

Personal Policy Journal

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### **Policy Overview:**

#### **Executive Order No 147: A Special Prosecutor to Investigate and Prosecute Matter Relating to the Deaths of Civilians Caused by Law Enforcement Officers**

On July 8, 2015, New York Governor Andrew M. Cuomo issued Executive Order Number 147. Executive Order No. 147 is entitled "A Special Prosecutor to Investigate and Prosecute Matters Relating to the Deaths of Civilians Caused by Law Enforcement Officers." According to Governor Cuomo, recent occasions involving and resulting in unarmed civilian death has challenged the public's trust and confidence in the State's criminal justice system (N. Y. Exec. Order No. 147 (Jul. 8, 2015)). The public concerns lie in the perceived bias and conflict that occurs when these types incidents get prosecuted at the local level. Governor Cuomo states in Exec. Order No 147, to investigate without bias, conflict, or the perception of prejudice, a reasoned, full and independent investigation and prosecution of these incidents are necessary. The key element is an independent investigation in cases where either a real or apparent conflict of interest is present (N. Y. Exec. Order No. 147 (Jul. 8, 2015)).

A special prosecutor should be appointed to restore the public's trust and confidence in the State's criminal justice system regarding these incidents, with the power to supersede the jurisdiction and authority of the local county's district attorney in which the incident occurred. The special prosecutor will have the authority to investigate and prosecute matters concerning the death of an unarmed civilian because of a law enforcement officer. This authority is not limited by whether the death was in law enforcement custody. The authority of the special prosecutor also includes the

ability to investigate if the civilian was armed and considered dangerous at the time of death and prosecute if necessary.

Per New York State Executive Order No. 147, the special prosecutor will report to Governor Cuomo or his designee in writing whenever either of the following two circumstances occurs. One, the special prosecutor investigates a matter regarding a civilian death by law enforcement but decline to present evidence of this matter at a grand jury hearing. Two, no indictment on any charges are handed down by the grand jury. The report will include an account of the outcome and any recommendations for systemic improvement found because of the investigation.

### **Policy Analysis**

#### **Goals:**

Author and Civil Rights Activist Chase Madar stated, "Homicides committed by on-duty law enforcement make up 3 percent of the 14,196 homicides committed in the United States in 2013 (Madar, 2014). Despite many homicides committed by law enforcement, there is a very low number of convictions of murder and manslaughter charges. According to the Matt Ferner and Nick Wing (2016) of the Huffington Post, zero officers were convicted of murder or manslaughter in the years 2014 or 2015, with only a total of 13 officers convicted of such charges since 2005. According to author Deborah Stone, the information provided above is a dimension of equality based on a membership and a person's group based.

Being a law enforcement officer gives one the license to kill without prosecution while a civilian would have to answer to the country's criminal justice system (Stone,

2012, p.38). Stone (2012) believes this type of inequality negatively impacts the community. It could ultimately destroy, reduce participation, and marginalizes segments of the community. According to Governor Cuomo, it destroys the people's trust in the criminal justice system and marginalizes minorities who are more likely to be killed by police officers than their white counterparts (N. Y. Exec. Order No. 147 (Jul. 8, 2015)). The goal of NYS Executive Order 147 is to remove this perceived bias that incidents resulting in the death of an individual at the hands of law enforcement officers are not being investigated and prosecuted fairly.

**Problems:**

New York State Executive Order No. 147 was the result of citizens with common interests organizing to secure a common goal of influencing the policy-making process. Stone defines interests as, "People and organizations who have a stake in an issue or are affected by it" (Stone, 2012, p. 229). On July 8, 2015, dozens of community advocates and elected officials stood alongside Governor Cuomo as he signed Executive Order No. 147. Five of the individuals standing alongside the Governor shared a unique experience; losing their child at the hands of law enforcement officers. The assembling of these mothers is an example of "Group identities and membership shaping people's interests" (Stone, 2012, p. 230). In a joint statement, the mothers stated Governor Cuomo is finally listening to their voices and the voices of other New Yorkers after decades of calling for a special prosecutor to end this conflict of interest and stop this injustice for future generations. The mothers also noted that there is more work to be

done to stop these killings from occurring at all and they look forward to working with the Governor to accomplish this. (New York Governor's Press Office, 2015).

