

The Pursuit of a Clean Criminal Record, A Quantitative Systemic Review

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# THE PURSUIT OF A CLEAN CRIMINAL RECORD

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## THE PURSUIT OF A CLEAN CRIMINAL RECORD

### Abstract

A quantitative research study examining the variables associated with record sealing in New York State. The United States of America has one of the highest rates of incarceration when compared to other countries around the world. In 2016, 10.6 million inmates spent time in United States jails, while 600,000 inmates are released from prison each year, (Bureau of Justice Statistics, 2018b, Ross & Richards, 2009). The stigma associated with incarceration affects those reentering society abilities to find sustainable housing, attain reliable transportation, affordable healthcare, and adequate employment, record clearing technique such as expungement and record sealing are means of alleviating the stigma of a criminal record or RAP sheet (Arditti & Parkman, 2011). This study examining the relationship between record clearing efforts such as criminal record expungement/ sealing and socioeconomic demographics express through employment using quantitative data. Data was collected and analyzed from New York State Division of Criminal Justice Services and New York State Department of Labor, using multiple regression modeling to predict the relationship between employment, record sealing and arrest in New York State. After examining 56 New York State counties, a significant relationship of  $p < .05$  was found between the independent and dependent variables of employment, and arrest and criminal record sealing prospectively.

Keywords: Criminal record, expungement, record sealing

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### The Pursuit of a Clean Criminal Record, A Quantitative Systemic Review

Recently, there has been an increasing political climate to expanding employment opportunities for people with a history of involvement in the criminal justice system. Experimental research, surveys, and collected data supports the premise that job applicants with a criminal history are more likely to be disfavored by employers (Agan & Starr, 2017). The purpose of this study will be to use quantitative data to analyze and study former offenders finding legal employment after the sealing of their criminal record under New York State new record sealing law, CPL 160.59.

After an extensive literature review of this topic, there seems to be an uncharted investigation or a gap in the research regarding the experiences of former offenders after overcoming a criminal record. There are excellent in-depth research and studies on the need for ex-offenders to have their record clean and research on ex-offenders who have petitioned the court to have their records sealed or expunged but no research on the aftermath of the phenomenon. The goal of this research is to develop a better understanding of correlation and dynamics between criminal record clearing and access to employment. This quantitative research study has the potential to engage local and state practitioners and stakeholders in creating strategies to address barriers to employment.

### **Research Question**

The research questions of this investigation will help establish the agenda for this study and further drive the inquiry. This study will answer the following research question: Can employment in New York State be predicted based on New York State county demographics of arrest and criminal record sealing?

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### **Definition of Key Terms**

Criminal justice has many terminologies that are specific to the industry and may confuse the general public. An attempt will be made to define some of these terms to improve the clarity and reliability of this document. For this paper, the term arrest means the taking into physical custody of an adult by law enforcement authority, resulting in a specific offense record (Steinhilper, 1977). The word cohort will refer to a group of people which poses one or more common statistical factors such as having a criminal record, had their criminal record sealed, or have been arrested. Steinhilper (1977), defines crime index or uniform crime reports as, “A set of numbers indicating the volume, fluctuation, and distribution of crimes reported to local law enforcement agencies, for the United States as a whole (p.61). A person's criminal record is a history of their encounter with law enforcement and may include arrest, delinquent acts, convictions, criminal offenses, or status (violation) offenses. When a record is expunged, it is legal destroyed, while a resealed criminal record refers to removing the record from the view of the public.

### **Review of Literature**

#### **Incarceration Population**

The United States of America has one of the highest rates of incarceration when compared to other countries around the world. When compared to other western nations like France, the United Kingdom, German and Italy, the United States incarceration rate is between four and seven times higher (Hartney, 2016). The Bureau of Justice Statistics classifies and statistically tracks incarceration by inmates in local municipal jails and prisoners under the authority of state and federal correctional jurisdiction. Jails are facilities that are locally administered and typically house inmates that are pending arraignment, trial or sentencing and inmates sentenced to one year or less. In 2016, 10.6 million inmates spent time in United States

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jails, resulting in a 229 inmate per 100,000 U.S. resident according to statistician Zhen Zeng (Bureau of Justice Statistics, 2018a).

