

2020

## Factors Associated With Steady Employment Among Felons

Rosalind Holley  
*Walden University*

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# Walden University

College of Social and Behavioral Sciences

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Rosalind Holley

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Walden University

2020

Abstract

Factors Associated With Steady Employment Among Felons

by

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MA, Texas Southern University, 2004

BS, Howard Payne University, 1993

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Clinical Psychology

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## Abstract

Research has shown that a felony conviction record negatively impacts an individual's employment prospects. Although stable employment has been shown to reduce recidivism, the stigma associated with being labeled a felon is a significant barrier to employment for this population. This phenomenological study, guided by Roy's adaptation model, labeling theory, and social identity theory, explored the lived experiences of individuals with a felony conviction in seeking and obtaining employment postconviction. Participants were recruited from the Adult Probation offices of the Community Supervision and Corrections Department of Brazoria County near Houston, Texas. Six adult males who were currently on adult community supervision (probation) and who identified as felons were interviewed using a semistructured format. Four themes emerged from the data: employment challenges, mental frustrations, lack of effective resources, and motivations to prevent reoffending. Participants offered recommendations regarding employment regulations that would aid in reducing recidivism. In particular, they suggested that legislators pass a bill supporting second-chance hiring and adopt a policy equivalent to affirmative action to assist this disadvantaged group in obtaining employment and adequate housing. By highlighting the challenges experienced by ex-offenders in seeking employment and the benefits of employment for this population, this study has the potential to decrease social stigmatization of ex-offenders and promote the self-worth of these individuals.

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## Chapter 1: Introduction to the Study

### **Introduction**

Past felony convictions greatly reduce employment opportunities for ex-offenders, resulting in loss of potential economic output totaling billions of dollars in the United States. For a convicted ex-felon, employment may be a major factor in the ability to maintain the role of law-abiding citizen. Typically, employers are unwilling to hire ex-offenders (Appelbaum, 2015), displaying apathy toward their potential contributions, their efforts toward rehabilitation, and the increasing challenges they face in seeking to be competitive in the workforce. To motivate employers toward hiring ex-offenders and facilitating their optimal reentry into society, greater governmental reform may be required.

Although the Bureau of Justice Statistics (BJS) does not provide statistics on total numbers of convicted felons in the United States (BJS, n.d.), analysis of BJS data has revealed that, as of 2008, there were an estimated 12–14 million ex-offenders of working age in the United States (Schmitt & Warner, 2011). Schmitt and Warner (2011) further estimated that approximately 1 in 17 working-age males had criminal records and 1 in 8 working-age males with a criminal record has a felony conviction. In 2014, 34% of all unemployed men aged 25–54 years had criminal records (Appelbaum, 2015). The National Employment Law Project (NELP; 2014), a national employment advocacy agency, has estimated that 1 in every 4 adults in the United States has a criminal record. The U.S. Department of Labor (USDOL; 2013a) has estimated a higher number at 1 in

every 3 adults. Most employers collect data from job applicants regarding criminal convictions, and criminal records tend to affect hiring decisions negatively. When job applicants whose records contain even minor infractions struggle to find work, they can experience barriers to social reintegration (Dougherty & Klofas, 2014).

Visher, Debus-Sherill, and Yahner (2011) suggested that the following factors, if experienced prior to either incarceration or release, enhance employment outcomes for ex-offenders: (a) consistent employment, (b) association with employers, and (c) conventional family rapport. Berg and Huebner (2011) also found that societal ties are highly significant for men who are considered chronically unemployed and that family bonds have implications for job attainment and recidivism. The impact of employment as it relates to recidivism and social reentry must be better understood to provide the ex-offender population and those who work with them with meaningful avenues for improved outcomes.

Chapter 1 guides the study with an introduction to issues relevant to ex-offenders' efforts to obtain employment opportunities in correlation with efforts to become and/or maintain their status as productive members of society following a felony conviction. Chapter 1 further includes the study background, problem statement, purpose, research questions, theoretical framework, nature, definition of terms, assumptions, scopes of delimitation, limitations, and significance based upon the literature review detailed in Chapter 2.

## **Background**

Proposed in 1963 by President John F. Kennedy, championed by President Lyndon B. Johnson after Kennedy's assassination, and enacted following "the longest continuous debate in Senate history" (U.S. Senate, n.d., para. 1), the Civil Rights Act of 1964 was initially enacted to eradicate discrimination in employment, voting, education, and public accommodations. Title VII of the Civil Rights Act proscribes employers from utilizing facially neutral selection processes, such as criminal backgrounds, which disproportionately exclude individuals from certain religions, races, color, or national origins from employment opportunities (Carson, 2010). Visher, Debus, and Yahner (2008) found that it is difficult for offenders to obtain employment 8 months after their release from incarceration, despite the prohibition of employment discrimination against the ex-offender population.

From 1979 to 2013, state and local expenditures related to corrections grew by over 300%, "from \$17 to \$71 billion" (U.S. Department of Education, 2016). The United States currently spends over \$74 billion annually on state, federal, and local corrections (Solomon, 2012). Despite these expenses, a limited amount of research has been conducted on recidivism among this population (Berenji, Chou, & D'Orsogna, 2014). However, massive growth in the U.S. prison population has piqued a scientific interest in recidivism among prisoners. Recent estimates have indicated that over 1.5 million individuals are in the state and federal prison systems (Berg & Huebner, 2011). Cullen,

Jonson, and Nagin (2011) discovered little evidence to support the notion that prisons reduce recidivism.

According to NELP (2014), a common theme related to ex-offenders seeking employment has arisen: Individuals with a criminal background need not apply for available jobs. In lieu of the reliance on the court system and on the rising antiplaintiff interpretation of Title VII, civil rights advocates have been seeking other methods—in particular, legislative procedures—for the removal of structural obstacles that prevent individuals with criminal records from gaining employment. This effort eventually became known as “ban the box,” due to advocacy for the removal of the requirement for job applicants to disclose criminal histories (Smith, 2014).

Incarceration may prevent further criminal activities by (a) incapacitating the offender via removal from society, (b) deterring continuation of criminal activity by increasing the perceived consequences of such actions, and (c) involving the incarcerated offender in rehabilitation programs designed to facilitate successful reentry into the community and to deter future criminal activities (Morenoff & Harding, 2014). In contrast, incarceration has the potential to enhance further criminal involvement by (a) returning offenders to an environment likely to expose them to additional criminal behaviors and norms, (b) weakening positive familial ties of offenders, (c) decreasing future employment potential, and (d) exerting a negative psychological impact on the offender because of increased stigma and associated decrease of internalized self-worth (Morenoff & Harding, 2014).

The literature reviewed for this study included the following findings: It is difficult for offenders to obtain employment 8 months after their release from incarceration (Visher et al., 2008); the likelihood of recidivism is not reduced by additional incarceration (Cullen et al., 2011); consistent employment, association with employers, and family support have enhanced employment outcomes prior to incarceration and/or release (Visher et al., 2011); and social support (especially familial ties) is associated with positive outcomes for men considered chronically unemployed and has positive implications for job attainment and recidivism reduction (Berg & Huebner, 2011).

A paucity of qualitative research exists on experiences, perceptions, and recommendations as expressed by offenders firsthand as they interact with the community in an attempt to reenter society. Although not all community-based prisoner reentry programs aim specifically to assist with employment, offenders are in a unique position to provide rich data and insight into their lived experience, especially concerning the impact of employment on recidivism and their self-image in their effort to be contributing members of society.

### **Problem Statement**

A national representation database has indicated that the unemployment rate among formerly incarcerated individuals, who number 5 million nationally, exceeds that of any other historical moment in the United States, including the Great Depression, by more than 27% (Couloute & Kopf, 2018). It is estimated that the unemployment rate for

the offender population is approximately 5 times greater than that of the general U.S. population.

The U.S. imprisonment rate exceeded 450 per 100,000 residents in 2012, but with the inclusion of jailed inmates, the percentages increase to 700 per 100,000 residents. These statistics exceed those of any other nation in the world. Prior to 1972, the United States' incarceration rate at no time exceeded 139 per 100,000 residents and frequently hovered at approximately 110 inmates per 100,000 residents. However, from 1972 to 2012, incarceration rates consistently increased, which led to the release of approximately 700,000 prisoners on an annual basis. Consequently, this prompted scholars and policymakers to evaluate whether incarceration was effective in reducing recidivism (Mitchell, Cochran, Mears, & Bales, 2017).

As stated above, the United States has the highest rate of incarcerating its population in comparison to other countries (Schmitt, Warner, & Gupta, 2010). Additionally, the recidivism rate is a significant problem after prisoners are released. For example, in 2005, of the 404,638 state prisoners released from incarceration within 30 states, nearly 68% had recidivating events within 3 years, and more than 76% were rearrested within 5 years. Based on the 23 states that provided data pertaining to recidivism, 49.7% of released individuals reoffended on parole, violated probation, or had a new offense within 3 years, leading to imprisonment, and 55.1% did so within 5 years, with the same outcome (Durose, Cooper, & Snyder, 2014). In 2008, more than 2

million Americans were either in jail or in prison, and statistics showed that 1 in every 48 employment-age males were incarcerated (Schmitt et al., 2010).

The large population of incarcerated males results in massive financial problems for correctional processes and points to ineffective national and state policies. In 2013, the Bureau of Prisons budget totaled nearly \$7 billion, with an increase of approximately \$300 million in comparison to the budget enacted in 2012. In fact, the additional funds did not have any significant impact toward reducing prison overcrowding. To put things into perspective, in 2012, the average annual cost of housing a federal prisoner was more than \$29,000, whereas the average annual cost of supervising an offender on probation was \$3,347 (Samuels, La Vigne, & Taxy, 2013). Ex-prisoners are persistent in manifesting a high rate of criminal recidivism and unemployment. Destitute outcomes accentuate the stigmatizing effects of incarceration on inmates seeking postrelease occupational opportunities (Loeffler, 2013). Emerging literature has addressed employers' hiring practices, and evidence has suggested that individuals with criminal records are often discriminated against in the workforce. However, few studies have examined the attitudes of employers in terms of incentives for hiring ex-convicts (i.e., the Work Opportunity Tax Credit [WOTC]). Throughout the review of literature, recognizable themes emerged, such as lack of input from the perspective of the offender (aside from statistical data) in the explanation of reoffending.



### **Purpose of the Study**

In this study, I explored the lived experiences of felons to understand how their occupational status impacted recidivism. Principal to this study was an attempt to comprehend participants' attitudes, experiences, and beliefs and to endorse the meaning of employability among felons. The findings may contribute to efforts targeting the reduction of recidivism.

### **Research Questions**

#### **Primary Research Questions**

This study investigated the potential contributions of creating or sustaining employment opportunities for ex-felons toward the reduction of recidivism. The three primary research questions of this study were as follows:

1. What barriers contributed to your struggle in being a productive member of society?
2. What factors (social/economic/personal) currently contribute to your successful reentry into society?
3. What integral role does your employment status play in being successful postrelease?

#### **Secondary Research Questions**

4. How would you describe the current postrelease vocational and educational resources available for the inmate population postincarceration?

5. What initiatives challenge ex-felons to refrain from committing additional offenses?
6. How do ex-felons view employment as related to increasing overall self-confidence, thus leading to an optimistic point of view regarding being equipped to remain among society?

### **Theoretical Framework for the Study**

The guiding framework for this study was Roy's adaptation model (RAM; Roy, 2009, 2011), which conceptualizes individual adaptation as a holistic system designed to cope with external and internal environmental change (Shah, 2015). Roy (2009) defined the term *environment* as "all conditions, circumstances, and influences surrounding and affecting the development and behavior of persons and groups, with particular consideration of mutuality of person and earth resources" (p. 12). To survive environmental changes, the individual adapts using innate and acquired biopsychosocial processes (Roy, 2011). Adaptation is considered a positive reaction, whereas a maladaptive response is considered negative (Badr-naga & Al-Atiyyat, 2014).

Underpinning RAM is the concept of unity, which promotes positive outcomes for individuals as well as for communities and other social groups. Roy (2008) viewed this concept as a variation of achieving *utopia*, or a mythical place of quixotic perfection, particularly in judicial and governmental procedures and social conditions (Utopia, n.d.). Roy (2008) expressed a desire to continue to seek the achievement of utopia, instead of surrendering to adversity. In RAM, the adaptation perspective is considered to unite the

thoughts and emotions of individuals and groups using conscious recognition to generate human and environmental integration (Roy, 2008).

This study also used labeling theory (LT), which, in this context, supports the idea that those with prior criminal records receive a label of *deviant*, which leads to stigmatization (McGrath, 2014). Currently, American culture relies heavily on punishments, sanctions, and stigma for social control; however, the irreversible shame and labeling of deviance is a significant impediment to offender reentry. As explored in this study, employment is hypothesized to be a strong contributing factor in promoting offender adaptation during reentry into the community. A brief exploration of social identity theory (SIT) is also included, further supporting the use of LT as a theoretical approach to this study.

### **Nature of the Study**

In this study, I investigated the perceptions, experiences, attitudes, and recommendations of offenders. As these perspectives were revealed, I was responsive during the process of gathering data in the interview process and throughout observation (Woolard, 1997). The nature of this study was qualitative phenomenological research. The qualitative paradigm enabled an examination of multiple realities through the exploration and discovery of offender perceptions to gain deeper insight from a personal viewpoint related to recidivism.

### **Definition of Terms**

The following list defines terms as they are used in this study.

*Conviction:* A judgment of guilty in a court of law.

*Ex-convict:* A former prisoner.

*Felony:* A crime significantly more serious than a misdemeanor and typically punishable by state or federal imprisonment exceeding 1 year (“Felony,” n.d.).

*Offender:* An individual who has been convicted of committing a crime against the law.

*Parole:* The practice of allowing the remaining portion of a sentence to be served in the community under the supervision of a parole authority. Parole occurs in the final portion of the judicial process, in that the offender has previously served a remarkable amount of the sentence in prison.

*Probation:* The process of supervising an individual within the home community. Probation is a court order sanctioned in lieu of confinement. Criminal justice reformers advocate probation as the most cost-effective and efficient sanction as opposed to prison, arguing that it should be used more frequently to reduce the prison population (Phelps, 2013).

*Recidivism:* The retrogression of individual criminal behavior before or after a conviction of a prior offense with the assumption of being corrected (Maltz 1984, p. 1). In correction literature, numerous definitions for recidivism exist, which include reconviction, rearrest, reincarceration for new offenses, and violation of parole terms (MacKenzie, 2006).

*Reentry*: The transformation from incarceration to life in the community (National Institute of Justice, 2015, para. 4).

### **Assumptions**

I assumed that the offenders whom I interviewed understood the vocabulary (e.g., *recidivism, employment incentives*) and concepts related to this study, as well as its purpose. I assumed that the qualitative data collected from the sample would represent the attitudes and perceptions of a broader population. I also assumed that the experience, knowledge, and perceptions of felons would be communicated honestly and that participating individuals would be able to speak to the impact of employment on recidivism.

### **Scope and Delimitations**

The purpose of this study was to investigate and highlight the struggles of convicted felons in relation to employment, in that it is well documented that this population is disproportionately discriminated against in the workforce. A qualitative research methodology was used to explore perceptions of associations between unemployment and recidivism. Both criminal justice cohorts (probation and prison) were considered in determining if employment status was a significant factor for reentry into the criminal justice system. The scope of this study encompassed convicted felons who might or might not have been currently employed. Any identifying information (e.g., names of offenders, specific identifying offenses) has been excluded from this dissertation to protect the rights and welfare of the human participants.

