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Examining the Aggregate Economic Impacts of Criminal Record Expungement in Marion County, Indiana

By Zane Callison

This examination will seek to investigate the aggregate economic impacts of individuals receiving criminal record expungement in Marion County, Indiana. The basis for observing these aggregate effects is rooted in a previous study examining outcomes of individuals receiving criminal record expungement in the state of Michigan, including their earnings and likelihood of employment.¹ As more individuals with criminal histories seek and receive criminal record expungement, it stands that the benefits they receive at the individual level will be observed in the aggregate as Marion County measures its rates of unemployment and per capita personal income.

The vast majority of Marion County's 969,466 residents² reside in the state capital of Indianapolis, with the remainder living in smaller cities and communities within the county borders.³ The state of Indiana has proven itself to be a national leader on criminal record expungement, and the implementation of the state's expungement statute in Marion County has been particularly noteworthy and innovative. Local officials and administrators have embraced the statute, as have many non-profits and social organizations.⁴ Taken together, these dynamics have resulted in many individuals in Marion County being granted criminal record expungement,

¹J. J. Prescott and S. B. Starr, "Expungement of Criminal Convictions: An Empirical Study," *Harvard Law Review* 133, no. 8 (2020): 2461-2550, https://harvardlawreview.org/wp-content/uploads/2020/06/2460-2555_Online-1.pdf.

²"Marion County Census QuickFacts," United States Census Bureau, 2022, <https://www.census.gov/quickfacts/marioncountyindiana>.

³"NNLM Community Guide to Advance Health Information Equity, Marion County and Indianapolis, Indiana," Network of the National Library of Medicine, Region 6, April 21, 2023, <https://storymaps.arcgis.com/stories/8fe5197e2b4b46048b9c984b97dba4fa>.

⁴J. Gaines and M. Love, "Expungement in Indiana: A Radical Experiment and How It Is Working So Far," *Federal Sentencing Reporter* 30, no. 4/5 (2018): 252-256, https://www.jstor.org/stable/26500072?searchText=&searchUri=&ab_segments=&searchKey=&refreqid=fastly-default%3Ac61e7d08d6acac3ab0e499e03b36518b.

the aggregate effects of which this investigation will now seek to examine. Marion County was chosen for this examination due to its large population, number of expungements, and strong implementation of Indiana's expungement statute.

The effects of criminal record expungement that this investigation will seek to examine are sourced from the law review article "Expungement of Criminal Convictions: An Empirical Study."⁵ Using anonymized data on individuals who had previously been granted criminal record expungement in the state of Michigan, the study found that individuals receiving expungement saw a 13% increase in likelihood of being employed (earning any wages at all) within one year. Furthermore, individuals receiving expungement were found to have a 23% greater chance of earning at least \$100 per week. Additionally, individuals receiving expungement saw a 23% increase in their quarterly wage.⁶ Finally, individuals receiving expungement may be able to obtain jobs for which they are technically qualified for, such as college degree holders seeking white-collar employment, but previously ineligible for due to their criminal history.

As states increasingly pursue criminal record expungement as a policy item, it is important to investigate the aggregate effects of expungement policies. While past research has been conducted on individual-level outcomes,⁷ little attention has been paid to how large-scale expungement efforts may affect broader communities such as counties. For communities struggling with persistent unemployment and low incomes, criminal record expungement may offer a possible solution to these issues. To that end, Marion County's approach may be considered instructive for other local governments seeking to harness the benefits of

⁵Prescott and Starr, "Expungement of Criminal Convictions."

⁶Prescott and Starr, "Expungement of Criminal Convictions."

⁷Prescott and Starr, "Expungement of Criminal Convictions."

expungement for their communities. Where some local governments and administrations have shied away from the expungement statute and limited their support, Marion County has leveraged government resources and nonprofit support to ensure broad access to expungement.⁸

Though individuals may seek expungement for a wide variety of reasons subject to personal experiences, most do so to overcome the legal discrimination associated with a criminal history. Individuals with a criminal history face legal discrimination in a variety of areas, including employment, housing, education, and government benefits.⁹ Such discrimination often makes a stable life difficult for many individuals with criminal histories, as they face barriers in accessing employment, housing, and public assistance. All but four states make some form of expungement of convictions available, though the scope and ease of expungement varies significantly by state, with some only allowing for expungement of misdemeanor convictions and imposing lengthy waiting periods¹⁰ Regardless of its exact parameters, expungement remains an extremely valuable tool for lifting individuals out of poverty who have suffered from legal discrimination resulting from a criminal history. For a single mother working two low-paying jobs to make ends meet, being granted expungement may be the difference between making the month's rent or not.

First, we will discuss the context of criminal record expungement and unemployment rates in Marion County, examining the mechanics of Indiana's criminal record expungement statute, the implementation of the statute in Marion County amidst the statute's administrative

⁸A. Blinder, "Convicts Seeking to Clear Their Records Find More Prosecutors Willing to Help," *The New York Times*, October 7, 2018, <https://www.nytimes.com/2018/10/07/us/expungement-criminal-justice.html>.

⁹"Expungement: Criminal Records as Reentry Barriers," National Institute of Justice, 2022, <https://nij.ojp.gov/topics/articles/expungement-criminal-records-reentry-barriers>.

¹⁰M. C. Love, "50-State Comparison: Expungement, Sealing & Other Record Relief," Collateral Consequence Resource Center, 2020, <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside-2/>.

decentralization, and evidence suggesting why we expect to see a relationship between expungement and unemployment rates, as well as evidence pushing against this trend. Second, we will examine the data and suggested relationship, noting how the data was obtained and conducting a detailed analysis of the data with responses to possible objections. Third, we will discuss take-aways and actionable steps that local leaders may take to harness the economic benefits of increased criminal record expungement for the communities. Lastly, we will conclude with a final restatement of the examination’s findings.