Prisons incarceration rates refer to the counts of prisoners with sentences longer than one year under the authority and supervision of state or federal correction jurisdiction. Statistician E. Ann Carson, Ph.D. reports that 1,505,400 prisoners made up the incarceration rate under state and federal jurisdiction in the United States in 2016 (Bureau of Justice Statistics, 2018a). The 2016 imprisonment rate as noted by Carson, was 450 prisoners per 100,000 resident (Bureau of Justice Statistics, 2018b). According to the American Psychological Association's journal article *Incarceration nation* (2014), the United States of American makes up about five percent of the world's population but is responsible for nearly 25 percent of the world's incarceration population.

With such a larger incarceration population, the United States also has a significant number of prisoners released each year. An estimated nine million inmates return to communities each year from incarceration. While a projected 95 percent of prisoners in state penitentiary will at some point complete their sentence, resulting in release and about 80 percent of inmates on a supervised release program such as parole or probation will finish their sentence and return to their community (Bureau of Justice Statistics, 2004). In the 2004 State of the Union Address, President George Herbert Walker Bush stated:

This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison...America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life. (Para. 63)

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### **Life After Incarceration**

A number of reports utter the sentiments of President George H.W. Bush that inmates are more likely to re-offend if they do not have access to natural and basic needs. While over 600,000 inmates are released from prison each year, an estimated 50 percent face reincarcerated within one year of release and 70 percent within three years (Ross & Richards, 2009). The stigma associated with incarceration affects those reentering society abilities to find sustainable housing, attain reliable transportation, affordable healthcare, and adequate employment (Visher & Travis, 2011; Visher, Debus-Sherrill & Yahner, 2011). This indelible stigma of incarceration ranks ex-offender low on the job candidates list due to trustworthiness, potential employer legal and financial liability and the ability for offenders to hold some professional licenses (Bushway, 2004; The Pew Charitable Trusts, 2010). Some states have licensure restrictions for some fields and restrict candidates with a criminal record from attaining employment as contractors, barbers, ambulance drivers, and healthcare and childcare workers (Ispa-Landa & Loeffler, 2016). Visher et al. (2011), goes on to report that often when ex-offenders do find employment, they are compensated less than other workers with similar skills and background who does not have a criminal record.

### **Ex-offender and the Labor Market**

The United States labor market is affected by the one in thirty-three adult Americans under some control of the criminal justice system either supervised probation or parole or behind bars (The Pew Charitable Trusts, 2010). The incarcerated inmates are not available to work to contribute to the economy. While those who are on probation, parole, have felony convictions, a misdemeanor, or even an arrest record are significantly less employable. Some of the enduring and significant economic repercussions of incarceration include former inmates working fewer

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days in a year, earning less money, resulting in limited upward mobility (The Pew Charitable Trusts, 2010). The costs and repercussion of incarceration are not just felt by the offender but by the offenders' family, community and have a lasting echo for generations to come. According to Schmitt and Warner (2010), time spent incarcerated has an independent impact on ex-offenders employment perspective.

Furthermore, the high levels of incarceration negatively affected the United States economy by resulting in the loss of between 1.5 and 1.7 million workers. In terms of employment rate, there is between a .8 and .9 percent reduction or between 57 and 65 billion dollars (Schmitt & Warner 2010). There is an 11 percent reduction in hourly wages earnings for those who have served time resulting in a 40 percent reduction annually (The Pew Charitable Trusts, 2010).

### **Technology and the Criminal Record**

In the past individuals with a criminal record from arrest without a conviction, a misdemeanor or a felony conviction could avoid some of the stigma associated with their record of arrest and prosecution or RAP sheet. Avoiding the stigma could be done by not disclosing the criminal history as it would be unlikely that a third party would reveal the RAP sheet.