### **Limitations**

I considered four primary limitations prior to beginning this study.

1. My background in criminal justice contributes to my individual philosophy, attitudes, and beliefs regarding the felon population and might create bias in me concerning the population of focus.
2. Potential interviewees were likely to have strong opinions and emotions related to the area of study and might not feel comfortable with full disclosure of their experiences. The limited timeframe of this study might affect my ability to form a rapport with interviewees, which might affect my ability to obtain pertinent information.
3. The focus of this study on employment excluded an extended discussion of other identifiable variables that might also be pertinent factors leading to recidivism reduction.
4. The limited employment history among convicted felons may affect the ability of offenders to provide breadth and depth of experiences related to this subject.

### **Significance**

The significance of this study lies in its focus on unemployment among felons, which is a major identifiable contributor to recidivism. In 2008, the United States had an estimated 14 million ex-offenders who were considered of working age (Schmitt & Warner, 2011). Given that a felony conviction significantly lowers an ex-offender's

employment prospects, it is estimated that this large population reduces the overall employment rate among males by approximately 1.7%. This also accounts for the loss of approximately 1.7 million workers from the U.S. economy (Schmitt & Warner, 2011). Research has shown that hiring policies present an enormous hurdle for the bulk of the offenders returning home, in that more than 80% of U.S. employers conduct a criminal background check on their potential employees (NIJ, 2013). Scholars have provided supporting evidence that previous offenders who manage to maintain steady employment and sustain social family ties are least likely to recidivate (Berg & Huebner, 2011). Therefore, long-term unemployment ultimately has negative outcomes for offenders as well as society.

Notably, establishments that are likely to hire ex-offenders are those that employ a disproportionately large portion of the unskilled labor force. In contrast, service sector firms are disproportionately unwilling to hire offenders who have a criminal record (Holzer, Raphael, & Stoll, 2004). Exploring the experiences and perspectives of offenders is of prime importance in understanding the employment challenges encountered by ex-felons and in bridging the gap toward employment for ex-offenders. Implications for social change are based upon the exploration of a new perspective: how offenders learn to adapt to an unstable environment. Moreover, populations whose members experience considerable social change continue to be underrepresented.

### **Summary**

This introductory chapter has addressed the significance of this qualitative research study as it pertains to individuals who have been convicted of a felony offense, as they appear to be the population most discriminated against in the labor market. Research questions were based upon an ecological perspective, which focuses on how adaptation occurs in social and environmental contexts and leads to changes in behavior such as recidivism.

The primary purpose of this study was to explore the lived experiences of felons to understand how the occupational status of convicted felons impacts recidivism. Chief to this study was an attempt to comprehend the attitudes, experiences, and beliefs and to endorse the meaning of employability among felons. The subsequent chapter provides a review of literature relevant to this study.



## Chapter 2: Literature Review

### **Introduction**

According to the National Institute of Justice (2018), during the latter part of 2016, nearly 2 million Americans were under some form of state, federal, or county authority jurisdiction. The vast majority of the inmate population (nearly 95%) will gain reentry into their communities, and an additional 4.6 individuals will be supervised by the criminal justice system while maintaining residency within their communities. Prior to incarceration, more than half of the offender population was terminated from a workplace or relied on illegal activities for livelihood. Thus, many will return to their communities with few appropriate employment opportunities.

In 2007, more Americans were incarcerated than served as active duty personnel in the U.S. military. The consequences of having a criminal record have worsened in the past 30 years, such that having a criminal record is now considered an evolution similar to that of teenage pregnancy among typical life experiences (Bushway, 2011). According to NELP (2014), approximately 70 million Americans, or 1 in every 4 adult persons, has a criminal record, which can jeopardize opportunities to secure employment.

Given the difficulty of securing employment for ex-offenders, employment is perhaps one of the most significant area that needs addressing. Employment has also been cited as a major factor in the successful reintegration of offenders (Scott, 2010). Although it is certainly understandable for employers to prefer hiring individuals without criminal records, a large permanent underclass of citizens is created by this preference,

which is a barrier to successful reintegration into society despite fulfillment of the punishment obligation imposed by the criminal justice system (Pettinato, 2014).

Research has identified reasons as to why employers are reluctant to hire individuals who possess a criminal record. A survey was conducted in which employers indicated the following purposes for conducting criminal checks of applicants: (a) to reduce negligent hiring risk, (b) to enhance safety, and (c) for the betterment of regulatory compliance. Further, results from a survey administered by the Society for Human Resource Management indicated that employers were concerned with complying with their state laws in terms of conducting criminal background checks to ensure a safe work environment for other employees; prevent theft, embezzlement, and other criminal acts; and assess the overall trustworthiness of applicants (Mullings, 2014).

Collateral consequences of criminal conviction, which may be classified as either direct or indirect, may also impede employment for ex-offenders. Direct consequences include restrictions prohibiting ex-offenders from obtaining certain licensure and/or jobs in addition to lessening their opportunity to obtain a license. More indirectly, a federal statute might require mandatory suspension of an ex-offender's driver's license for a certain length of time following conviction for a drug offense; a state that is not compliant with the statute might risk losing federal highway funds (Mullings, 2014).

Currently, there is no federal antidiscrimination law focused on protecting ex-offenders. However, Title VII of the Civil Rights Act of 1964 may be used to alleviate discrimination against certain minority groups, such as Hispanic and African American

males. Title VII allows for legal objections to policies that exclude ex-offenders from employment based upon claims of disparate impact and treatment (Pettinato, 2014).

*Disparate treatment* occurs when a member of a protected class is treated unfairly in comparison to others. For example, a plaintiff might allege that certain minority offenders have been treated unfairly in comparison to nonminority offenders. *Disparate impact* occurs when a neutral policy entails a discriminatory effect. Once a discriminatory effect in hiring has been established for a plaintiff, then the responsibility to prove that the job requirements are in correlation with the position and are consistent with the needs of the business lies with the employer (Pettinato, 2014).

Approximately 20 years ago, the Equal Employment Opportunity Commission (EEOC) imposed guidelines for employers' compliance with Title VII when using criminal history data in hiring decisions. In 2012, new Enforcement Guidance was issued by the EEOC that emphasized racial and national origin inequities. Based on the decision of the EEOC, Title VII-protected classes are the most affected by the use of criminal history in hiring determinations (Bible, 2013).

In addition to aggravating racial disparity, employment discrimination among ex-offenders subverts efforts toward reintegration for this population, thereby potentially creating a significant effect on public safety (Connett, 2011). According to the U.S. Attorney General (Bureau of Justice, 2006), gainful employment is the primary factor in the prevention of recidivism. The Attorney General's stance is consistent with the widely

held understanding that assisting ex-offenders with finding legal and steady employment is the most important step in transitioning ex-offenders back into the community.

Acquiring employment is a critical component of the reintegration process for offenders. Employment enables individuals to gain a steady source of income while providing structure and responsibility to those facing barriers in the effort to reenter society after release. Indeed, securing employment is an integral element in becoming a productive member of the community (Visher et al., 2008). Employment also assists in the development of independence and self-reliance. Furthermore, ex-offenders encounter additional burdens in terms of discrimination that are based solely on their status as individuals with a past conviction (Pettinato, 2014), and they encounter adversity like that experienced by other groups in areas such as finding suitable housing, dealing with health concerns, and reestablishing interpersonal relationships while also attempting to pursue employment (Visher et al., 2008).

Most offenders released from prison desire legal and stable employment. Indeed, several criminal justice research studies have found that securing and sustaining a legitimate job can lessen former prisoners' opportunities for reoffending. Further, research has indicated that the higher the salary an ex-offender receives, the less likely it is that the ex-offender will revert to previous criminal activities. By the 8th month after release, offenders remain unemployed (Visher et al., 2008).

A primary justification for increased rates of mass incarceration in the United States is that confinement lowers recidivism by teaching offenders that "crime does not

pay.” This logic is based on the viewpoint that imprisonment is distinctively unpleasant and has a higher personal cost compared to noncustodial sanctions. Most criminologists, however, maintain a position that imprisonment is not simply a punishment, but also a social experience that magnifies illegal activity (Cullen et al., 2011). Based on the evidence-based practice approach, there is little evidence to support the effectiveness of incarceration in terms of the reduction of recidivism, whereas there is at least some verification of a criminogenic effect (Cullen et al., 2011).

A limited amount of literature has focused on research regarding recidivism as it pertains to offenders’ subsequent punishment and how preventative measures taken by third parties might decrease the recidivism rate and influence cooperation. Sustained employment is a crucial factor in transitioning from prison to the community for released prisoners (Berenji et al., 2014). Anecdotal data have revealed that many ex-offenders undergo extreme difficulties in securing employment upon their release. However, little data are available regarding the employment experiences of former prisoners or the characteristics of past prisoners who have succeeded in obtaining a job (Berenji et al., 2014). Individual factors that increase the likelihood of successful employment include consistent work history prior to incarceration, collaboration with employers before release, and orthodox familial relations (Berenji et al., 2014).

Chapter 2 outlines the purpose of the study in relation to topics applicable to individuals with criminal backgrounds during their reintegration progress into their communities. Felons are highly vulnerable to the negative stigmas and consequences of

their past judgments. Employment barriers remain the most prevalent problems during the postincarceration period. The remainder of the chapter focuses on the literature review, which includes an overview of the theoretical foundation and research paradigm guiding the study and the strengths and weaknesses of previous research related to the phenomenon.

### **Literature Search Strategy**

The literature search strategy of this study was based on the aim of retrieving information from peer-reviewed journals, books, personal communication, and governmental data. The databases that I used for this purpose included Academic Search Premier, LexisNexis, SocINDEX with Full Text, ProQuest Criminal Justice, Bureau of Justice Statistics, and Legal Trac. Keyword searches and phrases during the search segment included *Second Chance Act*, *Work Opportunity Tax Credit (WOTC)*, *hiring practices*, *conviction*, *felony*, *attitudes*, *employers*, *unemployment*, *reintegration*, *employment discrimination*, *ex-convict*, *stigma*, *criminal justice system*, *rehabilitation*, and *barriers*. The selected words or terms were based on sound scientific data, and the presence of compelling arguments on the topic of employment barriers encountered by felons was a determining factor in article selection for this segment of the study.

### **Theoretical Foundation**

Research has not supported a single unified theory that explains recidivism among the adult male population. Therefore, in this study, I attempted to highlight stereotypes about the criminogenic population and how these characterizations create a significant

barrier to entry into the labor market. RAM, LT, and SIT share theoretical assumptions that emphasize insights into acceptance and rejection of the integrated self. The concept of stigma resistance refers to the focal point in cognitive and behavioral methods when individuals conform by either accepting or rejecting perceptions related to mental illness in their own self-identity (Stets & Serpe, 2016). Significant overlap exists in research that provides an explanation regarding the negative reaction of mental illness related to one's self-portrait and self-esteem.

### **Roy's Adaptation Model**

In RAM, human beings are thought to use a holistic adaptive system, which assists them in managing environmental changes to sustain adaptation, thereby promoting individual and environmental metamorphosis (Parker, 2012). Roy (2009, 2011) hypothesized the development of coping strategies to mitigate specific environmental modifications, whether external or internal, with a focus on adaptation (Shah, 2015). Roy (2009, 2011) posited that humans consistently interact with environmental stimuli (internal and external), which may either improve or jeopardize an individual's capability to cope. Operating under the premise that adaptation guides human beings toward the best possible outcomes (e.g., health, social) and emphasizing the enhancement of the fundamental life processes of individuals and groups, RAM provides an effectual framework for addressing the flexibility of the needs of individuals and families as well as groups (Shah, 2015).

According to RAM (2009, 2011), individual adaptation occurs in two domains (physical and psychological), which contain four modes: physiological, related to the physical domain, and “self-concept, role function, and interdependence,” which are related to the psychological domain (Maslapak, Maghsoodi, & Sheikhi, 2015, p. 2). Three types of stimuli influence adaptation: *focal* stimuli are those most immediately present to the individual, who then focuses on them; *contextual* stimuli are other co-occurring stimuli that positively or negatively impact focal stimuli; and *residual* stimuli are environmental in nature and have effects that may not be obvious (“The Nursing Process,” n.d.). These stimuli and their respective influences can be managed to encourage adaptive processes; conversely, evaluation of the adaptation that occurs with Roy’s (2009, 2011) two domains/four modes can assist in the recognition of stimuli and their impact. Maslapak et al. (2015) contended that such evaluations could help inform a more effective approach to addressing and changing maladaptive behavior.

From a biological perspective, adaptation is composed of two processes known as *regulator* and *cognator* subsystems (Rogers & Keller, 2009). The regulator subsystem entails instinctive or automatic bodily reactions through endocrine adaptation processes, which are neural and chemical. The cognator subsystem reacts to emotion, learning, information processing, and judgment; these are identified as cognitive-emotional channels. These subsystems interact; however, they are evaluated in behavioral outcomes assessed within adaptation. Adaptation is manifested when both subsystems



are stimulated and result in behavioral modification, which can be evaluated by psychosocial and physiologic methods.

### **Labeling Theory**

LT emerged from the theoretical concept of *symbolic interactionism*, wherein social reality is a rendition based on an individual continuous interaction, which permits multiple realities (Bennett & Brickley, 2014, para. 1). In this context, LT supports the idea that those with prior criminal records receive a label of deviant, which leads to stigmatization (McGrath, 2014).

Once a person is stigmatized with a deviant label, a self-fulfilling prophecy unfolds as others respond to the offender as deviant . . . [the person labeled as deviant] is attracted to subcultures which provide social support for deviance . . . [and] internalizes a deviant identity. (Braithwaite, as cited in Johnstone, 2011, p. 76)

Social control, or ways in “which society maintains social order and cohesion” (Carmichael, 2012, para. 1), informs expectations and approvals of behavior. Social control related to the characterization of criminal behavior and expected associated shame influences the corresponding response of criminal behavior (Braithwaite, 2000). According to Braithwaite (2000), *reintegrative shaming* of criminal behavior aims to maintain a continuous level of respect for the offender by separating the person from the deviant act and focusing on communication that is disapproving in nature (p. 282). Braithwaite (2000) hypothesized that the forgiving nature of reintegrative shaming

reduces the likelihood of recidivism. Stigma, on the other hand, is often permanent and unforgiving, thus increasing the likelihood of recidivism (Braithwaite, 2000). Currently, American culture relies heavily on punishments, sanctions, and stigma for social control; however, the irreversible shame and labeling of deviance is a significant impediment to offender reentry.

Traditionally, LT has provided an explanation for the probability of the escalating result of an unlawful or criminal experience by using two categories of consequences. Specifically, the initial consequences entail a transformation of individuality, whereas the secondary consequences highlight the structural impediment of a conventional existence as an outcome of a labeling event. Although labeling events include convictions and encounters with law enforcement agencies, Chiricos, Barrick, Bales, and Bontrager (2007) noted that a felony conviction is the most significant labeling event, as it pertains to the development of structural obstruction. Unemployment is a recognizable factor that influences recidivism, and society reacts to the criminal label. Following the logic of the transformation of identity, the offender then acquires a criminal identity. Stigmatizing labels of *ex-convict* or *felon* could potentially lead to depression and low self-concept stemming from social rejection, discrimination, and exclusion from conventional activities, which may make the continuation of criminal behavior appear more attractive (Shlosberg, Mandery, West, & Callaghan, 2014).

