

# *Political Science*

## **Expunging Criminal Records**

Sponsoring Faculty Member: Dr. John Tures

Lavurn Billups, Jalen Butler, Matt Crawford, Donta Daniel, Levi Evans,  
Braxton Ford, Delaney James, Charity Knight, Roxanne Lape,  
Michael Leseman, Sam Manley, Clay Scott, Jordan Sheffield,  
Jacqueline Tipsword, Mark Wagner, Allison Weeks, and Taylor Wynn,

*Presented At The Annual Meeting Of The Alabama Political Science Association,  
March 21, 2014, Huntingdon College, Montgomery, Alabama by Allison Weeks and  
Charity Knight*

### **FOREWORD**

By the Editor, Dr. John A. Tures, Professor of Political Science

In the Fall of 2013, State Senator Josh McKoon met with me and several undergraduate students. He told us the story of a constituent who had spent time in prison in the past for a felony theft. This person served his time in jail, completed his probation, but was unable to get a job because Georgia is one of a dozen states that does not expunge criminal records for convicted felons who are not minors. He had to report his crime on every application, with predictable results. Our POLS 1102 "Introduction to Political Science" class was tasked with investigating how effective expungement policies work. The students wrote the introduction, literature review, data sources, results and conclusion. They coded all of the dataset and even ran the statistical tests in class, with my assistance. Two students, Allison Weeks and Charity Knight, even presented the paper at the annual meeting of the Alabama Political Science Association at Huntingdon College in Montgomery, Alabama. My role was simply to come up with the assignments, delegate the responsibility, and grade their work. Therefore, this should constitute an undergraduate research project.

### **INTRODUCTION**

By Jalen Butler

"Expungement generally means the expurgation, extraction, and isolation of all records on while which any court, detention, or correctional facility, law enforcement or criminal justice agency concerning a person's detention, appre-

hension, arrest, detention, trial or disposition of an offense within the criminal justice system by removal, deletion, erasing, sealing, destroying and other processes (Calvert and Bruno, 2010: 128)." The concept of expungement is centered around giving "criminals" a second chance. Can a person successfully reintegrate society with a dirty record? A criminal record carries with it an assumption that a person who has had contact with the criminal justice system is untrustworthy or will have problems in the future (Calvert and Bruno, 2010: 130)."

Is the current system setting criminals up for failure? The idea expunging records has become a hot button issue in the United States. It has been noted that expunged files may still be accessible via commercial databases. "Records once held only in paper form by law enforcement agencies, courts and corrections departments are now routinely digitized and sold in bulk to the private sector," according to a *New York Times* story by Adam Liptak (2006). "Some commercial databases contain more than 100 million criminal records. They are updated only fitfully, and expunged records now often turn up in criminal background checks ordered by employers and landlords, (Lain, 2006: 8)."

This brings us to question whether expungement is helpful, in this age of electronics. The current, most notable expungement debate is developing in Florida. Members of the Florida legislature seek to allow anyone who was been found innocent of a "stand your ground" offense to have their record expunged (Kennedy, 2014). Florida's decisions could set a precedent for expungement and "Stand Your Ground" offenses. Expungement is an important issue that needs to be addressed in the near future.

## **Summary**

By Levi Evans

Seeing that expunging records has become a hot political issue we researched expungement policies in every state and other countries, looking at the expungement of non-juveniles who have been convicted of a serious crime.

However instead of just stressing the non-juvenile crimes, we also compared how some states expunge juvenile crimes but not for adults convicted of a felony at the age of 21 or older. In our research and tests we revolved our paper around answering the questions such as: Do states that expunge criminal records have lower crime rates? We also collected expungement data on all 50 states and the District of Columbia, and FBI data on crimes against people and property. Then we tested if states that do expunge records have a higher crime rate than states that do not allow expungement of criminal records for convicted adult felons, using a difference of means test. The paper concludes with thoughts about different studies for the future on this topic.