Local Context, Indiana’s Expungement Statute, and Marion County’s Approach

Located in the approximate center of the state of Indiana, Marion County boasts a population of 969,466 residents,¹¹ 882,039 of whom live in the state capital of Indianapolis.¹² Demographically, 62.4% of Marion County’s residents identify as White, while 29.6% identify as Black or African American, and 11.3% identify as Hispanic or Latino.¹³

Marion County features broadly similar demographics to other large Midwestern metropolitan areas, such as Franklin County of Columbus, Ohio,¹⁴ Milwaukee County of Milwaukee, Wisconsin,¹⁵ and St. Louis County of St. Louis, Missouri.¹⁶ Marion County boasts a civilian labor force of 506,570 workers.¹⁷

¹¹“Maron County Census QuickFacts.”

¹²“Indianapolis Facts and Population,” United States Census Bureau, 2022, <https://www.census.gov/quickfacts/indianapoliscitybalanceindiana>.

¹³“Maron County Census QuickFacts.”

¹⁴“Franklin County, Ohio QuickFacts,” United States Census Bureau, 2022, <https://www.census.gov/quickfacts/franklincountyohio>.

¹⁵Milwaukee County, Wisconsin QuickFacts,” United States Census Bureau, 2022, <https://www.census.gov/quickfacts/milwaukeecountywisconsin>.

¹⁶“St. Louis County, Missouri QuickFacts,” United States Census Bureau, 2022, <https://www.census.gov/quickfacts/stlouiscountymissouri>.

¹⁷“Bachelor’s Degree or Higher (5-year estimate) in Marion County, IN,” Federal Reserve Bank of St. Louis, 2022, <https://fred.stlouisfed.org/series/HC01ESTVC1718097>.

The state of Indiana maintains a broad criminal record expungement statute that permits the sealing of criminal histories. Originally enacted in 2013 and heavily amended in 2014, the statute operates by a petition-based system where individuals seeking expungement must file a petition with the local court system in order for their request to be considered.¹⁸ Before filing for expungement of convictions, an individual must have paid all court costs and restitution on their cases, which often amounts to hundreds of dollars.¹⁹ Petitioners who find themselves unable to pay often file for their court costs to be waived by the presiding judge in their case, who will rule on the waiver request on the basis of a petitioner’s income and other factors. When not waived, court costs can pose significant barriers to individuals seeking expungement, particularly for individuals who may be seeking expungement due to poor employment prospects due to their criminal history.²⁰

Individuals seeking expungement also face waiting periods before becoming eligible for expungement, which are set in motion from the date of one’s conviction. A misdemeanor conviction imposes a five-year waiting period before one is eligible to seek expungement, while a felony conviction imposes an eight-year waiting period. For individuals who do not meet the statutory time eligibility requirements, they may seek early filing permission from a prosecutor’s office, subject to the discretion of the office.²¹

Most misdemeanor and low-level felony²² (Class D or Level 6 Felony) convictions are non-discretionary to the Court granting the expungement, to where petitioners meeting statutory

¹⁸Gaines and Love, “Expungement in Indiana.”

¹⁹Gaines and Love, “Expungement in Indiana.”

²⁰Gaines and Love, “Expungement in Indiana.”

²¹Gaines and Love, “Expungement in Indiana.”

²²In 2014, Indiana shifted from a four-tier (A, B, C, and D Felony levels) to six-tier (Levels 1-6) felony classification system. For expungement purposes, Class D and Level 6 Felony convictions are functionally interchangeable.

requirements for expungement must be granted expungement.²³ However, petitioners with higher level felony (Class C or Level 5 Felony or higher) convictions are subject to the discretion of a Judge who may rule on the expungement petition. Individuals may also seek to have dismissed cases or arrest charges be expunged, which become eligible for expungement one year after the date of one’s arrest; such cases are also non-discretionary.²⁴

Given the administrative decentralization of Indiana’s expungement statute, substantial disparities exist between counties in approaching expungement. Some prosecutor’s offices deny early filing requests as a matter of policy, insisting that individuals must be statutorily time eligible before seeking expungement. Further, some judges may opt to not waive filing fees or past court costs for individuals seeking expungement, throwing up another barrier to expungement access. Broadly speaking, these differences in administrative policy tend to follow an urban/rural divide, with densely populated areas being more amenable to expungement while rural areas tend to be more restrictive.²⁵ As an interview with a legal aid attorney describes, prosecutor’s offices sometimes throw up barriers to expungement where doing so has no practical effect: “While prosecutors in some counties will immediately waive their objection in low-level cases where eligibility is clear, others will object to felony expungements as a matter of policy, even in cases involving low-level offenses where expungement is mandatory if

Misdemeanor classifications (Class A, Class B, and Class C) remained unchanged. See J. Razumich, “Changes in Felony Classification Under the New Indiana Criminal Code,” Razumich & Associates, P. C., 2014, <https://www.lawyersreadytofight.com/2014/03/29/changes-in-felony-classification-under-the-new-indiana-criminal-code/>

²³Restoration of Right Project, “Indiana Law on Expungement and Sealing,” *Federal Sentencing Reporter* 30, 4/5 (2018): 257-260, https://www.jstor.org/stable/26500073?searchText=&searchUri=&ab_segments=&searchKey=&refreqid=fastly-default%3Add28385936b7188bbb3acd7de6f383ca.

²⁴Restoration of Right Project, “Indiana Law on Expungement and Sealing.”

²⁵Gaines and Love, “Expungement in Indiana.”

eligibility requirements are met.”²⁶ Additionally, some county administrations suffer from a lack of experience in processing expungements and therefore lack clear systems and procedures for expungement processing, leading to confusion and delays in the expungement process.

However, the expungement statute’s administrative decentralization also allows for counties to broadly *increase* access to expungement, of which Marion County is an example. The Marion County Prosecutor’s Office supports many early filing requests and does so by a clear process, through which many requests are granted.²⁷ Judges in Marion County have also proven to be supportive of expungement petitioners, with very few expungement requests being denied.²⁸ As an article describing expungement in Marion County notes, “An “expungement panel” of five experienced prosecutors reviews all waiver [early filing] requests, which must be accompanied by a statement from the petitioner explaining why he or she believes a waiver is justified. After reviewing criminal history and sentence compliance, the panel votes on whether to grant the request.”²⁹ The Marion County Prosecutor’s Office also works closely with local legal aid providers such as Neighborhood Christian Legal Clinic, which operates a free expungement help desk for petitioners filing pro se, or without the benefit of an attorney. Taken together, these dynamics ensure that many individuals seeking expungement in Marion County benefit not only from access to free expungement services, but also a clear system through which expungement petitions are granted.

