declining the position.

Even participants who had already secured employment expressed that the curfew interfered with their current position. One survey-taker wrote, "I'm expected to be back home by a certain time which prohibits me from doing mandatory overtime." Under federal law, employers can require their employees to perform overtime work unless there is a collective bargaining agreement stating otherwise, and employers may legally penalize employees who refuse (Fair Labor Standards Act 29 U.S.C. § 201). Because an employee who refuses overtime work may risk repercussions including termination, the person on parole may be put in a position where they must choose between overtime-related work repercussions and avoiding violating the curfew condition of their parole.

### ***Constricted Space***

Study participants commonly reported being required by parole to attend one or more rehabilitative programs, some of which were court-ordered and some at the discretion of the

parole agent. Anastacio, an interview participant, emphasized the necessity of attending these programs and the potential punishment for failure to do so; he said, “if they tell you to go to these programs, you have to go to these programs. If you don’t, then it’s a violation of parole, bottom line.” And yet, participants noted that this parole-mandated programming conflicted with employment, which they were also expected to obtain under threat of sanctions. One survey taker plainly stated the high-stakes conflict that arose, writing that it was difficult “scheduling between work and meetings - I need to do both or else I go back to prison.”

Similar to mandatory reporting, required programming mostly occurred during weekday business hours when people on parole would otherwise be looking for work or actively working. A survey respondent noted this issue, saying “I gotta worry about doing classes instead of putting in [work] hours.” This survey participant continued on to explain a secondary way that mandated programming negatively impacted work, beyond simply conflicting demands on time; they further explained, “I can’t focus on my mental health which also affects my work.” This respondent points to the stress associated with juggling multiple punitively backed demands on one’s time, and how these demands not only generate stress but leave no additional time to cope with that stress in a healthy, constructive way.

Sometimes, these required programs exacerbated the financial strain participants experienced from missing work to attend parole-mandated courses. One survey taker and multiple interview participants described being personally charged for required programs such as those assigned following charges of intimate partner violence or driving under the influence (DUI). The survey respondent wrote, “I have to attend DUI school which I have to pay out of pocket. It is on days that I work and [I] have to give up work to take [the class] but can't afford to.” Not only did they miss work (and lose income) because of the required classes, but they had

to pay for the program (and complete it) to avoid reincarceration. Interviewee Dee described a similar scenario:

I have to do a 52-week domestic violence class, which I have not started, because it costs money also. It's like, \$1,300. Plus, the whole transportation thing, working, school... And if I do not have the money to pay for it, they cut me from the class and that's one of the reasons why I got violated last time, because I didn't finish completing the thing. I was having hardships, *and I work and either I eat, or I pay this class, or I put gas in my car to get to work*. So, I was not able to pay it. And sometimes I get out of work and, being homeless, I would not have a place to shower on the way so I would be dirty and sweaty, and I would feel self-conscious going.

Dee's discussion about the conflict between DUI class and work highlights the depth of this temporal and financial conflict: he must choose between paying for basic survival necessities but risking reincarceration or, conversely, paying for the courses but going hungry or being unable to fund his transit to/from work or courses. On top of this conundrum with no true solution, Dee expresses self-consciousness resulting from the stigmatization of homelessness compounded by these spatiotemporal conflicts.

Though some participants like Dee had histories of homelessness while on parole or were actively labelled as "transient," housing is both a basic necessity during reentry as well as an established expectation of parole. Parole placed some participants, including anyone that had originally been sentenced to life without parole, in some form of transitional or supportive group housing, including facilities aimed at people with histories of substance use (e.g. residential treatment and sober living facilities). By and large, these housing facilities had their own set of rules and commitments that a resident was required to follow. Some of these "house rules" mirrored the conditions of parole, though some exceeded the scope of those conditions; instead, though these rules were put in place by a third-party housing provider, they became supplementary strictures that the person must follow in order to retain their housing and, likely, their good standing on parole.

Several interview participants and one survey participant described a house-imposed employment blackout period, during which they were not allowed to look for or engage in work outside the facility; the reported duration of these blackout periods ranged from 90 days to four months or longer. Interviewees explained that the (perceived) purpose for these blackout periods was to encourage residents to focus on their transition back to the community (or recovery, if the facility was focused on sobriety from substance use) without the additional stressors and distractions of employment. Some participants, like Lee who had been released from serving a life without parole prison sentence appreciated this blackout, because “I’ve been down for so long now and the world has changed, I gotta get my bearings and try to reconnect.” But others framed these blackouts as *preventing* them from finding work, rather than preparing them to do so after they had adjusted to life outside. Interviewee Jaime demonstrated this state of mind, saying “things were going so slow because they wanted me to slowly transition back in, but in my mind, it’s like ‘Why are you holding me back?’ I got frustrated and I was getting angry.” Kareem echoed Jaime’s sentiments and added a suspicion about the motivation of these transitional housing programs: “You can’t go to work because you have to do 90 days in the program before they allow you to. They want you to do so many hours. All these programs right now, it’s a money thing, they’re just moving bodies.”

All participants in transitional housing, both with the employment blackout periods and without, reported that housing was accompanied by mandatory participation in group programs onsite. One survey participant wrote, “in transitional housing the group attendance was hard to do work and distance to drive.” Another survey participant who noted a 30-day employment blackout also included that he had “full day programming, 90% is about substance use and I don’t have that issue.” Like the latter survey-taker, interviewee Earl described being placed in a

substance use recovery-oriented facility, despite no history of addiction: “It’s an outpatient clinic for guys with substance abuse. I’m just there for the bed space because when I paroled, I was supposed to go to a halfway house, but they didn’t have bed space for me, but they had space here. As a condition of parole, I have to be here for 6 months.” Earl went on to describe the recovery programming the clinic required, which took up the majority of his days.

## **Discussion**

At their most benevolent, parole conditions may be intended to provide helpful boundaries for navigating reentry back into a world replete with “criminogenic needs” and risks; however, the restrictions imposed by these conditions largely conflict with the reality of employment at the bottom of the labor market where people on parole most commonly obtain work. Parole agents often enforce conditions in a way that prioritizes surveillance, erring on the side of over-restricting parolee movement at the expense of their mobility and agency; by doing so, parole agents restrict the same mobility and agency parolees need in order to navigate an already constrained, spatially segregated labor market rife with other barriers to work. In particular, parole conditions designed to aid agents in their supervisory capacity hinder parolee’s attempts to overcome employer stigma and spatial mismatch.

Workplace visits theoretically aid parole agents in their supervisory capacity, allowing them to verify the parolee’s employment and whereabouts. And yet, a parole agent’s presence in the workplace may “out” the worker in the event they had not disclosed their parole status to their employer; this “outing” may trigger the stigma associated with parole status or criminal history that the worker had previously avoided, resulting in unwanted employer attention or job loss. Central to parole agent visits is the assumption that the employer is aware of the parolee’s

status or, potentially, the belief that the parolee must disclose their background (as nondisclosure may be indicative of criminogenic thinking or behavior) – a belief that conflicts with the job applicant’s established right to criminal record nondisclosure. And yet, even well-intentioned job seekers often default to withholding record information in hopes of satisfying the multiple pressures to work (in addition to personal desire to); lying about one’s criminal record is thus more reflective of necessity in the face of nearly omnipresent stigma than it is of criminogenic thinking or failure to reform. Assumptions that parolees have disclosed their status or beliefs that they must disclose both ignore the reality of stigma associated with a criminal record and the common experiences of automatic rejection at the time of application. Further, these workplace visits prioritize the agent’s duty to supervise the parolee over the parolee’s need to maintain employment.

As an alternative to workplace visits, people on parole may provide their agent with documentation as evidence of their work, as illustrated in the findings in Chapter 3. While both required documentation and workplace visits only acknowledge formal work (except in rare instances where parole agents accept informal documentation of off-the-books work), documentation does not pose the risk of “outing” a worker or jeopardize their employment status. Regardless, with both parole agent workplace visits and the demand for documented evidence of employment, these conditions emphasize the ability to prove employment exists, rather than on the substantive import of work. Employment is a protective factor against recidivism largely because it provides a legal means of materially satisfying basic needs – a quality that is true whether or not the position is accompanied by a formal paycheck. However, parole agent emphasis is largely placed on employment that is easier to surveil and confirm, rather than on that which meets parolee needs.

Where workplace visits limit parolees' ability to navigate employer stigma, supervisory policies (e.g., reporting requirements, travel restrictions, and curfews) and burdensome program requirements hinder parolees' ability to navigate spatial mismatch. Travel restrictions prevent parolees with limited resources and transportation from traveling to job rich areas with higher paying employment opportunities relevant to their work experience and skills. Though reporting check-ins are intended to be brief, the reality of waiting for at-home visits to occur or commuting to and from the parole office means that reporting monopolizes the parolee's time and restricts the areas they can navigate for job searching or working, especially for people without a private vehicle. Due to spatial mismatch, the job opportunities within areas people commonly release to after prison are often at the low end of the labor market, including temp or late shift work. Even for "foraging" parolees attempting to utilize these opportunities, curfews and other conflicting demands on time may prevent them from accepting short-notice or late shift job opportunities when they arise. As Sugie and Lens note, the locations of daytime activities indeed shape job searching activities, as reporting and other reentry commitments such as programming occur outside the home and traveling between these locations requires substantial time and resource allotment (2017).

