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

Chapter 3 Methodology Proposal: A Mixed-Method Examination of the Impact of New
York State Criminal Sealing Law on Ex-offenders

By:

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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?

Chapter Three: Qualitative Research Project

Methodology

The phenomenological approach was chosen for this research study, which will focus on the lived experience and the meaning attached to the lives of ex-offenders who have had their criminal record sealed in New York State. Exploring this lived experience will allow participants to tell their stories or recount specific encounter and situations regarding employment and record sealing. Using the basis of phenomenological research, insight regarding the essence and meaning of the empirical data will bring awareness to how ex-offender understand and see the world (Creswell & Poth, 2018).

To validate the information for this research, the investigator will implement strategies for validation in qualitative research such as corroborating evidence through triangulation of multiple source data (Creswell & Poth, 2018). The research will take into account multiple data sources for methodological triangulation such as asking open-ended interviews question, keeping records of observation in field notes, and conducting primary and secondary research at different times and locations to strengthen research. Triangulation of theory is another means of strengthening the investigation by using more than one theoretical approach to supporting and interpreting the data (Bekhet & Zauszniewski, 2012; Creswell & Poth, 2018).

Philosophical Assumptions

This research will embrace the ideas of multiple realities or an ontological viewpoint. A phenomenological approach will be used to compile and report the different experiences and perspectives of ex-offenders. Actual words of the different subject will be used to convey different perspectives while forming similar themes regarding the lived experiences and the nature and characteristics of their realities.

The axiological aimed for this research is to provide a voice to the marginalized groups within the criminal justice system. As ex-offenders are reentering community after incarceration, they may lack power, status, and representation in the areas of politics, community engagement, and economics. The values that have shaped this researcher's interpretation and narrative regarding life after involvement in the criminal justice system is years of working in the field, and the writer's family involvement in the system. This researcher will be subjective to this investigation although separation from the topic is not possible because of existing biases (Creswell & Poth, 2018).

The methodological assumption of this research is that the research is living and breathing. During the data collection process and experiences in the field, the research questions are subjected to refocusing. By studying the topic within the context and using inductive logic, information gathered during data collection will be used to frame the theories used to support the findings. According to Creswell and Poth, (2018), “During the data analysis, the researcher follows a path of analyzing the data to develop an increasing detail knowledge of the topic being studied” (p.21).

The interpretivism framework that will guide this research is a flexible and more personal research structure to capture the meaning of human interaction during this phenomenological study. Although this writer is entering the field with previous knowledge regarding the subject matter, the information this writer has is not enough to develop a fix research design. This writer will be open to new knowledge during the study and will allow the research participants to be the experts and guide the understanding of this researcher.

Participants

Site

As a means of minimize the separateness and objective distance between this researcher and the study participants, the data collection process will take place in the community where the subject live or work. The use of this epistemological assumption will require the researcher to get to know the subjects, what information they know first hand, and to allow the information gathered to be based on the views of the individual subjects. Conducting data collection in a familiar community to the subject will allow for a better contextual understanding of what the subject is saying and gain knowledge through the subjective experiences of people (Creswell & Poth, 2018).

The anticipated site for the data collection phase of this research is a public location such as a coffee shop or community center that is easily accessible and convenient for the subjects. Every effort will be made to congregate with study participant in an area they are familiar and comfortable with, while still maintaining a sense of privacy. The coffee shop or community center will be located in relative proximity to where the subject work or live, as a means of observing the subject in their natural environment for better contextual understanding.

Population

The population this researcher is seeking to participate in the study is both men and females with a history of criminal involvement but has taken advantage of getting their criminal record seal under New York State Criminal Procedure Law 160.59, Criminal Record Sealing. The level of criminal involvement or offense may range from arrest, violations, misdemeanor or felonies (Jacobs, 2015). Age of target population will be 18 years and older but young enough to still be in the workforce. Target population's race should be representative of the incarceration population in New York State. According to Ashley Nellis (2016), New York State incarceration rate by race per 100,000 population for both male and female offenders are as follow; White 112, African American 896 and Hispanic 351.

This research will use purposeful sampling to reach the desired population. Purposeful sampling will intentionally sample a group of people to best inform the researcher about record sealing in New York. This researcher will reach out to gatekeepers such as the Legal Aid Bureau of Buffalo and The Legal Aid Society that has launched an endeavor called Case Closed which help New Yorkers seal their convictions. The Case Closed project has conducted community outreach to bring awareness to residence rights, and is providing pro bono assistance to qualified

applicants (The legal aid society, n.d.). Partnering with such agencies can further the organization's goal of advocating for broader legal reform and expungement laws in New York.