Given the availability and ease of accessing criminal record expungement in Marion County, it is unsurprising that the County has seen a large number of expungement petitions be

²⁶Gaines and Love, “Expungement in Indiana.”

²⁷Gaines and Love, “Expungement in Indiana.”

²⁸Gaines and Love, “Expungement in Indiana.”

²⁹Gaines and Love, “Expungement in Indiana.”

filed since the implementation of Indiana's expungement statute. Through the years 2015 to 2019, some 9,247 expungement petitions were filed in Marion County, nearly all of which were granted.³⁰ As such, many individuals in Marion County received criminal record expungement and its associated employment benefits during this time period. The year 2015 saw 718 expungement petitions be filed, with a significant increase in 2016 to 1,970 petitions being filed, an annual number that remained approximately steady through 2017 and 2018. Another increase took place in 2019, with 2,547 petitions being filed. In sum, 9,247 expungement petitions were filed in Marion County during this period. This stands in contrast to many other Indiana counties, where implementation of the expungement statute has been less enthusiastic and fewer individuals have sought expungement.³¹

To give a hypothetical example of the benefits of expungement in action, let us consider the case of Jasmine, a woman in her mid-twenties with a felony conviction. Jasmine struggles to find gainful employment due to her criminal history and finds herself moving from one low-paying job to another, with many employers refusing to hire her. As such, she often finds herself unemployed, including when she is selected for a local survey measuring unemployment rates. However, perhaps Jasmine is successfully able to seek expungement, thereby removing legal discrimination against her for her criminal history. As a result, she is now able to find stable employment at a local warehouse, where she earns significantly more than at her previous employment. With her newfound job, Jasmine is no longer unemployed and now earns more than \$100 per week, which has likely significantly improved her family's quality of life.

³⁰Gaines and Love, "Expungement in Indiana."

³¹Gaines and Love, "Expungement in Indiana."

However, receiving criminal record expungement is not a silver bullet or one-size-fits-all solution for individuals with a criminal history suffering from unemployment. A criminal history and its collateral consequences pose other barriers to successful employment, particularly if one was incarcerated. Individuals may find themselves with insufficient education to successfully pursue employment, as well as limited previous work history. As such, expungement is likely to most benefit individuals who already possess many of the prerequisites for successful employment; for those who do not have the education or experience necessary for employment, expungement alone may not be sufficient to gain employment.³² Similarly, expungement alone may be insufficient for an individual to successfully apply to a higher-paying job that requires credentials or work experience that the applicant lacks, possibly as a result of their criminal history limiting their previous employment options.

Evidence and Investigations

However, a significant challenge emerges in finding data to examine the effects of expungement. No public datasets are available on individuals that have and have not received expungement, and for understandable reasons, individuals who have received expungement are very reluctant to publicly self-identify as having done so. Additionally, much of the data that could be used in a major study is destroyed or sealed in the expungement process, creating further difficulties in gathering data. Given that it is highly difficult to establish a control group and treatment group experiment for individuals who have received expungement, especially for those in a specified geographical area, this study was forced to rely on an alternative form of data.

³²Prescott and Starr, “Expungement of Criminal Convictions.”

In the absence of individual-level data, we obtained broad expungement petition filing data through the Marion County Clerk’s Office. The Clerk’s Office supplied the number of annual expungement filing petitions in Marion County in each year from 2015 through 2022. This data was tracked through a feature of Indiana’s court filing system, whereby each court case is assigned an alphanumeric “cause number”³³ describing its county of filing, case type, and date of filing. Each county expungement filing is therefore assigned a cause number featuring “XP” in its title, denoting its status as an expungement case. Though each expungement case number is subsequently sealed from the public record if the expungement petition is granted, we were able to track the number of XP type petitions filed each year in Marion County. This data tracks only the number of expungement petitions that have been filed and does not provide any tracking of specific individuals or their outcomes after filing for expungement. As such, this data is best thought of as being broad rather than granular, and reflective of the general state of expungement in Marion County during this period.

However, this method of tracking does pose several barriers to obtaining data for our purposes. For one, the XP case type was only introduced in 2015; up to that point expungement petitions had been sorted under the ‘MI’ civil miscellaneous petition type, grouped with other cases including custody petitions and Bureau of Motor Vehicle reinstatement fee waivers. As such, data prior to 2015 is unavailable under this tracking method. Further, data after the year 2019 was excluded from this examination due to the unpredictable economic effects of the COVID-19 pandemic. The pandemic caused unemployment rates to shoot up in 2020 and

³³In Indiana, ‘case’ number and ‘cause’ number are often used interchangeably to refer to the alphanumeric title used to track civil and criminal cases in the state court system.

continued to have a significant impact in the following years.³⁴ Given this impact, data from the years 2020, 2021, and 2022 would have been a source of too much ‘noise’ to be included.

Additionally, under Indiana’s expungement statute an individual must file for expungement in each county where they have a criminal history, naturally including counties where a petitioner does not live or work. For example, a petitioner with a criminal history in Marion County but who lives and works in nearby Boone County must file for expungement within the Marion County court system, creating an XP case number in Marion County. If the petitioner’s filing were to be granted, then the expected positive employment outcomes associated with expungement would appear not in Marion County, but in Boone County.³⁵ Further, tracking the number of expungement petition filings does not strictly reflect tracking the number of expungement petitions that are ultimately granted, as judges retain discretion over granting expungement petitions involving felonies greater than a Class D or Level 6 status. Though it is rare for an expungement petition to be denied in Marion County, a small number are denied each year.³⁶ With these restrictions in mind, it can be said that this method of data tracking gives a broad view of criminal record expungement accessibility in Marion County, rather than a granular picture of individual expungement filings and their particular characteristics.