Rehabilitative programming requirements may similarly impede job searching, or may outright impose temporary bans on external employment, as in the case of several transitional housing programs. As highlighted in the findings above, these programs, especially when associated with transitional housing, may not be relevant to all parolees assigned to attend. Perhaps due to burgeoning caseloads and a contracting housing market, parole's housing placement practices for people without sufficient social and material support is reliant on open bed availability rather than appropriate program/parolee fit. For some, this likely works out and

people with histories of substance use land in a housing facility requiring substance use support group attendance; but for others, it results in time spent blocked from employment but without counterweighted rehabilitative benefits.

The findings also raise the issue of heterogeneity in parolee experiences, wants, and needs. For some, parole conditions provide helpful structure as people navigate their return to the community, which may be marked by a return to people, places, and dynamics that would otherwise trigger old, criminalized behaviors. However, for others, these same conditions pose additional challenges to navigate or actively obstruct attempts to acclimate back to life after prison. Despite this substantial heterogeneity among parolees, parole conditions are blanket rules that necessarily ignore individual parolee circumstances.

Significant heterogeneity also exists in the way parole agents interpret and enforce parole conditions – a fundamental characteristic of the criminal legal system more broadly including in police discretion in enforcement and arrests, prosecutorial discretion around sentences pursued, judicial discretion around sentences imposed, and correctional official discretion around prison rule enforcement. As with these other forms of discretion in the criminal justice system, the vast amount of discretion granted to parole agents can benefit parolees who have been assigned an agent who is understanding, accommodating, and oriented toward parolee rehabilitation. These parolees may benefit from adjustments to their curfew hours, reporting frequency, travel restrictions, or programming requirements in ways that better allow them to search for and maintain work (though the findings show that these adjustments are not always timely enough to be of help). However, just as likely is being paired with an agent who is rigid in their enforcement of parole conditions or who pursues their duties in ways that prioritize surveillance over rehabilitation.



What is more, other forms of criminal justice discretion often have systematic outcomes along racial lines as racial bias shapes actors' decision making (Bushway & Piehl, 2001; Harris, 1999; Maclin, 1998; Smith, Visher, & Davidson, 1984; Smith & Levinson, 2011); it therefore seems likely that racial bias would lead to harsher enforcement and more punitive sanctions for Black and Brown parolees. If this is indeed the case, there are implications for disproportionate unemployment, impoverishment, and incarceration for Black and Latinx people on parole. The intersection of the sweeping nature of parole conditions, heterogeneity of parolee needs, and wide discretion for condition enforcement by parole agents results in a landscape where conditions are enforced in a way that can be haphazard, unpredictable, and lacking substantive import. In its current configuration, parole governance continues to rely on old forms of administrative surveillance rather than the pursuit of meaningful, individually tailored strategies for rehabilitation that would improve reentry outcomes. As a result, people on parole largely experience these conditions as punitive; rather than perceiving parole conditions as helpful structure that promotes rehabilitation, many parolees perceive these conditions as hindering their employment and broader efforts at reintegration.

## **Conclusion**

The Department of Adult Parole Operations in California is tasked with the joint mission of public safety and parolee rehabilitation. Parole conditions guide the way parole agents pursue these dual goals, while bestowing the agents with broad discretion in how these rules are interpreted and enforced. However, due to this broad agent discretion, heterogeneity of parolee wants and needs, and growing supervisory caseloads, parole governance overemphasizes control and supervision to the detriment of rehabilitative efforts on the parts of DAPO, third party

reentry providers, and parolees themselves. As agents interpret and enforce conditions in a way that prioritizes surveillance, aspects of reentry intended to be rehabilitative (e.g. programming, transitional housing, and the overall structure provided by conditions restricting mobility) become more haphazard, arbitrary, and administrative, rather than substantively relevant to the individual parolee and their needs.

Just as other efforts toward parolee rehabilitation suffer when surveillance is the primary objective of parole supervision, so too does employment. Despite parole conditions functionally requiring people on parole to find and maintain work, agents' interpretations and enforcement strategies around parole conditions can simultaneously create barriers to employment. The conflictual supervisory pressures around work are backed by the threat of repercussions, placing parolees within a hopelessly precarious position and trapping them within the legal double-bind.

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## **Chapter 5. The Characteristics and Conditions of Coercive Work**

The United States is experiencing a crisis around labor protections, workers' rights, and employer compliance enforcement; legal labor standards are being systematically violated in a way that erodes labor protections – most notably at the low end of the labor market (Bernhardt, et al., 2009). Employers of low wage workers across the nation commonly violate or evade legal standards around wage protections, occupational safety and workers compensation, and employment discrimination against protected classes (Bernhardt et al., 2008; Bernhardt et al., 2009). Scholars, policymakers, and advocates are engaged in conversations concerning the continued abatement of worker unionization and collective bargaining power (Milkman, 2008); dangerous working conditions in garment factories (Morse, 2020); the rise of contingent work under the “gig economy” (Waheed et al., 2018); and the coercion and exploitation of undocumented workers (Abrego, 2011; Gammage, 2008).

California is home to major, systematic labor violations and the Los Angeles Sheriff's Department refers to the state as the “epicenter of wage theft.” If California is the epicenter, Los Angeles County becomes the hypocenter of these violations, as 30% of the county's workers receive subminimum wage pay and workers experience a weekly total of \$26-28 million in wage losses due to wage theft (Los Angeles Sheriff's Department, 2021; Milkman, Gonzalez, & Narro, 2010). A 2010 report found that Los Angeles had higher rates of workplace violations than the other major metropolitan areas of New York and Chicago, including issues around unfair compensation and wage theft (e.g., subminimum wage payrates, workers required to work off the clock, employer failure to compensate workers for overtime performed, meal and rest break violations, worker's compensation violations, etc.) (Milkman et al., 2010).

These workplace violations have major negative outcomes for workers and their families. The same 2010 report found that low wage workers in Los Angeles County earned an average annual income of \$16,536 and lost an average of \$2,070 annually to wage theft – a loss of 12.5% of their annual income (Milkman et al., 2010). Amidst Los Angeles’ high cost of living and constricted job market, these cuts to already meager wages can have devastating consequences, keeping workers and their families hovering around the poverty line. These workplace violations also have implications for the broader community and labor market, as widespread violations depress labor standards as employers engage in a “race to the bottom” by illegally cutting labor costs to maximize profit (Milkman et al., 2010; Zatz et al., 2016).

Currently, our understanding of low wage work and employer workplace violations broadly considers the overall population of low wage workers, with some close attention paid to black workers and/or Latino workers, especially undocumented Latino laborers (Bernhardt et al., 2008; Bernhardt et al., 2009; Milkman et al., 2010). However, an important segment of the low wage workforce is largely absent from these subgroup analyses and discussions of status exploitation in the workplace: formerly incarcerated workers, including those on parole supervision. In addition to being the “hypocenter” of wage theft in California, Los Angeles County is also home to the largest proportion of the state’s parolees (California Department of Corrections and Rehabilitation [CDCR], 2020). This chapter examines the reality of low wage work, workplace violations, and parole supervision to fill in this missing part of the larger story of worker exploitation in Los Angeles County.

Coercive work occurs when people are forced to work under the real or perceived threat of punishment. People on parole are required to work as part of their parole supervision, under the threat of criminal legal sanctions, including potential reincarceration, should they fail to find

and/or maintain work. Because of significant barriers to work, including those created by parole conditions, people on parole are largely forced to take whatever work is available – often low wage, precarious work at the bottom of the labor market. While most low wage workers experience economic pressures to accept “bad” work, people on parole experience pressures beyond those related to income. Using data from a partially in-person, partially online Respondent Driven Sampling-based survey (n=520) and in-depth qualitative interviews (n=40), this chapter explicates the characteristics of working under threat of parole-related repercussions and documents the unique pressures parolees experience that lock them into exploitative conditions.

This chapter reports that approximately one quarter of people on parole experience coercive work during their parole supervision in Los Angeles County – a number with striking implications when we consider not only the large and growing parole population in Los Angeles, but also across the United States, which totaled 878,000 in 2018 (Kaeble & Alper, 2020). Though scholars often conceive of employment as protective against recidivism, this is likely not so for people experiencing coercive work. Because employment coercion locks people on parole into very low paying positions rampant with workplace violations with little to no opportunity for legal recourse, coercive work may trap people in cycles of poverty and reincarceration. While past research has documented the experiences and impacts of employment coercion for other vulnerable populations; this chapter is one of the first scholarly contributions to show that people on parole are systematically subject to coercive work in underpaying, hazardous, or otherwise risky conditions beyond the bounds of labor protections.

## **Background**



People on parole, like many formerly incarcerated people, often struggle to find work in the primary sector of the economy and, as a result, commonly are employed in the low end of the labor market (Bumiller, 2015; Sugie, 2018; Western, 2008). Formerly incarcerated workers are pushed into “bad” jobs at the bottom of the labor market in part because of barriers to higher paying, higher status work at reentry including employer aversion to hiring people with criminal backgrounds (Lageson, Vuolo, & Uggen, 2015; Pager, 2003; Stoll & Bushway, 2008; Sugie, Zatz, & Augustine, 2020); spatial mismatch (Boessen & Hipp, 2021; Sugie & Lens, 2017); and issues related to incarceration including deteriorated job skills, social networks, and gaps in one’s resume (Petersilia, 2003; Travis, 2005; Wakefield & Uggen, 2010; Western, 2002). Further, people on parole are increasingly competing for undesirable jobs against other highly marginalized, vulnerable groups including undocumented immigrants, people with disabilities, and other “unemployable” workers, all of whom are competing in a segmented labor market rife with structural conditions that disadvantage workers more broadly (Bumiller, 2015).