## LITERATURE REVIEW

### The Process Of Expunging A Criminal Record

By Braxton Denzel Ford

The expungement of criminal records is not a simple issue. It is a process that can take awhile to complete and may require several steps. Not every crime can be expunged and each state has its own separate way of dealing with each individual case. "You may only Seal or Expunge one criminal record once in your lifetime. If you have two prior records that arose out of separate arrests (that could be eligible for sealing or expunging), you would have to choose between the two records and decide which one to seal or expunge (Kogon and Loughery 2011)." Everybody has only one record that can be expunged if it is eligible. In order for the record to be expunged it must fall in one of three categories. The first category is no action; this is when your arrest is reviewed by the Office of the State and they decided not to file any charges against you. In the second case it must be *nolle prossed* or dismissed; this means that the Office of the State Attorney filed formal charges against you and later on dismissed them. This is caused mostly by lack of evidence or no witnesses will testify. The third way that your record could be expunged is if the case results in a not guilty or an acquittal by a judge or jury at trial. This means that during your trial you were found not guilty on all charges and the record of your arrest can be expunged.

The expungement of records has confused many people because in a way it is really against the law to change a criminal record without solid evidence. The people that are getting their records expunged are surprised when everything comes back to light after it was supposed to be erased from their record. The confusion comes because the record could be pulled out of their history at any time during an interview or another circumstance where a certain clean record is required for a job. The false claims of a record being completely separated from a person may hold him or her back from being a better person and that individual should be aware of what really happens to his or her record.

### Four Key Common Elements of Expungement among State Statutes

By Mark Wagner

Many people who have had criminal records are self-conscious about whether or not they will be reaccepted into society. With many states accepting criminals to have these charges expunged, it gives them a boost of confidence. If an ex-convict has had their charges revoked, they are then able to claim that they have never had a criminal record before on a school or job application. Essentially, if the crimes on your record have been expunged, an individual may still have to overcome obstacles but they have the same freedom as other citizens. "Forty

states permit expungement of records while twenty-nine permit the individual to deny the arrest. Thirteen permit an individual to deny the conviction (Geiger 2006)."

Not all crimes may be expunged, especially in certain states. "Colorado allows expungement of many crimes; others prohibit expungement of any criminal records like Wyoming and some states like Oklahoma only allow expungement of arrest records (O'Hern 1988)." Some states based on the crimes severity, may not allow for a crime to be expunged. Also, crimes that have been dismissed make it easier to receive an expungement from the state.

Rehabilitation of convicts is used during the application of expungement process. This waiting period may last longer than others based on three factors: the severity of the crime, age, and if the offender is dead or alive. Individuals waiting for an answer regarding their expungement application must remain free of committing other crimes. Also, expungement may only be issued to an individual so many times based on which state you're in.

Expunged records may be recoverable by workers in professions that involve upholding the public trust. Background checks are required for these jobs. All other employers must follow these guidelines: "They (employers) must use a three-pronged test laid out by the Supreme Court in a landmark 1975 ruling called *Green v. Missouri Pacific Railroad*: Employers must consider the nature of the crime, its relation to the potential job, and the time that has passed since the offense. The EEOC (Equal Employment Opportunity Commission) guidelines also say that employers must give applicants the chance to explain the circumstances of their criminal records, including information about whether they already proved they could do the same sort of work for which they're applying, and whether they had gotten rehabilitation services or other training (Adams 2013)." The practicality of expungement may in fact harm ex-convicted job applicants trying to get jobs.

## **Expunging Records And Juvenile Crime Records**

By Delaney James

Juveniles are committing serious crimes ("adult crimes") in today's society. The labeling theory suggests that if a child has something on their record, they will label themselves as criminals and therefore are more likely to commit crimes. Many people are under the impression that in a case of juvenile expungement, the criminal would gain while employers, prospective spouses, creditors, etc. would lose. This is not always the case, however, because some people really do change in their adult life. "A juvenile criminal record is not necessarily a good predictor of a person's current behavior (Funk and Polsby 1998)." Therefore, why not make juvenile records obtainable to an employer? Expungement laws give the criminally inclined youth less motivation to refrain from breaking the law and the "good" kids less motivation to continue to be good. "Expungement laws increase the value

of racial stereotypes and therefore serve to perpetuate them (Funk and Polsby 1998)." In conclusion, employers should have access to expungement records of prospective employees because their past run-ins with the law do not reflect their current behavior.

