

# Life after incarceration

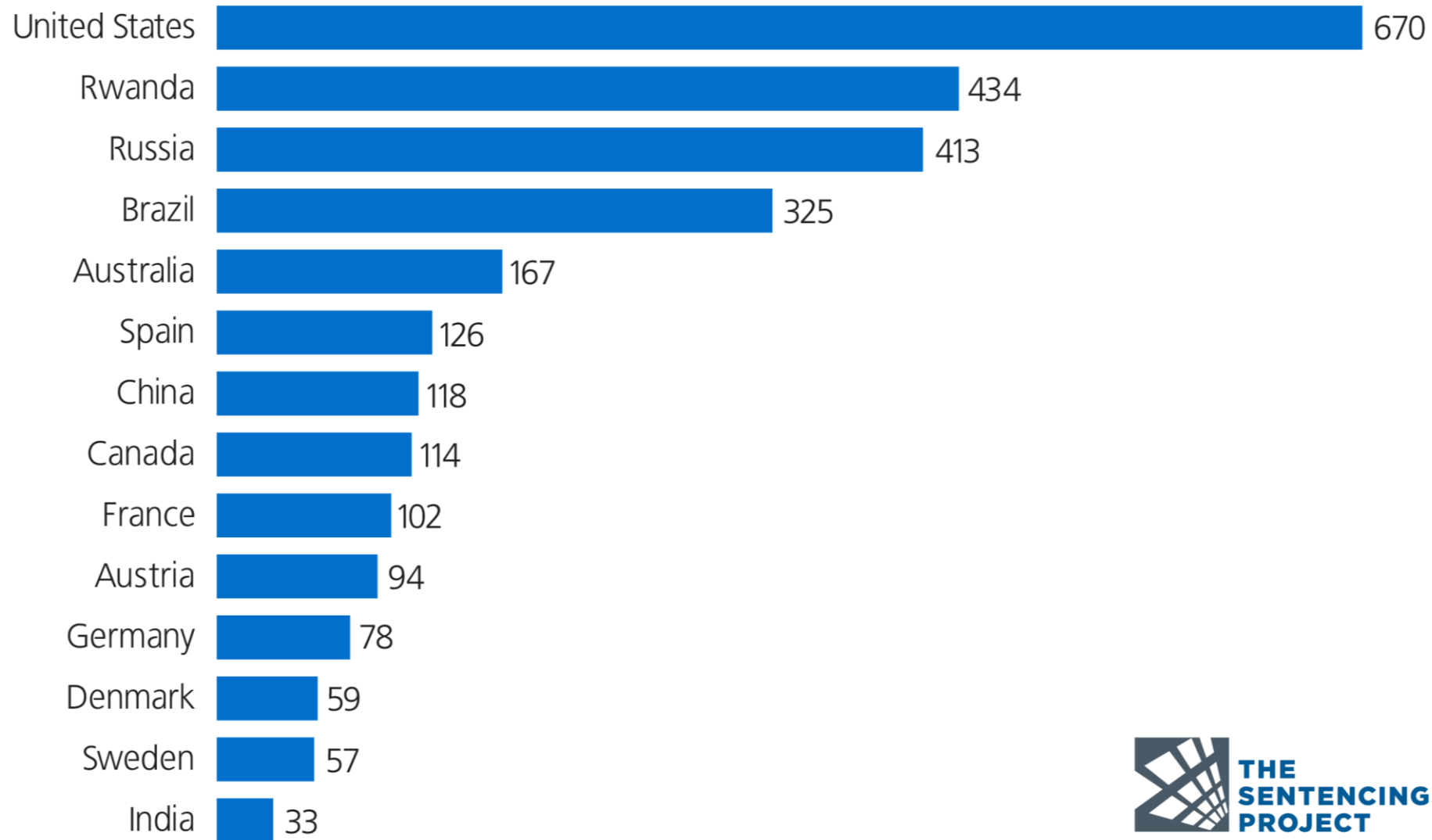
A MIXED-METHOD EXAMINATION OF THE IMPACT OF NEW YORK  
STATE CRIMINAL SEALING LAW ON EX-OFFENDERS

**Kanasha L.N. Blue**

# Rise of Mass Incarceration

In 2016, 10.6 million inmates spent time in United States Correction System.