The coming together of the mothers above is what Deborah Stone calls mobilization.

Stone defines mobilization as “When people understand their problems as shared by others and they organize to influence policy” (Stone, 2012, p. 232). Mobilization efforts like these are successful because people with a common passion come together to share ideas and experiences, motivate and energize group members and influence others to join the cause. The more people who mobilized, the stronger their political demand and as Stone said, “The squeaky wheel gets the grease” (Stone, 2012, p. 232).

### **Solutions:**

Executive Order No. 147 was a policy created because the existing policy reflected a bias and a conflict of interest, therefore negatively affecting the trust of the people in the criminal justice system. This policy is using the threat of an outside prosecutor to discourage law enforcement officers from using excessive force that may result in unjustified homicide. Stone states, “With deterrence, we make it harder or more costly for them to do something we don’t want them to do” (Stone, 2012, p. 272). The threat of life in prison is a very costly deterrent that will more likely create the desired change of unjustified homicides.

Although Executive Order No. 147 creates a solution for the interests such as the mothers, it creates another climate of conflict for law enforcement officers. This policy can create a divide between law enforcement/ law enforcement organizations and the elected officials. An example of this conflicts would be a local government or police

organization having an increase civil financial burden because of findings from the special prosecutor. Not only would the individual officer be punished but the municipal government also. This policy has the potential to change not only individuals in law enforcement behavior but the broader institutional patterns and practices.

### **Policy Overview:**

On January 27, 2017, President Donald Trump signed an Executive Order No. 13769 entitled “Protecting the Nation from Foreign Terrorist Entry into the United States.” This executive order intends to protect the American people from attacks by terrorists who are of foreign nationalities by denying them admission into the country (E.O. 13769 of Jan 27, 2017). The basis for this policy per the order are the attacks that took place on September 11, 2001, in New York, Washington D.C. and Pennsylvania and the “Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001” (E.O. 13769 of Jan 27, 2017).

The order called for the suspension of the US refugee admission system for 120 days which would allow time for the government to implement a more vigorous vetting system. According to Executive Order 13769, the development of a uniformed screening procedure and standard will take place for all immigration programs including in-person interviews, a database to check documents for duplication and forgery, application forms to identify fraudulent answers and malicious intent (E.O. 13769 of Jan 27, 2017). The order also calls for mechanisms to ensure that applicants will be contributing members of society and national interests, along with

the likelihood of the applicant committing a crime or terrorist activity after entry (E.O. 13769 of Jan 27, 2017).

The Executive Order No. 13769 also suspended the Syrian refugee program indefinitely citing more than 50,000 refugees would be detrimental to the interest of the United States. One of the most controversial parts of the policy was the banning of entry for 90 days from the following seven predominantly Muslim countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. The order went on to temporarily ban the entry of individuals with dual citizenship to another country but were born in one of the seven countries listed above (E.O. 13769 of Jan 27, 2017).

This order allows for priority entry into the United States to those of minority religion that is calming religious persecution. Those applicants of Christian faith or other minority religion in the Middle East would get priority entry into the United States over Muslims from the Middle East. The Executive Order No. 13769 reduced the number of a total number of accepted refugees and gave states the right to deny or accept refugee entry into their state.

### **Policy Analysis**

#### **Goals:**

The overall goal of Executive Order No. 13769 was to provide security for the people of the United States. To give the people a piece of mind, allowing them to not worry about the bad things that could happen or their insecurities (Stone, 2012, p. 129-130). This policy creates what Stone (2012), calls the psychological ideal of security, which is a state of mind of feeling secure (p.133). If the ability for the terrorist to getting into the United States is completely diminished then catastrophes like September 11, 2001, would no longer occur. President Trump's framing of

this policy is like that of President Franklin Roosevelt's mindset in his 1941 Four Freedoms speech which, 'Is one key feature of political discourse about security-it rings with a firm resolve to prevent this terrible thing from ever happening again (Stone, 2012, p. 130). These ideas represent what Stone calls the political ideal of security which results from elite policymaking.