Lemert (1967) explored social deviance in two aspects, primary and secondary deviance, which are incorporated in LT. The former is initiated when the label deviant is

associated with an individual subsequent to a criminal act; however, the criminal does not yet conform to this label (Lemert, 1967). Primary deviance can be referred to as situational behavior, which may be rationalized by the actor as well as society. For example, speeding could be rationalized with a simple statement that everyone else was driving fast and displaying drunkenness in public and making obscene comments may be excused when the social audience is informed that the actor is departing from a bachelor party. However, if the behavior persists and becomes a prominent part of the actor's identity, then this is no longer considered primary deviance.

Secondary deviance occurs when an individual accepts the label and it affects their self-image (Brown, Esbensen, & Geis, 2015) due to the reactions of society to the individual (Lemert, 1967). Lemert (1967) elaborated on secondary deviance in that it is generated through labeling when standard exploratory actions of a child, as well as an adolescent, are viewed as deviant; therefore, the child who participated in such activities is labeled as delinquent (Asencio & Burke, 2011). Once the label becomes internalized and part of the minor child's identity, the child begins to behave accordingly, and once the label *deviant* is applied, it elicits certain responses from others, including employers and law enforcement.

In a move toward a greater understanding of LT, familiarization with Lemert's societal reaction theory would be beneficial. Lemert (as cited in Grattet, 2011) argued that sociologically, significant components of deviant conduct are not rooted in the general understanding of the deviant involvement in which certain portions never surface

to the attention or interest of others. In circumstances where others react, the outcome is a restructuring of the self (Grattet, 2011).

### **Social Identity Theory**

SIT also stems from symbolic interaction and its structural version. The SIT explanation is a set of interpretations of identity based upon one's social position (Ascencio & Burke, 2011). Identities function by analyzing perceptions in the way one is perceived in circumstances, in a mistake or even a discrepancy, in that the outcome serves as a model for behavior (Ascencio & Burke, 2011). According to SIT, individuals experience a strong desire and even the necessity to feel good about group memberships, which helps the development of a positive social identity. As a result, these social identities have implications for an individual's value or self-esteem. People have particular strategies readily available to preserve their positive social identity (Prooijen, 2009).

Stigma is instrumental in producing and reproducing relationships in terms of control and power; thus, the position of stigma leads members of some groups to feel devalued in contrast to a feeling of being valued in others, which is inherently discriminatory. The differentiation among action/theory, thinking, and practice certainly should be conceptualized to a more complex form of praxis (Parker, 2012). Arguably, a more transparent understanding of stigma from an approach toward social inequality is necessary, and thus stigmatization and biases can be entirely understood if society expands their thought patterns regarding an individual or group progress toward social

exclusion and the dynamics that generate and reinforce exclusion in various settings (Parker, 2012).

### **Literature Review Related to Key Variables and Concepts**

This study explored the relevance of employability among ex-offenders, current governmental programs geared toward assisting ex-offenders in their reintegration into society, and ex-offenders' attitudes and explanations toward reoffending and employers' willingness to offer a second chance by way of employment toward this population.

“According to the Sentencing Project conducted in 2018 (as cited in Weidner & Schultz, 2019) the United States has the highest rate of incarceration in the entire world”. For the majority of the 20th century, the U.S. incarceration rate remained steady at 110 per 100,000 individuals (as cited in Weidner & Schultz, 2019). However, during the 1970s, the total inmate population (prison and jail) began to climb drastically, and the early 1980s saw the incarceration rate increase significantly to 220 per 100,000 persons, which equated to approximately 503,000 individuals (as cited in Weidner & Schultz, 2019). By 2016, there was over a 300% increase to a rate of 670 per 100,000 persons (as cited in Weidner & Schultz, 2019). This unparalleled increase in the number of incarcerated individuals is commonly known as *mass incarceration*. This profusion was not due to higher crime rates but rather to the increase in the number of people convicted of drug-related offenses who often received longer sentences (Weidner & Schultz, 2019).

In 2013, the prison or jail population sat at approximately 2.5 million individuals in which nearly 7 million were being supervised under some sort of state regulations

(Koschmann & Peterson, 2013). During this time, 95% of those in the criminal justice system were released back into society, with the majority serving 12 months or less of incarceration time (Koschmann & Peterson, 2013). In 2018, over 2 million individuals remain incarcerated in the United States, and on an annual basis over 600,000 will be released back into the communities. Of this released population, at least 1/3 will reenter the penal system at some point. Research suggests that a criminal background is a hinderance to employment and aggravates economic discrepancies, which is instrumental to recidivism. Research further indicates that former prisoners encounter enormous difficulties in securing formal employment after incarceration. Per each incarceration year, the offender's income range is reduced by 12% and future subsequent income growth can be decreased by 30% (Looney, 2018). Released individuals will encounter significant disadvantages as they reintegrate back into the communities (e.g., limited employment eligibility, restricted welfare assistance, the possibility of parental rights being abolished, and untreated mental health and addiction issues). The majority will return to committing crimes resulting in incarceration, as they are unprepared for reentry into society. This entire process creates a huge burden on society and the federal budget. Across the political spectrum, there is a consensus that prisoner reentry is one of the prominent challenges facing the criminal justice system (Koschmann & Peterson, 2013). In 2018, the U.S. Department of Justice provided statistics pertaining to the recidivism rate among state prisoners after following a sample of 412,731 released prisoners in 30 states in 2005. Approximately 77% of prisoners reentered society during the year, but

45% were rearrested within the first year of release. During the second year, another 16% were rearrested, 8% were rearrested in the third year, 11% were rearrested in each of the 4th and 5th years, and 4% were rearrested 7–9 years following their original release in 2005. In general, nearly 70% were rearrested within 3 years, 80% within 6 years, and 85% by the 9th year (Clarke, 2019)

Although there has been a surge of interest in the topic, significant gaps remain in our comprehension of prisoner reentry. According to Travis (as cited in Bender, Cobbina, & McGarrell, 2015), newly released prisoners first experience *invisible punishment*, such as difficulties in finding adequate housing, securing employment, receiving mental health and substance abuse treatment, and remaining compliant with their conditions of supervision. High-risk offenders (due to their susceptibility to commit further crimes) face additional hurdles to surmount during this time. Few studies have explored the particulars of the reentry challenges experienced by high-risk offenders (including the felony population) despite their propensity to reoffend. Secondly, the assessment of recidivism has underscored the importance of treatment and rehabilitation programs. However, previous researchers have vastly neglected the subjective perspective of formerly jailed individuals regarding the delivery of reentry programs (Bender et al., 2015). This segment of neglect is perplexing because perceptions of legitimacy within and of the criminal justice system have demonstrated an effect with abiding with the law, which may affect program participation as well as postrelease outcomes (Bender et al., 2015).

As previously mentioned, the reintegration phase of the formerly incarcerated offender presents enormous obstacles, including the burden of explaining to employers the reasons for gaps in employment, criminal history, and the inconsistencies of addresses. Research indicates that the recidivism rate is highest among previously incarcerated offenders. Freeman (as cited in Chintakrindi, Porter, Kim, & Gupta, 2015) reported that approximately two thirds of released inmates have another encounter with the law, resulting in a rearrest with one third facing incarceration. Sung and Chu argued (as cited in Chintakrindi et al., 2015) that failed reintegration into the offenders' respective communities correlates with their inability to access employment training opportunities and secure relevant employment to earn a living wage. Finlay (2009) discovered that states with open record policies that allow employers to publicly access criminal records were linked to lower earnings as opposed to states with sealed record policies and the revamping of the former offender's rights (Chintakrindi et al., 2015).

### **Unemployment and Recidivism**

In 2010, the Center for Economic and Policy Research estimated that the approximately 1.6 million unemployed Americans cost the United States \$65 billion in annual productivity. High levels of unemployment cause capital accumulation to become slow, thus reducing the rate of growth of production each hour (Gordon, 1995, p. ii). Data suggests that unemployment is considered a major component toward recidivism (Graffam, Shinkfield, & Lavelle, 2014; Nally, Lockwood, Ho, & Knutson, 2014; Rossman & Roman, 2003; Visher et al., 2008). In addition, inmate reincarceration is one



of the primary reasons for the growing cost of prisons among numerous states (Ehisen, 2014). The Obama Administration (2016) estimated that 70 million of the U.S. adult population (one third) have some form of criminal background that hinders employment opportunities in various industries and occupations. A recent study indicated that approximately 70% of employers conduct inquiries regarding criminal backgrounds for its potential candidates, which is essentially twice the rate as during the 1990s.

According to the American Bar Association National Inventory of Collateral Consequences of Conviction, over 46,000 state and federal mandates limit jobs and certain licenses for occupations and businesses for individuals who possess a criminal record. Policies geared toward the betterment of employment and adequate earnings for individuals with a criminal past have the potential of reducing recidivism and enhancing their financial viability within society (Council of Economic Advisors, 2016).

In Canada, 70% of the offenders entering into the federal correctional system were classified as having an unstable work history (Scott, 2010). In terms of education, 70% of offenders lacked a high school diploma and more than 60% had insufficient knowledge of any type of skill (Scott, 2010). Further, more than 60% of offenders aged 25 years or older were unemployed during intake and this rate increased to nearly 80% for offenders under the age of 25 years (Scott, 2010).

To gain an understanding of the contributing factors leading to recidivism and to examine postrelease employment, a 5-year follow-up study was conducted with 6,561 offenders released from the Indiana Department of Corrections during various intervals in

2005 (Nally et al., 2014). The 5-year (2005–2009) follow-up study explored various types of offenders with a consideration of the 2008 economic downfall prior to, during, and after this recession. Employment records were obtained from the Indiana Department of Workforce Development regarding the offenders' employment statuses. Nally et al. found that 37% of violent offenders, nearly 40% of nonviolent offenders, 36.3% of sex offenders, and nearly 37% of drug offenders never obtained employment since their release from prison. In terms of the recidivism rate, over 45% of violent offenders, nearly 50% of nonviolent offenders, almost 55% of sex offenders, and approximately 46% of drug offenders reoffended (Nally et al., 2014). In addition, significant numbers of offenders were unemployed during the initial 12 months of release from prison. Overall, Nally et al. found a high correlation between education and postrelease employment as it relates to recidivism and nearly half of the offenders had reoffended within the first year of their release.

Graffam et al. (2014) studied recidivism over a 2-year period with a population of postrelease Australian offenders to examine reoffending rates for the entire population of 3,034 voluntary participants, as well as rates and seriousness of reoffending multiple times among a random sample of 600 participants and 600 nonparticipants. Graffam et al. concluded that assisting offenders with employment during the postrelease phase is beneficial in terms of the reduction of recidivism, with a reoffending rate of 7.46% for the population and statistically significant reduction of polyoffending among the program sample of 600 participants.

## **Second Chance Act**

Studies indicated that nearly 68% of prisoners are rearrested within 3 years of being released from the penitentiary for either felony or serious misdemeanor charges. In an effort to abolish the cycle of recidivism, the Second Chance Act was signed by President George W. Bush in 2008. This act offered federal expenditures for services such as job placement, literacy programs, substance abuse treatment, and educational services during and after incarceration. In the 2014 fiscal year, a bill was passed that funded the Department of Justice programs. This proposal incorporated \$55 million toward the Second Chance Act in addition to other monies focusing on research and correctional programs.

More than 700,000 individuals on average are released annually from U.S. state and federal correctional institutions, with 9 million moving through the local jail system (Schiffner, 2013). A recent study reported that approximately 2.2 million incarcerated Americans will be reintegrated into the community at some point following their release. It is estimated that nearly 95% of state prisoners will return to their communities one day. Of these formerly incarcerated individuals, complex challenges will accompany these individuals and certain necessities will contribute to the probability that they may return to incarceration (CSG Justice Center, 2018). Beginning in 2009, federal funding for the Second Chance Act Program has risen from \$28 million to \$85 million as of 2018. A study pertaining to recidivism conducted in over 40 states revealed that 4 out of 10 persons released from state institutions (prisons) were returned to inmate status within 3

years (CSG Justice Center, 2018). A primary objective for many of the ex-offenders is to become productive members of society. Employers' mindset of applicants with a criminal background is that they are at-risk employees as well as possibly untrustworthy employees. A study pertaining to employer biases were conducted by Holzer et al. (2004) and over 3,000 employers were interviewed across four different metropolitan areas. Findings indicated that approximately 20% of employers were adamant about not hiring an individual with a criminal background and 42% reported they were unlikely to hire such an individual (Holzer et al., 2004). The results were significantly elevated compared to the statistics of employers classified as definitely not willing or not likely to hire a welfare recipient (8%), an individual without a GED (3%), an individual with inconsistent work history (41%), or an individual unemployed for longer than 12 months (16%; Flake, 2015).

A wide range of prison reentry programs exist, which can differ significantly in terms of methodology, range, and scope. Researchers in the field of reentry have concluded the most effective programs are initiated during incarceration and are extended throughout the release and reintegration process (James, 2015). Despite the limitations of research pertaining to the effectiveness of reentry programs, data has indicated that programs that emphasize job training, substance abuse, housing, and mental health treatment tend to be effective (James, 2015).

### **Work Opportunity Tax Credit (WOTC)**

The United States has provided subsidized employment programs to disadvantaged workers for over 40 years (Dutta-Gupta, Grant, Eckel, & Edelman, 2016). One such program is the WOTC. Introduced as part of the Small Business Job Protection Act of 1996, the WOTC program was initially designed to incentivize employers to hire family members of target groups that experience employment difficulties despite their economic conditions, such as ex-offenders and welfare recipients (USDOL, 2013b). The WOTC is a selective hiring subsidy: in these cases, applicants from specific target groups are favored over other job applicants, minimizing the productivity gap among those designated groups and not among others (Scott, 2013). This is intended to bridge the gap in the willingness of businesses to hire from this target group, as they otherwise would be least likely to hire from this selection of individuals (Scott, 2013). Elective employment programs typically target populations who are considered to possess lower employability skills; therefore, the lack of productivity devalues their attractiveness in comparison to other job seekers. The criteria for ex-felons under the WOTC program include individuals with a felony conviction and the new hiring date must not exceed 1 year after the conviction date or their release (Department of Employment Services [DOES], 2015, para. 13).

The WOTC is not an accumulative contribution. Businesses are not obligated to create new jobs; therefore, rapid and slower-growing businesses will not profit from this program. Employers who would benefit from the program are labor companies that

experience a rapid turnover or businesses that are willing to terminate ineligible workers and replace them with eligible workers (Scott, 2013). Some concerns have been voiced about the possibility of businesses seeking to take advantage of employment subsidy programs like the WOTC; however, in 2001, the Government Accountability Office (GAO) issued a report that concluded *displacement* and *churning* are unlikely, and perhaps may not occur at all. Displacement occurs when an employer terminates an employee who is not eligible for a tax credit and then hires another employee who is eligible in an attempt to increase the tax credit. Churning occurs when an employee is dismissed after the eligibility for the tax credit has expired and other employees are hired to qualify for the tax credit again (GAO, 2001). Employers from two states (Texas and California) were surveyed regarding their position on displacement and churning and it was revealed by both parties that neither displacement nor churning produces cost-effectiveness.