## **The Supreme Court Gets Involved In Expungement**

By Donta D. Daniel

A key Supreme Court case dealt with the issue of expungement. David F. Kennison, chairman of the board of the New Banner Institute, was charged in Iowa with carrying a concealed weapon. Kennison received the carrying a concealed weapon charge he got because of a plea bargain. He would have originally been charged with kidnapping of his wife. His charge would have landed him in prison for five years but the judge gave him probation. The judge also gave him a deal. If he finished his probation period, the charge would be expunged from his record.

The New Banner Institute, Inc. tried to get three federal licenses to engage in firearm transactions. On the application to the Secretary of the Treasury, a direct question was asked about any previous gun law violations. The Bureau of Alcohol, Tobacco and Firearms learned of Kennison's record. The B.A.T.F. started the process of revoking Kennison's license. The B.A.T.F. chief, Administrative Judge Gesel R. Dickerson in a hearing decided that Kennison was previously sentenced in the case before, pleaded guilty, and should have his license to engage in firearms transactions revoked.

The decision that Judge Dickerson made was brought to the U.S. Supreme Court on the fact that he had no grounds to make a decision. The U.S. Supreme Court in *Dickerson v. New Banner Institute, Inc.* (460 U.S. 103, 1983) was faced with a tough decision. The court had the challenge of deciding whether Kennison carried a sentence of probation for a year or more. Opposing this was the fact that he completed his sentence and got the charge expunged from the records.

The Federal District Court in South Carolina kept the license revocation in place. The Court of Appeals for the fourth circuit reversed the decision (649 F. 2d 216, 1981). The Supreme Court, with the final decision, reversed the court of appeals decision. The Supreme Court with a 5-4 vote decided that the revocation could be revoked on the basis of Kennison's former charge.

## **Other Research on Expunging Criminal Records**

By Jordan Sheffield

Writer Mark Kleiman explains in his book that as recently as the 1970s, crime in the U.S. was considerably higher than it is today. Yet the number of incarcerated has risen three and a half times despite a crime rate that is presently 30 percent lower. How is this possible? The goal of incarceration is obviously to

provide an incentive not commit crimes. To Kleiman the answer is clear:

"Arresting and imprisoning burglars ought, other things being equal, to deter burglary. But if a burglar released from prison finds it impossible to get a licit-market job, the lack of attractive alternatives to burglary as a way of getting money may push him back toward his prior behavior pattern (Kleiman 2009, 96)."

He cites Todd Clear et. al. and his work *Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization* explaining that areas where there were a large number of incarcerated often experience a "tipping point" where incarceration rates are so high they actually have the negative impact of contributing to crime. The academic article studied 80 Tallahassee neighborhoods in 1997. "After a certain concentration of residents is removed from the community through incarceration, the effect of increasing admissions is to increase, not decrease, crime (Clear et. al. 2003)."

This research questions whether we have fully explored any gains that could come from increasing the severity of the punishment for criminal behavior. Albert Einstein described insanity as doing the same thing over and over and expecting different results. If the given system is not producing better results, different methods ought to be given serious consideration. As Kleiman puts it, "If the use of brute force has passed the point of diminishing returns, we need to ask what we could use instead (Kleiman 2009, 99)."

These laws also worsen our chance of an economic recovery. In these bleak economic times, 80 percent of mid-size to large companies do some form of criminal background checks on employees. Only four of the ten states with the highest unemployment offer expungement for misdemeanor crimes. At the same time, only three of ten states with lowest unemployment rate will not expunge misdemeanors (Bressi 2011). These people are not hardened criminals but many times those who have more than one misdemeanor. They are not what most would call serious offenders. In state systems, 95 percent of all convictions are plea agreements. Most of these people never go to jail. This means the state has deemed their crime not serious enough to spend one day behind bars but serious enough to affect their ability to get a job for a lifetime.

How does it help society for these people to try to continue their lives as marked men (Mechanic 2013)? We are not trying to say that is the job of the justice system to support economic growth, but this is where relatively easy policy decisions can positively affect it.