As of January 31, 2019, only 926 New Yorkers has successfully petitioned the courts and had their criminal convictions sealed. In Erie County, New York 31 individuals have completed the record sealing process, while 104 meet the standard in Suffolk County, 121 in Nassau County and 177 in New York City (Division of Criminal Justice Service, 2019). With the relative newness of Criminal Procedure 160.59, the size of the total cohort of individuals that have successfully had their criminal records sealed is quite small; therefore the population sample size may also be quite small. “If the goal is to describe a shared perception, belief, or behavior among a relatively homogenous group, then a sample of twelve will likely be sufficient” (Guest, Bunce, and Johnson, 2006, p. 76). The overall sample size will be determined based on data saturation. When the researcher is experiencing redundancy of the data, and no more new information or themes are available, data collection will cease.

Procedure

The data collection process will include interviews consisting of semi-structured open-ended questions. Before the interview, participants will be contacted via phone, email or social media to set up an interview. The semi-structured open-ended designs of the questions will allow to provoke participants experiences and to encourage them to tell their stories, while also allowing room for the researcher to probe for a better understanding of the information presented. Questions will pertain to perceptions and feelings regarding interaction with the criminal justice system, employment, socioeconomic status and access to resources and opportunity for advancement. The interviews will last between 30 and 60 minutes each.

The creating of the interview question is based on information gathered from the empirical literature on prisoner reentry and record expungement. Before the interview questions are asked of participants, they will undergo a refinement process including being reviewed by subject matter expert in the field of criminal justice. The interviews will be audiotaped and transcribed verbatim using a recording device. The author will also produce field notes to capture observation and the nature of the environment during the interviews.

Before the interview process beginning, a letter of consent will be reviewed with all participants. The letter of consent will include an outline of the level of confidentiality that will be provided to protect the identity of participants. Participants will also be informed of their right not to answer any questions or end the interview process at any time without consequence. To protect against self-identification, participants will be asked not to state identifying characters such as their name while the interview is being recorded.

Data Analysis

Data analysis will begin by researcher reading all transcripts multiple time to ensure familiarity and understanding of the information. Reading the transcripts multiple time will keep the participant's stories clear, recent and fresh in the researcher's mind (Arditti & Pakman, 2011). This researcher intends to use the memoing process to gather and write down ideas about evolving theories to discover patterns (Creswell & Poth, 2018). Memoing will continue through the data analysis process until no new patterns or themes are found. The creation of provisional codes through open coding will occur to capture broad themes related to the experiences of the participants with criminal record and employment. The researcher will transition the broad theme using axial coding. A visual model will be produced that will identify the central phenomenon

and explore causal conditions (Creswell & Poth, 2018). The research will also use some data analysis tools such as Aquad or Nvivo.

Chapter Three: GIF Reseach Project

According to Criminal Procedure Law 160.59, the application process for criminal record sealing in New York State require determining which jurisdiction applications should be processed in. For example “If applying for sealing of 2 convictions, the application is made to the court where the conviction for the most serious offense sought to be sealed occurred, or to the court where the individual was last convicted if all offenses are of the same class” (NY CPL 160.59(2)(a),”(Goodman & Caines, 2018). Furthermore, an application containing two convictions is made at the county/ supreme court level at the discretion of the local district attorney. It is conceivable not all district attorneys may agree to seal criminal records at the same rates. In Erie County, New York 31 individuals have completed the record sealing process, while 104 meet the standard in Suffolk County, 121 in Nassau County, 177 in New York City, while only 4 in Niagara County (Division of Criminal Justice Service, 2019). This research will utilize the Geographic Information System (GIS) to study and cross-reference publicly available data including attributes of socioeconomic status, arrest rate, employment status, and record sealing rates to create a visual story regarding the access to record clearing interventions in different geographic areas of New York State.

Data Collection

Since the focus of this research is on the individuals with sealed criminal convictions record in New York State, this author will focus on resources published by New York State governmental departments. One data set deemed important for this research is entitled “Number

of Individuals with Criminal Convictions Sealed,” and is located on New York State Division of Criminal Justice Service website which focuses on criminal justice statistics for the state. The data set lists the number of individuals with criminal convictions who have had their criminal record sealed by the New York State Counties and years since the inception of Criminal Procedure Law 160.59. This information will be critical to the writer’s research as raw data is limited for record sealing in New York State due to the relatively new effective date of the law. The document is updated monthly, reporting the number of records sealed each month. This writer plans to contact New York State Division of Criminal Justice Service to acquire additional statistical data such the number of criminal record applicants, demographic information such as gender, age, race/ethnicity, and socioeconomic status.