The amount of tax credit employers can claim is based on the period of retaining the credit of the employee who meets qualification as well as the amount of salary paid to the qualified employees (GAO, 2001). Employees must remain with the employer for a minimum of 120 hours and to arrive at the maximum subsidy rate, the timespan needs to surpass 400 hours. If the 120 hours threshold is accomplished, then the organization is eligible for 25% of the wages, thus creating an incentive for the employer to retain the worker, and the employee productivity must cover at least 75% of the worker's earnings.

For most of the designated population, the credit is capped at \$2,400 per employee (Hamersma, 2014).

During the fiscal years 2002–2013, 8,694,678 WOTC certifications were issued, with 396,772 (4.56%) being issued for ex-felons (USDOL, 2014). The budget submitted by the USDOL for the 2018 fiscal year requested \$19,780,000 for funding the Employment Service National Activities appropriation, with \$18,470,000 (approximately 93%) of this figure designated for supporting the operation of the WOTC program (USDOL, n.d.). So far, approximately 18 million has been allocated by Congress to administer the WOTC program; however, within this budget, there is a diminutive amount of publicity and most employers remain unaware of these available funds (Work Opportunity Tax Credit Coalition, n.d.). Approximately \$800,000,000 has been allocated for businesses to receive a tax credit for hiring certain target populations (USDOL, 2013).

### **Summary and Conclusions**

Based on the literature review, the term offender in the workplace produces discomfort for the average employer, and despite the efforts to restore consistency and balance among government officials, there appears to be a disconnect among offenders and employment. As mentioned previously, there does not appear to be one identifiable theory to explain recidivism and the reasons males seemingly engage in criminal behavior. Therefore, this study attempted to highlight the experiences of the felony population to understand the impact of employment on recidivism, the social stigma placed on them, and the resulting barrier to obtaining employment. Further, this study

aimed to highlight the incentives for employers to be a major contributor to the reintegration process among offenders. The theoretical frameworks of RAM, LT, and SIT appear to be the most appropriate in answering the research questions for this study, as it examines the conformity of an adult male offender and the attitudes affecting the hiring process as well as how these contribute to recidivism. The subsequent chapter describes the rationale and appropriateness of the selected research method.



## Chapter 3: Research Methodology

### **Introduction**

Chapter 3 describes the appropriateness of the research design, including the research design selection and rationale, participants, instrumentation, data processing and procedures, analysis, ethical considerations, and validity. The purpose of this phenomenological design was to explore the lived experiences and perceptions of felons to understand how the occupational status of convicted felons affects recidivism. Principal to this study was an attempt to comprehend participants' attitudes, experiences, and beliefs and to endorse the meaning of employability among felons. The findings may increase understanding of the social problems that exist for offenders and theories surrounding the social perceptions, particularly of criminality, and may inform new approaches to employment among offenders and employers, resulting in positive social change.

### **Research Design and Rationale**

It is imperative that a research methodology is meaningful and is useful in answering questions. The approach for this study was qualitative. This method is primarily exploratory because it is used when analyzing data that are conveyed through human expression and behaviors in a naturalistic milieu. This study investigated potential contributions to creating or sustaining employment opportunities for ex-felons toward the goal of reducing recidivism. The research questions were as follows:

**Primary Interview Questions**

1. What barriers contributed to your struggle in being a productive member of society?
2. What factors (social/economic/personal) currently contribute to your successful reentry into society?
3. What integral role does your employment status play in being successful following release?

**Secondary Interview Questions**

4. How would you describe the current postrelease vocational and educational resources available for the inmate population postincarceration?
5. What initiatives challenge ex-felons to refrain from committing additional offenses?
6. How do ex-felons view employment as related to increasing overall self-confidence, thus leading to an optimistic point of view regarding being equipped to remain among society?

Although each participant was asked the same research questions, it was not expected that all of the research questions would be answered in depth in this study based on the probability of different levels of responses. Rather, they would serve as a guide to shape the inquiry; as unanticipated themes began to emerge, identical research questions would remain.

## **Qualitative Inquiry**

Qualitative research is an approach for social and human science exploration that involves the attempt to understand the reactions or thoughts of individuals or groups connected to a social or human issue. Lincoln and Guba (1985) referred to pattern theories as explanations, which form during naturalistic or qualitative research. These pattern theories are representations of interdependent thoughts, or parts, which are connected to a whole (Creswell, 2014).

Qualitative research has 10 primary themes: naturalistic inquiry, qualitative data, holistic viewpoint, vibrant system, inductive examination, personal contact and insight, emphatic neutrality, design pliability, unique ease orientation, and context sensitivity (Pathak, 2011). Inductive logic in qualitative research refers to the researcher seeking broad patterns or theories from a theme, asking open-ended questions, and collecting and analyzing data to form categories (Creswell, 2014). This study used thematic analysis as it relates to phenomenology, which emphasizes the human encounter in a subjective manner. Reicher and Taylor argued (as cited in Braun & Clarke, 2006, p. 549) that there is a need for the theory and method to be exerted rigorously, and such rigor rests in formulating a methodical system in which presumptions are compatible with the manner in which one conceptualizes the subject at hand. According to Holloway and Todres (as cited in Braun & Clarke, 2006), qualitative analytic methods are considered diverse, complex, and nuanced, and thematic analysis should be viewed as a foundational approach to qualitative analysis. Indeed, certain methods can be applied across a span of

theoretical and epistemological approaches and thematic analysis provides this theoretical freedom. The advantages of using thematic analysis include its flexibility, the usefulness of its research tools (which have the potential to provide rich and detailed as well as complex data), its helpful approach for working within a participatory research paradigm (as the subjects are collaborators), and its potential for producing unforeseen insights and for emphasizing similarities and differences throughout the data set. It is vital to conduct research in a rigorous and methodical manner to produce a meaningful and expedient result. A rigorous thematic analysis can yield insightful as well as trustworthy findings. In addition, thematic analysis can be used over a wide span of epistemologies and research questions. It is a procedure for analyzing, organizing, identifying, describing, and reporting themes within the data (Nowell, Norris, White, & Moules, 2017).

Qualitative approaches, such as ethnography, case study, and narrative, all have similarities in terms of using data collection processes, which also include various degrees of interviews, observations, and documents. Research may also appear similar when the unit of analysis is a single individual; however, the type of data collected as well as how data are analyzed will produce a variance (Creswell, 2006). In narrative research, the researcher's emphasis is on the story of the participant, then on arranging the account chronologically. The focus of ethnography is on setting the participants' stories within the context of their culture. In a case study, an individual case is generally chosen to illustrate an issue, and the researcher collects a detailed account of the setting of the case (Creswell, 2006).

The above approaches also differ in primary objectives in terms of examining a life versus generating a theory or providing a description of the behaviors of a cultural group. One very technical difference between thematic analysis and narrative is that narrative does not usually explore coding strategies but instead focuses on a sequence of story experiences as well as the use of language (Longhofer, Kranke, & Townsend, 2010).

Variances are also evident among other analytic methods, such as grounded theory and interpretative phenomenological analysis, through which researchers seek to delineate patterns across qualitative data in comparison to thematic analysis. Although grounded theory and interpretative phenomenological analysis involve a search for patterns in data, both are theoretically bounded. As suggested by Smith, Jarman, and Osborn (as cited in Braun & Clarke, 2006), interpretative phenomenological analysis is fused to a phenomenological epistemology, which gives occurrences priority. Grounded theory occurs in various versions. According to Strauss and Corbin (1990), grounded theory relies on theoretical sampling, which occurs during data collection. Data collection and analysis procedures run parallel. In other words, additional data collection is grounded in previous analyses (Khan, 2014). Thematic analysis offers flexibility for the onset of data analysis at any time. According to Frith, Gleeson, Hayes, and Halldorson (as cited in Alhojailan, 2012), thematic analysis provides flexibility because it approaches research patterns in two ways (i.e., inductive and deductive). Additionally, in contrast to interpretative phenomenological analysis, narrative, and other methods (e.g.,

discourse and conversation analysis), thematic analysis is not linked to any preexisting theoretical framework; therefore, it can be used within various theoretical frameworks to enhance various analyses based upon a set of core skills. A good thematic analysis provides a theoretical position that is transparent (Braun & Clarke, 2006).

To establish richness within the data, the data collection phase is vital in gathering various kinds of sources to expand distinct theories. Data can be collected through focus group discussions, interviews, documents, and observations. Egan (2002) emphasized that data collection is a continuous process that entails creativity and receptiveness as well as devotion of understanding and interpretation of the data collected on behalf of the researcher. The data are presumably collected using a broad-based, unstructured method during the beginning stages; however, as the research proceeds, the central themes develop in greater depth, and the data collection become more structured (Chong & Yeo, 2015). This structure evolves from the thematic analysis of the interview contents. Thematic analysis is grounded in naturalistic inquiry, which involves recognizing patterns and themes. Rather than following a linear progression from one stage to another, thematic analysis is a more algorithmic procedure, where flexibility is performed throughout the phases of reevaluating theories and research designs (Braun & Clarke, 2006).

The terms *validity* and *reliability* are typically not linked to qualitative research; rather, *trustworthiness* is used to describe the qualitative procedure toward the production of a true understanding of a circumstance. This understanding is not generated from the

analysis of measurable data, but from comprehension of meaningful individual dialogue or observation derived from the extrication of themes from the data (McCaffrey, 2012). Lincoln and Guba (1985) introduced the term *trustworthiness* for interpretation of qualitative research and for establishing a foundation to understand the value and quality of a qualitative study. The four evaluative measures of trustworthiness are dependability, credibility, transferability, and confirmability, and each of these measurements should be examined when critiquing qualitative research (McCaffrey, 2012).

### **Role of the Researcher**

The role of the researcher is a vital component of a study. A primary challenge is aimed at acknowledging data saturation or when new data are no longer prevalent in the data analysis. Novice researchers, such as students, often assume that bias has been removed in their data collection; therefore, they often fail to recognize when the data have become saturated. Furthermore, because it is impossible to completely divorce oneself from one's unique perspective and worldview, the biases and attitudes of the participants and researchers will be reflected in all social research, deliberately or unintentionally (Fields & Kafai, as cited in Fusch & Ness, 2015, p. 1411). In qualitative research, a personal lens refers to the perspective of the researcher as the data collection instrument, who is unable to part him- or herself from the study (Jackson, 1990). In other words, the researcher operates in multiple worlds while involved in the research, which entails the cultural aspects of the world of the study participant and one's own perspectives based upon personal experience (Denzin, 2009).

Various authors have structured diverse forms of qualitative research in a relatively distinctive manner, such as Creswell (2012), who identified five *traditions* of qualitative research: case study, biography, grounded theory, phenomenology, and ethnography. A keen disparity exists between phenomenological and traditional approaches to psychological research in their philosophies. Phenomenology entails a bracketing of presumptions and a dedication to description that differentiates it from rationalist, postempiricist constructivist, censorious, and relativistic approaches (Wertz, 2005). In addition, phenomenology (in contrast with other approaches) is focused on the establishment of themes within the data. This acutely contrasts with Mayr (e Silva & Teixeira, 2012), who was transparent in his classification of five modes of the evolution of science into chronological, problematic, biographical, lexicographic, sociological, and cultural histories. Most of the histories of science amalgamate features from different methodologies, creating complexity in conceptualizing the various classifications to show the evolution of science (e Silva & Teixeira, 2012).

No relationship existed between the participants and me prior to the beginning of the study. I did not foresee that the participants would already be known to me. Although the research questions did not directly relate to criminal activity, I understood my professional and legal obligation to report to the appropriate authority if new criminal activities were disclosed during this study. Participants received a \$15.00 Visa gift card for their participation in this study.



## **Methodology**

### **Participant Selection Logic**

I used nonprobability sampling to select five to eight adult males ranging in age from 21 to 60 years who were currently on adult community supervision (probation) and identified as felons. Cases were selected from the Brazoria County Community Supervision and Corrections Department offices (i.e., from one county near Houston, Texas), which serves five District Criminal Courts and four County Criminal Courts with supervision and services for approximately 3,000 felony and misdemeanor offenses.

Employment status was examined to determine recidivism predictability. I used judgmental sampling in the selection process with a specific purpose as it related to this phenomenon. Felons were more suitable for this study as compared to other criminogenic populations, as felony offenses are the most serious offenses and usually incur a punitive sentence of imprisonment for a period of longer than 1 year (“Felony,” n.d.). Numerous organizations designed to assist felons during reentry into society exist in every state, as evidenced by a list on [helpforfelons.org](http://helpforfelons.org).

Research on human subjects is vital for the progression of medical science, in that knowledge gained in this manner has expanded the ability to treat acute diseases. However, research pertaining to humans must be conducted with consideration of the ethical dimensions of the experiment and the appropriate procedural methods to ensure good science. The protection of humans in studies is of primary concern and has been given great consideration pertaining to ethical conduct in research due to the risk of the

research (in general) being undetermined (Kim, 2012). Indeed, minorities, people confined to institutions, and other populations may be considered vulnerable (Smale, 2010). The courts typically grant probation to low-risk offenders based on the offender's criminal history and the nature of the crime; therefore, a minimal risk of harm during the interview process was anticipated.

### **Instrumentation**

Qualitative research is considered a naturalistic approach that researchers use to seek understanding of an occurrence or phenomenon in a context-specific milieu; thus, in a real-life environment, the researcher puts forth no effort to manipulate the occurrences of interest (Patton, as cited in Golafshani, 2003, p. 600). Typically, reliability is a concept used in the evaluation of quantitative research (as it is often used in all areas of research). A high-quality qualitative study can help researchers gain a level of understanding of a circumstance that would otherwise be considered mysterious or bewildering (Eisner, as cited in Golafshani, 2003, p. 601). Validity and reliability, when tied into research design as well as data analysis, can help convince readers that research findings are worthy of attention (Lincoln & Guba, 1985). The quality of research in each model should be evaluated in its own paradigm idiom (Healy & Perry, as cited in Golafshani, 2003). For instance, in qualitative paradigms, confirmability, credibility, transferability, and consistency are critical criteria regarding quality (Lincoln & Guba, 1985). In qualitative research, the assurance of reliability lies within exploring trustworthiness (Golafshani, 2003).

Validity in research involves the interpretation of the observation, in that the researcher names the intended measure correctly (Kirk & Miller, as cited in Golafshani, 2003). Although validity is not used by all qualitative researchers, concerns regarding the credibility of interpretation are similar in all domains of qualitative research (Silverman, 2016).

In qualitative research, interviewing is considered the most familiar format for data collection. According to Oakley (as cited in Jamshed, 2014), interviewing in a qualitative framework is a method in which practices and criterion should be recorded, reinforced, challenged, and achieved. All interviews are composed of structure, and most qualitative research interviews are in-depth, semistructured, or mildly structured (Jamshed, 2014).

Semistructured interviews are broadly utilized by various health professionals when conducting research and consist of predetermined open-ended questions. In-depth interviews are employed as the interviewing format with an individual or at times in a group. Each interview occurs once with an average duration of between 30 minutes to 1 hour. The semistructured interview contains a structured interview guide, which is a diagrammatic arrangement of questions or subjects that should be explored by the interviewer. In the interview guide, the questions consist of core questions and many other related questions linked to the central question (Jamshed, 2014). To capture the interview material efficaciously, recording the interview would be considered appropriate. The recording process tends to assist the interviewer in maintaining focus on

the interview content and verbal prompting, which will, in turn, provide the transcriptionist a “verbatim transcript” (Jamshed, 2014, p. 87). Observation is also a qualitative research method. Observation not only encompasses the observation of the participant, but also the ethnography and the study within the field. In this type of research design, various study sites are involved.