Examining expungement filing statistics in Marion County, it is best to consider the net number of expungement petitions filed between 2015 and 2019, rather than the annual filing

³⁴R. Edwards, L. S. Essien, and M. D. Levinstein, “U.S. labor market shows improvement in 2021, but the COVID-19 pandemic continues to weigh on the economy,” United States Bureau of Labor Statistics, June 2022, <https://www.bls.gov/opub/mlr/2022/article/us-labor-market-shows-improvement-in-2021-but-the-covid-19-pandemic-continues-to-weigh-on-the-economy.htm>.

³⁵ This dynamic can be seen to strengthen this investigation’s hypothesis that a relationship exists between filing of expungement petitions and reduced unemployment rates. If such a relationship can be observed even with these limitations, it would be even more pronounced if the effects of expungement were limited to Marion County.

³⁶Gaines and Love, “Expungement in Indiana.”

statistics. Individuals receiving expungement see a general boost in likelihood of employment,³⁷ not just in the time immediately after they receive expungement. Therefore, individuals receiving expungement may be considered as likely workforce participants who are now more likely to receive employment. For example, even if an individual who was previously unemployed is now able to find employment after receiving expungement, they may be fired or laid off from that job at a later date.³⁸ However, that individual is now better situated to find a new job as a result of having received expungement and may be considered more resilient to unemployment as a result. In this way, expungement recipients can contribute to a decreased unemployment rate across a broader period of time, rather than solely in the period immediately following receiving expungement. As such, we may expect to see a relationship between the net number of expungement petitions filed in Marion County during a given time and a decrease in unemployment rates across the same period.

However, given the nature of Indiana's expungement filing system, not every expungement petition filed in Marion County is filed by a Marion County resident who lives and works in the county.³⁹ In this way, the unemployment benefits from expungement can be seen to 'leak' out of Marion County, thereby dampening the overall boost to employment that we expect to see because of increased accessibility to expungement. Further, not every expungement petition is filed for expungement of convictions, as some petitions apply only to dismissed cases or charges. While dismissed cases are nonetheless classified as a criminal history and may

³⁷Prescott and Starr, "Expungement of Criminal Convictions."

³⁸For example, an individual who was previously unable to find unemployment due to their criminal history could now successfully find employment after being granted expungement. However, they may later be subjected to normal labor market patterns, such as layoffs in a period of economic recession.

³⁹"Expungements: Detailed Information on Criminal Case Expungement," Indiana Courts, January 1, 2024, <https://www.in.gov/courts/iocs/files/pubs-trial-court-courtmgmt-expungement-detailed.pdf>.

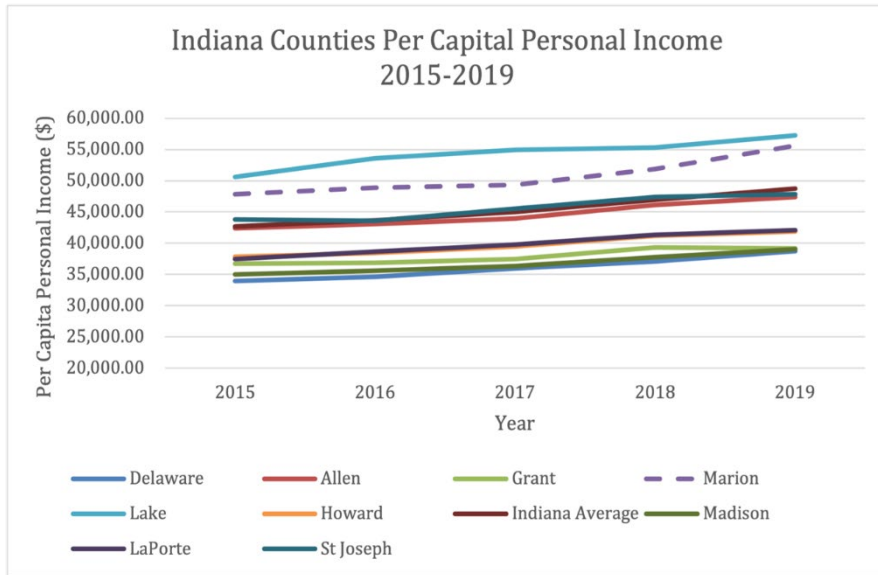
negatively affect one's likelihood of employment, they do not run afoul of the well-known question on many job applications, "Have you ever been convicted of a crime?" that prevents many individuals with criminal histories from successfully finding employment. As such, this inclusion of petitions for expungement of dismissed cases into broader expungement filing data will reduce the overall boost to employment that we expect to see because of expungement petitions being filed.

We next gathered data on annualized unemployment rates in Marion County from the St. Louis Federal Reserve website.⁴⁰ This data concerns the unemployment rate among the civilian labor force, described as "all persons in the civilian noninstitutional population ages 16 and older classified as either employed or unemployed."⁴¹ Data on annual per capita personal income in Marion County was also gathered from the St. Louis Federal Reserve website, with personal income defined as "the personal income of the residents of a given area divided by the resident population of the area" and personal income defined as "the income that is received by persons from all sources."⁴²

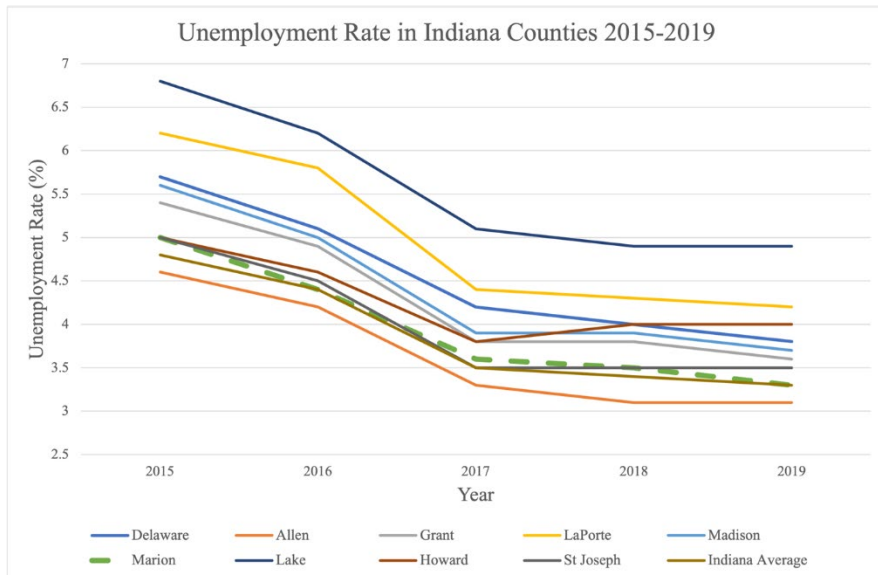
⁴⁰"Unemployment Rate in Marion County, IN," Federal Reserve Bank of St. Louis, 2022, <https://fred.stlouisfed.org/series/LAUCN180970000000003A>.