Furthermore, contact with the justice system was infrequently accessed as they were kept local (Ispa-Landa & Loeffler, 2016). Today, job applicants face an inquiry about their criminal history on job applications, followed up by verification of the information with low-cost background checks. Failure to disclose criminal history often result in the applicant being perceived as lying and not receiving the job. Ispa-Landa and Leoffler (2016), report that starting in the late 1990's searchable databases became available as criminal justice agencies created online databases. These databases make it easy to access information such as parole release data;



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daily inmate lookup, court dockets, and arrest logs for anyone with internet access (Ispa-Landa & Loeffler, 2016; Holzer et al., 2003). An example of an online database that is free and accessible to anyone interested in called Mobile Patrol. Mobile Patrol is an online application that provides up-to-date arrest data including a mugshot, date of arrest, charges, bail and release date for people in viewers local community.

### **Expungement and Sealing**

Gradually policymakers, researchers, and members of the legal community are moving to address the burden linked to a criminal record that is placed on individuals reentering society (Ispa-Landa & Loeffler, 2016; Maruna, 2011; Collins & Shapiro, n.d). Two legal mechanisms or record closing laws that are used to allow individuals to ease the burden of a criminal record are expungement and sealing. Expungement is a court-ordered process or practice of erasing legal records of arrest or criminal convictions; an expunged record is inaccessible to government officials and police. Sealing a criminal record refers to removing public access to case-related information while allowing specific government entity or police/arresting agency to access the data (Collins & Shapiro, n.d; Ispa-Landa & Loeffler, 2016).

The practice of expungement and sealing of criminal records started in the 1940s as an effort to give juveniles motivation to reform and complete the juvenile justice system rehabilitation process. Today, expungement and sealing is a widespread practice across most of the United States. The District of Columbia and all but nine states practice some form of expungement or record sealing. Each state and the federal government carry different eligibility criteria to utilize sealing or expunging a record such as waiting periods, type of charges, number of charges, prior criminal record, cost, and accessibility (Love, Gaines & Osborne, 2018). Example of the broad range the of closure laws are the states of Illinois and California. In

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Illinois, only a few severe felonies are not able to be sealed. Sealing eligible crimes include but are not limited to trespassing, property damage, theft, possession of marijuana, disorderly conduct, resisting arrest, shoplifting, weapon possession, gambling, prostitution, participation in mob activities and other crime that does not include animal cruelty, assault, and sexual violence. The prior record is not considered in the application process in Illinois and the waiting period is a standard three years. California has a more restricted law, which allows just misdemeanors of an underage first-time offender to be sealed and certain marijuana-related crimes (Love et al., 2018). Conviction record is applicable to be sealed in 18 states, some of the 18 jurisdictions also allow first time offenders, convictions for nonviolent charges and misdemeanors to be expunged (Isapa-Landa & Loeffler, 2016). The remaining 23 states have more restrictive sealing laws (Love et al., 2018).

### **New York State Sealing Law**

New York State has a new sealing law which is beneficial to explore as this research will take place in the great state of New York. Effective October 2017, New York first ever adult conviction sealing law went into effect. The law allows New Yorkers to seal up to two convictions, with only one being a felony. The only crimes that cannot be sealed are class A crimes, violent felonies, and sex offenses. There is also a ten year waiting period from the completion of sentencing before a record can be sealed. All charges that take place in one criminal act can be sealed as one crime no matter the number of charges (Love et al., 2018; Jacobs, 2017; Jacobs, 2015). New York also offers a conditional record sealing for certain drug-related offenses. A conditionally sealed record involves the sealing of up to three misdemeanor convictions after the completion of a drug diversion program (Love et al., 2018). An estimated 600,000 New Yorkers could be eligible to take advantage of the new law. Jacobs (2017), reports

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that the Office of Court Administration in New York determined that 300,000 New Yorkers has a single misdemeanor over ten years old.