**Problems:**

The problem identified in this Executive Order is the number of immigrants entering the United States and the threat they pose to the country. According to Stone (2012), measurement is a common way to define a policy problem. Using figures to show how big an issue is or that the problem is growing is where many discussions about policy problems start (Stone, 2012, p. 183). In Executive Order 13769 numbers played an important role in expressing the need for this policy. For example when the order states, "Entry of more than 50,000 refugees in the fiscal year 2017 would be detrimental to the interests of the United States"(E.O. 13769 of Jan 27, 2017). Numbers are open to interpretation and can differ based on who is using the number. The large figure of 50,000 refugees could have a significant and detrimental impact on the United States when compared to the 19 terrorists who were able to kill 3,000 Americans. References to both figures were in the executive order.

In context, not every refugee or immigrant has ill intent towards America, but let's look at another comparative. According to Alan Yuhas and Mazin Sidhmed of the Guardian newspaper in 2016, Germany received 300,000 Syrian refugees, 650,000 refugees when to Jordan, Lebanon took in 1 million refugees, while Turkey top the charts at 2.7 million (Yuhas & Sidahm, 2017). The United States accepted 12,486 Syrian refugees in 2016, but when compared to the millions taken in by other countries, it is skewed to say 50,000 refugees would be a detriment to the



United States (Yuhas & Sidahm, 2017). According to Stone (2012), number creates a community and turns unique phenomenon into figures a collective can see (Stone, 2012, p. 196).

### **Solutions:**

Although Executive Order No. 13679 provided the psychological ideal of security, it also eliminated and diminished many legally ingrained rights of the American political culture. The article entitled *Clear Violation* by Kerry Abrams and Brandon Garrett discusses that Executive Order No. 13679 violates the following procedural rights including the 14<sup>th</sup> Amendment Equal Protection Clause, 1st Amendment, and Due Process under the 5th and 14<sup>th</sup> Amendments (Abram & Garrett, 2017). The executive order singled out individuals based on nationality and religions for seven primarily Muslim countries, which violates equal protection under the 14<sup>th</sup> Amendment. Since the order also allows for the prioritization of processing for refugees of minority religion while banning all Muslim refugees for the predominantly Muslim countries violates the First Amendment right to religious freedom (Abram & Garrett, 2017).

With procedural rights according to Deborah Stone (2012) blanket conclusions should not be made such as no blind person can operate machines or in the case of Executive Order 13679, immigrants and refugees from Muslim countries are terrorists ( Stone, 2012, p. 334). Stone goes on to discuss some of America's classic procedural rights, such as rights against discrimination , right to a fair hearing, and "Punishment made on the basis of individual merit rather than ascriptive characteristics" (Stone, 2012, p. 334).

### **Policy Overview: \$15 Minimum Wage Plan**

April 4, 2016, New York State Governor Andrew M. Cuomo signed legislation raising the state-wide minimum wage plan. The new minimum wage plan passed as apart of the 2016-2017 state budget. According to the Governor's Press Office, this law's goal is to restore fairness and economic justice to New York State working families (New York Governor's Press Office, 2015). Governor Cuomo stated, how proud he was to sign the \$15 minimum wage program into law. It will ensure New York's low-wage workers a fair, stronger, brighter future for themselves and generations to come and giving both a chance to climb the opportunity ladder. 2.3 million New Yorkers are expected to be affected by the changes to minimum wage across the State. (New York Governor's Press Office, 2015).