⁴¹Unemployment is defined as "Unemployed persons are all persons who had no employment during the reference week, were available for work, except for temporary illness, and had made specific efforts to find employment some time during the 4 week-period ending with the reference week. Persons who were waiting to be recalled to a job from which they had been laid off need not have been looking for work to be classified as unemployed."

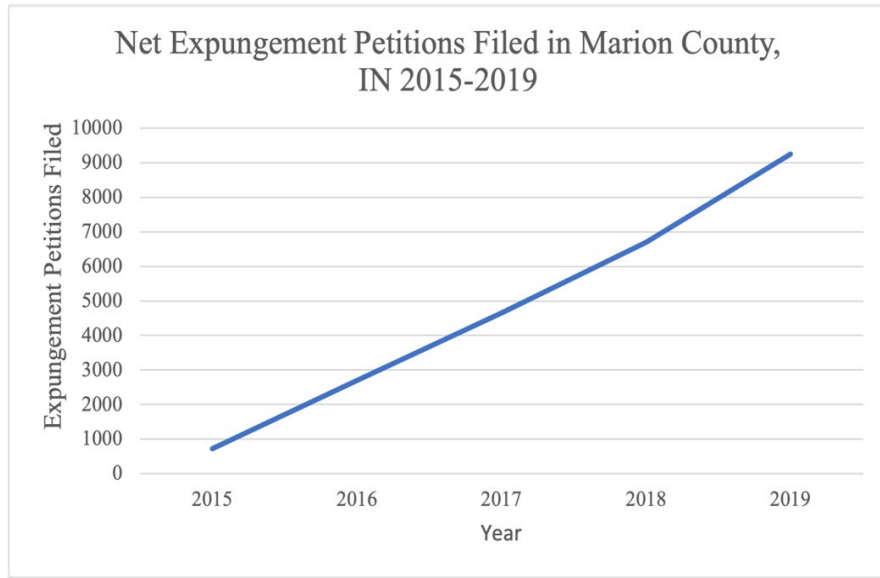
⁴²"Per Capita Personal Income in Marion County, IN," Federal Reserve Bank of St. Louis, 2023, <https://fred.stlouisfed.org/series/PCPI18097>.



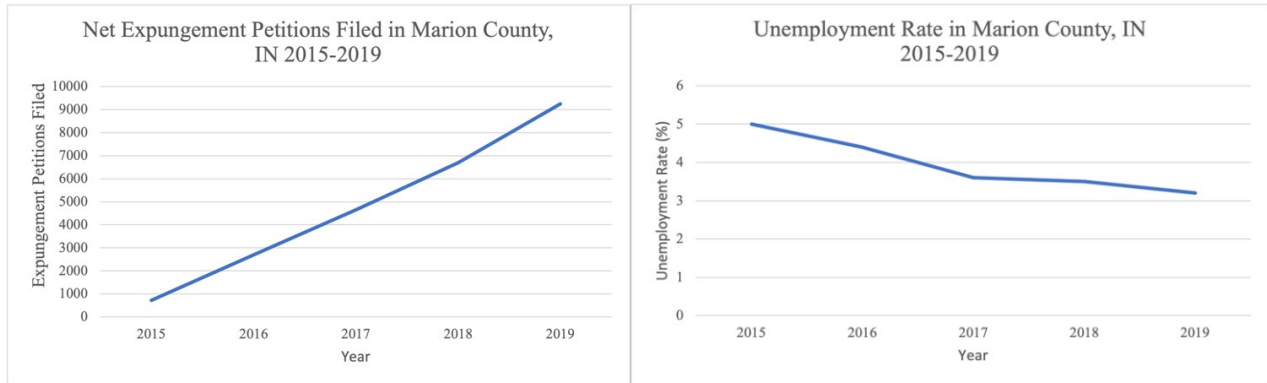
Graph 1. Indiana Counties Per Capita Personal Income (Marion County represented by dashed line).



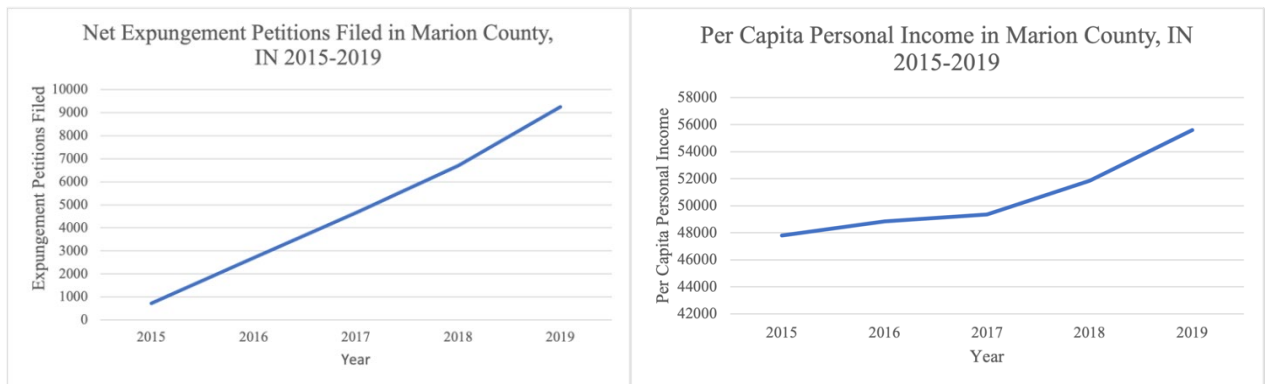
Graph 2. Indiana Counties Unemployment Rate (Marion County represented by dashed line).