### **Opposition to Clean Record**

Steven Raphael (2006), propose there are potential unintended consequences of having ex-offenders record wiped clean resulting in the criminal history being unavailable to potential employers. With limited access to criminal history, employers may engage in other imperfect and indirect screening practices such as attempting to identifying ex-offender status based on age, gender, race, where candidates are from, education, use of public assistance, and gaps in employment history (Raphael, 2006; Stoll; 2009). According to Raphael (2006), “At worst, employers may systematically discriminate against workers from groups that they perceive to have a high propensity to offend.” For example, employers may assume that one group of people are more prone to criminal behavior, which may result in that group of people being excluded from the hiring process. This practice is called statistical discrimination and may have a substantial adverse impact on minority men without criminal records in the labor market (Raphael, 2006; Stoll; 2009; Nellis, 2014).

### **Summary of Review**

With the United States significant incarceration population and subsequently substantial ex-offender population, measures need to be taken to aid this population in overcoming the disabling difficulties of reentering society. Ex-offenders face social and economic challenges as a result of their criminal history. The challenges faced by ex-offenders also impact the U.S. economy and labor market. Technology has allowed for the criminal history of an offender to be readily available to a potential employer, increasing the challenges of reintegration. Using a motivation technique created by the juvenile justice system, many states have implemented

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expunging and sealing criminal record to give ex-offenders who have served their time a clean slate. The ability to expunge or seal a record very broadly from state to state, but all but nine state participate in these practices. With New York being the newest jurisdiction to implement a sealing law, valuable information can be gain from studying the lived experiences of those who have taken advantage of the law. Opposition to expungement and sealing identifies statistical discrimination as an adverse effect of record closing laws.

### **Methodology**

#### **Procedure**

This study was evaluated using the multivariate statistical test of a multiple linear regression analysis. This statistical test was conducted using SPSS statistical analytical tool. A multiple linear regression is used to predict variable values based on two or more variables (Meyers, Gamst, & Guarino, 2017; Laerd Statistics, 2015; Creswell & Poth, 2018). In the case of this study, the variables of adult arrest and criminal record sealing are used to predict achieving employment in New York State by counties. Furthermore, multiple regression is also used to determine the overall explained variance of a model, including the total amount of variance explained by the relative combination of the independent predictor variables (Meyers, Gamst, & Guarino, 2017). A simple regression would not have work for this research as each independent variable needs to interact with another variable to produce a significant relationship. A method from the ANOVA statistical family would not work with this study because an ANOVA requires prediction outcome by one or more categorical predictor while a regression makes prediction base on a continuous predictor variable.

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### **Data Collection**

The data for this research was collected using what is known as a systemic review according to Grady, Cummings, and Hulley (2013). Using the combination of various previous research study data and secondary analysis of existing data is an effective way of reducing the limitation of inadequate resources in a subject matter or research question. Since the focus of this research is on the individuals with sealed criminal convictions record in New York State, this author focusses on resources published by New York State governmental departments. The first set of data retrieved is titled “Number of Individuals with Criminal Convictions Sealed,” (2018) and is located on New York State Division of Criminal Justice Service website which focuses on criminal justice statistics for the state. This information is critical to the writer’s research as raw data is limited on record sealing in New York State due to the relatively new effective date of the law. The rate of adult arrest by the county in New York State was also used in the research. Adult arrest from 2008-2017 was also collected from the New York State Division of Criminal Justice Service website (2018).

The remainder of the dataset collected for this research is comprised Employed, Unemployed, and Rate of Unemployment by Place of Residence For New York State and Major Labor Areas, July 2018,” and is retrieved from New York State Department of Labor, Division of Research and Statistics. List of New York Location by median, population and per capita income was collected from Wikipedia contributors (2018). This smaller statistics information was combined to create the larger dataset that was used in this research.