The plan to bring all workers across the state to \$15 per hour, regardless of their industry took effect January 1, 2017. According to the Governor's Press Office, the plan for the program is as follows: New York City workers employed by a business with 11 or more employees minimum wage rose to \$11 per hour at the end of 2016 and will continue to rise by \$2 each year. New York City employees of large businesses are expected to meet the \$15 per hour goal on 12/31/2018 (New York Governor's Press Office, 2015). Likewise, small business with 10 or fewer employees minimum wage rose to \$10.50 at the end of 2016 and will continue to rise by \$1.50 each subsequent year, reaching \$15 an hour on 12/31/2019. For the Counties of Nassau, Suffolk, and Westchester their minimum wage began at \$10 at the end of 2016 and is planned to raise \$1 more each year, achieving the goal of \$15 per hour on 12/31/2021 (New York Governor's Press Office, 2015).

The workers in the remainder of New York State quest for \$15 per hour is as follows: minimum wage rose to \$9.70 at the end of 2016, with the plan that it will continue to rise by .70 each year until 12/31/2020 when it reaches \$12.50 per hour. At this time, according to the

Governor's Press Office, the offices of the Director of the Division of Budget and the Department of Labor will create a scheduled index to continue increasing to the goal of \$15 per hour (New York Governor's Press Office, 2015). These incremental increases provide a safety valve within the bill according to the report.

Other safety measures in the bill include the requirement that the Director of the Division of Budget conducts a yearly analysis of the effect of the minimum wage increase for each region statewide. The outcome of the analysis will determine if a temporary postponement of the planned increase is necessary. The Division of Budget will provide this analysis to the Department of Labor annually beginning in 2019 (New York Governor's Press Office, 2015).

### **Policy Analysis**

#### **Goals:**

As noted by Governor Andrew M. Cuomo, the goal of this legislation is to provide New Yorkers with economic justice, fulfilling the need for a living wage and brightening the future for generations of New Yorkers to come. Raising the minimum wage allow members of the state to meet their basic needs. According to Deborah Stone (2012), "Need is what is necessary for sheer physical survival. By this minimal standard, government should ensure that people have enough food to stay alive" (Stone, 2012, p. 85-86). According to New York Times author Patrick McGeehan (2015), multinational corporations such as McDonald's are not paying their workers enough; forcing these type of workers to depend on taxpayer subsidies in the form of food stamps and welfare benefits to make ends meet (McGeeham, 2015). Stone (2012) states, when family or individuals are in dire need society has a responsibility to provide help (p.85), and this is exactly what Governor Cuomo is doing by raising the minimum to provide a living wage for workers.

Reducing income volatility is another goal met by this legislation to raise New York State's minimum wage. Deborah Stone (2012), states that some poor people may have enough income to get by; while others don't, but of those who are living pay check to pay check they have no reserve funds or other means to deal with sudden expenses or sudden loss (p.93). A survey reported by Stone(2012) captures the extent of this issue, revealing that 25% of families surveyed had no means of raising \$2000 in a thirty day period when an unexpected expensive arise. Another 20% of those surveyed reported they could only raise funds by selling their possessions (p.93). Marialena Rago (2016), of Hofstra University's Long Island Report, shares, fellow college junior Gab Wasserstein statements about working two minimum wage jobs "You, have to decide if you want to live or eat that day. You have to spend your money wisely, and you can't recklessly spend on things cause that money might not be there tomorrow" (Rago, 2016).

**Problems:**

The program to bring all New York workers to a minimum pay rate of \$15 per hour, drew momentum from an unlikely symbol. Deborah Stone (2012) states at symbols can be words, pictures, songs, logos, and events. Symbols derive their meanings from how people use them, interpret them or respond to them. Realistically a symbol is "anything that stands for something else (p.157). The symbol at the center of the minimum wage debate was the phrase "Fight for 15" which sparked a worldwide campaign for better wages.

The "Fight for 15" started in New York City in 2012 with two hundred fast-food workers walking off their jobs demanding a pay increase to \$15 per hour (Fight for 15, n.d.). According to Deborah Stone (2012), the most important features of a symbol are its ambiguity and simultaneous ability to mean two or more things (Stone, 2012, p. 178).