Graph 3. Marion County Net Expungement Petitions Filed



Graph Set 1. Net Expungement Petitions Filed and Unemployment Rate in Marion County.



Graph Set 2. Net Expungement Petitions Filed and Per Capital Personal Income in Marion County.

As Graph 3 shows, net criminal record expungement petition filings over this period in Marion County increased at a nearly linear rate, with a slight uptick between 2018 and 2019. Additionally, as Graph 2 and Graph Set 1 illustrate, unemployment rates in Marion County decreased significantly during this time, dropping from 5% in 2015 to 3.2% in 2019. Further, Marion County's unemployment rate also dropped more than the Indiana state average during this period, by 1.8% compared to the state average drop of 1.5%.⁴³ As shown in Graph 2, Marion County followed a broadly similar trend to other Indiana counties across the same period, following a general pattern of decreasing unemployment. However, Marion County did appear to feature a decline in unemployment rates from 2017-2019 at a time when other counties plateaued in this regard. Marion County's high rates of criminal record expungement petitions can be said to correlate with this observation, though the relationship cannot be proven to be statistically significant.

Regarding increased wages, Graph Set 2 shows that Marion County's per capita personal income increased alongside expungement petition filings during the same period. Further, Graph 1 illustrates that Marion County saw significant growth in per capita personal income relative to other Indiana counties, as well as the state average. Marion County experienced a 16.27% increase, compared to the state average of 14.25%. That Marion County experienced such an increase suggests that the effects of high rates of criminal record expungement correlate with this trend, though the relationship is not statistically significant.

From these pieces of evidence, we may arrive at basic conclusions regarding the aggregate effects of criminal record expungement in Marion County during this period. For both

⁴³Charts listing this data and others can be found in the Appendix.

unemployment rates and per capita personal income, we cannot determine a causal relationship between Marion County's declines in unemployment rates and high levels of per capita personal income and the county's high numbers of criminal record expungement petitions being processed. Granular data on individuals seeking criminal record expungement in Marion County is not available, and causality therefore cannot be observed or definitively researched. However, we can observe at the very least a relationship of correlation between these observed trends and Marion County seeing high rates of criminal record expungement. Empirical research strongly suggests that criminal record expungement does lead to such benefits for individuals⁴⁴ and data does reveal that Marion County has experienced growth in both statistics in recent years.

Additionally, a nuance of the labor market for those with criminal histories may help to explain why a stronger correlative relationship is not observed. Relatively few individuals seeking expungement do so strictly because of their criminal history, and if so, they likely have a felony conviction. For many, a criminal history acts as a barrier to what kind of employment one may seek, rather than a total barrier to employment altogether.⁴⁵ Given that not all expungements involve a felony conviction and instead are solely for misdemeanors, many individuals who are granted expungement do so for the purpose of better employment and higher wages, rather than being able to seek employment in the first place.⁴⁶ This can be seen to account for the dynamics we observe here, where expungement has appeared to have a greater effect on per capita personal income in Marion County than on unemployment rates.

⁴⁴Prescott and Starr, "Expungement of Criminal Convictions."

⁴⁵J. I. Doleac and B. Hansen, "The Unintended Consequences of 'Ban the Box': Statistical Discrimination and Employment Outcomes When Criminal Histories Are Hidden," *Journal of Labor Economics* 38, no. 2 (2020): <https://www.journals.uchicago.edu/doi/full/10.1086/705880?af=R&mobileUi=0>.

⁴⁶Prescott and Starr, "Expungement of Criminal Convictions."

Moreover, several other confounding factors prevent a direct causal relationship from being claimed. First, unemployment decreased nationally during this period at a rate similar to that in Marion County, from 5.3% in 2015 to 3.7% in 2019.⁴⁷ Indiana’s statewide unemployment rate also decreased from 5.5% to 3.8%.⁴⁸ However, county-level unemployment data from across Indiana suggests that Marion County’s decrease in unemployment rates in this time is somewhat unique. Additionally, several possible local confounding factors exist in Marion County during this period. In 2017, EmployIndy—the city of Indianapolis’ workforce development non-profit—implemented a new strategic plan targeting specific areas of the city suffering from high unemployment and poverty.⁴⁹ The implementation of this plan may have resulted in a decrease in unemployment rates as a result.

Additionally, the number of individuals in Marion County holding a high school education or higher also increased during this time, rising from 85% to 86.1%.⁵⁰ The number of individuals holding a bachelor’s degree or higher in education likewise increased in Marion County during this time, growing from 28.3% to 30.9%.⁵¹ Taken together, these increases in educational attainment are likely to have had some effect on Marion County’s reduced unemployment rate during this time, as well as its increase in per capita personal income.

Finally, the years 2015 through 2019 saw a general improvement of economic conditions across the United States, including the state of Indiana. National average per capita personal

⁴⁷“Unemployment Rate,” Federal Reserve Bank of St. Louis, 2023, <https://fred.stlouisfed.org/series/UNRATE>.

⁴⁸“Indiana Unemployment Rate,” Hoosiers by the Numbers, 2023, <https://www.hoosierdata.in.gov/infographics/sa-unemployment-rate.asp>.

⁴⁹“EmployIndy Strategic Plan,” EmployIndy, 2017, <https://employindy.org/wp-content/uploads/2017/10/EmployIndy-StrategicPlan.pdf>.

⁵⁰“High School Graduate or Higher (5-year estimate) in Marion County, IN,” Federal Reserve Bank of St. Louis, 2022, <https://fred.stlouisfed.org/series/HC01ESTVC1618097>.

⁵¹“Bachelor’s Degree or Higher, Federal Reserve Bank of St. Louis.

income increased from \$48,695 to \$56,237⁵² and real GDP per capita rose from \$53,806 to \$57,100.⁵³ In Indiana, average per capita personal income increased from \$42,667 to \$48,749.⁵⁴ As such, Marion County’s increase in average per capita personal income during this period could be considered part of a broader trend rather than a particular result of a local initiative or circumstances.