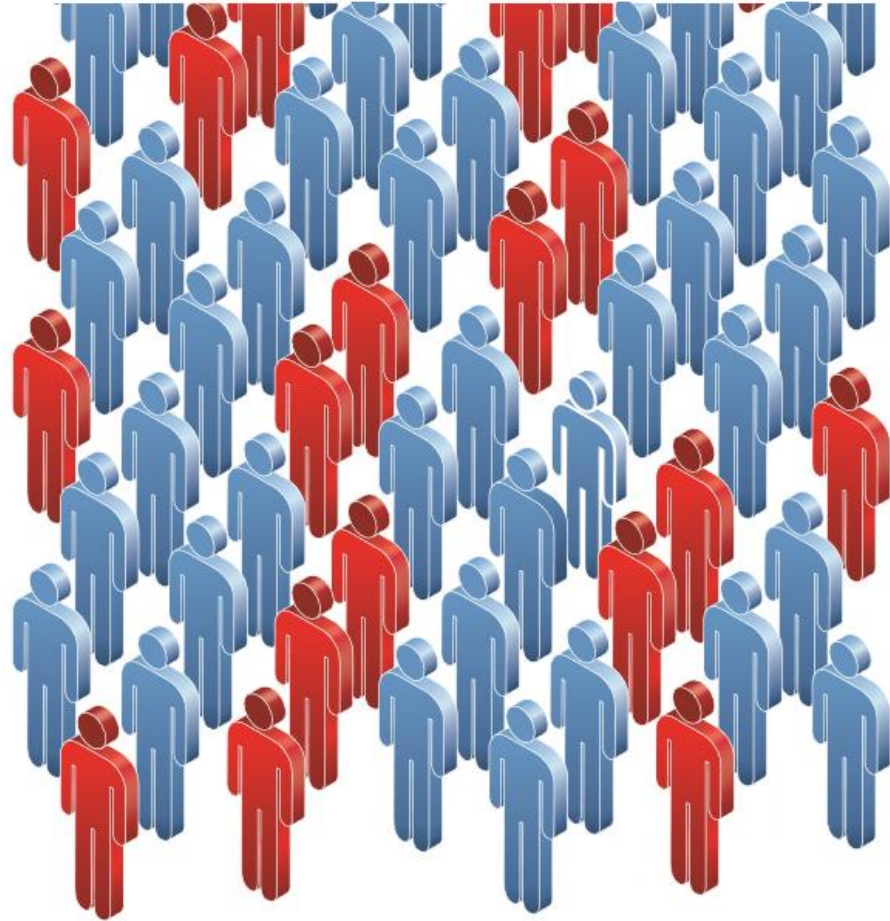
## International Rates of Incarceration per 100,000



# *The back end of mass incarceration and hyper-criminalization*

*As many as one in three Americans have criminal records*

As many as  
**100 million**  
Americans have  
criminal records



Source: Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2012* (U.S. Department of Justice, 2014), available at <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>.

# Barriers to employment

*With 87 percent of employers conducting background checks, a criminal record can be a major barrier to employment*

**More than 60 percent** of formerly incarcerated individuals are unemployed one year after being released;



those who do find jobs take home **40 percent less** pay annually



Sources: Society for Human Resource Management, "Background Checking—The Use of Criminal Background Checks in Hiring Decisions" (2012), available at <http://www.shrm.org/research/surveyfindings/articles/pages/criminalbackgroundcheck.aspx>; Bruce Western, "Collateral Costs" (Washington: The Pew Charitable Trusts, 2010), available at [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2010/CollateralCosts1pdf.pdf?la=en](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/CollateralCosts1pdf.pdf?la=en).