For workers unable to obtain work in the formal labor market (even “bad” secondary jobs), or as a way to supplement the modest income generated from low wage employment, people on parole may also engage in off-the-books, informal work (Augustine, 2019; Sugie, 2018; Sykes & Gellar, 2017). In a longitudinal study of employment after prison, Visher, Debus, & Yahner found that, when comparing workers’ reliance on informal work at two months postrelease and again at eight months postrelease, participants’ utilization of informal work increased between the two measurement timeframes. What is more, by eight months postrelease, formerly incarcerated people relied more heavily on informal work than on forms of “legal employment” (Visher, Debus, & Yahner, 2008).

While the literature has documented how people come to work in low wage, low skill jobs after prison, little is currently known about the extent to which people on parole experience coercive or exploitative conditions in these undesirable jobs. However, similarly situated marginalized populations are known to experience employment coercion and workplace violations. For example, a growing body of scholarship examines the ways that undocumented immigrants experience labor exploitation and coercion because of their citizenship status. Undocumented workers exist at the intersections of immigration and labor law, where immigration law comes to function as a labor market sorting mechanism (Hudson, 2007). Undocumented workers exist in a precarious state of “illegality” under immigration law; because of this illegality, these workers experience a constant, “palpable sense of deportability” where the threat of detection and deportation perpetually looms over any work they engage in (De Genova, 2005).

Both undocumented workers and people on parole are often pushed into low wage, precarious work in the secondary labor market or into informal, off-the-books work, due in part to their legal status and positioning. As a workforce, migrant workers’ labor is largely understood to be “cheap” and “flexible” – ideal for employers looking to fill positions at the “bottom of the labor market” (Paret, 2014; Doussard, 2013). However, migrant workers are not inherently “cheap” nor “flexible;” rather, their labor is constructed in that way, and therefore rendered exploitable, by the intersecting conditions of immigration law and work (Paret, 2014:504). People on parole experience something analogous to a state of “illegality,” but where they live at constant risk of parole revocation and reincarceration rather than of deportation. Parole supervision is a precarious legal state requiring no new conviction or sentencing to proceed a return to prison or jail (Beckett & Murakawa, 2012). While parole and undocumented

immigrant status are not the same, in that parolees theoretically have served the sentence assigned at the time of conviction for a crime whereas it is illegal for undocumented immigrants to engage in any work in the U.S., they are somewhat analogous when considering legal status and precarity. For both groups, their criminal or illegal status itself originates from a pressing need to meet basic survival needs, even if that requires illegal actions, and the perpetual vulnerability to legal sanctions (deportation for one, and reincarceration for another). Existing in this legally precarious state then renders people on parole exploitable, in the same way that migrant “illegality” and the perpetual possibility of deportation so renders them. In both scenarios, the law (whether it be immigration or criminal law) is shaping and controlling the labor market by channeling these workers down into the market’s lowest end.

Because of constrained labor market conditions and the status vulnerability of marginalized workers like undocumented immigrants and people on parole, employers “wield excessive power over ‘undesirable’ prospective employees [...] and broad leeway in setting the conditions of employment” (Bumiller, 2015:337). Given this power differential, employers at the bottom of the labor market may perceive their workers as exploitable or expendable and may engage in violations of labor law and established workplace standards. Indeed, the contemporary United States has seen growing rates of workplace violations and labor protection evasion, particularly in the secondary labor market where these vulnerable workers are overwhelmingly employed (Berhardt, et al. 2009).

Employer evasion of labor protections generally occurs when employers attempt to curb operating costs, when the potential costs of noncompliance are outweighed by the potential benefits (Ashenfelter & Smith, 1979; Bernhardt et al., 2008). In the United States, legal enforcement of labor protections is weak and penalties for violation are extremely low,

especially relative to the potential financial benefits of noncompliance (Bernhardt et al., 2008; Bernhardt, 2012; Lee, 2014). Under this microeconomic rational choice framework, employer evasion of legal labor protections becomes all the more likely when employees are drawn from highly exploitable, legally vulnerable populations who are less likely to report violations because of the heightened risk of repercussions associated with employer retaliation (Bernhardt, et al., 2008; McCall, 2001; Milkman et al., 2010; Waldinger & Lichter, 2003). These “cost-saving” workplace violations may include wage theft (the broad umbrella of instances where an employer denies their employee(s) pay or benefits that the employee is owed), employer failure to provide worker’s compensation or other benefits, and poor workplace conditions resulting from employer neglect (Bernhardt et al., 2008; Bernhardt, Spiller, & Polson, 2013).

In addition to widespread workplace violations within the contemporary United States’ weak “enforcement regime” (Bernhardt, Spiller & Polson, 2013), recent decades have also witnessed a substantial increase in nonstandard or contingent employment arrangements (Bernhardt, et al., 2008; Kalleberg, 2000). Whereas standard employment is typically characterized by full-time employment consistent in schedule and pay, nonstandard work includes forms of work that are flexible, temporary, often part-time, and accompanied by limited job security or benefits (Barker & Christensen, 2019). Within the past decade alone, the “gig economy,” a labor market sector replete with temporary contract or freelance work including technology-based ride share and food delivery services, has boomed. Employers in the “gig economy” often classify their workers as independent contractors rather than employees, and in doing so are able to avoid providing benefits and other legal protections typically afforded to employees in a standard employer/employee relationship (Howard, 2017).

Temporary staffing agencies (“temp agencies”) and day labor businesses, two forms of contingent work relied upon heavily by formerly incarcerated workers, are also growing in size and scope across the U.S. more generally (Theodore, et al., 2008; Purser, 2019). Temp and day labor businesses are for-profit intermediaries who provide companies with short-term labor; though the “host company” controls the actual scope and conditions of the work, the worker is typically considered an employee of the placement agency and not the host company (National Employment Law Project, 2019a). A recent report by the National Employment Law Project (NELP) finds that the temp agency business model and the nature of the employer/employee relationship leads to worsened working conditions, and temp workers are “uniquely susceptible to illegal conduct, injury, and abuse on the job” (2019b), and research has documented rampant workplace abuses by day labor businesses (Theodore, et al., 2008). Because of low wages and high rates of wage theft, temp workers make 41% less than standard workers (NELP, 2019b); beyond low pay, temp workers often find themselves “perma-temping,” caught in an ongoing cycle of precarity without ever acquiring a permanent placement (NELP, 2019a). In the face of barriers to standard employment, formerly incarcerated workers including people on parole often rely heavily on contingent work, including temp agencies and day labor businesses (Harding, et al., 2014; Leverentz, 2014; Purser, 2012; Purser, 2019).

As with many other vulnerable workers, people on parole experience economic pressures to find and maintain work, needing an income to meet one’s basic survival needs. However, people on parole also experience additional pressures resulting from their parole status and supervision requirements. Though employment is not a formal condition of parole in California, parolees experience pressures from the parole agency and its agents to find and keep work; these pressures are backed by the threat of criminal legal sanctions, including the potential for

reincarceration, for failure or refusal to comply. This chapter documents how, because of these threat-backed pressures to work, people on parole remain in problematic working conditions associated with coercive work in hopes of avoiding parole violations and reincarceration.

## **Methods**

Los Angeles County, which receives approximately one third of California's parolees at the time of their release from prison, has the largest population of people on parole in the state, totaling 16,002 people on June 30, 2019 (CDCR, 2020). To examine outcomes of coercive work in Los Angeles County, this chapter draws upon data from the 520-person hybrid (i.e., partially in-person and partially online) Respondent-Driven Sampling (Hybrid-RDS) survey (n=520), and semi-structured qualitative interviews (n=40). The interviews were conducted prior to the Hybrid-RDS survey as a way to identify the mechanisms of coercive work, partially confirm existing hypotheses, and to understand the outcomes associated with coercive work. The interviews informed both the larger aims and content of the survey, as well as the construction of individual survey questions. While interviews allow for the identification of coercive work mechanisms and consequences, the survey, in contrast, allows for the quantitative measurement of these coercive work mechanisms and outcomes, and for the estimation of prevalence across the large population of people on parole in Los Angeles County.

This chapter first presents quantitative findings from survey data, including the frequency of findings among the survey sample and the estimated population prevalence of these phenomena within the larger population of people on parole in Los Angeles County (or the anticipated prevalence for all parolees in LA based on RDS methodology and calculations from the survey sample), supplemented by qualitative interview findings. Interview quotations add

nuance about the experience of coercive work and illustrate the decision-making process around accepting “bad” work on parole. The interview data provides important explication of how these undesirable jobs and problematic work environments are tied to coercive work, which quantitative data from a short survey alone could not provide. Together, the data from the Hybrid-RDS survey and interviews illustrate the common experiences of exploitation for workers on parole in LA County.

### ***Hybrid-RDS Survey Data and Analyses***

From July through November of 2019, I conducted a partially in-person, partially online Respondent-Driven Sampling survey of people on parole in Los Angeles County (n=520). This study is the first of its kind to systematically document the outcomes associated with coercive work; as such, the primary aim of the survey was to estimate the prevalence of coercive work and its associated outcomes for people on parole in LA County. To do so, this study utilized Respondent-Driven Sampling (RDS) methods (Heckathorn, 1997), a data collection and analytical method used to study hard-to-reach populations that relies upon participants’ social networks for both recruitment and analysis. RDS uses a strategic, tracked form of snowball sampling where participants recruit other eligible people from within their social networks; to approximate simple random sampling, statistical weights are applied to particular elements of the sample at the time of analysis to accommodate for unevenly surveyed social networks, better reflect the sample population, and to counter sampling bias (Heckathorn, 2011). These weighted estimates then allow for inferences about the larger population, such as the estimated prevalence of coercive work conditions for people on parole in LA County.