This study utilized a semistructured interview format. Questions were prepared beforehand in the form of an interview guide containing a list of widespread concepts to be addressed with each informant. The interview guide was used strictly for establishing a reminder for the interviewer to ask certain questions. One key strategy for interviewing is determining when and how to probe (Taylor, Bogdan, & Devault, 2016). The general method for qualitative interviewing is to ask open-ended and descriptive questions related to general subjects, wait for individuals to discuss relevant experiences or what they consider significant aspects of their lives, probe for experiences in their lives, and obtain their perspectives. Throughout the interview process, I followed up on issues that arose from the discussion through specific questions, offered ongoing encouragement for the informant to provide specific details, and consistently pressed for clarification of comments (Taylor et al., 2016).

### **Procedures for Recruitment, Participation, and Data Collection**

After permission was granted by the probation office of individuals who met the inclusion criteria, I mailed an introductory/invitation letter (Appendix A) or called with an invitation to participate in the study. The invitation letter informed participants of the

procedure and the purpose of the study and asked about their availability and willingness to take part in the study. Once all interested participants responded to the invitation letter, an interview was scheduled either before or after the individual's on-site meeting with the probation officer or another local agreed upon location and time. When interviews were conducted on-site, a room was reserved for convenience and privacy.

The participants provided their informed consent during the face-to-face interview. I discussed the contents of the consent form and obtained signatures of participants willing to move forward in participating in the study. All participants must agree to participate voluntarily in the research unless waived by certain federal regulations. An individual with a court-appointed legal guardian or one who has been deemed incompetent by the court is not eligible to sign an informed consent. The determination is the responsibility of the legal system. At the onset of the interview, I explained the purpose of the study and benefits and/or risks of involvement in the study to the participants and provided contact information for myself. Participants acknowledged their consent to participate in the study by signing the informed consent form. A second interview was conducted approximately 1 month from the date of the first interview to substantiate the findings. The objective of a follow-up interview is to validate findings for authenticity, originality, and reliability. Transcription is essential in qualitative studies; however, there is a variance of transcription methods. I provided a verbatim transcription from the audio recording that captured the participant's exact words and expressions. This method is highly regarded in qualitative research.

Validation of the themes was extricated from the transcripts. The participants selected from the validation procedure adhered to the ethical standards outlined in this study. The second interview was conducted in the same manner as the first to further promote the validation process in portraying the individual experiences of each participant. For content analysis, a series of structural codes were applied to the data. Each distinct question, as well as its corresponding probes, were given a code associated with the question or its subsequent response. The code was utilized to alleviate research bias. I took reasonable steps to clarify any misconceptions the participants may be experiencing by offering a debriefing section after the recruitment procedure.

### **Data Collection**

In-person interviews were utilized in this study. Based on the interviews collected, some secondary data (e.g., state and/or national statistics, community reports) were also collected. I collected all the data. Validity in qualitative research signifies appropriateness of the instrument, data, and the process. The selected methodology is appropriate for replying to the research question. The design is valid as it relates to the methodology. Sampling and data analysis were also determined to be appropriate, and the conclusion and results are valid to the sample as well as the context (Leung, 2015). In evaluating validity in qualitative research, the challenge can begin with the ontology and epistemology of a problem that is being analyzed, such as the idea of individuality. Qualitative data collections procedures pertaining to an individual's well-being will have a conclusion with varying validity. The chosen methodology should allow detection of

the findings in a suitable context for it to be considered valid and culturally and contextually variable (Leung, 2015).

All interviews were recorded and saved on a secured, password-protected flash-drive. All notes and transcriptions related to interviews were saved on the same secured flash-drive. Each interview was transcribed no later than 5 days following the interview to ensure timely completion of this potentially time-consuming task (Braun & Clarke, 2006) and to inform upcoming interviews. All interview documents (i.e., recordings, notes, transcripts, etc.) will be stored on the secured, password-protected flash-drive for 5 years, after which time they will be destroyed.

The data were collected via one-on-one interviews. The focal point of the interview consisted of the criminal background of each participant to comprehend a complete account of the experiences that the participants have lived through. The interview also focused on how a criminal background may have been a contributor to the challenges leading to employment and ultimately recidivism. This interview process included establishing rapport, reviewing and signing informed consent forms, collecting data, and a follow-up interview.

The setting for the interview was a private meeting room approved beforehand by the Brazoria County Probation Department to preserve confidentiality. As mentioned, each interview was scheduled in relation to the scheduled office visit with the assigned probation officer for the convenience of the participant. The duration of the interview

was between 30 minutes and 1 hour. Each interview was audiotaped and transcribed within 5 days following the interview.

According to Giorgi (2009), it is sagacious to reword the interview from the first person to third prior to proceeding with the data analysis, as this will assist in providing the researcher with a better focus of the phenomenon (Englander, 2012).

### **Data Analysis Plan**

The objective of qualitative analysis is to elucidate the data, resulting in themes, and to facilitate comprehension of the experience being analyzed. Interpretative analysis is typically viewed in three primary phrases as outlined by Sargent (2012). The occurrence of the three stages (deconstruction, interpretation, and reconstruction) transpires following the preparation of data analysis (e.g., after transcribing the face-to-face interview and confirmation of transcripts with the audio recording).

Deconstruction involves breaking down the information into parts to view the content. It is a requirement to read and read again the interviewed transcripts and then disintegrate the data into classifications or codes that are descriptive of the content. Interpretation occurs after the previous stage, deconstruction, and involves understanding the coded data. Interpretation is a comparison process among the categories and codes across transcripts and variables that are considered significant to the phenomenon. Reconstruction entails recreating the important codes and themes in a fashion that exhibits the connections and insight derived from the interpretation stage, which provides an explanation more openly despite existing knowledge and a theoretical viewpoint.



The influence of conceptual frameworks and research questions gives rise to plans for sampling and instrumentations. Thematic analysis requires the researcher to conduct a detailed inquiry across a set of data to identify patterns (Braun & Clarke, 2006). Rather than using the research questions or interview questions as themes, the researcher must allow larger themes to emerge. The initial coding scheme is typically affected by the research questions; it develops and iterates consistently as additional coding is carried out. Generally, the procedure is to build an exploratory, descriptive, and ordered format with the objective to answer the research question. Coded data are entered, and then conclusions of a descriptive sort are drawn and confirmed. With these conclusions at hand, explanatory displays can be developed, coded data can be entered, and explanatory conclusions formulated (Miles, Huberman, & Saldana, 2014).

For thematic content analysis, the researcher begins with immersion into the interview data to become fully familiar with the qualitative content and to begin to perceive potential patterns of meaning and themes (Braun & Clark, 2006). Notes will be taken to facilitate the development of more structured and formal codes, and transcriptions will be accurately produced, which will further allow the researcher to become familiar with the data. Initial codes will be generated to identify the content of interest and to allow the researcher to “organize data into meaningful groups” (Tuckett, as cited in Braun & Clark, 2006, p. 18). Once groups emerge, overarching themes will encompass the individual and grouped codes and related data and will be organized and defined to produce a meaningful and data-rich analysis and report of the interview data.

### **Issues of Trustworthiness**

Quantitative researchers employ statistical methods in constructing validity and reliability in research findings; however, qualitative researchers' objectives are to design and integrate methodological approaches to establish the trustworthiness of the findings (Nobel & Smith, 2015). Such strategies will include the following: considering personal biases that potentially could have affected the findings; interaction with other researchers to minimize the biases of the research, including sumptuous verbatim description of the respondents' accounts to confirm the findings; a manifestation of clarity as it relates to thought processes during data analysis and subsequent exegesis; and seeking similarities and differences across accounts to establish a variance among the perspectives being represented (Nobel & Smith, 2015). The reliability of the content analysis will be conducted through a process called intercoder reliability, which occurs when multiple independent coders are in agreeance with the actual coding of the subject matter. In conclusion, it is vital that all qualitative researchers include strategies to increase the creditability of the study during the research design process and application. Although there is no globally accepted terminology and criterion utilized in examining qualitative research, the above highlights some strategies that will enrich the creditability of the findings (Nobel & Smith, 2015).

Although several criteria exist for trustworthiness, one standard form of validation completed in this study was a process called substantive validation. Substantive validation relates to the question of *substance*, as researchers evaluate their

biases and ponder over changes during the engagement of the research topic as well as the context and recording of the results. As stated by Smith and Van Manen (1990), a narrative of interpretivist research may possess compelling, robust, and cogent evidence for the deliberate audience.

Another strategy I used to ensure verification of the findings and achieve a preeminent level of confidence was verification checks, as identified by Moleong (2007). These verification checks included the following: triangulation, member checks, and peer debriefing. To ensure that the participant perspectives were properly disclosed during the data interpretation phase, the above checkpoints were implemented. First, the data was verified through a process called triangulation. Triangulation assists the researcher in minimizing biases and by cross-examining the probity of the responses by the participants. Secondly, the member checks strategy was utilized for the improvement of the quality of the data. Member checks consisted of direct questions to the subject regarding the content organized by the researcher (Moleong, 2007). I ensured that the participants were given the opportunity to confirm the data collection, categorization analysis, interpretations, and conclusion regarding their description of the phenomenon. The final verification check completed was peer debriefing. I discussed the study with colleagues who are knowledgeable and possess the necessary experience in the field under study for discussion, feedback, and criticism. According to Moleong (2007), a specific formula does not exist for the organization of peer debriefing; however, it is

recommended that the colleague is scholarly in the field regarding content and methodology.

The following highlights how I addressed Lincoln and Guba's (1985) standards for establishing trustworthiness during each step of the thematic analysis.

**Step 1. Familiarizing myself with the data.** This process included extending commitment with the data, recording theoretical and cogitative thoughts that developed while immersing in the data (includes interests, values, increasing discernment regarding the topic), documenting preexisting thought patterns regarding themes/codes in the form of notes, stockpiling raw data in an organized manner and analyzing coded data in NVivo, and maintaining documents of all field notes and transcripts.

**Step 2. Generating initial codes.** A thematic network was used to organize codes as well as themes for a deeper meaning of the data; themes that emerged were investigated with consideration of the patterns that are underneath. Peer debriefing was also utilized at this stage.

**Step 3. Seeking themes.** This process included sorting and accumulating all the possible relevant coded data extracted into themes.

**Step 4. Reviewing themes.** I reviewed the data and coding to identify themes and then classified the data into themes. This classification was then reviewed to ensure it made sense.

**Step 5. Describing and identifying themes.** I utilized triangulation, peer debriefing, and documenting theme names.

**Step 6. Finally, producing the report.** Following member checking and peer debriefing, an account of the theoretical, methodological, and analytical decisions across the study were compiled (Nowell et al., 2017).

I also clarified my partiality by documenting my experiences and assumptions as they relate to the topic to ensure integrity for my reasoning in selecting such a topic. I also confirmed that my biases did not influence the data interpretation stages of this study.

### **Ethical Considerations**

Ethics is interested in the morality of human conduct. In terms of social research, it refers to the moral deliberations, choices, and accountability of the researcher during the entire research procedure. Ethical behaviors are governed by ethical principles (Miller, Birch, Mauthner, & Jessop, 2012). Ethical research is propelled by the following principles established by the Belmont Report (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979): respect for persons, beneficence, and justice. These principles must be applied throughout the research process, from study design to data collection and analysis to presentation of findings (Miller et al., 2012).

The Office for Human Research Protections within the U.S. Department of Health and Human Services (n.d.) has developed guidelines for protecting human research

subjects, and even greater protections for populations deemed vulnerable, such as children, individuals with mental illness, and prisoners. Research conducted within the penitentiary system, and particularly research conducted with prisoners at increased risk (such those with mental illness), presents ethical and logistical challenges and responsibilities. Proposed studies with incarcerated populations must be reviewed and approved by the Institutional Review Board (IRB) of the correctional facility, and correctional IRBs must contain at least one member who is actually a prisoner or an associated representative of the prisoner population (Ahalt et al., 2017).

Numerous inquiries have been made concerning whether ethical research can truly be conducted with correctional inmates, given that an environment of forced incarceration may inevitably undermine independent and autonomous participation of prisoners in research studies. Nonetheless, there is increasing demand for “research conducted with and on behalf of correctional populations” (Ahalt et al., 2017, p. 862) in support of decreasing disparate health outcomes.

This study employed human subjects and therefore followed the ethical principles of respect for persons, beneficence, and justice. To safeguard confidentiality, the identities of all ex-offenders were anonymized. Participants received a \$15.00 Visa gift card for their participation in the study, as payment serves as a fair influence of choice. This fair reimbursement is a representation of the contribution and efforts on the part of the participants.

## Summary

The primary objective for utilizing a qualitative design for this study was to explore the lived experiences of felons to understand how the occupational status of convicted felons impacts recidivism within the State Judicial Probation System in the Texas courts. The methodological framework navigating this study is phenomenology. Phenomenology was utilized in this study to reach the quintessence of the individuals' lived experiences related to the phenomenon while comprehending and elucidating the phenomenon (Cilesiz as cited in Yuksel & Yildirim, 2015) of felons' perceptions of the employment challenges with an existing criminal background. The focal point of this chapter was on the context of the study, profile of the data analysis procedures, coherency and sequential steps in data collection, recruitment procedures, role of the researcher, measures taken to safeguard the participants, and inclusion criteria. The studied data will provide insight pertaining to the reduction of recidivism based on their employment status. Educating incentives programs, courts, and community supervision organizations regarding the barriers potentially could be a determining factor in reducing recidivism.

Five to eight adult males ranging between the ages of 21 and 60 who are identified as felons due to having a felony conviction on their criminal background were asked to participate in the study. I utilized open-ended questions during in-depth interviews to seek understanding of the experiences of the felons regarding employment challenges when faced with the reality of having a history of being convicted of a crime. Initial contact consisted of participants asking questions and reading and signing the

consent form. All data were transcribed and transmitted into NVivo for organization and analysis of the data. Furthermore, bracketing was utilized in this study to bring to the forefront researcher subjectivity and assumptions as it relates to how impactful this may be when interviewing participants. Overall, this study provides a detailed thematic analysis related to lived experiences and descriptions of barriers as a pathway toward recidivism. The results of the study are presented in Chapter 4.



## Chapter 4: Research Findings

### **Introduction**

The purpose of this phenomenological study was to explore the lived experiences of felons to understand how the occupational status of convicted felons impacts recidivism. Of paramount importance in this study was the attempt to comprehend attitudes, experiences, and beliefs and to endorse the meaning of employability among felons. A felony conviction on an individual's criminal background report generates certain perceptions and attitudes within society, particularly among employers. Participants were cooperative in answering questions pertaining to their interpretations of employability when confronted with a felony background. Each interview question allowed the participants to respond in an open-ended manner. I used NVivo in the analysis of textual data. The research questions that guided this study were categorized as primary and secondary questions as follows:

Primary:

1. What barriers contributed to your struggle in being a productive member of society?
2. What factors (social/economic/personal) currently contribute to your successful reentry into society?
3. What integral role does your employment status play in being successful following release?

Secondary:

4. How would you describe the current postrelease vocational and educational resources available for the inmate population postincarceration?
5. What initiatives challenge ex-felons to refrain from committing additional offenses?
6. How do ex-felons view employment as related to increasing overall self-confidence, thus leading to an optimistic point of view regarding being equipped to remain among society?