The “Fight for 15” campaign symbol expressed the group's desire for a wage increase but also their desire to become unionized (Fight for 15, n.d.). According to David Moberg (2015) within two years of the beginning of the “Fight for 15” campaign, it no longer represented just fast-food workers but spread to other industries such as retail workers, childcare providers, adjunct professors, students and healthcare workers (Moberg, 2015). Moberg goes on to state the, “Fight for 15 has turned into a fight not just for money or a union, but a fight for meaning in life and a moral community” (Moberg, 2015).

The ambiguity of a symbol like the “Fight for 15” help coordinate an assortment of motivations, values, and expectations. It transformed individuals actions such as strikes and sit-ins into a purpose that was replicable. According to Deborah Stone (2012) “Ambiguity allows leaders of interest groups and social movement to united people...and allow leaders to aggregate support from different quarters for a single policy (Stone, 2012, p. 179).

### **Solutions:**

Raising the minimum wage incrementally to \$15 per hour offers solutions to two problems. The first is more money for workers to support their families. The second is the more money people have the more money they spend, in term simulating the economy. According Governor Andrew M. Cuomo as reported by Nick Reisman (2015) “15 an hour could ultimately benefit businesses, since consumers will have more money in their pockets. This money will be spent. These workers don't put it in a bank account and save it for a rainy day (Reisman, 2015). Reisman article goes on to speak about incentive the Governor was offering to businesses to support his positions. Governor Cuomo was using Deborah Stones idea that “With incentives, we make it easier or more rewarding for people to do something we want them to do (Stone, 2012, p. 272). Reisman (2015) states the incentive Governor Cuomo offered the business was a

proposed tax cut (Reisman, 2015). When the minimum wage hike took place in 2016, there was no mention of the proposed tax cut incentives for the businesses. Although incentives such as a tax break would create an alliance between Governor Cuomo and the businesses, it would also be creating a cost to the State as discussed by Stone (2012, p.283)

### **Policy Overview: 12- Week Paid Family Leave**

On April 4, 2016, Governor Andrew M. Cuomo signed the proposed State budget including what is being called the nation's most comprehensive paid family leave program. The new family leaves planned will be phased-in between 2018 and 2021 according to the Governor's Press Office (2016). The plan will offer eligible employees up to 12 weeks of paid family leave for either caring for a family member with serious health concerns, bond with an infant within 12 months of birth, 12 months of placement because of adoption or foster care, or assistance with relieving family pressures resulting in a military activation.

Funding for this program will not require any additional contribution by the employer but allows for the diversion of \$10 million from funds already paid to the Workers Compensation Board for administration purposes. The plan will be funded by a state-run fund, financed by employee wage deductions (The Business Council of New York State, Inc, 2016, p. 19). The benefits of the paid family leave are available to workers in New York State who worked 26 continuous weeks for an employer. The plan requires employers to reinstate employees to their positions or a similar position upon completion of the leave. The phases of this plan according to the Business Council of New York State, Inc, (2016) will be as follows:

1. January 1, 2018; up to 8 weeks of leave at 50% of the employees average weekly wage to a maximum of 50% of the state's average weekly wage;

2. January 1, 2019; up to 10 weeks of leave at 55% of the employees average weekly wage to a maximum of 55% of the state's average weekly wage;
3. January 1, 2020; up to 10 weeks of leave at 60% of the employees average weekly wage to a maximum of 60% of the state's average weekly wage;
4. January 1, 2021 and after that; up to 12 weeks of leave at 67% of the employees average weekly wage to a maximum of 67% of the state's average weekly wage. (p.19-20)