# Purpose of Study:

- Gaps in the research regarding the experiences of former offenders after overcoming a criminal record.
- 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.
- Develop a better understanding of correlation and dynamics between criminal recording clearing and access to employment
- Potential to engage local and state practitioners and stakeholders in creating strategies to address barriers to employment

# Theoretical Framework

- **Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders-the offender, the victim, and the community.**

# Research Questions:

1. Does record clearing intervention such as criminal record expungement/ sealing diminish 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 experiences of ex-offenders 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?



The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The rest of the background is plain white.

# Paper One: Qualitative Study

# Paper 1: Qualitative analysis

## Methodology

- ▶ **Phenomenological Approach**
- ▶ **lived experience of ex-offenders who have had their criminal record sealed under New York State Criminal Procedure Law 160.59**
- ▶ **7-10 semi-structured open-ended questions**
- ▶ **Population - 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**

# Method of Analysis

- ▶ **Memoing - until no new patterns or themes are found**
- ▶ **Axial coding - to capture broad themes related to the experiences of the participants with criminal record and employment**
- ▶ **Direct quotes from participants to aid the reader in understanding conclusions**
- ▶ **Notable author: Joyce A. Arditti & Tiffaney Parkman, Ispa-Landa & Loeffler**

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# Paper Two : Geographic Information System

## Paper 2: GIS Study

### **Attributes that affect access to record sealing in New York State Counties**

- **Socioeconomic status**
- **Arrest rate**
- **Employment status**
- **Location of ex-offender convictions**

# Data Collection

## ▶ Obtained demographic data from NYS Department of Corrections

- ▶ Number of Individuals with Criminal Convictions Sealed by Counties
- ▶ Number of individual who applied for Criminal Conviction Sealing by Counties
- ▶ Geocoding on New York State County Shapefile

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# Paper Three: Quantitative Study

# Paper 3: Quantitative Study

- ▶ Study the relationship between record sealing and socioeconomic demographics express through labor market information such as income, and number of ex-offenders in the workforce.
- ▶ Obtained demographic data from NYS Department of Labor and Corrections
  - ▶ Number of Individuals with Criminal Convictions Sealed
  - ▶ Rate of Unemployment By Place of Residence For New York State and Major Labor Areas
  - ▶ New York Counties by median, population and per capita income



# Paper 1: Quantitative Analysis

## Methodology

- ▶ Multivariate statistical test such as multiple linear regression analysis
- ▶ SPSS statistical analytical tool
- ▶ Variables of adult arrest and criminal record sealing will be analyzed to predict achievement of employment in New York State by counties.
- ▶ Notable author: Michael Stoll

| Author/Date  | Title/Publisher  | Research Design/Methodology | Findings  | Significance   |
|--|--|-----------------------------|---|--|
| Bushway, S. (2004)   | Labor Market Effects of Permitting employer access to criminal history records. / <i>Journal of Contemporary Criminal Justice</i> ,  | Literature review           | Evidence that employers do not want to hire ex-offenders  | Impact of statistical discrimination on the labor market   |
| <a href="#">Joyce A. Arditti &amp; Tiffaney Parkman</a><br>09 March 2011 | Young Men's Reentry After Incarceration: A Developmental Paradox/ <i>Family Relations</i>  | Phenomenological analysis   | 9 in-depth, semi-structured interviews with formerly incarcerated men between the age of 18 and 24.   | Employment was essential for young men's ability to become independent, it was out of reach for most of the study participants due to their criminal justice involvement |
| Collins, R. D., & Shapiro, J. (n.d)                                      | Report and recommendations of the criminal justice section sealing/expungement committee regarding sealing of certain crimes in New York state./ <i>New York State Bar Association</i> | Literature review           | Background and history of "Expungement of record" vs "sealing of record. Recommendation for the proposed New York State record sealing law. Comparison between New Jersey and recommended NYS law   | Definition of legal terms, different between expungement and sealing of a record in New York State. Analysis of the Bills  |
| Dimiter M. Dimitrov and Phillip D. Rumrill, Jr. 2003                     | Pretest-posttest designs and measurement of Change. / <i>Work</i>  | Quantitative                | Examines issues involved in comparing groups and measuring change with pretest and post-test data.<br>Different pretest-post-test designs are presented in a manner that can help rehabilitation professionals to better understand and determine effects resulting from selected interventions | Example of active design of interrupted time series for rehabilitation professionals   |