### **Sample**

The sampling procedure used in this research is total population sampling. The unit that is being sampled is all 62 New York State counties; total population sampling is a technique

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purposive sampling although it examines the entire population. The 62 counties are examined based on their attributes regarding the number of criminal records sealed, median income, number of arrests and population size. Furthermore, only 728 individuals have achieved record sealing in New York, and this reflects the entire population. It was determined to use all counties in New York State for this research as using a sample of the population would be relatively small as there are only 62 counties and 728 records sealed. By not using the entire sample size in this research, the researcher risk eliminating a significant component of the puzzle that is trying to be understood if a small number of units are not included in the sampled population.

### **Multiple Regression Analysis**

There are eight key assumptions of a multiple regression, they include a (1) Continuous dependent variable, (2) Two or more independent variables, (3) Independence of observations, (4) Linearity, (5) Homoscedasticity, (6) Non-multicollinearity, (7) Unusual points, and (8) Normality (Meyers, Gamst, & Guarino, 2017; Laerd Statistics, 2015; Creswell & Poth, 2018). The dependent variable in this study is employment in New York State in 2017. The two independent variables in this study are criminal record sealing in each New York State county in 2017-2018 and adult arrest in the same counties for 2017. The data for criminal record sealing used in this research spans October 2017 to September 2018 as no further data is available for this variable.

**Independence of Observations.** The assumption of independence of observations is testing correlation. When using a multiple regression statistical test, observation must not be correlated or related but be independent of each other. This study uses a Durbin-Watson procedure to check for the independence of observation. Typically, Durbin-Watson statistic has a value range of between zero (0) and four (4) with the midpoint of two (2) reflecting no

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correlation (Laerd Statistics, 2015; Green & Salkind, 2016). There was independence of residuals, as assessed by a Durbin-Watson statistic of 2.047.

**Linearity.** Testing for Linearity ensures that dependent and independent variables are related linearly; furthermore that collectively the independent variables have a linear relationship. Also, the linear relationship is also established between each independent variables and the dependent variable (Dimitrov & Rumril Jr., 2003; Laerd Statistics, 2015). This study tested for linearity using a scatterplot procedure and a partial plot in the linear regression plot in SPSS. A horizontal band is formed in the scattering and partial plot in the output of this test, indicating collective and independent linear relationships.

**Homoscedasticity.** Homoscedasticity of variance will ensure the comparison groups are of similar size, therefore having the same variance. This assumption is violated if one test group is significantly larger than the other test group, resulting in statistical bias and an underestimation of the significance of the hypothesis (L. Hahn, Personal Communication, September 7, 2018; Dimitrov & Rumril Jr., 2003). An evaluation of homoscedasticity took place during this research by plotting studentized residuals compared to the unstandardized predicted values. The scatter plot was visually inspected and found that the residuals were randomly scattered indicating homoscedasticity of the data.

**Non-Multicollinearity.** The vast correlation of two or more independent variable is known as multicollinearity according to Dr. Laticia Hahn (Personal Communication, September 7, 2018). When variables are highly correlated, difficulty arise identifying which variable is causing the explained variance, furthermore, calculating the regression model. Using the coefficient table, specifically the tolerance and VIF values multicollinearity was assessed. A study may have a collinearity problem if the value of tolerance is less than .1 or its reciprocal

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VIF is greater than 10 (Laerd Statistics, 2015). When testing for collinearity, the result of one of these tests will suffice. The VIF result of this study indicated an output of 2.788, showing this study does not have a problem with collinearity.

**Unusual Points.** Unusual Points in a multiple regression model includes any outlier data, points that have high leverage and points of high influence. Unusual points affect the generalizability and is harmful to the fit of data in a multiple regression model according to Laerd Statistics (2015). Outliers in this study were detected using a casewise diagnostics option in SPSS. A casewise output diagnoses standardized residual which is  $\pm 3$  or greater standard deviation, identifying this data as outliers. This study contained three such cases.

Leverage was evaluated in this study using the leverage value dialogue box, which created another record in the data view screen of SPSS. Evaluating leverage values is as follows, Values smaller than 0.2 are safe to remain in the analysis, 0.2 to less than 0.5 pose a threat to this assumption, and values of 0.5 and above as detrimental to the model (Huber, 1981; Laerd Statistics, 2015). Four cases in this study had values over .2.