The first ten preliminary participants, or “seed” participants, were recruited from Parole and Community Together (PACT) meetings. PACT meetings are held monthly at each of the

five regional parole units within Los Angeles County and are mandatory for recently released parolees as part of the reporting conditions of their parole. All other seed participants were recruited from outside of parole offices across the five regional units. Participants received a \$10 gift card for completing the survey and another \$10 gift card for each participant they referred that completed it.

There were 615 total recorded responses to the online survey; of those, 537 were responses from respondents meeting the eligibility criteria, and only 528 had answered a sufficient number of questions for inclusion. Eight of these 528 entered Recruiter IDs that could not be traced to another participant, resulting in a final sample of 520 respondents. I used RDS Analyst (RDS-A), a software package built out from the R statistical environment to facilitate analysis of RDS data (Handcock, Fellows, and Gile, 2014) to assess sample frequencies and calculate estimated population prevalence (EPP) of relevant measures. Data sets were transformed into RDS analytical formats using the Recruiter ID method (as compared to the Coupon Code method), where recruitment chains are established based the 4-digit ID of the person that recruited each participant. RDS-A not only allows for the calculation of population estimates from sample data, but also for the analysis of the recruitment chains themselves and diagnostic tests to assess the sample's adherence to RDS statistical assumptions.

Recruitment technically occurred over 28 waves; however, the bulk of recruitment occurred over 10 waves and slowed through the 21<sup>st</sup> wave. The last seven waves only included one respondent each, resulting from a long 1:1 referral chain. The majority of the recruitment chains were wide, as opposed to long, which is desirable for permeating networks further from the original seed. However, there were three 1:1 referral chains; I analyzed survey duration, attention check accuracy, and answer content to determine patterns or haphazard answering,



which might be indicative of repeat survey takers; however, these chains did not demonstrate any reasons for exclusion. Further, a secondary analysis was conducted excluding these and any other potentially suspicious referral chains; the findings from these separate analyses largely reflected the results from the full sample and there were no significant, systematic differences. As such, the results from the full sample are presented here.

### ***Measures***

**Coercive work conditions and experiences.** The Hybrid-RDS survey contained questions about participants' post-prison work generally, as well as about problematic work conditions people had experienced since their most recent release from prison. The survey included a matrix of questions about the outcomes of coercive work, where the work conditions presented were shaped by findings from the qualitative interviews. The matrix also included an embedded attention check question (for more detail about the attention check, please see the introduction chapter of this dissertation). The text of the matrix read: *Since your release from prison, have you worked in a situation where: (a) your personal safety was at risk?; (b) you were paid less than minimum wage?; (c) you weren't paid for overtime you performed?; (d) you were misled about what type of work it was?; (e) alcohol was being consumed at the worksite?; (f) drugs were being consumed at the worksite?; (g) there was gang activity at the worksite?; (h) you felt pressured to stay though you wanted to quit?*

The majority of these problematic working conditions were explicitly described by interview participants and, therefore, were included in the survey to determine prevalence, with the exception of lack of payment of overtime work. In interviews, participants only explicitly discussed underpayment in terms of hourly wage; however, I had not explicitly asked about whether they had been compensated for overtime work performed and, meanwhile, the theme of

overtime more generally continually arose throughout the interviews; further, prior research has documented employer failure to compensate low-wage workers for overtime performed in Los Angeles (Milkman et al., 2010). As such, the survey question “...weren’t paid for overtime you performed?” was included to better understand if overtime work was an aspect of coercive work experienced by people on parole. Similarly, I asked separately about drugs being *consumed* and *bought/sold* at the workplace to disentangle these related but substantively different topics. More generally, survey participants were also asked about the types of jobs worked during the present parole term, use of temporary staffing agencies, off-the-books work, and basic demographic information.

**Estimated Population Prevalence.** Social network size was determined by participants’ answers to the question, *How many other adults on parole do you know that live in your area and that have been working or looking for work (including friends, family members, acquaintances, etc.)?* with potential answers ranging from 1 to “More than 100.” (See World Health Organization, 2013 for a discussion of social network assessment questions and rationale.) Six answers were missing for this question; for measures around the requirements to work and past threats and sanctions, these six were replaced with the mean network size for EPP were calculations. Recruitment chains were tracked using participants’ own randomly assigned ID number and the ID number of their Recruiter. Population size estimate was entered as 15,000, based on the known population of parolees in Los Angeles at the time of design (14,538) and anticipated growth. Population weights were calculated using the Gile’s SS method (Gile, 2011), the confidence level was set at 0.95 with 500 bootstrap samples. See Salganik and Heckathorn (2004) for a full discussion of the statistical calculations for calculating estimated population prevalence.

To calculate the estimated frequency of each phenomenon within the Los Angeles County parole population, I calculated the total number of people impacted by each phenomenon of interest by taking the RDS EPP multiplied by the Los Angeles County parole population at the time of study. The survey ran from July to November 2019, so I utilized the CDCR June 2019 population data (dated 6/30/2019) from the Offender Data Points report (CDCR, 2020). This was the closest available data to the survey period.

**Sample Characteristics.** Participants were asked: *On what date were you released from prison? (mm/dd/yyyy)*; there were no missing responses. I subtracted the reported date of release from the date of the recorded survey response, and calculated time since release in both months and days. I then broke responses up into 6 categories for ease of reporting: less than 1 month, 1 month to less than 3 months, 3 months to 6 months, 6 months to 9 months, 9 months to less than 1 year, and more than 1 year. The remaining demographic characteristics include types and industry of employment engaged in during the present parole term and histories of substance use. Participants were asked, *Since your release from prison, have you been employed in a formal, on-the-books job (with a paycheck)?*, *Since your release from prison, have you worked under-the-table or off-the-books?*, and *Since your release from prison, have you used a temp or staffing agency to find work?* and were prompted to answer *Yes*, *No*, or *Don't know*. These formal, informal, and temp work questions were asked midway through the survey and had 2 missing responses; these missing answers are excluded from the characteristics table. To assess job industries, participants were asked, *What type of jobs have you worked since your release from prison?* Participants were instructed to select as many as apply from the following list: *Warehouse/manufacturing; construction; landscaping; restaurant; retail; office; other manual labor; other customer service; odd jobs or whatever jobs I can get;* and *Other*. There were 3

missing responses, which were excluded from the characteristics table. The “Other” response was accompanied by an open text box, to which participants wrote entries including: “community health worker,” “driver/delivery,” “entertainment,” “fitness – yoga, boxing, & spin,” “janitorial maintenance worker,” “my own business,” “real estate,” “SSI side work,” and “telemarketing.” To address histories of substance use, participants were asked *Do you have a history of problematic alcohol use or alcoholism?* and *Do you have a history of problematic drug use or drug addiction?*, and presented with potential answers *Yes, No, and Don’t know*. These substance use questions had 3 missing responses, which are excluded from the characteristics table (Table 5.1) below.

**Table 5.1: Survey Sample Characteristics (n=520)**

	Frequency	%
<b>Time since most recent release from prison</b>		
Less than 1 month	60	11.5
1 month to less than 3 months	121	23.3
3 months to less than 6 months	89	17.1
6 months to less than 9 months	63	12.1
9 months to less than 1 year	34	6.5
More than 1 year	153	29.4
<b>Employment type since most recent release from prison</b>		
Worked in a formal, on-the-books position	268	51.7
Worked in an informal, off-the-books position	233	45.0
Used a temp or staffing agency to find work	236	45.6
<b>Industry of employment since most recent release from prison</b>		
Warehouse/manufacturing	194	37.5
Construction	126	24.4
Landscaping	62	12.0
Restaurant	88	17.0
Retail	45	8.7
Office	47	9.1
Other manual labor	88	17.0
Other customer service	47	9.1
Odd jobs or whatever jobs are available	95	18.4
Other	99	19.1
<b>Substance use</b>		
History of problematic alcohol use or alcoholism	143	27.7
History of problematic drug use or drug addiction	185	35.8

### *Interview Data and Analyses*

Between Fall 2018 and Spring 2019, I conducted 40 in-depth, semi-structured interviews with people on parole in Los Angeles County. Participants were recruited from PACT meetings and, to be eligible for participation, had to be adults on parole who had looked for work or worked while on parole supervision. Interviews were held at a time and location convenient for the participant, and all participants received informed consent prior to the start of the interview. Interviews lasted between one to two hours, and participants received a \$20 gift card at the conclusion of the interview. All but two participants agreed to having the interview audio-recorded; for the two who declined, I took copious handwritten notes and audio-recorded my own verbal reflections and summary immediately after the interview. These recordings were transcribed by me or a professional transcription service.

The interview instrument contained 47 questions asked of all participants, some of which were open-ended, some warranting a yes/no answer, and one being a matrix of 13 sub-questions about coercive work; all questions were accompanied by potential follow-up questions, though I was prepared to ask additional probing questions when unanticipated topics arose. Interview questions primarily addressed participants' experiences working while on parole, as well as the effects of parole conditions and agents' threat-backed pressures to obtain employment on participants' decision-making around work. This portion of the interview began with an open question about current or recent work-related activities following the participants' most recent release from prison (e.g., "How have you been making money since your release?" and "Have you used a temp agency recently?"). Any questions eliciting a yes or no response were followed by additional probing questions to elicit details.

Participants were asked a battery of 12 questions specifically intended to determine if they had experienced problematic work conditions as related to coercive work (e.g., “Since your release from prison, have you worked in a situation that you were concerned may be dangerous?” and “...where you felt pressured to stay, though you wanted to quit?”). If the participant answered affirmatively to any of these questions, I followed up with probing questions to understand the nature of the job and the indicated issue (danger, underpayment, etc.), how the participant came to work in the position, and why they did or did not leave the job.