In Chapter 4, I describe the data collection process, data analysis, and evidence of trustworthiness as outlined in Chapter 3. A data coding system was employed, and themes emerged with the use of NVivo software, which helped me to work methodically and with thoroughness.

### **Setting of the Study**

In-person interviews were conducted with each participant at the Brazoria County Community Supervision and Corrections Department (adult probation). A private room was arranged for the purpose of protecting confidentiality and preserving autonomy. Each participant demonstrated alertness, as evidenced by consistent eye contact and sitting in an upright position for the duration of the interview. All participants agreed for the interviews to be audio recorded, and no participant opted to omit any questions.

### **Demographics**

Six participants were interviewed for the purpose of this study. Each participant had previously appeared in court within the same county and had been charged with a

felony offense. Each participant had been sentenced to community supervision, but the length of terms varied based on the range of punishment and agreement between the participant and the courts. Each participant was assigned a pseudonym to maintain confidentiality during the interview process. This same pseudonym method has been used throughout the reporting process for the data. All participants were adult males ranging in age from 24 to 51 years. All study participants met the criteria for participation, with the exception of one who reported deferred adjudication; however, he was included in the study because he reported employment challenges equivalent to those associated with a current felony conviction. Specifically, the participant reported felony supervision deferred adjudication on community supervision for a felony offense. In terms of race, three participants were African American, two were Caucasian, and one was Hispanic. Only one participant, a Caucasian male, reported having a background that included any type of formal occupational skills. Four of the participants reported their current work status as unemployed; one reported self-employment, although work was inconsistent; and one reported current employment with a particular company for a length of 5 years.

### **Data Collection**

Walden University granted permission to proceed with the study prior to the initiation of data collection (IRB approval number 11-05-18-0223974). I interviewed all six participants at the same location (probation department) and in the same private room. The duration of all participant interviews averaged 30 minutes. I explained and read the

Interview Consent Form to each study participant prior to obtaining the participant's signature and contact information. All participants were given the opportunity to ask any questions they had before proceeding with the interview. Each participant agreed to be audio recorded without any hesitation. Participants were also given the opportunity to review the transcript from their own audio recording and edit any areas (pertaining to their responses) as they wished. Initially, I manually transcribed four out of the six audio recordings and reviewed the others thoroughly after retaining an agency to transcribe the audio recordings. Based on the lack of quality from the agency, I subsequently transcribed all six audio recordings. Furthermore, NVivo was used to assist in classifying, sorting, and analyzing the data.

### **Data Analysis**

As discussed in Chapter 3, bracketing or epoche was used in this phenomenological study. Bracketing involves the temporary exclusion of the researcher's existing individual partisanship, assumptions, and preconceptions regarding a particular phenomenon to move directly toward a refined and burdenless perception of what it is essential (Lin, 2013). Researchers are to adopt an ecological attitude and remain constant with an intersubjective attitude by bracketing previous personal knowledge so that the emphasis is on the phenomenon currently visible in their consciousness (Skea & Phil, 2016).

Throughout the analysis process, I was cognizant of my own personal biases and experiences in having worked in the past with members of the criminogenic population,

particularly felons. In reviewing the data, I used thematic analysis, as it is the most suitable approach when seeking discovery through interpretations. The objective of thematic analysis is to recognize themes (i.e., patterns that are vital or interesting within the data). These themes are used in addressing the study or in revealing something about the subject or issue. An adequate thematic analysis elucidates and makes some sort of sense of the data (Maguire & Delahunt, 2017). I employed the six analytic steps of thematic analysis according to Maguire and Delahunt (2017):

1. I familiarized myself with the data.
2. I produced initial codes.
3. I explored and sought themes.
4. I reviewed the themes.
5. I provided a definition and named the themes.
6. I generated a report.

In the task of describing a general aspect of a phenomenon, the researcher is to eradicate all components that fail to relate directly to the conscious experience. This elimination procedure requires the reduction of the data into meaning units and/or horizons. In other words, phenomenological reduction cleanses the raw data. A major element of this process is the researcher's effort to eliminate repetitiveness and overlying or vague expressions (Yuksel & Yildirim, 2015). I used thematic clustering to generate an essence of the theme, which is essentially an accumulation of the core themes of the

experiences. In this process, the researcher clusters and thematizes the core themes related to the experience (Yuksel & Yildirim, 2015).

Creswell (2014) described coding as an analysis process in which text data are dismantled to examine what is yielded prior to placing the data back together in a meaningful manner. Coding involves a process of mapping data that includes an outline of contrasting data, which permits the researcher to make sense of the data in relation to the research questions (Elliott, 2018).

I used the coding system in NVivo (developed by QSR International) for accumulating relatable data into particular repositories called *nodes*. Initially, I launched text search queries, which were useful in identifying topics as well as exploring words, phrases, or terms appearing within my data. For example, I was interested in words such as *employment*, *hire*, and *frustrated*. The query revealed that *employment* was referenced the most by Participant 4 (16 times, 69% coverage) and the least by Participant 3 (2 times, .07% coverage); *hiring* was referenced four times by both Participants 2 and 3 (.08% and .05%, respectively) and the least by Participants 4 and 5 (1 time each, .02%). The word *frustrated* was used the most by Participant 1 (3 times, 0.13%) and the least by Participant 5 (1 time, 0.5%).

Once I narrowed down my topic for coding, I was prompted to begin the analytical coding process. During this procedure, I was able to explore ideas related to the content in addition to the importance of certain contexts as well as explore new paths of inquiry regarding the data (e.g., attitudes toward the employed vs. unemployed). I

then proceeded to code the content at various nodes as I maneuvered through the source data. To create an efficient node procedure, I kept the phrases short and relevant, and I only coded each once in social order nodes. Coding allowed me to seek themes easily identified by word frequency. For instance, it became clear that the word *participant* was used more often than any other word during the interviews, followed by the word *interviewer*, as shown in the word cloud (Appendix B).

Four themes emerged from the data after I imported and analyzed the text: employment difficulties, mental frustrations, lack of effective resources, and motivations to prevent reoffending.

### **Theme 1: Employment Challenges**

Participants reported having multiple felonies ranging from stints in prison to one prior misdemeanor in their criminal background. Regardless of whether they had one felony, multiple felonies, or felony deferred adjudication (no current conviction), all participants reported a constant pattern of discrimination in securing employment based on their background. Although Participant 2 reported having one prior misdemeanor and was currently on community supervision (probation) for felony deferred adjudication, he expressed being treated in a manner consistent with having a felony conviction. He reported, “I always put no convicted, but I am on deferred adjudication for this.” He further reported, “I have begged people, ‘Can you help me find a job?’” Participant 2 continued to report that a few times interviews went “amazingly” but company policies

excluded him from being offered a position. Participant 4 reported being sentenced to the penitentiary as a teenager and stated:

So, I had a felony on my record before I started working ... Like I say, I have been a felon since before I was a legal age to vote. I never voted or anything like that. So, I have always had trouble from the get-go in getting a job. So, everyone ask are you a felon. So, I had to make my own work. I just make my own work.

Participant 4 continued to discuss his employment challenges:

I don't fill out job applications. I need to get a job application to get a job ... I am not getting that job. I already know. I can't fill out an application and get a job because it is always a felony on there.

Further, Participant 5 reported that a potential employer had actually discarded his job application in his presence. He described this interaction as follows: "That's just letting you know once you get a felony on your name it is super hard, it's super hard."

## **Theme 2: Mental Frustration**

Participant 1 discussed how he had failed to sustain steady work for approximately 2 years, explaining that his current unemployment status had led to frustration and disappointment and had been a major contributor to his weight gain. He reported that his wife had the ability to recognize his dispirited mood, as he responded to her by stating, "I can't find no work." Participant 1 described how a prior long-term work assignment had increased his overall self-confidence: "I walked around with my head up, you know. I felt good as a man working every day."



Participant 6 reported that he had ceased seeking work about 2 years ago due to his felony background and reported launching his own business. During the time of his unemployment, he reported, "It affect my confidence because if I didn't have employment, I would be down and feel sad. Just feeling like broke, like not wanted, like helpless." Despite being employed, he reported, "I wouldn't say that I'm successful, but I made a major progression like." He expounded on his perspective on being successful: "For me to be able to use my name. My background would be more clearer. I can't say that I am successful, and I can't even put an apartment in my name or stuff like that."

Participant 2 discussed the barriers that prevented him from becoming a productive member of society:

Well, they make it very difficult with that tag, that label felony on you. It makes it, you can't get an apartment for one even if you are deferred, they consider you still if you screw up then they have a felon there.

Participant 2 further reported personal relationship issues following unemployment in terms of struggles in being a productive citizen. He reported,

People look down on you. I hate to use the word but segregation, I think would be the term. Personal relationship, friends, family ... a lot of people look at you like you're the outcast. Like what an idiot you did this blah, blah, blah. People just seem to trust you less. It is a general sense of discertainty when it comes to that person apparent, which is me.

Participant 4 discussed how his pattern of day labor work often led to being taken advantage of when being compensated for his work. “They rob you all the time, so I have been robbed many times. When you’re an ex-convict people always use that excuse to rob you to take advantage of you, so that has always been always happens.” He further reported, “I never actually had steady employment, a guaranteed get up in the morning, I got a job.”

Participant 5 stated, “Once you get wrapped in the system, it is like they got you forever, especially with a felony. It is like they got you forever.”

### **Theme 3: Lack of Effective Resources**

All participants reported a lack of awareness concerning available resources for individuals with a criminal record. Only one program was familiar among the participants, and there was consensus that individuals are essentially on their own in securing employment. Participant 5 reported not getting the level of assistance or attention needed to continue with the program.

Participant 3 named another resource, but the reported outcome was similar. He reported,

You got to sit there. Man, listen, that a lot of headaches. You get a list of about 20 jobs, and upon arrival, they ain’t doing no hiring. You wasting your time going down there. Get there and they tell you, “Nah, we ain’t doing no hiring.” I scratch that out, then I ride on further down, scratch that out. That’s frustrating.

Participant 4's response (to the commonly known resource among the participants) was, "Oh, I've been there. They don't do nothing. They don't crap. They just here. They just give you the computer terminal fill out applications. They don't do shit. Oh, I'm sorry [apologizing for swearing]."

Participant 2 reported that despite taking the initiative to be resourceful, such as seeking websites that advertise they hire felons, he still faced obstacles, "Tell you that so and so hire felons or so and so does this but no they don't. They hire felons after 7 years but if you're currently on probation nobody hires you."

#### **Theme 4: Motivations to Prevent Reoffending**

Three out of the six participants described interpersonal relationships as motivations to not reoffend. Participant 2 reported that morals were his only incentive to not reoffend. He explained how his religious background and involvement within the same church (since kindergarten) highly inspired him to not backslide toward a life of crime. Participant 3 reported his parents were his primary reason for not continuing the same reoccurring behaviors as demonstrated in his past. He further stated:

My Mama and my Daddy because they up in age and I ain't fixina be behind them bars something happen to them and I can't come home. If you ain't got them, you know what I'm sayin' you ain't got nobody.

Participant 6 reported his children were his sole reason and "nobody else" for his determination to not reoffend.

Participant 5 reported “responsibility,” not the system, was a contributor toward successful reentry back into society. He reported that the system is not designed with the objective of rehabilitation. He provided an explanation for why individuals continue a life of crime:

They continue to get felonies because everybody don't get got the same opportunity that I have or some people don't even have the mind capacity, the intelligence to even say, “Ok, this not working,” or “Let me try to go get my own business,” or “Let me try to figure out.” That why people get frustrated and they give up. And that puts them right back into the system and that's how it becomes a cycle they live their life as a cycle.

Participant 1 reported that leisure activities such as a “buying me a 64 Impala like a hobby” was a motivating factor to not reoffend. He also reported that his children were why he refused to give up in life.

Participant 4 reported that employment was the primary motivating factor in preventing incarceration in the future. However, he struggles with his employment options. As previously reported, he has never held steady work and reported, “I don't know what else to do.”

### **Evidence of Trustworthiness**

Internal validity (credibility) was the initial aspect of establishing trustworthiness in this study. The richness of the data was ensured, as all participants demonstrated credibility by agreeing to be audio recorded and answering all research questions through

in-depth discussions regarding this phenomenon. Questions were open ended and the participants were given the opportunity to respond in a nonjudgmental manner. All participants appeared genuine and supportive in their efforts to be a contributor to increasing the public understanding of the difficulties encountered (specifically employment) when having a felony record. To enhance credibility, the following several methodological strategies were incorporated in this study.

### **Transferability**

In addressing the generalizability of the study findings, transferability was considered. Accordingly, I facilitated the transferability of the findings by providing a thick description of the data related to the participants so that the research results could be applied to other contexts as well as a duplication in other settings for other researchers. To achieve this process, the selection of participants included certain inclusion criteria, as they were expected to provide rich and descriptive information. Direct quotes were obtained from the participants to assist with the validation of answers provided by the participants.

### **Dependability**

The dependability strategies correlate with the consistency of the results. Analysis began by precisely transcribing the interviews based on the interview questions, after which the coding phase was entered. As stated in Chapter 3, coding enabled a descriptive, interpretative account of the data. This process was utilized to facilitate consistent and repetitive findings over a length of time by another researcher. The

stability of the results would be confirmed by similar results from other researchers. As discussed below, member checking was implemented to enhance dependability.

### **Confirmability**

To establish confirmability, thus ensuring significance is emphasized theoretically, analytically, and methodologically in the decisions during the duration of this research, I utilized a digital voice recorder, reviewed the literature, and analyzed and compared field notes during the transcription component from a narrative approach from the participants. All transcriptions were imported into the qualitative data analysis software NVivo 12, which assisted me in identifying themes.

### **Triangulation**

The use of various referents to reach an accurate conclusion of the data source was deemed as credible based on the participants' responses. Data source triangulation was utilized in this study through the development of a comprehensive perception of this phenomenon. In-depth and in-person interviews were completed with all the participants. I formulated an observational base through this method of triangulation, also known as theoretical sampling. I collected the data from the participants to form a theory. I jointly gathered codes and analyzed the information, after which I made a conscious effort to collect data aimed at creating and developing theoretical information.

### **Member Checking**

Member checking was another technique executed in this study to improve credibility and validity. Member checking was implemented at all stages of the interview

process to achieve accuracy in this qualitative study. I established rapport with all the participants in an effort to achieve the most truthful responses. I provided a summarization of their responses and then proceeded to question the participants to ensure accuracy. After the interview sessions were completed, participants were given the opportunity to review the verbatim transcripts of their interview sessions and were encouraged to make any changes to ensure the accuracy of their transcript. All participants affirmed their perspectives and beliefs as depicted in the transcripts and attested to the completeness and reliability to confirm credibility. The member-check process allowed me to alleviate improper interpretation of the data and provide authentic findings.

### **Peer Debriefing**

Similar to the member-checking strategy to enhance credibility, I utilized the peer-examination process of having a neutral colleague with experience in qualitative methods review my findings. Through this discussion, I was sincere about the research in an effort to generate a richer reflexive analysis. Bracketing was implemented in this study as I put aside my own beliefs and values to precisely and correctly depict the life experiences of the participants.