There is also a pretty strong correlation with high crime rates and strict expungement policy. Bressi writes "Nevada has the nation's highest unemployment rate, as well as the nation's highest crime rate. As expressed in our data, Nevada does not have an expungement process for non-juveniles. South Carolina

(third in crime, fourth in unemployment) only seals records of first-time offenders who commit petty crimes punishable by no more than 30 days in jail. Florida (fifth in crime, fifth in unemployment) is another example, as is Michigan (tenth in crime, third in unemployment)... (Bressi 2011)." Again, this is another example of how not reforming expungement policy is having a negative effect on society as a whole.

Overall, the numbers seem pretty clear. Though a fairness argument can also be made (expungement policy disproportionately affects the poor), the numbers seem to support keeping things as they are. We will test for ourselves whether this is the case or not.

### **Do Former Prisoners Deserve Chance for Employment?**

By Michael D. Leseman

Poverty has slowly become a bigger and bigger issue for Americans. We are no longer the big powerhouse economy that we used to be, and it is showing. Employment is down and we are in a debt that seems to have no end and will just keep getting bigger and bigger, never to stop. People without jobs want help, and some deserve it and some don't. Some people who have jobs want to help and others think that they should just get their own job and everything will be fine. However, this is not the case for some of the unemployed people. Convicts fresh out of jail are pretty much in trouble when trying to find a job, because no one wants someone fresh out of jail working in their company.

Reporter Sherri Brown and Governor Deal are one of the few trying to help those prisoners get back on their feet. Governor Deal signed Bill 365, creating a law to help these convicts find their way in life after jail. It states that the Board of Corrections will develop a program to assist adult offenders (Brown 2014). Offenders who finish the program while in prison will receive a certificate. When an employer hires an ex-offender who earned a certificate, it is considered a "presumption of due care."

In this article Sherri Brown explains the new law that governor Deal signed, and the difficulties faced by the prisoners before the law. She shares stories from first hand experiences that she has had with the convicts and also from different things she has seen around her county. It is a very interesting article, in the sense that it is a bill that could impact us in the near future. Especially with people already having been laid off, if businesses make more jobs for ex-convicts then this could start a cycle and give our economy the push it needs to start trying to get back on track (Brown 2014).

It can be argued that this is a very good bill to be passed, because whether we like it or not they are part of our economy and we need them pitching in just as much as we are to help stabilize our economy. Those who are more privileged should try their best to help. Also the convicts should have to work a little bit

harder to get their chance at a job, since they let society down once already. We will test whether policies like this work in other states.

## **EXPUNGEMENT EXAMPLES FROM STATES**

### **The Case of California**

By Delaney James

Expunging a criminal record means somewhat the same thing as receiving a clean slate. It involves reopening a criminal case, withdrawal of the plea or guilty verdict, dismissing the charges, and results with one not having a conviction. The case record will still be kept in the courthouse, but the person's record will not show a conviction, as it will be dismissed in the "Interest of Justice." Expunging can only be done in cases of a misdemeanor or a felony that could be charged as a misdemeanor and served time in the county jail, was on probation, paid a fine, or all of the above. Penal Codes prohibit expunging of cases involving serious driving violations (mainly ones that result in 2 or more points on one's license) and sexual offenses against children under 18 (Sacramento County Public Law Library, 1).

There are three laws used in expungement: (1) Cases involving probation, (2) Cases involving no probation, and (3) Reducing a felony to a misdemeanor; a felony that could have been charged as a misdemeanor is called a "wobbler." Paperwork filed for a Certificate of Rehabilitation (as opposed to a Petition and Order for Dismissal) is required if one's crime cannot be reduced to a misdemeanor or one has served time in a state prison (Sacramento County Public Law Library, 1-2).

It is also helpful to understand what expungement does not involve. According to the Sacramento County Public Law Library, expungement does not:

- "Remove the conviction from your criminal history."
- "Seal the court case file from public inspection."
- "Reinstate your right to possess firearms."
- "Relieve you of your duty to register as a sex offender."
- "Allow you to omit the conviction from applications for government-issued licenses."
- "Allow you to omit the conviction from application for government employment."
- "Allow you to hold public office."
- "Prevent the conviction from being used to refuse or revoke a government license or permit."
- "Prevent the conviction from being used as a 'prior.'"
- "Prevent the conviction from being used by the DMV."
- "Prevent the conviction from being used by US Citizenship and Immigration Services."