Though expungement policies generally enjoy broad bipartisan support, record clearance is not without its detractors. Some argue that expungement of criminal histories diminishes the safety of communities, as criminal histories are no longer publicly available.⁵⁵ Notably, Indiana’s expungement statute only “seals” cases from public view and allows for law enforcement agencies to retain such records for purposes of safety.⁵⁶ Others argue that the existence of expungement removes some of the deterrent effect to crime associated with the stigma of a criminal history.⁵⁷ As a subset of this view, some argue that expungements should be ‘priced’ higher or made less accessible, lest the deterrent effect against crime posed by a criminal history be diminished.⁵⁸ Economists have also expressed concern that if expungement becomes

⁵²“Personal Income Per Capita,” Federal Reserve Bank of St. Louis, 2023,
<https://fred.stlouisfed.org/series/A792RC0A052NBEA>.

⁵³“Real Gross Domestic Product per Capita,” Federal Reserve Bank of St. Louis, 2023,
<https://fred.stlouisfed.org/series/A939RX0Q048SBEA>.

⁵⁴“Per Capita Personal Income in Indiana,” Federal Reserve Bank of St. Louis, 2023,
<https://fred.stlouisfed.org/series/INPCPI>.

⁵⁵E. Romain, G. DeAngelo, D. Bruno, M. Mungan, and R. Romaniuc, “The Cost of Expungements,” *International Review of Law and Economics* 65 (2021):
<https://www.sciencedirect.com/science/article/abs/pii/S0144818820301897>. Indiana’s expungement statute partially addresses this concern by visibly marking expunged high-level felony convictions (Class C or Level 5 or higher) as ‘Expunged’ on public access databases.

⁵⁶Gaines and Love, “Expungement in Indiana.”

⁵⁷This view assumes that individuals have significant knowledge of the full effects that a criminal history may have on one’s life, and that this knowledge has a significant deterrent effect on individuals that may otherwise commit crimes.

⁵⁸Romain et al., “The Cost of Expungements.” Petition-based expungement systems such as Indiana’s arguably comport with this view by imposing significant burdens on individuals seeking expungement, such as court costs requirements and filing fees. Proponents of this view would likely criticize statutes that provide for automatic expungement of certain criminal offenses.

highly widespread, employers that still wish to discriminate against individuals with criminal histories will do so through racial profiling, particularly of young Black men, pointing to similar experiences in the "Ban the Box" movement.⁵⁹

Interpretations and Implications

Given this data, we may conclude that the individual effects of criminal record expungement identified in a previous study⁶⁰ *may* have appeared in the aggregate in Marion County as rates of criminal record expungement increased. This correlative relationship is demonstrated by an analysis of Marion County's unemployment rates and per capita personal income compared to its expungement petition filing statistics over time, as well as a comparison of Marion County's unemployment rate and per capita personal income relative to other Indiana counties over the same period. However, this relationship of correlation may be subject to confounding factors such as targeted anti-unemployment efforts in Marion County and increased rates of education during the same period, as well as generally positive macroeconomic conditions. Moreover, individual level-data to examine a possible causal relationship is unavailable.

Given this information, there are several actionable steps that local governments and officials may take to increase access to criminal record expungement to harness the benefits of expungement for their communities. First, prosecutor's offices and court systems can ensure that clear processes and procedures have been established for the filing and processing of expungement petitions. Further, these procedures and any unique local specifications or requirements should be clearly posted and made available to the public to streamline the filing

⁵⁹Doleac and Hansen, "The Unintended Consequences of 'Ban the Box.'"

⁶⁰Prescott and Starr, "Expungement of Criminal Convictions."

process and ensure compliance on the part of petitioners.⁶¹ While these measures do not necessarily indicate a progressive or liberal stance on expungement, they do represent an effort to make expungement accessible and ease compliance with the statute. Such administrative policies may also have the effect of partially easing the workload of prosecutor's offices and clerk's offices by helping to ensure that expungement petitions are properly filed and in compliance with the statute.⁶²

Additionally, prosecutor's offices may choose to increase access to expungement by considering and granting requests for early filing permission. Under Indiana's expungement statute, prosecutor's offices bear full discretion in granting or denying early filing requests, leading some offices to categorically deny early filing requests. However, there is an opportunity for prosecutor's offices to consider early filing requests under certain circumstances or conditions. For example, a prosecutor's office may choose to only consider and grant early filing requests for individuals who only have a single misdemeanor conviction. Others may only grant early filing requests for individuals who demonstrate a pressing need, such as parents seeking expungement to better care for their dependent children. Some prosecutors have also taken the innovative step of building early filing permission into plea agreements, thereby creating greater access to expungement for individuals faced with the burden of a criminal history.⁶³

Finally, prosecutor's offices can work directly with and support legal aid providers to ensure that access to free or low-cost expungement assistance is provided. Given that pursuing

⁶¹This recommendation applies only to states that use petition-based expungement systems such as Indiana. In states that practice automatic criminal record expungement or sealing, prosecutor's offices do not play such an active role in the expungement process.

⁶²Prosecutor's and Clerk's Offices must sometimes reject or object to expungement petitions if they do not include the proper statutory information or include an incomplete criminal history. Individuals can often refile for expungement with an updated petition, though this is likely to add additional time and expense for petitioners.

⁶³Gaines and Love, "Expungement in Indiana."

expungement through an attorney often costs several thousands of dollars, legal aid groups play an important role in providing equitable access to expungement. For example, in Marion County, the Prosecutor’s Office works closely with Neighborhood Christian Legal Clinic’s expungement help desk program to provide easy access to expungement.⁶⁴ The Marion County Prosecutor’s Office also organizes expungement aid workshops and events designed to raise awareness around expungement and connect individuals with legal aid services offering expungement assistance.⁶⁵ In Indiana’s northern St. Joseph County, the local Prosecutor’s Office went so far as to host an expungement workshop with its own attorneys filling out expungement petitions for individuals to file with the Courts.⁶⁶ The public authority of the prosecutor’s office is important in this regard, as individuals seeking expungement can see that the remedy of expungement is endorsed by a powerful local legal actor that was almost certainly associated with their original conviction.