### **Policy Analysis**

#### **Goal:**

According to Governor Cuomo's Press Office (2016), the goal of this build in multifaceted includes job security and would be the great equalizer for women regarding workplace equality (Governor Press Office, 2016). The plan offers job security and protection by requiring returning employees to be offered their same or comparable job positions. It also expands protection to companies with less than 50 employees which is not covered by the Family Medical Leave Act (Guzzardo, 2017). As stated by the Governor's Press Office "women who leave the workforce to care for a newborn not only forfeit their existing salaries in the short-term but also suffer diminished future earnings and career trajectories in the long term" (Governor Press Office, 2016). Deborah Stone (2012), discuss the additional stress and suffering that can occur when someone thinks they will lose their job. "Losing a job is one of the biggest blows to personal happiness" (Stone, 2012, p. 92). When taking a leave of absence from work to render care for a sick loved one, the last thing that someone needs is for that stress to be compounded by the fear or termination. The Paid Family Leave remove this unrest.

Governor Cuomo's Press Office (2016), referred to this program as the great equalizer for women which "marks a pivotal next step in the pursuit of equality and dignity

in both the workplace and the home” (Governor Press Office, 2016). In terms of equality at home, this bill does not limit eligibility just to the women, whom previously bear the brunt of caregiving responsibility when it comes to taking off time for an infant or new child placement. This program is expanding membership to men to be caregivers as well, defining membership is a key concept of equal treatment and equity as described by Deborah Stone (2012, p.42-43).

**Problems:**

The political goals as discussed above were accomplished as a result of defined problems in politics and mobilizing support for one of the side of the conflict, according to Deborah Stone (2012, p.247). When defining a problem according to Stone (2012), a declaration of who is affected, what is at stake, define interest and create alliances (p.247). The problem as noted by Governor Cuomo’s Press Office is job security for all employees, but their targeted interest are women as the program focus on removing the inequality faced by women at home and in the office because of their caregiver nature (Governor Press Office, 2016). Once an interest aligns with a policy maker, political organizations who she identifies with will also benefit from the support. In the write-up of The Paid Family Leave on the Governor’s Press Office website shows how elected officials target interest group. The program and description of the program were written to satisfied the needs of its female interest.

**Solutions:**

The Paid Family Leave program is an example of a substantive right, more precisely a positive substantive right. Deborah Stone (2012), describes a substantive right as going beyond practice to specific actions and entitlements (p.334). In the Paid Family



Leave program, the entitlement is that employees are pay while not working. The second part of a positive substantive right is a second party providing the right-holder with an entitlement (Stone, 2012, p. 335). In context, the pay while not working is not provided by the employer but what is provided is the job security of being able to return to their same or similar position.

When using legal rights as a policy solution, first what people want or could get as a result of the legal right and described what people must do to retrieve the right. According to the Business Council of New York State, an employee is expected to provide a 30-day notice of intent to take the leave, when practicable (The Business Council of New York State, Inc, 2016). The employee will also be required to file a Request for Paid Family Leave form and provide the supporting documentation of the illness, military duty or birth (New York State Paid Family Leave, n.d.).

Enforcement is a large part of any policy solution. As stated by Deborah Stone (2012), with rules, agencies such as law enforcement and regulatory units use complaints from citizens to obtain information on rule violations. With rights, the burden and primary responsibility are on the right-holder or in the case of the Paid Family Leave program the employee (Stone, 2012, p. 338). In the Paid Family Leave program, the denial of a claim or violation can be disputed with assistance from the New York State Compensation Board, which describe in detail the rights or employers and employees on this matter. (Paid Family Leave, n.d.).

### **Policy Overview: Tuition-Free College**

On April 8, 2017, Governor Andrew M. Cuomo announced the inclusion of the Excelsior Scholarship in the 2018 Fiscal Year Budget. New York State is the first state in the nation to make its public university tuition-free for families making \$125,000 or less per year. The goal of the Excelsior Scholarship is to alleviate some of the overwhelming burdens of student debt and

to provide a path for financial security for New Yorkers according to the Governor's Press Office (Governor Press Office, 2017).