According to California Labor Code, an employer can't ask about arrests that did not result in conviction, convictions that have been "judicially dismissed," or about related programs. In addition, the employer cannot use knowledge of the previously stated information to hire, fire, or promote. Once the conviction is officially expunged, it just becomes an arrest. Therefore, one can legally answer "No" to related questions by an employer about convictions. However, the employer can look at your criminal record and see that you were convicted, but expunged and that can appear as lying/being dishonest (Sacramento County Public Law Library, 2-3).

There are also several terms to meet for expunging records:

- "Your convictions must meet the guidelines described in PC § 1203.4, PC § 1203.4a or PC § 17."
- "At least one year must have passed since your conviction."
- "You must have completed the terms of your sentence."
- "You cannot be serving a sentence for any offense, or be changed with the commission of any other offense."
- "You must not have received another conviction within one year of the first."
- "Your probation for the conviction you're trying to expunge must not have been revoked, and not reinstated" (Sacramento County Public Law Library, 3)

One must then determine which type of expungement is necessary for your specific situation (based on if it's a misdemeanor or infraction, conviction or a felony conviction). One then will proceed to get a copy of their criminal record. There are two forms necessary for expunging your conviction: the petition for dismissal and the order for dismissal, as well as the optional (but advised) document stating why you want the expungement (Sacramento County Public Law Library, 4-5) If your petition is denied and you're expungement is not granted, you may ask the judge's advice, make the necessary changes, and re-file your petition 3-6 months later (Sacramento County Public Law Library, 6).

## **The Case of Illinois**

By Sam Manley

Criminal records can cause a lot of problems for someone when he or she grows up in life. When applying to a job it's extremely hard to get the job if the person has a criminal background. It also makes it hard to get licensing for professional positions and makes applying to get scholarships for college harder. If the criminal wishes to get this off his or her record, it is possible now. Since January 1, 2004 a criminal can petition against misdemeanor supervisions and misdemeanor convictions in court. This can be done now by what's called an expungement.

An expungement is "when a criminal gets your record cleared" (Illinois

Law Enforcement 2004). It's as if the criminal never committed the crime. When the criminal gets its record expunged it's sealed. Getting a record sealed means that "nobody can see the criminal's crime except for other law enforcement agencies" (Illinois Law Enforcement 2004). The criminal can file for expungement after two or five years in Illinois depending on what kind of crime the criminal committed.

There are some crimes that the criminal can't file for expungement. These include crimes such as driving under the influence, dog fighting, assault, aggravated assault, battery, reckless conduct, violation of order of protection, and violation of humane care of animals. Some crimes that a criminal is able to get expunged are operating an uninsured motor vehicle, suspended registration for insurance, display of false insurance, failure of scrap dealer to maintain records, reckless driving, and retail theft. Sexual crimes can be expunged from the criminal's record but are not allowed to be sealed from the criminal's record. This means that sexual crimes can be dug up if people look for them hard enough.

## **DO OTHER COUNTRIES EXPUNGE CRIMINAL RECORDS?**

### **The Case of France**

By Matt Crawford

In France, expunging criminal records is known as judicial rehabilitation. It is made available to most criminals, but only a select few are able to complete this entire process due to its difficulty.

For people that have committed crimes, their records are put into one of three bulletins. "Bulletin number 1 contains all convictions and can only be consulted by penal courts. Bulletin number 2 contains nearly all convictions except suspended sentences, juvenile records, contraventions and can only be consulted by administrations and public services, generally for job applications, but also for researchers who want to visit prisons. Bulletin number 3 contains imprisonment sentences of two years and more, or under two years if the Court has decided it was necessary, along with sentences which prohibits certain professional activity. It can only be consulted by the person him or herself, but its copy is often asked for by private sector employers. Thus, Bulletins 2 and 3 can be very detrimental to employment (Herzog-Evans 2010, 130-131)".