### **Study Results**

NVivo qualitative software was utilized in this study to assist in the organization and analysis of the unstructured data. Transcripts from the audio recorded interviews were imported into NVivo to begin executing the coding process. The precoding stage

was the onset of familiarizing myself with data. The word frequency command produced a word cloud with multiple words depicting the frequency of the words being used. This particular word cloud assisted me in developing themes from the interviews (see Appendix B). A word tree, as well as word reference, was created to obtain a visual representation of a word to view contexts surrounding phrases (see Appendix C). This was helpful in exploring recurring themes. Themes that emerged from the data were employment challenges, mental frustrations, lack of effective resources, and motivations to prevent reoffending. The purpose of this study was to describe rather than explain the phenomenon encountered by the felony ex-offender population in obtaining and maintaining employment from their personal experiences. The research findings were reflective of the literature review. All participants, regardless of being employed, self-employed, or unemployed, expressed difficulties in securing employment when a blemish, such as a felony criminal history, is uncovered during a background check. In general, all participants reported familiarity with one program created for the purpose of assisting felons/criminals in securing employment upon release from incarceration; however, they agreed that this particular program was inefficient. The participants had personal knowledge regarding this most often referred to program. Each of the participants lacked awareness of other available resources for their population.

Notably, I interviewed two self-employed participants. One reported that due to his lack of successfully obtaining employment, he had to pursue other alternatives, such as becoming self-employed. In discussing his employment challenges, Participant 5



stated, “Yeah that was like years ago that why I just stopped trying to look for a job and start my own business.” He also reported that working for himself did not produce steady income and it would be pleasing to have consistent work. He stated, “Yeah something steady and um you know the first questions they ask the first question are ‘Do you have a record?’ Especially when you sign it, you know when filling out an application that questions is always on there.” Participant 5 suggested the following to assist individuals to not reoffend:

A bill being passed that, instead of jobs not hiring felons, to be able to least have a second-chance hiring or to have a better breakdown of the not hiring to make it a stipulation. It is like a bill, it’s like a law; if you get a felony, you don’t get hired. Congress or something.

Participant 5 further stated:

[There] needs to be more to help people who have been incarcerated and in trouble just like they have affirmative action. You go through so much denial, it is like it is designed for him to not get that job, not meet his requirements, not be able to take care of his family, not be able to become a productive member of society again so he can mess up then go back and be a cycle. A law to make offenders be able to still work.

Participant 1 reported being currently unemployed with three felonies charges on his criminal background. He reported, “I can’t find a job because I have a felony. Another thing, my driver’s license too.” He reported that his current driving license

suspension was unrelated to his current offense. He reported complications with receiving a valid driver's license due to numerous tickets, no insurance, and an inability to meet financial obligations to resolve the matter.

Findings from the data revealed that a felony is the same whether it is a current felony conviction or a delayed conviction upon successful completion of court obligations. Despite employers potentially receiving tax incentive credit from the federal government if felons are hired within the 1st year upon release from prison and/or following conviction, felons continue to encounter an enormous number of obstacles simply based on being labeled a felon. If qualified, an employer could receive a maximum of \$2,400 for every adult individual employed; however, few employers are willing to revamp company policies to give felons an opportunity even though they have demonstrated their ability to succeed by following imposed sanctions. A felony criminal record also lingers into securing an apartment. As Participant 6 reported, "I can't say that I am successful, and I can't even put an apartment in my name or stuff like that."

Although all participants shared common experiences with employment challenges when faced with a felony criminal background, only one participant discussed the ambition to acquire employment. This particular participant reportedly is the only interviewee working for a company. He described going to great lengths to obtain employment: he rode his bicycle to this particular company and refused to return until employment was obtained after he gained knowledge that this company was hiring.

Participant 3 stated, “It ain’t the felony. They don’t want to do it ‘cause their self-esteem, they let themselves they like give up, don’t give up.” He further reported that he has a family member who sought employment for 2 years but stopped looking because of his felony background. Participant 3 reported disappointment in this family member’s decision because he stated, “Some people they tell them about the felony they just burn out and say, ‘Uh man, I ain’t going back there no more.’ But you’re the one doing that there because you’re stopping.”

The participants are to be commended for reportedly displaying the attribute of honesty. They reported truthfulness in their job applications in that they checked yes for current felony and/or conviction. From the perspectives of the participants, this is primarily the reason for their lack of success in the workplace. Although Participant 3 discussed the lack of willingness (among others) to be persistent in the workforce when labeled a felon, he could also identify with the hardships experience by felons within the work environment. He reported having multiple felony convictions.

Participants recognize the significance of employment in being successful during postrelease. Participant 2 reported that employment is everything during this time and essential at any other time, “As John Smith said it, ‘If you don’t work then you don’t eat.’ That is very, very, very true. If you're not working, you don’t. I mean, it plays a mental role as well.” He continued to state that others, particularly family members, are not able to understand his situation, “They try to understand but they can’t understand to the level

because they have never gone through this. They don't see that you get rejected from every single thing that you try.”

Despite achieving professional credentials, such as certifications in the appropriate field of study of their desired employment, on average, skills do not triumph over a felony in the workplace. Participant 2 described his field of training, “I should be able to pick up a job in this field starting out at \$50,000.00 a year.” He elaborated on other formal training and reported, “No employer is interested in hiring a felon for this type of work, it is senseless.” The Fair Credit Reporting Act (FCRA) determines the length of any type of data that can persist on any consumer report for an individual. The majority of items such as debts and judgments as well as a record of arrest can only remain part of your history of record for 7 years with the exception of a criminal record. Criminal convictions actually have no limit on your record (Smith, 2019).

All participants were forthcoming in terms of personal factors that are influential and inspirational toward reentry to incarceration. Participants identified morality, children, parents, responsibility, and obtaining employment as their motivations to not recommit a criminal act. As stated above, this study discovered one discrepant case as Participant 3 disconfirmed my expectations when discussing prior problematic circumstances when seeking employment. He could relate to the challenges of having a felony background (as he revealed possessing several felonies), but he believed the lack of endurance and diminished self-image among individuals creates the main barrier in securing employment.

### Summary

This chapter examined the interviews of six participants who took part in this phenomenology study as they described their entanglement with the criminal justice system and the lack of opportunity to secure employment based on having a felony criminal record. All participants demonstrated a significant level of interest in the topic, as they were attentive, polite, genuine, and candid in their responses to direct questions. The interviews were conducted face-to-face to establish greater rapport and to gather an objective observation based on the subjective responses of the participants. Interviewing was the sole method of data collection for this study. The qualitative interviewing process involved a relentless reflection of the research. NVivo software assisted in the organization, arrangement, and analysis of the data. The text search query was beneficial in allowing for the search of all occurrences related to a particular word or phrase.

Four themes emerged from the data that serve as a reflection of the participants' perspectives and unique employment challenges when having a felony criminal conviction on their criminal background record. The findings from all six participants regarding identifying barriers to becoming a productive member of society, the significance of employment during postrelease, and their internal inspiration to avoid the pitfall of reincarceration were addressed and answered the comprehensive research question. Participants recognized factors (personally, socially, and economically) that would allow them to remain as “free” citizens. Participants recognized the manner in which society, especially employers, view them in an unfavorable light based on their

criminal background. Despite various resources that advocate aid for this population, participants were overwhelmingly familiar with just one program. However, the participants' lack of satisfaction with this program prevented them from seeking out other programs. All participants demonstrated strength in their ability to immediately recognize and acknowledge motivating factors to prevent future criminal involvement. The participants were able to assess their own hindrance in what society calls being a productive member of society, as each interviewee identified employment as a current or previous hurdle in being a contributor in their personal relationships and the community. The participants were extremely insightful regarding which factors needed to be prevalent to not yield to unfortunate circumstances.

Chapter 4 contains the results of this qualitative phenomenological study, which was performed to answer certain research questions. In addition, Chapter 4 discussed the process for analyzing the data through transcripts that unveiled emerging themes based on coding methods illustrated in Chapter 3. Chapter 5 provides an interpretation of findings and implications for social change and recommendations.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Introduction**

The purpose of this qualitative research study was to provide a description of the experiences encountered by the felon population in obtaining and maintaining employment from the participants' perspectives. The participants were currently on community supervision (probation) for felony offenses. Their felony background ranged from no previous felonies to multiple felonies with prior penitentiary sentences. Regardless of whether they had a single felony charge, felony conviction, or penitentiary background, they shared similar experiences in acquiring employment. Six adult males gave an account of their lived experiences in a semistructured interview format, from which I gathered qualitative textual information. This method of data collection allowed for the flexibility of open-ended questions and paved the way to reveal rich descriptive information on the lived experiences of the interviewees.

The data were analyzed and reported in the participants' own language. Through observations and the exploration of the data, participants appeared intrigued about the purpose of the study and eager to have an opportunity to describe their experiences in the realm of employment. NVivo software accommodated this research through the organization of unstructured data by way of sorting, identifying patterns, assessing relationships within the data, and classifying themes. Four themes emerged from the data: employment challenges, mental frustrations, lack of effective resources, and motivations to prevent reoffending.

This chapter provides dialogue and implications for future research to assist in providing answers to the research questions, which were as follows:

Primary:

- R1. What barriers contributed to your struggle in being a productive member of society?
- R2. What factors (social/economic/personal) currently contribute to your successful reentry into society?
- R3. What integral role does your employment status play in being successful upon release?

Secondary:

- R4. How would you describe the current postrelease vocational and educational resources available for the inmate population postincarceration?
- R5. What initiatives challenge ex-felons to refrain from committing additional offenses?
- R6. How do ex-felons view employment as related to increasing overall self-confidence, thus leading to an optimistic point of view regarding being equipped to remain among society?

### **Interpretation of the Findings**

Although participants' professional interests, current employment statuses, and experiences may have varied, the four recurrent themes exhibited prominent elements in



describing the lived experiences of the participants. The findings demonstrated compatibility with the literature review as discussed in Chapter 2. The participants described a significant level of employment difficulties that were consistent with the word frequency query for words such as *felony*, *background*, *hired*, and *jobs*. According to the literature review, based on the history of unreliability regarding employment for offenders who enter the criminal justice system, employment is perhaps the most significant area that needs addressing for this population. Employment has also been cited as a major component in offenders' successful reintegration (Scott, 2010). One can easily comprehend the reasons why employers typically opt out of hiring felons as opposed to individuals without a criminal background. According to Pettinato (2014), this preference among employers may create a deterrent among the underprivileged ex-offender population, thus affecting their ability to reintegrate successfully back into society despite fulfilling the penalty commitment imposed by the criminal justice system.

The review of the literature presented in Chapter 2 corresponded with the findings of this study in terms of employment difficulties among the felon population. According to the EEOC, the protected class under Title VII is most frequently subjected to criminal background checks during hiring decisions (Bible, 2013). The FCRA has concluded that there is no time limit on how long a criminal conviction remains on a criminal record. Therefore, individuals who have been convicted of a criminal offense must endure the label of criminal for a lifetime. As revealed by Participant 4, who reportedly was sentenced to the penitentiary at the age of 17 (and was 51 at the time of the study), he had

experienced issues with securing work since being labeled a felon before he was even of legal voting age.

Participants further discussed the mental anguish they encountered in relation to having a felony background, which was supported by the theoretical foundation of this study. According to RAM, individuals have an adaptation system that assists during adjustments to environmental changes and thereby encourages independent and environmental transformation (Parker, 2012). A vast majority of individuals with felony criminal backgrounds exercise a significant level of resiliency through coping mechanisms. RAM indicates that individuals' coping schemes evolve in response to particular environmental changes, as individuals are constantly engaging with internal as well as external environmental stimulants with an emphasis on adaptation (Shah, 2015).

Participants discussed how their interpersonal relationships were affected by their lack of employability and the shame that was associated with the poor employment prospects for adult males with a felony background. Braithwaite (2000) theorized that the notion of forgiveness regarding reintegrative shaming might decrease the possibility of recidivism; however, stigmatization is commonly permanent, and therefore it enhances the chance of recidivism. As Participant 2 stated,

Well, they make it very difficult with that tag, that label felony on you. It makes it, you can't get an apartment for one even if you are deferred, they consider you still if you screw up, then they have a felon there.

Chiricos et al. (2007) proposed that possessing a felony conviction is the single most vital labeling event as it relates to the expansion of structural obstruction. In addition, words such as *ex-convict* and *felony* lead to stigmatizing and have the potential to be major contributors to depression and low self-esteem from being dismissed from society, discriminated against, and ostracized from conventional activities, any of which could possibly make criminal conduct more appealing (Shlosberg et al., 2014).

Data also confirmed the literature review in terms of the gaps in the understanding of prison reintegration being an invisible punishment. Travis (as cited in Bender et al., 2015) suggested that invisible punishment encompasses complications such as finding suitable housing, obtaining employment, receiving adequate treatment for mental health and substance abuse issues, and sustaining compliance status with court-ordered conditions of supervision.

Two of the six participants reported the difficulties they had encountered with securing housing after their release. Participant 2 also expressed concerns about how difficulty in finding appropriate housing exacerbates punishment:

So, you can't get an apartment unless you want to live somewhere terrible, and say you are married or something, do you really want your wife or significant other living in that kind of situation as well? So, there is that one. Getting a job. I have applied everywhere, even with degrees and everything, and I have still been denied.

This study demonstrated variances in the perspectives of the participants regarding the effectiveness of available resources (after release) and the literature review. According to James (2015), researchers in the discipline of reintegration have indicated that the most efficient programs commence during the incarceration period and expand throughout the release and reentry procedures. James further suggested that the most effective programs address employment training, housing, mental illness, and substance abuse issues. All participants were familiar with a certain program designed to assist this population with felony-based employment; however, the consensus was that the program was inadequate and had been unproductive for them. Participants were not cognizant of any other programs designed to assist the felony population.

Research in Chapter 2 further indicates that a federal antidiscrimination law geared toward protecting ex-offenders currently does not exist. Wheelock, Uggen, and Hlavka (2011) proposed that unemployment is an area in which there is an enormous level of racial inequality. It is well documented that racial disparities are deeply rooted within the judicial system. Participants offered recommendations regarding employment restrictions that would aid in reducing recidivism. In particular, one participant suggested that legislators pass a bill adhering to second-chance hiring and adopt a policy equivalent to affirmative action where policies are generated to assist the disadvantaged in various areas such as employment and housing.

### **Limitations of the Study**

The limitations of this study included the following:

1. The data based on this qualitative study may be considered to be generalized. Qualitative research relies on the researcher being subjective.
2. Sorting through an extensive amount of data and exploring key areas in the collected data was very time consuming.
3. This study had a small sample, which may not be representative of a larger population.
4. This study included adult males only. Female participants with a felony conviction might provide another perspective regarding employment restrictions.
5. Participants in this study not only shared commonalities, such as having a felony criminal background, but several revealed possessing multiple misdemeanor charges on their records as well.

In qualitative analysis, which is primarily open ended, the participants possess greater authority regarding the content of the data collection; therefore, the researcher is limited in the objective verification of the findings as they pertain to the participants' responses.

A smaller sample size lacks substance in claiming attainment of valid conclusions due to the lack of representation distribution of the community. However, a larger sample size may fail to permit and enrich naturalistic analysis, which is the true essence of qualitative research.

The aim this study was to interview probationers who were currently on community supervision (adult probation) for a felony offense, with the primary focus being obtaining their perspectives related to employment challenges. In addition to the above listed limitations, this study excluded interviews from significant stakeholders such as probation officers. Probation officers might be able to offer insight from their experiences as to the leading causes of recidivism and recommendations to address the phenomenon of repetitive negative criminal behavior. Another limitation to this study was the fact that I consulted with only probationers and not parolees, though both of these groups are currently being released into the community. Parolees might be able to concur or offer another perspective regarding the effort to seek and maintain steady employment. Lack of diversity in the sample is the final limitation to discuss regarding this study. Obtaining an equal number of males from various ethnic groups might have been beneficial. The current study sample included three African American males, two Caucasian males, and one Mexican American male.

