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EXAMINATION OF THE IMPACT OF NEW YORK STATE CRIMINAL SEALING LAW
ON EX-OFFENDERS

Chapter 1 Introduction Proposal: A Mixed-Method Examination of the Impact of New York
State Criminal Sealing Law on Ex-offenders

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Introduction

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). This proposed study will use a mix-method approach 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.

Purpose of the Study

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 recording clearing and access to employment. This proposed mixed-method study as the potential to engage local and state practitioners and stakeholders in creating strategies to address barriers to employment.

Background of the Problem

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, Germany and Italy, the United States incarceration rate is between four and seven times higher (Hartney, 2016). In 2016, 10.6 million inmates spent time in United States jails, resulting in a 229 inmate per 100,000 U.S. resident according to statistician Zhen Zeng (Bureau of Justice Statistics, 2018). 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 (Bureau of Justice Statistics, 2004). 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 if they do not have access to natural and basic needs such as sustainable housing, reliable transportation, affordable healthcare, and adequate employment (Ross & Richards, 2009; Visser & Travis, 2011; Visser, Debus-Sherrill & Yahner, 2011).

The United States labor market is affected by the one in thirty-three adult Americans under some control of the criminal justice system. Some of the enduring and significant economic repercussions of incarceration include former inmates working fewer days in a year, earning less money, resulting in limited upward mobility (The Pew Charitable Trusts, 2010). 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).

Problem Statement

With the growing political climate of expanding employment opportunities for people with a criminal history, New York State has adopted Criminal Procedure Law 160.59 which allow the sealing of certain criminal convictions. Research shows that members of the workforce without a criminal make 11 percent more than ex-offenders. October 2017 CPL 160.59 became law, and there is no research on the impact criminal record sealing has on an ex-offenders socio-economic status evaluated through income.

Research Questions

The research questions of this investigation will help establish the agenda for this study and further drive the inquiry. In this study, the following research questions will be answered:

1. Does record clearing intervention such as criminal record expungement/ sealing reduce social and economic hardship for ex-offenders?
2. What is the relationship between record clearing efforts such as criminal record expungement/ sealing and socioeconomic demographics express through employment income?
3. How does the lived experience of ex-offender having their criminal record sealed influences ex-offenders' transition to the labor market?
4. What visual story are the attributes of socioeconomic status, arrest rate, employment status, and record sealing rate telling regarding the access to record clearing interventions in different geographic areas of New York State?

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.

Limitations of the Study

- Criminal Procedure Law 160.59 became law in October 2017. The age of the law may affect the researcher's ability to gather a large enough sample to make this study generalizable
- Reliance on self-reporting of ex-offenders
- With only a year to complete this study and the desire to use an interrupted time series design with several waves of observation time constraint is a limitation
- The researchers lack of experience in conducting a study of this magnitude

Delimitations of the Study

- This study will focus on the impact of New York State Criminal Procedure Law 160.59. The success of the law varies from county to county in New York State with some counties having a large number of criminal records sealed while others have only a few. The number of criminal records sealed in a county will influence this writer choice to include that county in the research as the counties with low sealing rates may have low study participation rates.

About the Author

The author of this research proposal chosen to study the lived experiences of former incarcerated after getting a criminal record seal because the author is intrigued by the criminal justice system and labor relations within the United States. The author has a Bachelor's of Science Degree in Criminal Justice with a concentration in Intelligence Analysis and a Master's Degree in Public Administration with a concentration in Ethical Leadership. Apart from the author's formal education in criminal justice, the writer also has an extensive career in the field. The author's criminal justice work experience includes an internship with the Erie County District Attorney's Office, four years of employment as a residential and non-secure detention counselor at a juvenile justice detention center. This writer also labored for twenty months as a mental health care manager providing services to clients with a varying level of involvement in the criminal justice system.

Currently, this author occupation is a labor service representative at the New York State Department of Labor. As a labor service representative, this author must connect job seekers with employers, enforce state labor laws, and protect workers' rights. This author chose to investigate the lived experiences of former inmates and labor relations to build literary

knowledge of the two fields and in the future, contribute to research that will improve these areas.

The researchers have family members with a history of involvement with the criminal justice system. One family member was arrested over twenty-five years ago, after an altercation with a coworker. This family member pleaded guilty to misdemeanor assault due. Twenty plus years later, this family member discusses how they would like to have an encounter with the criminal justice system sealed because of the stigma associated with being arrested and having a criminal record. This writer has preunderstandings of the criminal justice system based on the academic history, employment the field and the involvement of the writer's father in the system. This writer will use bracketing and reflective practices to deal with the subjectivity and ensure transparency and trustworthiness through the data collection and interpretation process (Starks & Trinidad, 2007).

Organization of the Study

This research study will be comprised of five chapters including three journal-length research articles.

Chapter One: Introduction

- Purpose of the Study
- Background of the Problem
- Problem Statement
- Research Questions
- Definition of Key Terms
- Limitations of the Study

- Delimitations of the Study
- About the Author
- Research Questions

Chapter Two: Quantitative Research Project

- Introduction
- Review of Literature
- Methodology
 - Survey Research Design
 - Data Collection
 - Measurements
 - Regression Analysis
 - Results
- Discussion
- Limitations
- Conclusion

Chapter Three: GIF Reseach Project

- Introduction
- Review of Relevant Literature
- Data Collection
 - Methods
- Results
- Discussion
- Limitations

- Conclusion

Chapter Four: Qualitative Research Project

- Introduction
- Review of Relevant Literature
- Methodology
 - Participants
 - Procedure
 - Interview Protocol
 - Data Analysis

- Results
- Theory
- Discussion
- Limitations
- Conclusion

Chapter Five: Conclusions

- Conclusion
- Quantitative Analysis Findings
- GIS Analysis Findings
- Qualitative Analysis Findings
- Summary of Findings

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Appendic

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