The goal of judicial rehabilitation is for past offenders to be able to clear their Bulletins 2 and 3 in order that they may seek out a job to become a productive member of society member of society.

Now the process of rehabilitation is not easy. Some malefactors prefer to stay clean for the required amount of time in order to have their records partially removed, known as legal rehabilitation, but others want all of their past behind them so they see out judicial rehabilitation. Depending on the severity of the

crime, people must wait one, six, or ten years to file for judicial rehabilitation with an exception for those who have helped France at the "peril of their own lives (Herzog-Evans 2010, 132)." During this time, they must show that they have desisted from all of their past activities and, most importantly, become a good citizen.

In order to start the judicial rehabilitation process, a former offender must file a court application either on his own or with a lawyer. The process then begins. The police will then investigate the individual, prison authorities will be talked to, and a community inquiry will take place. Assuming that the person is found to be clean the person is cleared for judicial rehabilitation. All Bulletin 2 and 3 records will be removed and in most cases the Bulletin 1 records will be removed as well. The individual is then clean and able to vote, run for office, and seek out a job without suffering the consequences of their former actions. That person is a new person.

### **British Record Expungement**

By Matt Crawford

England, like many places in the United States, allows for the filtering of criminal records. The United States refers to filtering records as expunging records, but regardless what you call it, both countries allow for the removal of criminal records if certain criteria are met.

For adults, these criteria include 11 years passing since the conviction with no other offense and the person was not required to do jail time. For warnings, or cautions as the British call them, it is a 6 year wait to have the incident filtered from the record. For serious crimes no form of filtering can occur and the record is with the perpetrator for life.

For those under 18 years of age the situation is slightly different. According to the British Government, "The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years. The same rules apply as for adult cautions, except that the elapsed time period is 2 years." (Disclosure and Barring Service 2013, [www.gov.uk](http://www.gov.uk)). In other words, if the individual is a minor, they only have to wait 5.5 years, without any other offenses, for a conviction that did not result in jail time to be filtered.

For cautions, an individual that is a minor only has to wait 2 years to have their records filtered. Less stiff time penalties are put forward for the young and naive in Great Britain. That is the current state of expungement in England.

## DATA AND STATISTICS TESTS

### States & Expunging Records

By Lavurn Billups

Expungement is the process of a criminal record of an arrest and conviction being removed or sealed from a criminal's records. Each state has different circumstances when expungement can be done. When the opportunity of all charges from an arrest or a conviction can be removed and sealed this allows a criminal a fresh start and a clean record. Expungement can be granted to a person after sentencing and probation has been completed. People who were arrested for a misdemeanor can be granted an expungement.

Felony convictions would not be allowed an expungement. There are many courts that have forms to request for a Motion of Expungement that can be requested without an attorney. A juvenile charge can be expunged or sealed much earlier and faster than as an adult by the time he or she reaches the age 18. The main focus would be in order for the juvenile expungement to remain effected is for the juvenile to remain out of trouble.

Our data on which states have expunged their records, and which have not, comes from U.S. Legal.com (<http://expungement.uslegal.com/expungement-of-criminal-records/>). Out of the 50 United states, and the District of Columbia, there are some states that have some form of expungement of adult felony convictions.

### 39 States That Do Allow for Expungement Of Felony Convictions For 21+ Year-Olds

Alaska	Arizona	Arkansas	Colorado
Delaware	D.C.	Florida	Hawaii
Illinois	Iowa	Kentucky	Louisiana
Michigan	Minnesota	Mississippi	Missouri
New Jersey	New Mexico	New York	North Carolina
North Carolina	North Dakota	Ohio	Oklahoma
Rhode Island	South Carolina	Tennessee	Texas
Vermont	Washington	West Virginia	Wisconsin

There are 39 states that allow some form of expungement; however, these 39 states that allow some type of expungement (for a felony conviction of someone over the age of 21) are from various regions of the United States and the

12 states that do not allow for such expungement can be found across the United States as well.