Interviews were coded inductively using modified grounded theory (Cutcliffe, 2005) and analyzed using Atlas.ti qualitative analysis software. Two rounds of coding occurred, first into broad topical areas guided by hypotheses about employment coercion, exploitative work, and parole supervision; these turned into categorical “family” codes, including “Problematic Work Scenario.” Then, a secondary round of coding addressed more specific or emergent themes within these topical code families. The quotations within the Findings section below were coded into the following sub-codes within the “Problematic Work Scenario” code groups: Underpaid, Not Compensated for Overtime, Physical Danger, Misled, Pressure to Stay, Threatened Sobriety, and Other Problem Scenario (used to capture unanticipated or less common issues).

## **Findings**

In both surveys and interviews alike, people on parole reported having worked in positions that underpaid them, required they labor in dangerous conditions, and/or exposed them to activities prohibited by parole including proximity to substance use or gang activity.

Sometimes, these problematic work scenarios were simply the unfortunate reality of the type of “bad” jobs characteristic of the bottom of the labor market; however, some were the result of parole-originated coercion. Similarly, some participants described scenarios that they *perceived*

to be problematic, while other scenarios were outright violations of labor law or workplace standards on the part of the employer. In some instances, these working conditions endangered the workers' wellbeing, whether in physical danger of sustaining injury or at risk of violating parole conditions with the potential sanction of reincarceration.

The findings below first present the quantitative survey results, indicating how common these experiences were for survey participants and, therefore, how common we can infer these experiences are among people on parole in Los Angeles County. Following the survey results, the findings move to a qualitative explication of the parameters of the employment conditions associated with coercive work on parole. These sections draw upon interview data to illustrate how people on parole come to work outside the bounds of legal labor protections and the parole-related pressures that lock workers into these problematic working conditions.

### ***Prevalence of Coercive Work Conditions***

According to RDS survey data, problematic work outcomes associated with coercive work were common among survey participants and, therefore, common when considering the estimated prevalence among people on parole in Los Angeles County. Most broadly, just over one in five survey-takers (20.08% survey, 22.7% EPP) reported feeling pressured to remain at that job despite wanting to quit. This produces an estimated population frequency of 3,632 people on parole in Los Angeles County who have wanted to leave their working conditions but felt they could not leave, due to external pressures to stay. These prevalence rates and frequencies suggest that slightly less than one quarter of all people on parole *at a given time* experience coercive work, and thus that the total number of people who have experienced this type of coercion is likely much higher given the larger number of people who *ever* experience parole supervision in Los Angeles County.

What is more, if coercive work is occurring within Los Angeles County, it is likely that it is also occurring in parole jurisdictions across the United States. In 2018, there were 878,000 adults on state or federal parole (Kaeble & Alper, 2020); if we extrapolate based on the EPP from this study, we might expect around 219,500 people on active parole in the U.S. who have experienced coercive work resulting from their supervision. Given the constant turnover in parole caseloads and the ongoing (and increasing) rates of release from prison, this suggests a staggering number of people in Los Angeles County and across the country who experience coercive work on parole.

Survey participants also specified the type of problematic working conditions they experienced. Most commonly, survey-takers reported experiences related to wage theft, including having been underpaid for work they performed. Indeed, 123 of 518 participants (23.8%) reported being paid less than minimum wage for a job held while on parole; EPP calculations suggest that nearly one quarter of people on parole in LA County have been paid less than minimum wage (24.6% EPP). The EPP calculations become even more striking when put in the context of the larger population of people on parole in Los Angeles County at the time of study. On June 30, 2019, there were 16,002 people on parole in LA County (CDCR, 2020); when the RDS population prevalence estimates are applied to this population, the results suggest that 3,936 people on parole in LA County were paid less than minimum wage while working on parole. Relatedly, 90 survey-takers (17.4% of sample) stated that they had not been paid for overtime work they had performed, resulting in an EPP of 20.3%, or 3,268 parolees in Los Angeles County who performed overtime work and were not compensated. Table 1 reports survey results for the battery of questions addressing problematic work scenarios, including frequency, percent of sample, and EPP. The indicators from the survey were based on themes



derived from the interviews and did not capture other aspects of wage theft, though we might anticipate that people on parole also likely experienced off the clock work and meal/rest break violations.

Survey participants also reported having worked in conditions that were physically dangerous. When asked if, since their release from prison, they had worked in conditions where they felt their personal safety was at risk, 64 participants (12.4%) said yes; this suggests that approximately 14.7% of parolees in LA County, or 2,352 people, have labored in dangerous conditions. Additionally, 74 survey-takers (14.3%) affirmed that, during this parole term, they had been misled about the type of work they were going to engage in, including having been provided inaccurate information about the job duties, work conditions, or job site at the time of hire. RDS calculations produced an EPP of 16.0% and estimated population frequency of 2,560 LA parolees who have been misled about the nature of the work for which they’ve been hired.

**Table 5.2: Problematic work scenarios**

	<b>Sample Frequency</b>	<b>Percent of Sample</b>	<b>Estimated Population Prevalence</b>	<b>Estimated Population Frequency</b>
<b>Felt pressured to stay but wanted to quit</b>	104	20.1	22.7	3,632
<b>Wage theft</b>				
Paid less than minimum wage	123	23.8	24.6	3,936
Not paid for overtime work performed	90	17.4	20.3	3,268
<b>Dangerous working conditions</b>				
Personal safety was at risk	64	12.4	14.7	2,352
Misled about type of work to be performed	74	14.3	16.0	2,560
<b>Exposure to parole-prohibited activities</b>				
Alcohol consumed at worksite	88	17.0	16.0	2,560
Drugs consumed at worksite	55	10.6	11.1	1,776
Drugs bought/sold at worksite	56	10.8	11.3	1,808
Gang activity at worksite	78	15.1	13.8	2,208

*Note: Because the problematic work scenario questions were presented in a matrix allowing for multiple selections, it is beyond the scope of the present analysis to assess the number of unique individuals experiencing these problematic work scenarios. Future analysis will calculate this prevalence of unique individuals who have experienced coercive work.*

Participants in the survey reported working in situations where they were exposed to other activities commonly prohibited according to general and special conditions of parole. Drug use and sales is ubiquitously prohibited both under parole conditions requiring drug testing to confirm sobriety, as well as the blanket condition mandating general law abidance (CDCR, 2021). Despite these conditions, 55 survey participants (10.6%) reported that they had worked in a situation where drugs were consumed at the worksite while on parole, and 56 (10.8%) had worked in a situation where drugs were bought and/or sold at the worksite; using EPP calculations, these produce an estimated prevalence of 11.1% (or an estimated population of 1,776) and 11.3% (or an estimated population of 1,808) of parolees in LA who had worked around drugs being consumed or bought/sold, respectively.

While not all parolees are prohibited from consuming alcohol or being proximate to others who are drinking, drinking is generally frowned upon during parole supervision, if not outright prohibited in a special condition. And yet, 88 survey-takers (17.0%) reported that they had worked a job where alcohol was being consumed at the worksite, resulting in an EPP of 16.0% and an estimated frequency of 2,560 people. Similarly, prohibitions around association with identified gang members or engagement in what parole determines to be gang activities are not general conditions; rather, these restrictions would be contained within special conditions and apply to people with convictions related to gang membership. Regardless, 78 survey participants (15.1%) responded that, while on parole, they had worked in an environment where there was gang activity at the worksite, resulting in an EPP of 13.8% or 2,208 people on parole in LA County.

### ***Employer Violations of Legal Labor Protections***

Interview participants described in detail the workplace scenarios captured in the survey results above, consistently reporting working conditions characterized by employer violations of labor protections or where they worked outside the bounds of legal labor protections. While some participants described the types of “bad” work characteristic of employment at the low end of the labor market, others reported being exposed to labor practices that were outright illegal. These illegal practices involved violations around pay rate, potential violations around shift hours, and pressure to waive legal protections when working in physically dangerous conditions.

#### *Workplace Violations and Employer Noncompliance with Labor Laws*

Several participants reported that, while working during parole, they had not been fairly or adequately compensated. While for some, the work was off-the-books and therefore less subject to workplace standards oversight or the work was contingent employment in the “gig” economy where employers often manipulate their employee/employer relationship to cut labor costs, even some participants working in formal positions where labor law regulates compensation rates reported being paid less than minimum wage or not being compensated for work performed. For example, after his release from prison, Ken was referred for a formal position with a furniture installation company where his stepfather was employed. The company, who knowingly (and perhaps intentionally) recruited formerly incarcerated workers, did not fully compensate Ken for the work he had performed. Ken explained:

I went to go work at the company my stepdad was working at. They asked him if he knew anybody that wanted to work, and he went, “Yeah, I know somebody. He just got out [of prison] and is looking for work and he hasn’t found work.” So, when I went to go work, I felt like they stiffed me on a few hours. And I clearly told them, “Look, I worked this many hours.” And they just looked at me dumb, you know? I felt underpaid.

California law requires employers to compensate workers for all hours that it “engage[s], suffer[s], or permit[s] an employee to work” (28 U.S.C. § 1292; also see *Adoma v. University of*

*Phoenix, Inc.*, 2011; *Jimenez v. Allstate Ins. Co.*, 2014). Though Ken used the language of perception (“*I felt underpaid*”), he depicted a factual violation of labor law prohibiting unpaid “work off the clock.”