Conclusion

In conclusion, this examination has explored the aggregate effects of criminal record expungement on unemployment rates and per capita personal income in Marion County, Indiana during the period of 2015-2019. To that end, this examination also described the process and mechanics of Indiana’s criminal record expungement statute, including how expungement operates in Marion County, as well as steps that governments may take to increase access to expungement in their communities.

⁶⁴Blinder, “Convicts Seeking to Clear Their Records Find More Prosecutors Willing to Help.”

⁶⁵E. Longnecker, “Marion County Prosecutor Giving Second Chances to Those Familiar with Justice System,” *WTHR*, June 24, 2021, <https://www.wthr.com/article/news/crime/marion-county-prosecutor-giving-second-chances-to-those-familiar-with-justice-system-juvenile-driver-license-indianapolis-indiana/531-6675414b-c098-4f20-b30c-4b5bd4ae5087#:~:text=INDIANAPOLIS%20—%20On%20Wednesday%2C%20Marion%20County,familiar%20with%20the%20justice%20system.>

⁶⁶A. Gammage, “A Fresh Start,” *Indiana Court Times*, 2021.

This relationship was determined by examining the net number of expungement petitions filed in Marion County, acting as a proxy for the number of individuals receiving criminal record expungement, and unemployment rates and average per capita personal income in Marion County over time. Though possible confounding factors of broader economic conditions, anti-unemployment efforts, and increased education exist, analysis of Marion County's unemployment rates and average per capita personal income relative to other Indiana counties during the same period suggests a correlation between increased rates of criminal record expungement and these benefits, though the relationship cannot be described as statistically significant.

Given national interest in both reducing unemployment and increasing incomes, further research should be conducted into criminal record expungement as a policy solution for these concerns. However, a significant limiting factor in conducting research on criminal record outcomes is the obvious sensitivity around expungement data and expungement recipients themselves. Individuals seek expungement to remove their criminal histories from the public record and are understandably sensitive to acknowledging that they have received expungement. As such, any large-scale examination of expungement outcomes must feature anonymized data, or in this study's case, only raw data. This poses a significant barrier to conducting research, as seen in this study, and relevant state authorities should work to make anonymized data available upon request to researchers.

Future research topics surrounding expungement could also look beyond simply economic benefits, including measures surrounding social reintegration. Other research could investigate expungement uptake rates among eligible individuals in petition-based systems, particularly in urban versus rural areas. Finally, research could examine friendliness to

expungement among elected prosecutors (likely based on attitude toward early filing permission) relative to partisan political status. Criminal record expungement bears the power to transform lives, and further research to better understand its effects and implementation is needed to ensure its continuation as a policy item.

This examination has found a correlative relationship the individual economic benefits of receiving criminal record expungement as identified in “Expungement of Criminal Convictions: An Empirical Study” and observed macroeconomic statistics in Marion County, Indiana after a large number of individuals there sought criminal record expungement between 2015 and 2019. Marion County saw a significant decrease in unemployment rates during this period, as well as a marked increase in average per capita personal income. Though both of these measurements are subject to confounding factors, examination of each relative to other Indiana counties during the same period suggests a relationship of correlation, particularly as data that would enable a causal relationship to be investigated is unavailable.

Appendix A: Acknowledgements

Additionally, a special thanks and acknowledgement to Logan Matthews of the Marion County Clerk’s Office, who generously provided data on yearly expungement petition filing statistics in Marion County. Without this data, it would be highly difficult to study the aggregate effects of expungement as this investigation has done. The author hopes that this investigation may prompt further research into the effects of criminal record expungement, particularly as more states look to expand their criminal record expungement statutes.

Appendix B: Charts

Year	Annual Filings	Net Filings
2015	718	718
2016	1,970	2,688
2017	1,963	4,651
2018	2,049	6,700
2019	2,547	9,247

Chart 1. Marion County, Indiana Annual Expungement Petition Filings.

	Delaware	Allen	Grant	Marion	Lake
2015	33,962.00	42,391.00	36,711.00	47,811.00	50,613.00
2016	34,606.00	43,070.00	36,836.00	48,856.00	53,600.00
2017	35,998.00	43,982.00	37,453.00	49,348.00	54,929.00
2018	37,062.00	46,117.00	39,314.00	51,848.00	55,280.00
2019	38,762.00	47,398.00	39,179.00	55,588.00	57,280.00
	Howard	Indiana Average	Madison	LaPorte	St. Joseph
2015	37,842.00	42,667.00	35,015.00	37,462.00	43,789.00
2016	38,394.00	43,645.00	35,581.00	38,668.00	43,588.00
2017	39,462.00	45,015.00	36,326.00	39,804.00	45,542.00
2018	41,185.00	46,945.00	37,725.00	41,328.00	47,364.00
2019	41,863.00	48,749.00	39,056.00	42,076.00	47,847.00

Chart 2. Indiana Counties Per Capita Personal Income 2015-2019.

Delaware	14.13%	Howard	10.63%
Allen	11.81%	Indiana Average	14.25%
Grant	6.72%	Madison	11.54%
Marion	16.27%	LaPorte	12.32%
Lake	13.17%	St. Joseph	9.27%

Chart 3. Indiana Counties Per-Capita Personal Income 2015-2019 by percent increase.

	Delaware	Allen	Grant	Marion	Lake
2015	5.7%	4.6%	5.4%	5%	6.8%
2016	5.1%	4.2%	4.9%	4.4%	6.2%
2017	4.2%	3.3%	3.8%	3.6%	5.1%
2018	4%	3.1%	3.8%	3.5%	4.9%
2019	3.8%	3.1%	3.6%	3.3%	4.9%
	Howard	Indiana Average	Madison	LaPorte	St. Joseph
2015	5%	4.8%	5.6%	6.2%	5%
2016	4.6%	4.4%	5%	5.8%	4.5%
2017	3.8%	3.5%	3.9%	4.4%	3.5%
2018	4%	3.4%	3.9%	4.3%	3.5%
2019	4%	3.3%	3.7%	4.2%	3.5%

Chart 4. Indiana Counties Unemployment Rate 2015-2019.

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