### **Recommendations**

The objective of this qualitative research study was to gain insight into the employment challenges encountered by individuals who have been convicted of a felony offense, specifically adult males. This study was initiated to address the need for further research conducted from the perspectives of those individuals whose sentences are considered to represent the most serious of crimes in the judicial system. The participants were considered experts on what may be effective for closing the revolving

door of mass incarceration by gaining an understanding of their lived experiences in seeking and obtaining employment postconviction. The goal was achieved in this study, thereby leading to implications for future research.

The initial recommendation for future research is to include females with felony convictions. According to the U.S. Commission on Civil Rights (2019), factoring in that the average salary for women is approximately \$10,000 less than the average salary for men, incarceration may hinder access to sustainable salaries for women perhaps more significantly than for men. Indeed, future research with all genders may indicate a global issue for all individuals with a felony conviction regardless of gender.

Another approach for further research is to gain insight from the employer perspective regarding invisible punishment. Participants discussed employment discrimination in depth. Bridging the gap between the felon and employer perspectives may be valuable in the effort to reduce recidivism.

This study was based on qualitative research methods using exploratory research and was intended to provide a rich, in-depth understanding of the research phenomenon from the perspective of the adult male felony population. The research process encompassed the opinions and the thought process of this population. Individual interviewing was the selected method of data collection; this approach commonly leads to a smaller sample size. In contrast, quantitative research is not based in a natural setting and therefore limits further explanation from the participants related to the research questions. However, a quantitative method could be used to produce numerical data or

data that could be transformed into numbers to measure the subject through statistical analyses. Further, because a quantitative study has the ability to investigate a larger sample size, it might produce findings with greater potential for generalization.

According to Research on Poverty (2013), the trend of longer prison sentences has numerous implications associated with poverty and the family structure for incarcerated individuals as well as their children. Future researchers may examine this shift and its effect on family dynamics and neighborhoods.

### **Implications**

This study provides valuable empirical evidence based on the body of knowledge gained from the findings to salient stakeholders who possess the authority to implement policy change and evaluate present governmental incentive programs, including probation officers, courts, and employers, in an effort to address the increasing epidemic of recidivism. Aside from the participants, the efforts of the above contributors are key to ensuring successful reentry to communities following release. The literature review revealed that the United States' incarceration rate exceeds that of any other country and that governmental expenditures at all judicial levels are costly and preventable.

Moreover, research indicates that for the offender population, obtaining employment after release may be a primary factor in the reduction of illegal behaviors. Policy reformation in all areas pertaining to the rehabilitation of the felon population may reduce spending allocated for incarceration, help to build healthy family relations, encourage the rebuilding of the concept of "second chance" in the workplace, and increase self-



assurance, thereby enhancing ethical responsibility and creating a culture of employment readiness for the offender population.

All of the participants interviewed were currently on community supervision (probation), as the original intent of this study was to obtain their perceptions of the manner in which acquiring a felony offense or conviction impacts their employment opportunities. In the United States, probation consists of the most frequently imposed criminal judgment set forth by the courts with approximately 4 million adults currently under community supervision. Probation is commonly referred to as an alternative for relieving overincarceration (Doherty, 2016). Although an undertheorized definition of recidivism may supersede the scope of probation and the security of employment, the participants in this study highlighted the value of compliance with probation and maintaining employment.

As previously stated, four themes emerged from the data that represent the lived and distinctive experiences of the participants based on the unique challenges of possessing a criminal record. The literature reflects some of these themes, such as employment challenges and mental frustrations, which are instrumental in decreasing recidivism for the felon population. The uniqueness of this study is based on the primary focus being on offenders with an emphasis on their struggles in maintaining their livelihood, which is paramount in all aspects of avoiding reincarceration. The participants provided an overview of their employment challenges and described how these affect probation compliance, familial relations, self-portrait, self-sufficiency, and

community association. Participants also provided recommendations for key stakeholders in implementing policy changes among the felon population to evoke positive social change. Combatting recidivism as it pertains to the criminal justice system begins with changing the perception of the felon community upon release and creating a culture of *real second chances*.

### **Conclusion**

Research indicates that approximately 2.3 million Americans are currently incarcerated in some form at the state or federal level of the judicial system. However, these statistics exclude the millions of Americans currently under supervision (Babich, Marinesi, & Tsoukalas, 2017). Studies indicate that a 1% decline in the unemployment ratio can formulate a ripple effect toward a positive social change. This percentage could contribute to a one- to two-point reduction in criminality; therefore, the transparency of the significance of employment toward recidivism is essentially apparent (Babich et al., 2017).

The purpose of this study was achieved as it captured the lived experiences of adult males who are currently under community supervision for a felony offense and who currently are experiencing or have a history of employment challenges. The unemployed males were able to process society's expectations of being a male with certain obligations and stigma associated with a felony criminal record in the arena of interpersonal relationships and employment. The participants in this study demonstrated a cohesive understanding in terms of identifying with the lack of efficient resources for those

individuals with criminal backgrounds, problematic security of obtaining employment with a complex background, and the personal factors contributing to their incentives to not reoffend. Participants' recognition was heightened when they attempted to fulfill the requirements of their community supervision, as unemployment often times impedes these court-ordered stipulations. Participants were in unison in terms of potential resolutions in alleviating the increased recidivism rate among the criminological population. Participants suggested greater involvement from our legislatures, such generating a set of regulations designated to the abolishment of unlawful discrimination of the felon applicants in all domains.

Overall, this study revealed the lingering impact of invisible punishment on the felon population when faced with numerous challenges in an effort to be a productive member of society. I remain optimistic that future research regarding this phenomenon with increased awareness and compassion of humankind will ultimately lead to a positive social experience one community at a time.

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## Appendix A: Recruitment Email/Letter

Dear \_\_\_\_\_,

I am conducting interviews as part of my research study in trying to gain a greater understanding as to the struggles faced by individuals with a felony record when trying to become employed. Also, I am interested in any suggestions as to what works from your point of view in reducing individuals from returning back to incarceration.

The in-person interview would take 30 to 60 minutes. My goal is to simply try and obtain your thoughts about the employment challenges encountered by those having a felony background. Your answers will be confidential, and each participant will be assigned a specific code to assist in personal identifiers not being revealed while analyzing the responses or during the write-up phase of the results.

There will be a \$15.00 Visa gift card for your participation in this study and you will also be contributing to a better public understanding of employability problems when having a criminal background.

The interview will be held with the interviewer before or after your on-site meeting with your probation officer or meeting at a local location at a time you prefer. If on-site, a room will be reserved for your convenience and privacy. Your responses will be anonymous and confidential.

If you would like to participate, please let me know within 3 days of receiving this letter.

I can be reached any day or time. Thanking you in advance!

Sincerely,

Rosalind Holley, Interviewer

Email: [Rosalind.Holley@yahoo.com](mailto:Rosalind.Holley@yahoo.com)

Appendix B: Word Frequency (Word Cloud)





## Appendix C: Word Reference (Employment)

Files\\Transcription for Participant 2

5 references coded, 0.25% coverage

Reference 1: 0.05% coverage

is Factors Associated with Steady Employment Among Felons and he has

Reference 2: 0.05% coverage

integral role just having that employment status play in being successful

Reference 3: 0.05% coverage

What integral role does your employment status play in just being

Reference 4: 0.05% coverage

here. How do you view employment as being related to just?

Reference 5: 0.05% coverage

So how do you view employment as being related to your

Files\\Transcription for Participant 4

16 references coded, 0.69% coverage

Reference 1: 0.04% coverage

is Factors Associated with Steady Employment Among Felons. I have participant

Reference 2: 0.04% coverage

best thing Interviewer: Ok. Steady employment. Anything else. Do you have

Reference 3: 0.04% coverage

So, the biggest thing is employment Participant: Yeah Interviewer: If you

Reference 4: 0.04% coverage

yeah Interviewer: If you find employment, steady employment where you're not

Reference 5: 0.04% coverage

If you find employment, steady employment where you're not being cheated

Reference 6: 0.04% coverage

you're not being cheated steady employment where they can take out

Reference 7: 0.04% coverage

else to do Interviewer: Just employment Participant: I am trying to

Reference 8: 0.04% coverage

Interviewer: So, what would steady employment do for you overall? Participant

Reference 9: 0.04% coverage

I never actually had steady employment a guaranteed get up in

Reference 10: 0.04% coverage

would do for you? Steady employment even though you never experience

Reference 11: 0.04% coverage

Texas Interviewer: You know because employment hey we all have to

Reference 12: 0.04% coverage

supposed to help you get employment get resumes and different resources

Reference 13: 0.04% coverage

and I will say steady employment since you kind of do

Reference 14: 0.04% coverage

Right. Okay Okay. Having steady employment is probably kind of hard

Reference 15: 0.04% coverage

you never really had steady employment. Let's hypothetical say so if

Reference 16: 0.04% coverage

all of that stuff. Steady employment, how do you think that

Files\\Transcription for Participant 5

12 references coded, 0.55% coverage

Reference 1: 0.05% coverage

is Factors Associated with Steady Employment Among Felons. And umh I

Reference 2: 0.05% coverage

you do? Is it self-employment or you working for a?

Reference 3: 0.05% coverage

for a company? Participant: Self-employment. I am kind of the

Reference 4: 0.05% coverage

are you looking for steady employment because it is a requirement?

Reference 5: 0.05% coverage

you could continue your self-employment at night like on her

Reference 6: 0.05% coverage

they ask you about your employment which my self-employment is

Reference 7: 0.05% coverage

your employment which my self-employment is cool but they really

Reference 8: 0.05% coverage

do you think just being employment since you are already employed?

Reference 9: 0.05% coverage

employed just having that steady employment that steady income coming in

Reference 10: 0.05% coverage

final question. How is your employment status unemployed or employed, how?

Reference 11: 0.05% coverage

level always change according to employment and financial status in life

Reference 12: 0.05% coverage

from being able to get employment. That my recommendation. Give people

Files\\Transcription for Participant 6

14 references coded, 0.84% coverage

Reference 1: 0.06% coverage

is Factors Associated with Steady Employment Among Felons. Participant number 6

Reference 2: 0.06% coverage

to look for work and employment it really doesn't matter or

Reference 3: 0.06% coverage

know so other than.... Is employment like the main one? Participant

Reference 4: 0.06% coverage

the main one? Participant: Yeah, employment is the main one Interviewer

Reference 5: 0.06% coverage

the main one Interviewer: So, employment is the main factor? Participant

Reference 6: 0.06% coverage

How important is it your employment status rather you are employed?

Reference 7: 0.06% coverage

get out of jail your employment status rather is unemployed or

Reference 8: 0.06% coverage

factors that play other than employment when you get out of

Reference 9: 0.06% coverage

final question here. How does employment relate to increasing your overall?

Reference 10: 0.06% coverage

society. So how important does employment play in just being self

Reference 11: 0.06% coverage

just being self-confident? Participant: Employment it plays a major role

Reference 12: 0.06% coverage

a major role because without employment, I wouldn't have funds to

Reference 13: 0.06% coverage

because if I didn't have employment, I would be down and

Reference 14: 0.06% coverage

you like to see that employment question gone away on job

Files\\Transcription Participant 1

4 references coded, 0.17% coverage

Reference 1: 0.04% coverage

dissertation Factors Associated with Steady Employment Among Felons. I have gone

Reference 2: 0.04% coverage

So how do you see employment, how does that affect like

Reference 3: 0.04% coverage

Holley: how do you see employment related to like your self

Reference 4: 0.04% coverage

like so much how like employment when you were working for

Files\\Transcription Participant 3

2 references coded, 0.07% coverage

Reference 1: 0.03% coverage

topic Factors Associated with Steady Employment Among Felons um I've gone

Reference 2: 0.03% coverage

with your struggle in finding employment. Participant 3: What it was

Files\\Interviews\\Transcription for Participant 2

5 references coded, 0.25% coverage

Reference 1: 0.05% coverage

is Factors Associated with Steady Employment Among Felons and he has

Reference 2: 0.05% coverage

integral role just having that employment status play in being successful

Reference 3: 0.05% coverage

What integral role does your employment status play in just being

Reference 4: 0.05% coverage

here. How do you view employment as being related to just?

Reference 5: 0.05% coverage

So how do you view employment as being related to your

Files\\Interviews\\Transcription for Participant 4

16 references coded, 0.69% coverage

Reference 1: 0.04% coverage

is Factors Associated with Steady Employment Among Felons. I have participant

Reference 2: 0.04% coverage

best thing Interviewer: Ok. Steady employment. Anything else. Do you have

Reference 3: 0.04% coverage

So, the biggest thing is employment Participant: yeah Interviewer: If you

Reference 4: 0.04% coverage

yeah Interviewer: If you find employment, steady employment where you're not

Reference 5: 0.04% coverage

If you find employment, steady employment where you're not being cheated

Reference 6: 0.04% coverage

you're not being cheated steady employment where they can take out

Reference 7: 0.04% coverage

else to do Interviewer: Just employment Participant: I am trying to

Reference 8: 0.04% coverage

Interviewer: So, what would steady employment do for you overall? Participant

Reference 9: 0.04% coverage

I never actually had steady employment a guaranteed get up in

Reference 10: 0.04% coverage

would do for you? Steady employment even though you never experience

Reference 11: 0.04% coverage

Texas Interviewer: You know because employment hey we all have to

Reference 12: 0.04% coverage

supposed to help you get employment get resumes and different resources

Reference 13: 0.04% coverage

and I will say steady employment since you kind of do

Reference 14: 0.04% coverage

Right. Okay Okay. Having steady employment is probably kind of hard

Reference 15: 0.04% coverage

you never really had steady employment. Let's hypothetical say so if

Reference 16: 0.04% coverage

all of that stuff. Steady employment, how do you think that

Files\Interviews\Transcription for Participant 5

12 references coded, 0.55% coverage

Reference 1: 0.05% coverage



is Factors Associated with Steady Employment Among Felons. And umh I

Reference 2: 0.05% coverage

you do? Is it self-employment or you working for a?

Reference 3: 0.05% coverage

for a company? Participant: Self-employment. I am kind of the

Reference 4: 0.05% coverage

are you looking for steady employment because it is a requirement?

Reference 5: 0.05% coverage

you could continue your self-employment at night like on her

Reference 6: 0.05% coverage

they ask you about your employment which my self-employment is

Reference 7: 0.05% coverage

your employment which my self-employment is cool but they really

Reference 8: 0.05% coverage

do you think just being employment since you are already employed?

Reference 9: 0.05% coverage

employed just having that steady employment that steady income coming in

Reference 10: 0.05% coverage

final question. How is your employment status unemployed or employed, how?

Reference 11: 0.05% coverage

level always change according to employment and financial status in life

Reference 12: 0.05% coverage

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is Factors Associated with Steady Employment Among Felons. Participant number 6

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Holley: how do you see employment related to like your self

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like so much how like employment when you were working for

Files\\Interviews\\Transcription Participation 3

2 references coded, 0.07% coverage

Reference 1: 0.03% coverage

topic Factors Associated with Steady Employment Among Felons um I've gone

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with your struggle in finding employment. Participant 3: What it was