Influential points in this study were evaluated for using the Cook's option in the linear regression dialogue box. A measure of influence is determined by Cook's distance that displays values of over 1 (Laerd Statistics, 2015). This research contained four of Cook's values over 1. All cases indicated as outliers, high influence, and high leverage were filtered out using the selected cases procedure in SPSS. A total of six cases were controlled for and filtered out, resulting in new variables being displayed on the Data view in SPSS.

**Normality.** Normality according to Dr. Hahn is that the data follows the standard curve of distribution (L. Hahn, Personal Communication, September 7, 2018). The spread of the data may vary including positive or negative skewness or kurtosis, which may affect the hypothesis



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and ability to reject or accept the theory. Normality can be controlled for using the statistical power of a large enough sample size, effect size and the statistical significant probability level of .05. Normality is evaluated in this study using a histogram and the P-P plot test. The histogram appears to be standardized and normally distributed. The P-P plot displays a diagonal line where points are aligned close by (Meyers, Gamst, & Guarino, 2017). These two test indicated normality of data.

### Results

The results of this study are reported below using the guidelines of Meyers, Gamst, & Guarino (2017) and Laerd Statistics (2015). Table 1 in the study reflects the descriptive statistics presentative of the study population. Note that after removing the unusual points discussed above the sample size was reduced from 62 to 56. A majority of the unusual points removed were in the New York City region and had to be excluded because the city's population density in such a small geographic size skewed the results. Table 2 is representative of the results of the multiple regression analysis. This table shows the multiple regression analysis of New York State counties with rate of employment inclusive of the demographics of criminal record sealing and adult arrest. According to Table 2, the number of criminal records sealed and adult arrest rate are significant predictors of employment in a county in New York State ( $p < .05$ ).

Table 1. *Descriptive Statistics of Population*

Variable	Mean	Std. Deviation	Sample Size
Employment	103.911	195.7536	56
Arrest	4320.13	7273.153	56
Records Sealed	6.75	13.324	56

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Table 2. *Summary of Multiple Regression Analysis of 56 New York State Counties Predication of Employment*

Predictor	B	SE <sub>B</sub>	β
Intercept	-9.353	4.436	
Arrest	.020	.001	.746*
Records Sealed	4.193	.483	.285*

*Note.* \*  $p < .05$ ; **B** = unstandardized regression coefficient; SE<sub>B</sub> = Standard error of the coefficient; β = standardized coefficient

The multiple regression was run to predict employment from arrest and criminal record sealing. There was linearity as measured by partial regression plots and a plot of studentized residuals against the predicted values. There was the independence of residuals, as evaluated by a Durbin-Watson statistic of 2.154. There was homoscedasticity, as evaluated by visual inspection of a plot of studentized residuals versus unstandardized predicted values. There was no evidence of multicollinearity, as measured by tolerance values greater than 0.1. There were studentized deleted residuals greater than  $\pm 3$  standard deviations, deleted leverage values greater than 0.2, and deleted values for Cook's distance above 1. The assumption of normality was met, as evaluated by a Q-Q Plot. The multiple regression model statistically significantly predicted Employment,  $F(2, 53) = 1263.879$ ,  $p < .00$ ,  $\text{adj } R^2 = .979$ . All independent variables added statistically significantly to the prediction,  $p < .05$ .  $R^2$  for the overall model was 97.9% with an adjusted  $R^2$  of the same finding. An  $R^2$  and Adjusted  $R^2$  of this magnitude explains a significant amount of the total variance of this model and reflects a large effect size. The null hypothesis is rejected in this study and, "The null hypothesis of this test is that the multiple correlation coefficient,  $R$ , is equal to 0 (zero) (Laerd Statistics, 2015).