The second dataset that this writer is anticipating using for this research is titled “Employed, Unemployed, and Rate of Unemployment By Place of Residence For New York State and Major Labor Areas, February 2019” and is retrieved from New York State Department of Labor, Division of Research and Statistics (2019). The second data contains the following column heading labeled area/county, employment, unemployment, and unemployment rate. Employment, unemployment, and unemployment rate are broken down into three subcolumns of February 2018, February 2019 and net change. To stay consistent with the dataset pulled above this document also have columns listing all the counties in New York State and their respective employment, employment, and the unemployment rate in the rows.

Method

Once the writer receives the appropriate data, Geographic Information Systems software will be used essentially to map the attributes of socioeconomic status, arrest rate, employment status, and record sealing rate in New York State. Geographic Information System shapefiles

will also be used and gathered from the United States Census, and The Topologically Integrated Geographic Encoding and Referencing (TIGER) Website.

Chapter Four: Quantative Research Project

Methodology

Data Collection

The data for this research will be 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 such as a newly implemented criminal law with limited data. Since the focus of this research is on the individuals with sealed criminal convictions record in New York State, this author will focus on resources published by New York State governmental departments. Similar to the GIS Section the data sets of Number of Individuals with Criminal Convictions Sealed and Employed, Unemployed, and Rate of Unemployment By Place of Residence For New York State and Major Labor Areas, February 2019 will be utilized. The rate of adult arrest by the county in New York State was also used in the research. New York State adult arrest from 2008-2017 is also available from the New York State Division of Criminal Justice Service website (2018). The list of New York Counties by median, population and per capita income is available from the US. The smaller statistics information will be combined to create the larger dataset that will be used for this research.

Sample

The sampling procedure that will be 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 purposive sampling although it examines the entire population. The 62 counties will be examined based on their attributes regarding the number of criminal records sealed, median income, number of arrests and population size. Furthermore, only 926 individuals have achieved record sealing in New York, and this reflects the entire population (Division of Criminal Justice Service, 2019). 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 926 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.

Measurements

This study will be evaluated using a multivariate statistical test such as multiple linear regression analysis. This statistical test will be conducted using SPSS statistical analytical tool. A multiple linear regression will likely be used as it predicts 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 will be analyzed to predict achievement of 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.

Regression Analysis

If a multiple linear regression analysis is conducted there are eight critical assumptions of a multiple regression that must be controlled for. The assumption 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).

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. A Durbin-Watson procedure can be ran with SPSS 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 correlation (Laerd Statistics, 2015; Green & Salkind, 2016).

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). Linearity can be tested for using a scatterplot procedure and a partial plot in the linear regression plot in SPSS. If a horizontal band is formed in the scattering and partial plot in the output of this test, it indicates 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 & Rumrill Jr., 2003). An evaluation of homoscedasticity can be conducted by plotting standardized residuals compared to the unstandardized predicted values. The scatter plot then must be visually inspected to find that the residuals are 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. A study may have a collinearity problem if the value of tolerance is less than .1 or its reciprocal VIF is greater than 10 (Laerd Statistics, 2015). When testing for collinearity, the result of one of these tests will suffice, using the coefficient table, specifically the tolerance and VIF values of multicollinearity.

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 are harmful to the fit of data in a multiple regression model according to Laerd Statistics (2015). Outliers can be detected using a casewise diagnostics option in SPSS. A casewise output diagnoses standardized residual which is ± 3 or greater standard deviation, identifying this data as outliers.

Leverage is also to be evaluated using the leverage value dialogue box, which created a 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).

Influential points should be evaluated 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). Cook's values over 1 indicates outliers, high influence, and high leverage and are to be filtered out using the selected cases procedure 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 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 can be evaluated using a histogram and the P-P plot test. The histogram should appear to be standardized and normally distributed. The P-P plot should display a diagonal line where points are aligned close by (Meyers, Gamst, & Guarino, 2017). These two tests indicated the normality of the data.

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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 understand this uncharted territory better.

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 a number code. All records collected will be secured in two locked file cabinet in the researcher's home office. Records will be maintained for five years after publication and then destroyed by shredding.

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

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 protect 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. 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.

I have read and understood 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 _____