Some interviewees reported being misled about the type of work they would be performing. These participants reported that they had been led to believe that they would be performing one type of work; however, upon arrival at the worksite, the position turned out to be something different. These misleading pretenses may be violations of “wrongful hiring” laws preventing employers from deceitful hiring practices or fraudulent inducement of employment (*Lazar v. Superior Court*). When asked if he had ever been misled about the type of work he was hired to perform, Mike laughed in response; he then explained, “Oh yeah, they [employers] always do that!” Whereas Mike initially was describing employers in general, he went on to explain that this type of misrepresentation is particularly common when using temp agencies or day labor companies that fill employers’ needs for quick, temporary labor. Despite feeling perpetually unsure what his next job might entail, Mike relied on these temp agencies for one and a half years in the absence of other work opportunities.

Several interview participants also reported having worked in physically dangerous conditions while on parole. Physical danger came in various forms, from excessively strenuous labor to exposure to hazardous conditions. While some participants reported having a general idea that a position would involve some risk, none anticipated the extent of hazards. Alberto described his recent job at a kombucha beverage factory where he began by describing how he felt underpaid for the labor he performed – work that he then disclosed put him at serious physical risk. The conditions Alberto described potentially violate Occupational Health and

Safety Administration (OSHA) standards around heat exposure and/or legal standards around requisite breaks accompanying 24-hour shiftwork:

Alberto: Even though it was \$13.50, I think it was underpaid for the work I was performing. [...] They put me in a 90-degree furnace and had me pushing [the equivalent of] a Volkswagen [back and forth] every 4 minutes. And you have all these chemicals and you're smelling it. So I'm back and forth. And every night I'd have to take a break and go to the restroom and wash up cuz my shirt's sweaty, my jeans are full of sweat, my socks... Cuz they seen I'm a big guy and they're like, "He can handle it." If I was 20 years younger? I could handle it.

Interviewer: And they wanted you doing that from 6 am to 10pm?

Alberto: From 6 to 10 mandatory after I did my 40 hours my first week. [...] It was just like, some strenuous work. Monday through Friday and some Saturdays, yes. And this is all 3 shifts, too. 3 24 hours, so that's a lot of work. It was way too much. [...] The last day I was about to pass out. I would feel like passing out and would get up and take a little break and I'd start seeing like, spots and dots. It was horrible.

Alberto reported that he ultimately left the position, stating that his "health is more important than \$12 an hour." Beyond being insufficient compensation for the strenuous labor he performed, Alberto's description of his work at the kombucha factory also depicts a dangerous work environment – one that may violate Occupational Safety and Health Administration (OSHA) standards requiring employers to protect workers from serious hazards in the workplace, including extreme heat exposure (OSHA, 2021). Though these OSHA standards are relatively new in California (signed into law in 2017), they were in effect at the time when Alberto was employed at the factory. Unfortunately, there are no current OSHA standards around extended shifts more broadly.

Several interview participants described exposure to workplace hazards and physical danger associated with Evolution, a large nonprofit organization that draws clients for its transitional jobs program from parole and actively recruits workers at the mandatory PACT meetings. Following several weeks of mandatory programming, Evolution places workers in positions with external organizations, including state and municipal governmental agencies.

Malik was one of many participants who had been recruited by Evolution at a parole-hosted PACT meeting and then placed in a contingent position with a governmental agency. The position, which Malik described as the “5<sup>th</sup> most dangerous job in America,” was part of a road crew cleaning major Los Angeles highways, often near on- or offramps with cars driving nearby at speeds of up to eighty miles per hour.

While Malik saw Evolution’s \$13.50 hourly wage and weekly (rather than biweekly or monthly) payroll as justification for accepting the physical risk, he hedged this by saying “But we’re actually told- we actually sign forms saying that we’re responsible for our own safety. So if anything happens to you...yeah.” In this instance, not only was Malik working in a job he felt was physically dangerous, but he was also doing so outside the bounds of legal protections from his employer should he be injured while on the job. Carlos, who also worked for Evolution, added that, in addition to highway cleanup, the road crews would sometimes be deployed to clean up after “tent cities” for unhoused people were cleared out during police “sweeps,” exposing Evolution’s workers to unsanitary, potentially hazardous conditions. California law dictates that employers may only waive workers’ compensation benefits if they provide employees with health and disability benefits comparable to the state’s workers’ compensation policy [Cal. Labor Code § 3352(a)(19)]; however, because Evolution functioned as a staffing agency contracting employees to the governmental agencies, participants report that it circumvented the law and provided neither workers’ compensation coverage, which employers are legally mandated to provide, nor other employment benefits. Thus, workers like Malik and Carlos labored in physically hazardous conditions for governmental agencies without any legal protections they should have been afforded.

*Liminality Legal “Bad” Work*

Whereas the participants above described illegal or potentially illegal employment practices by their employers, other participants worked in a legal grey area or in undesirable, but not illegal, working conditions resulting from the nature of work at the bottom of the labor market. Several interviewees said that they had worked in situations where they were paid at least minimum wage, but still perceived that they were not fairly compensated relative to the work that was performed. Most commonly, these participants expressed frustration with temp agencies and the payrate temporary workers receive as compared to both the labor they provide and the rates the agency receives for their labor. Interview participant Mike expressed frustration with the low payrate temporary workers ultimately received: “Let’s say you’re getting paid \$9 an hour when I’m doing construction, lifting some heavy stuff that requires a lot of, you know...you could get hurt but you ain’t getting paid the money. They charge [companies] for us \$27 and then they pay us \$9.” Chris echoed Mike’s sentiments, saying “We make \$9 an hour because they take from our paychecks and then you end up with nothing. How are you gonna survive on that?”

Occasionally, temp agencies placed workers in longer term assignments. Kareem, who had relied upon temp agencies to make ends meet, spoke about an extended job the temp agency had placed him in. Kareem reported that he had done well in his position and his employers gave him increasing responsibilities including training other employees, continually adding on to his growing workload. Eventually, he asked his employers for a raise, but then, as he described it: “They told me, ‘yeah, we’re gonna look into giving you a raise,’ but I’ve never gotten one.”

Anastacio described having been both underpaid and misled, but for a position that was off-the-books and, though workers are still protected by labor rights, are significantly less likely to be subject to protective oversight. Anastacio explained, “I was doing concrete and it was an under-the-table thing. They told you one thing and then you go and you work [and it’s

different].” In this situation, Anastacio was “wrongfully hired” in that he was affected by deceitful hiring practices around wage; further, not only was the wage he ultimately received less than what he had originally been promised, but it was well below minimum wage. However, because the position was off-the-books, he had no legal recourse for either the fraudulent inducement of hire or the subminimum wage compensation. As with Anastacio, several other interview participants noted being paid well below minimum wage but accepting the low rate because the position was off-the-books and there were few alternatives.

Two additional interview participants reported feeling unfairly compensated while working in other common forms of unstable work: one as a commission-only salesperson and one in the gig economy. In the first instance, Wells described being employed in an outside sales position for a solar company while on parole, where he earned commission but no supplementary minimum wage, neither in addition to commissions nor as a base hourly rate should no sales be made.<sup>5</sup> As a condition of his parole, Wells was unable to enter people’s homes, which he expressed had a negative impact on his ability to make sales that may have benefitted from an in-home walkthrough. As a result, Wells often made few sales, leaving him with little income. Meanwhile, Carlito described that, in the absence of other employment options, he had turned to an app-based food delivery service that classifies its employees as independent contractors. Carlito described frustrations with his gig economy employment including, but not limited to, unfair pay and lack of benefits – concerns that are mirrored in several state and federal class action lawsuits against app-based delivery companies including the one for which Carlito worked

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<sup>5</sup>Section 1771 of the California Labor Code and Title 8 of the California Code of Regulations allow commission-only pay, unaccompanied by hourly minimum wage, for some exempt employees, including outside salespeople.



(see, *Linn, et al. v. DoorDash Inc.*, 2020; *McClenon et al v. Postmates Inc.*, 2020; *Wallace v. Grubhub Holdings, Inc.*, 2020).

### ***Exposure to Parole-Prohibited Activities***

Lastly, some participants accepted work in situations that, while potentially problematic and characteristic of work at the end of the labor market, put workers on parole at a unique form of risk: the risk of parole sanctions due to parolee proximity to parole-prohibited activities such as alcohol use, drug use and/or sales, and gang activity. Some interview participants emphasized that the alcohol and drugs present at their workplace did not phase them; they described feeling secure in their commitment to abstain either indefinitely or at least for the remainder of their time on parole. However, others, especially those who had long histories of drug dependency and/or shorter durations of sobriety, described feeling triggered or even tempted to use. During his interview, Spike described being tempted by the ever-present substances in the restaurant industry:

I worked around a lot of a lot of stoners and druggies. So it was there, I guess the temptation was there, I'm not gonna lie. But it was like- "Everybody's going over to so and so's house to have a beer and smoke a bowl." So the temptation was there, but it was never real enough to where I was gonna act on it. But it was there. The restaurant industry is a wild place. There's coke, there's heroin.

These scenarios put parolees at risk in several ways. First, as Spike reported above, the presence of drugs and/or alcohol may become a temptation for the person on parole, who may or may not have a formal condition prohibiting them from using; should they decide to use a substance, they risk violating one of standard conditions of parole. People on parole with formal conditions against substance use also typically describe accompanying mandatory drug tests; their drug or alcohol use could be flagged on a future urinalysis test or could otherwise be detected by the parole agent, resulting in a violation and potential parole revocation.