### 12 States That Do Not Allow for Expungement of Felony Convictions for 21+ Year-Olds

California	Georgia	Indiana
Kansas	Maine	Massachusetts
Montana	Nebraska	Nevada
Pennsylvania	South Dakota	Wyoming

### Data on Violent Crimes and Property Crimes By Allison Weeks

Our information on violent crimes came from the Federal Bureau of Investigation's website on crime in the United States. The Federal Bureau of Investigation's mission is "protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners" (FBI, 2014). The FBI therefore uploads information on the website that pertains to protecting and defending the people of the United States. The website information was updated in 2012. Each person in our class had an assigned number of states that we had to gather data for. We then went to the FBI's website and first looked at which states expunge records and which ones do not. Then we looked up each state and their violent crime rate per 100,000 inhabitants. For example, for the state of Alaska, the state had a violent crime rate of 603.2 crimes per 100, residents. After gathering the information, we put the numbers into a Microsoft Excel spreadsheet. We then conducted a difference of means test to see if the results were significant at the 90 percent level.

We also found our information on property crimes on the Federal Bureau of Investigations' website on crime in the United States. Each person in the class took the same states that they had for violent crimes and did the same research for property crimes. We looked up each state and the property crime rate per 100,000 inhabitants. For example, for the state of Alaska, we found that Alaska had a property crime rate of 2,739.4 crimes per 100,000 residents. We put all of our data into the same excel sheet as the violent crimes and then conducted a difference of means test to see if the results were significant at the 90 percent level.

## Difference of Means Test

by Charity Knight and Roxanne Lape

During our research of expunging criminal records, we examined whether expungement is a statistically significant factor that affects violent crime rates and property crime rates. We tested this argument by conducting a difference of means tests (<http://vassarstats.net/tu.html>). A difference of means test is used to determine whether our results were statistically significant. According to Alan Monroe in Essentials of Political Research, significance means "the probability that a relationship between variables could have occurred by chance in a random sample if there were no relationship between them in the population from which the sample was drawn." (Monroe 2000, 99)

This means that we used our sources to gather the number of violent crimes per 100,000 residents in each state. Then we divided those into states that do expunge criminal records and those who do not. We took the numbers per 100,000 residents of each state and averaged them together to get our "Mean of population 1" and the sample size for this was 39 states. We then calculated a regular standard deviation using the "mean of population 1" and each states average. We then followed the same pattern for states that did not expunge and our sample size was 12.

Population Mean 1	Mean from Population #1.
<input type="text" value="390.8230"/>	
Sample Size 1	Total number of respondents from Population #1.
<input type="text" value="39"/>	
Standard Deviation 1	Standard Deviation from Population #1.
<input type="text" value="252.8231"/>	
Population Mean 2	Mean from Population #2.
<input type="text" value="336.8166"/>	
Sample Size 2	Total number of respondents from Population #2.
<input type="text" value="12"/>	
Standard Deviation 2	Standard Deviation from Population #2.
<input type="text" value="116.3612"/>	
Confidence Level (choose one)	
<input type="text" value="90"/> %	
<input type="button" value="Calculate"/> <input type="button" value="Reset"/>	
<b>Answer:</b>	
<input type="text" value="The difference is NOT statistically significant at a 90% level."/>	

Population Mean 1	Mean from Population #1.
<input type="text" value="2920.4566"/>	
Sample Size 1	Total number of respondents from Population #1.
<input type="text" value="39"/>	
Standard Deviation 1	Standard Deviation from Population #1.
<input type="text" value="630.2520"/>	
Population Mean 2	Mean from Population #2.
<input type="text" value="2639.4000"/>	
Sample Size 2	Total number of respondents from Population #2.
<input type="text" value="12"/>	
Standard Deviation 2	Standard Deviation from Population #2.
<input type="text" value="407.4606"/>	
Confidence Level (choose one)	
<input type="text" value="90"/> %	
<input type="button" value="Calculate"/> <input type="button" value="Reset"/>	
<b>Answer:</b>	
<input type="text" value="This test is statistically significant. Mean 1 does not equal mean."/>	

After plugging our information into a difference of means calculator, we looked at whether the results showed a statistically significant relationship between the states that expunge their records and violent crime rates, as well as whether expungement is associated with property crime rates.