According to the Governor's Press Office (2017), the new education program is set to phase in over the next three years. The first phase is expected to begin in 2017 providing the families making up to \$100,000 per year the scholarship (Governor Press Office, 2017). Phase two of the program will increase the family's income limit to \$110,000 annually beginning in 2018, and reach its final phase in 2019 with the income limit of \$125,000 (Governor Press Office, 2017). The scholarship is expected to provide more than 940,000 New York Families with college-age youth access to tuition-free college at a State University of New York (SUNY) or a City University of New York (CUNY) Institution (Governor Press Office, 2017).

Included in the budget to support this program is an additional \$8 million to provide supportive education resources such as text/e-books. The total higher education budget this fiscal year 2017 is \$7.5 billion, an increase of \$448 million or 6.3 percent over the previous year (Governor Press Office, 2017). To maintain the scholarship students are expected to sustain a grade point average necessary for the completion of coursework. Scholarship recipients are required to live and work in New York State for the same number of years they receive the scholarship for after graduation (Governor Press Office, 2017). On April 8, 2017, Governor Andrew M. Cuomo stated, "With this budget, New York has the nation's first accessible college program. The Excelsior Scholarship will make college accessible to thousands of working and middle-class students and shows the difference that government can make" (Governor Press Office, 2017).

### **Policy Analysis**

#### **Goal:**

According to the Governor's Press Office (2017), Governor Cuomo stated, "There is no child who will go to sleep tonight and say, I have great dreams, but I don't believe I'll be able to get a college education because parents can't afford it. With this program, every child will have the opportunity that education provides" (Governor Press Office, 2017). This quote reflects the subjective sense of promoting welfare to students. Although this program gives financial assistance, it also offers the means or capabilities to pursue something they never believe was for them, creating a sense of personal freedom. According to Deborah Stone (2012), personal freedom is the most important element of welfare as it "Equates individual welfare with having freedom to choose one's life path" (Stone, 2012, p. 90). Sara Goldrick-Rab stated in an article authored by James Murphy (2017) that this program will compel new students to apply to college who otherwise wouldn't go. "If you view the future opportunity for college as open and affordable you exhibit more effort in high school," stated Goldrick-Rab (Murphy, 2017).

**Problem:**

An important part of any policy is defining the problem, which in politics is defined by who is affected and in what way. According to Deborah Stone (2012), issue and interest define each other, policymakers explain people's interest to them and demonstrate how the proposed plan will gratify those interest (p. 230). A criticism of the Excelsior Scholarship is that it will not reach the poorest of the poorest family members who need it most (Murphy, 2017). Regarding gathering support and interest for the program, this is not a bad thing according to Sara Goldrick-Rab as reported by James Murphy (2017). "It is an adage in social-welfare policy that policy for poor people makes for poor policy. The more people who are included in the free-college system, Goldrick-Rab argues, the more likely it is to succeed because with them comes voting power" (Murphy, 2017). Allowing family income below \$125,000 to access the benefits of this

program is creating a stronger support system because of its wider base. According to Murphy (2017), including wealthier New Yorkers means the program will be harder to cut, creating a cross-class alliance (Murphy, 2017).

**Solutions:**

The Excelsior Scholarship program is an example of “alter(ing) people’s self-propelled progress toward their goals by changing the opportunities and obstacles they face,” Deborah Stone (2012) calls this idea the theory of incentives. An interesting aspect of the tuition-free program is the residency requirement after graduation. When a student receives four years of the scholarship, the student is required to live and work in New York State for four years. When a student relocates early, a portion of the scholarship becomes a loan, reimbursing to the state (Harding, 2017). The live and work residency requirement was a last minute add-on to program creating an incentive for both the State and the student. The student gets the financial assistance and while the State is maintaining its newly minted workforce. According to Stone (2012), apart of the incentive theory is an orientation toward the future (p.274). Incentives only work when the target cares about the cost or reward they are waiting to achieve in the future and “Is willing to modify current behaviors in order to shape future results” (Harding, 2017). Students are not able to take the money and blow off their obligation, while the State is getting paid either in the form of reimbursement or a workforce.

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