### Discussion

The focus of the review of literature for this study was on the significant incarceration population and subsequently substantial ex-offender population with criminal records. As ex-

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offenders strive to overcome the disabling difficulties of reentering society after incarceration, they turn to record clearing procedures such as record expungement and criminal record sealing for relief. The research identifies that having a criminal record is a barrier to employment, increase the change of recidivism and impact socioeconomic status (Agan & Starr, 2017; Ross & Richards, 2009; Visher & Travis, 2011; Visher, Debus-Sherrill & Yahner, 2011; Schmitt & Warner 2010). The research study strives to answer if employment in New York State are predictable based on adult arrest and criminal record sealing achievement. The counties demographic information was enough to determine there is a strong relationship between rates of arrest and employment and achievement of criminal record sealing and employment.

### **Conclusion**

The need for criminal record clearing procedures such as expungement and record sealing is firmly established (The Pew Charitable Trusts, 2010). A criminal history is associated with adverse economic and labor market outcome allow with limited employment prospects for ex-offenders. Achieving criminal record sealing in a state such a New York opens the door to higher earning potential, access to education, access to employment as offender will be able to apply for federal educational loans, and not be disqualified from employment based on criminal history. This research study reinforces the review of literature that there is a relationship between attaining record clearing and rate of employment. Record sealing and arrest can account for 97.9% of the variance of employment in the counties of New York. This study could have been stronger with other explanatory variables to predict the level of impact record sealing has on employment.

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### **Limitations**

The findings of this research study are limited due to the constraint on access to data regarding criminal record sealing. The newness of record sealing in New York State provides a small sample size. New York State department of corrections is the collector of this data and has not released specific information such as the number of ex-offenders who have applied for record sealing compared to the numbers of individuals who have to achieve such status. Since multiple datasets from different sources were combined to create the dataset to be analyzed, the data had to be manipulated not to violate the assumptions of a multiple linear regression. Limited sample size, linearity, and normality of the data were all limitations. Further research that compares ex-offender demographics before and after record sealing would be helpful in closing gap areas in this research. Other limitations in this study include the novel of the subject matter and lack extensive previous studies and the author's inexperience with research.

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### Appendix A: Participant Consent

Dear [Participant]:

Thank you for taking the time to offer your knowledge and experiences with this study. The purpose of this study is to use quantitative data to analyze and study former offenders finding legal employment after the sealing of their criminal record under New York State new record sealing law, CPL 160.59.

This study is a means of gathering data as part of the dissertation process for Niagara University Doctor of Philosophy in Leadership and Policy. As criminal record sealing is a new law in New York State, the findings from this research will benefit lawmakers and the overall criminal justice system to better understand this uncharted territory.

This document is a written request for your informed consent to ensure confidentiality and understanding of partaking in this study. This written consent will be kept separately from other material collected during the study. Participants will not be identified by name in any record but by number code. All records collected will be secured in two locked file cabinet in the researcher's home office. Records will be maintained for 5 years after publication and then destroyed by shredding.

The study will include participants completing a questionnaire provided Niagara University researcher Kanasha Blue. The survey will be administered at three designated points within a year period.

At any time during this study, if the participant feels uncomfortable in any way, they have the right not to answer any question or end participation in the study. Participant's contribution to this study is voluntary and participants will not be compensated. By signing this consent participant understand their right to withdraw and discontinue participation from this study at any time without penalty. Use of collected data and information will be used by the best practices which protects the identity and anonymity of participants.

For research problems or question, please do not hesitate to contact me by phone at: 716-870-1595 or by e-mailing me at me at [kblue@mail.niagara.edu](mailto:kblue@mail.niagara.edu). This research study has been reviewed and approved by the International Review Board at Niagara University. The International Review Board chair is Dr. Paul Schupp and he may be reached at 716.286.8335 or [pschupp@niagara.edu](mailto:pschupp@niagara.edu).

I have read and understand the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study. I also have been given a copy of this consent form.

Participant's signature \_\_\_\_\_ Date \_\_\_\_\_

Investigator's signature \_\_\_\_\_ Date \_\_\_\_\_

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