## DATA ANALYSIS

### Violent Crime Results

By Jacqueline Tipsword

The data collected on expungement was from the Federal Bureau of Investigation website (FBI, 2014). The statistics that were used in the research were crime rates from each state in 2012. The mean for violent crime in the states that allowed the expungement of records was 390.823 violent crimes per 100,000 residents. The mean for states that did not allow the expungement of records was 336.816 violent crimes per 100,000 residents. To determine the significance of these results we conducted a difference of means test at the 90% level. At this level the results were not significant. However a few states individual averages stood out. The states with the highest violent crime rates were: Washington DC with 1,243.7 violent crimes per 100,000 residents, Tennessee with 643.6 violent crimes and Nevada with 607.8 violent crimes per 100,000 residents. The states that have the lowest violent crime rates were: Maine with 122.7 violent crimes, Vermont with 142.6 violent crimes and New Hampshire with 187.9 violent crimes per 100,000 resident. From the states listed above only Nevada and Maine do not

allow for the expungement of records.

Results from a difference of means test showed that violent crime rates were not statistically significant at the 90% confidence level.

### **Property Crime Rate Averages**

By Taylor Wynn and Roxanne Lape

In this study we looked at the property crime rates of states that did expunge criminal records versus those who do not. We wanted to compare these states to see if expunging records would lead to an increase in property crime rates. After gathering all of the property crime rates for each state, we divided them into those who expunge and those who do not. We then calculated the mean of property crime rates for both categories. The average property crime rate for states that do expunge was 2920.4666 property crimes per 100,000 residents while the average for states that do not expunge was 2639.4 property crimes per 100,000 residents. We then measured the sample sizes of both categories, 39 states that expunge and 12 that do not (one being D.C.). Finally we calculated the standard deviation of the two equaling 630.2520 property crimes per 100,000 residents for the expunge states and 407.4606 property crimes per 100,000 residents for states that do not expunge.

We concluded that the property crime rate was lower in the states that do not expunge, which helped to support our original theory. By using this "difference of means" test, we were able to determine non-expunging states have a lower property crime rate than those that expunge criminal records. We compared the average (mean) of property crime rate and saw non-expunging had a lower average. The sample size was a determining factor in our study because there were more expunging states, and there were also several cases in which expunged states had a lower rate than those who do not. We determined the confidence level of this test was 90% which means the difference between the two was significantly different.

Our results were only significant at the 90% level, which is to say that the probability of a random sampling of states will have the same results as our test 90% of the time. However, at the 95% level our findings were not considered significant. Monroe defines this probability as "The smaller the probability, the more significant the relationship. In most social science research, if the probability is .05 or less, then the relationship is said to be significant (Monroe, 99)." Although our findings were not significant at the 95% level, they were at the 90% (.10 level).

## Conclusion

By Clay Scott

Overall, research conducted conveyed a higher rate of both property and violent crime in states that expunge records of each over those that do not. However, of the two, only the rate of property crime and its relation to expungement was found to be somewhat statistically significant. It is important to note that these findings are open to interpretation and are not necessarily causal by any means. It is just as likely a state may have adopted a policy of expunging records to increase bureaucratic efficiency in a system that would otherwise see a large amount of additional crime, like a criminal database in a high-crime area showing fewer crimes. Also, it is likely that the ability to have one's record expunged makes crime a more lucrative possibility to a potential criminal.

To pursue a more complete picture and gain a fuller understanding, subsequent research on this subject would be well advised to incorporate more types of crime expunged and also to differentiate between the methods by which records are expunged and the extent to which these records are expunged. Another crucial statistic would be a state's rate of recidivism (or repeat offending) for comparison alongside whether or not they have a policy of expunging records. The United States Office of Justice Programs' Bureau of Justice Statistics, National Institute of Justice, and National Criminal Justice Reference Service have all conducted research and collected statistics on recidivism in the U.S. within the last two decades. If available, a survey of repeat-offenders in a state to see how many ever had taken advantage of their ability to expunge records would be invaluable. Before this even, a means of better securing a conclusion would be to compare a state's policy of expunging records and the statistics on how often that policy is actually taken advantage of by offenders, and then comparing the results of that comparison with rates of recidivism and recidivism among offenders who had had records expunged in their past.

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