|   |   |                                  |  |   |
|---|---|----------------------------------|--|---|
| American Psychological Association<br>October 2014              | Incarceration nation/<br><i>American Psychological Association</i>  | Literature review                | The United States leads the world in incarceration. A new report explores why — and offers recommendations for fixing the system. 5 percent of the world's population, it has nearly 25 percent of its prisoners — about 2.2 million people  | The impact of incarceration in American. Impact of prison on education, employment, and socioeconomic status.                           |
| Ispa-Landa, S., & Loeffler, C.<br>2016                          | Indefinite punishment and the criminal record: Stigma reports among expungement-seekers in Illinois<br><i>American Society of Criminology</i> | Qualitative                      | interview data from a comparative study of expungement-seekers (N=53) who have petitioned the courts to remove their criminal records from public view. Subjects but failed, to persuade potential employers and landlords to overlook the criminal record. Groups expressed distress that criminal justice contact could follow them throughout their lives, subjecting them to ongoing stigma. | Discussion of implications for reintegration theory and policy and the labeling and stigma associated with a criminal record.           |
| Shadd Maruna<br>2011  | Judicial Rehabilitation and the 'Clean Bill of Health' in Criminal Justice/<br><i>European Journal of Probation</i>                           | Literature review/<br>Case Study | The focus of rehabilitation is to remove and relieve ex-prisoner stigma as on treatment and reform efforts. Decade or more of 'crime-free' behaviour before forgiving an individual for his or her crimes are just and fair  | Impact of the sigma of a criminal record, important of why a record should be seal. Is 10 years too long before a record can be sealed? |
| Helene Starks<br>Susan Brown<br>Trinidad<br>December 1,<br>2007 | Choose Your Method: A Comparison of Phenomenology, Discourse Analysis, and Grounded Theory/<br><i>Qualitative Health Research</i>             | Qualitative                      | Compare three qualitative approaches that can be used in social science research: phenomenology, discourse analysis, and grounded theory   | Example of phenological research and the importance of understanding the lived experience of the subjects.                              |
| Raphael, Steven.<br>2006  | Should criminal history records be universally available. <i>Criminology and Public Policy</i>  | Case Study                       | Employers are strongly averse to hiring ex-offenders. criminal history records represent an increasingly important barrier to employment for young, less-skilled men. Moreover, given racial disparities in incarceration  | Impact of criminal history/ record on labor market outcome and employment earnings.   |

|   |   |                                  |  |   |
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|  |   |                                |   |  |
|--|---|--------------------------------|---|--|
|  |   |                                | rates, the increasing salience of this characteristic is likely to exacerbate racial inequality in employment and earnings  |  |
| Michael A. Stoll<br>2009   | Ex-offenders, criminal background checks, and racial consequences in the labor market./<br><i>University of Chicago Legal Forum</i> | Quantitative                   | policy aims to enhance employability of ex-offenders, to lessen recidivism, and increase successful integration, should limiting the use of criminal background checks during the employment process. | Level of harm cause by the background check during the hiring process, impact on labor market relations. Statistically Discrimination is background checks are no available. |
| Visher, C. A.;<br>Debus-Sherrill, S.<br>A.; Yahner, J.<br>(2011) | Employment after prison: longitudinal study of former prisoners./<br><i>Justice Quarterly</i>                                       | Qualitative longitudinal study | Finding sustained employment is an important component of the transition from prison to the community for exiting prisoners.  | Reports from former prisoners indicate that most individuals experience great difficulties finding jobs after their release. Reinforce gap in research                       |

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