If the person on parole is housed in a transitional living facility, they are most likely subject to additional rules against substance use; further, if the program is a sober living or otherwise related to substance use recovery, they may be subject to additional drug tests at the transitional living facility as well as through their parole agent. Should they fail a urinalysis through their transitional housing, they could risk losing their housing and having the positive test reported to parole. Incarceration can also be a more indirect consequence: should the parolee have a history of problematic substance use, their sobriety may be compromised and they may relapse. Again, this would likely lead to a parole violation, either because of a failed drug test or because of the increased likelihood of absconding, failure to report, or arrest for new crimes that may result from drug use. Several interview participants described prior experiences on parole where they argued they had been doing well, until a point at which they returned to drug use. For example, Ryan had been maintaining sobriety from hard drugs (though he was consuming alcohol) until he took a position with a temp agency where coworkers were using drugs at the workplace:

Ryan: I got a warehouse job from a staffing agency [...] and they loved me there, I did good. But people were getting high there thought.

Interviewer: Did that contribute to you using at all?

Ryan: Yes, absolutely. One hundred percent.

Interviewer: Had you not been using before you started working there?

Ryan: I was drinking here and there. And since I was working with all these [guys] that were doing speed, I was like, 'Oh, I'll just do some of that.' And it was ten times better, cuz that's my drug. So then I just started doing that.

Ultimately, Ryan's occasional methamphetamine use with coworkers escalated; he explained that he eventually absconded from parole and "ran amok" until he was apprehended and reincarcerated.

Just as many people on parole have formal conditions preventing them from being around or using drugs and alcohol, many – especially those with convictions deemed to be related to

gang activity – also have conditions prohibiting them from associating with gang members. As described above, depending on the individual, being present for gang activity could put the person at physical risk, if they are known to have dropped out of the gang or to be from a rival neighborhood. At the time of interview, participant Edwin was working as a dishwasher at a restaurant; he stated that at some point, his manager “kept asking me where I’m from, like, gang-banging wise,” despite being at work. He went on to add that this manager allegedly had been stabbed onsite in the past. If this manager had indeed truly been part of gang-related violence onsite, Edwin may have been at risk of danger himself, or potentially at risk of a violation for associating with gang-involved others.

### ***And Yet, They Stay: Pressures to Maintain Work***

Despite experiencing problematic employment scenarios including outright employer violations of labor law and working conditions that placed parolees in physical danger or at risk of parole violation, participants largely stayed at these jobs. For some participants, common pressures to accept “bad” work (primarily a pressing need for income) drove them to stay in problematic working conditions. Carlito, who, like Malik, had been placed by Evolution in a subcontracted position as part of a governmental agency’s road crew, stated, “You have to do things you don’t necessarily want to do. You have to work a job you don’t necessarily want to because you just gotta support yourself; either you do something illegal and you get locked back up, or you be patient.” Carlito’s comments emphasize not only the pressing need for income, but also a perception that the only alternative to his current position would be illicit work which Malik believed would almost certainly lead to reincarceration.

However, participants described additional pressures specifically related to their parole supervision, well beyond the basic need to meet basic financial and survival needs experienced

by many low wage workers. Parole conditions, as well as the way conditions are interpreted and enforced by parole agents, create a coercive pressure to not only obtain work, but to maintain it, even in the face of problematic working conditions. Both survey and interview participants alike described employment as a requirement of their parole – a requirement backed by the threat of parole violation and accompanying sanctions, should they fail to find and maintain work.

Parole agent-initiated sanctions for parolee failure to work may be relatively benign, including mandated programming or tracked attendance at parole’s Adult Computer Literacy Lab (“Lit Lab”), which was the threat interviewee Sam reported receiving from his parole agent. Conversely, parole agents could threaten sanctions as severe as reincarceration, with incarcerations ranging from “flash incarcerations” of up to ten days in county jail to longer sentences in state prison. Both Brad and Kareem noted the looming threat of incarceration for failure to work; in fact, Brad reported that his parole agent threatened him, saying he would “make sure you go [to jail for] the maximum time for a violation” related to work. Malik, who had reported waiving his rights to worker’s compensation protections when working for Evolution and the governmental agency road crew, had been reincarcerated previously for refusing to look for work in the past. Malik explained that his parole agent at the time had wanted Malik to find employment. After Malik refused, his parole agent gave him several parole violations, for which Malik “did a 9 month, a 6 month, and I think a 5 month” term in LA County Jail, “all under the same P.O.” When asked why he continued doing such dangerous roadside work without any legal labor protections, Malik had not mentioned his past experiences with work-related parole violations and reincarcerations; instead, he noted that the pay rate and frequency were adequate to justify his continuing with Evolution. However, it seems likely that,

whether consciously or unconsciously, Malik's willingness to accept the Evolution position was influenced by his prior experiences of work-related parole revocations.

What is more, Malik explained that he was also concerned that Evolution could contact his parole agent. Malik explained, "If they choose, they're gonna call the guy [parole agent] and talk to them." Several other participants also noted concerns that their employer might speak with their parole agent if they "rocked the boat" by speaking up about an issue at their job. In a section above, Anastacio described having been misled and underpaid while working an off-the-books job pouring concrete. When pressed about why he continued working at the job despite the subminimum wage pay, Anastacio described worrying about retaliation from his employer. Indeed, Anastacio explained that his employer was complicit in the employment coercion, and that a worker could not advocate for themselves "because you're on parole, they [the employer] can say, 'Hey, he's over here screwing up, come pick him up.'"

Relatedly, interview participant Mike said that he was not worried about his employer speaking with his agent about his employment but, instead, was concerned that his mother might. At the time of interview, Mike was living with his mother and paying rent to stay in her home. When asked if he had ever had an employer contact or threaten to contact his parole officer, Mike responded, "Nah, no. More my mom. [She said], 'You don't behave good and I'm gonna tell your P.O. about this.'" Reflecting on his mother's threat, Mike explained that she used this threat broadly around any actions she perceived to be misbehaving, including a failure to keep up his financial obligations. Mike reported believing that if he left his current under-the-table job with a moving company and, as a result, was late or unable to pay rent, his mother might contact his parole officer directly and inform him of Mike's unemployment.

## **Discussion**

People on parole experience coercive work, wherein they must acquire and maintain employment under threat of criminal legal repercussions, including the potential for reincarceration, should they fail or refuse. The findings above illustrate the employment conditions of this coercive work, demonstrating how people on parole are systematically channeled into work that is either characterized by workplace violations or into jobs that are entirely outside the bounds of legal labor protections.

These work environments largely reflected those found in past, large-scale studies of workplace violations in low wage and temporary workplaces (Bernhardt et al., 2009; Bernhardt et al., 2013; Milkman et al., 2010; NELP, 2019a); however, there were several ways in which these employment dynamics were unique to people on parole. Nine of the 40 interview participants mentioned Evolution, the nonprofit organization that recruited “clients” directly from parole and placed them in low wage positions with governmental entities – a business model reminiscent of temporary staffing agencies. While we might expect nonstandard employers like temp agencies to circumvent laws around workers’ compensation, participants who worked for Evolution also worked outside the bounds of these labor protections. Because of their status as a subcontracted employee, the governmental agency was able to utilize their labor in hazardous conditions without the legal protections that direct employees would necessarily have been afforded.

Without Evolution’s mediation, there would be a direct linkage of unprotected workers supplied by the Department of Corrections and Rehabilitation to civil branches of government to perform low wage, hazardous work outside the bounds of labor protections in a way that is a financial benefit to the governmental agency. However, because of their nonprofit status and

compulsory job preparedness classes offered, Evolution is able to function akin to a temp agency but under the guise of rehabilitative reentry services. While temp agencies and day labor agencies are for-profit job placement businesses, Evolution is a nonprofit organization drawing funding from grants and donations. It is currently unclear if workers receive their pay directly from Evolution (which would suggest their wages are paid by these benefactory sources) or by the governmental agencies for which they work. In the event that Evolution pays workers' wages, the governmental agencies are receiving free labor from a criminalized population; this governmental use of "convict" labor is not entirely unlike the unpaid use of chain gang labor on public infrastructure projects at the turn of the century (Blackmon, 2009; Childs, 2015).

Also, reports of workplace violations rarely consider substance use or gang activity on the job when discussing workplace hazards. However, for people on parole, these dynamics pose not only physical danger (e.g., in the event a coworker is working while under the influence) but also a potential legal threat of repercussions. In thinking about substance use at the worksite, employers would most likely be concerned about potential risks around employer negligence, should an inebriated employee injure or harass an employee or customer. However, in thinking about the risk of *physical* harms, people on parole may be as at risk of ultimately using themselves when working in a triggering environment; sobriety is especially fragile during times of high stress and change – characteristics that define the period of reentry following incarceration. Even for people who are not drawn (back) into substance use themselves, proximity to substance use, drug sales, and/or gang activity poses significant legal risk in the event their parole agent visits their workplace or otherwise learns of this dynamic.

Also differing from other forms of low wage work are the pressures and potential repercussions that lead people on parole to stay in exploitative work. Whereas most low wage

workers likely experience financial pressures to remain in bad jobs, people on parole experience legal pressures to work backed by punitive threats including reincarceration for failure to do so. To insulate themselves from the risk of violation, parolees may accept exploitative work conditions, if they deem the harms experienced on the job to be more tolerable than the risk of parole sanctions for unemployment. As demonstrated in the findings above, these sources of threat do not always come from the parole agent directly; for people on parole, employers or even family members can exert coercion by threatening to report the person to their parole agent.

Workers remaining in these positions may also feel as though they cannot advocate for themselves and other workers on the job out of fear of employer retaliation. Positions at the low end of the labor market are already characterized by low skills and high turnover; high demand for these positions from a large workforce and the low barriers to entry make low wage workers highly replaceable and, therefore, dispensable. Because employees are easily replaceable, employers may be more likely to retaliate by terminating the worker's employment and quickly replacing them with a new laborer. Knowing this, workers may be averse to voicing concerns over wage theft or hazardous conditions. And again, people on parole may be especially averse to speaking up when employer retaliation can result in not only job loss but also potentially reincarceration.

Further, workplace violations in general have large scale ramifications for the low wage labor force, including the depression of labor standards as companies compete to maximize profit by cutting labor costs, potentially via wage theft and other forms of legal noncompliance. Workers voices are also systematically silenced under threat of employer retaliation and employers more easily evade legal labor protections. Beyond this, the exploitation of formerly incarcerated workers may have negative outcomes for the low wage labor force more broadly,



even those who are not on parole. Because people on parole may accept poor or even illegal working conditions out of fear of reincarceration, other workers may be displaced or pressured to accept the lowering workplace conditions as employers “race to the bottom” (Zatz, et al. 2016).

What is more, because people on parole are coerced into low wage, unstable work under threat of incarceration, parolees become locked into long term socioeconomic disadvantage and precarity. Whereas higher paying, reliable, consistent employment might present the opportunity for career advancement and economic stability, forced work at the low end of the labor market does little to lift people out of poverty (Seim & Harding, 2020). Impoverished workers and their families will likely continue to struggle to meet basic survival needs; in a constrained housing market, this has major implications for individual and familial homelessness. To the extent we are concerned with the theoretical rehabilitative qualities of work and crime prevention, low wage work, perpetual poverty, and potential homelessness are antithetical to rehabilitation and, instead, are related to recidivism. Because of these realities, coercive work has the potential to lock people into inescapable cycles of poverty and incarceration.

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## **Chapter 6. Conclusions**

People on parole experience coercive work, wherein they are required to find and maintain employment as a requirement of their parole, backed by the threat of violation and potential reincarceration should they fail or refuse. Despite not being one of the 12 state or federal parole jurisdictions within the United States with a standard condition of parole mandating employment, official written documents from the California Department of Corrections and Rehabilitation and the Division of Adult Parole Operations and verbal communications from parole agents explicitly communicate expectations around work and the accompanying threats of sanctions. People on parole perceive these written and verbal communications, combined with prior experiences of threats and sanctions, as compelling them to find and obtain “acceptable” forms of employment or risk reincarceration.

Under these threat-backed requirements to work, people on parole are compelled to navigate structural barriers to employment at reentry in an attempt to satisfy their parole requirements. However, even as parole rules and agents compel parolees into employment, other standard and special conditions of parole obstruct their attempts to find and maintain work. In particular, parole reporting requirements, limits on parolee movements, and mandated rehabilitative programming create conflicting demands on parolees’ time and movement through space that render employment challenging or impossible. People on parole often experience these conditions, and the way they are enforced, as punitive and emphasizing surveillance to the detriment of their individual efforts to reintegrate into the community after prison, even when these conditions compel the person into programming or activities deemed rehabilitative by the parole agency, agents, or service providers. Overall, because these parole conditions are working at cross purposes, people on parole may often perceive that they are forced to choose which rules

they prioritize and, in turn, which they risk breaking. People on parole are put into a bind where they are not choosing *if* they break a rule, but *which* rule they break: standard conditions or employment requirements?

Given parole-originating employment coercion and myriad barriers to work after prison, people on parole are systematically coerced into work at the bottom of the labor market. This coercive work occurs both in formal sectors and off-the-books, and is often characterized by wage theft, dangerous or chaotic work environments, and an overarching lack of labor protections. Despite these problematic working conditions, people on parole feel pressured to remain in these jobs because of the pressures from parole rules and agents to maintain employment or face punishment. This dissertation estimates that approximately one quarter of people on parole in Los Angeles County experience problematic working conditions that may arise as a result of coercion— a finding that has troubling implications regionally as well as nationally. These findings suggest that thousands of people in Los Angeles County and hundreds of thousands of people nationally likely experience coercive work because of their parole supervision, and who thus may become caught in an ongoing cycle of poverty and incarceration.

At the highest level, this dissertation demonstrates that people on parole are caught in a double bind, where parole supervision adds numerous burdens and requirements while simultaneously constraining or obstructing their ability to meet these needs or obligations. Employment is one such example of this bind, where people are compelled into work by parole under threat of repercussions but are also obstructed from work by parole's other conflictual demands. As a result of this bind, people experience coercive work and become locked not only into "bad" jobs but also ongoing impoverishment and criminal legal involvement

## **Directions for Future Research**

This study has provided new insight into the mechanisms of coercive work, including how parole requirements around employment are constructed for parolees in the absence of a formal parole condition and how threats of criminal legal sanctions for failure to work are perceived and experienced by people on parole. It has also highlighted how people on parole may experience parole conditions as barriers to employment given the numerous, conflicting rules they must attempt to navigate, many of which prioritize risk management and surveillance. Lastly, this study has reported the employment conditions of coercive work, where because of threat-backed criminal legal pressures, people on parole systematically work in situations characterized by workplace violations, problematic working conditions, or entirely outside the bounds of legal labor protections. There are opportunities to extend this research, using the existing data or through new projects that continue this trajectory.

### ***Race***

The United States' long history of racialized labor extraction at the hands of the criminal legal system, the dramatic overrepresentation of Black and Latino populations at every stage of the criminal legal process in past eras and the current era of mass incarceration, and the disproportionate impacts of labor violations in the low wage labor market for people of color all beg for specific attention to be paid to the effects of coercive work on parole as related to race. In the Southern United States, the legacy of slavery and racialized labor extraction echoes in modern prisons where overwhelmingly Black prisoner populations conduct entirely unpaid or barely paid agricultural labor; what might the reality of coercive work on parole look like in this region and what are the implications for ongoing socioeconomic stratification along racial lines? Conversely, in the American Southwest, incarcerated and paroled populations are

overwhelmingly Latino, and both Latino and Black populations still overrepresented relative to the general population; this same region has large concentrations of Latino immigrant populations and massive low wage labor industries that draw heavily on poor vulnerable workers.

Given these racial dynamics, future analyses of the present study's data should look closely at the racial contours of coercive work after prison, considering whether experiences of criminal legal pressures, threats, or actual sanctions vary along racial lines. In future publications, I will conduct these analyses by race, including an assessment of how the conditions and experiences of coercive work vary by race, with an eye toward the interactions between employment sector, community racial composition, the race/ethnicity of exploited workers.

### ***Evolution and Similar Nonprofit Employment Intermediaries***

Nine of the forty qualitative interview participants in the present study spoke about Evolution, the nonprofit organization that facilitated parolee placement in employment positions, including in jobs with governmental agencies. Though within the context of this dissertation, participants only spoke about Evolution by name, Evolution is undoubtedly only one organization in what is likely a growing phenomenon within the larger "reentry industrial complex." Future research should examine these types of nonprofit organizations who function akin to a temporary staffing agency, especially those who are intermediaries between the criminal justice system and low wage labor for governmental bodies. This research should examine these organizations, their labor practices, longer-term employment outcomes for their "client" workers, and critique the relationship between these nonprofit institutions, the criminal legal system, and the labor market.



### ***Workplace Violations***

Chapter 5 of this dissertation identified the characteristics of coercive work, showing how people on parole worked in situations including wage theft, hazardous conditions, and exposure to parole-prohibited activities – all under parole-originating pressures to work or risk punishment. While this project broadly documented associated the circumstances where these workplace violations occurred, future research should systematically document the details of these violations, including the industry of the job, the formality or informality of the position, how the position was obtained, if the employer was aware of the person’s parole status, which workplace violations cooccurred, and if and how these violations systematically varied across worker characteristics for those that experienced them.

### ***Transitional Housing***

Chapter 4 of this dissertation identified parole-mandated rehabilitative programming and transitional housing as sources of potential barriers to employment for people on parole. These were unanticipated findings that emerged during qualitative interviews and, as such, were not systematically documented as part of the interview instrument or in the hybrid-RDS survey. However, interviewees that reported being housed in transitional housing programs frequently spoke of the same recurring issues – issues that were also reflected in open-text answers from the hybrid-RDS survey – including employment blackout periods ranging from 30 days to as long as six months, major restrictions on spatiotemporal mobility (e.g. curfews, passes to leave the facility, mandated program attendance), and mismatches between parolee needs and services or programs provided by the housing facility. The findings also suggested that these housing facilities not only replicated strictures imposed by parole conditions, but also added an additional layer of rules residents must follow to maintain their housing, above and beyond those legally

required as part of their parole. Future research should systematically examine these reported experiences to determine the methods by which people are placed in temporary housing facilities, appropriateness versus mismatch of services and needs, housing rules as compared to parole conditions, and employment blackout periods or other barriers to employment.

### ***Hybrid RDS Methods***

Hybrid-RDS methods are a promising approach to sampling and surveying hard-to-reach populations. While much prior research has utilized RDS or webRDS to report the prevalence of binary characteristics (e.g., positive HIV status), RDS generally and Hybrid-RDS specifically can be useful in the sociological study of vulnerable populations in ways that both document the prevalence of existing known or theorized phenomena, while also contributing to theory building. By combining the strengths of the in-person and online approaches, Hybrid-RDS provides a less resource intensive option for the sociological study of vulnerable populations.

However, as these methodologies are used to study different populations than those traditionally surveyed by RDS methods (men who have sex with men, HIV positive people, people who use drugs), there are different challenges that arise during implementation. Future research should continue to utilize these novel methods, develop them in ways that serve sociological needs, and document their evolution in methods journals.