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## Surveys, Records, and the Study of Incarceration in Families

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### Abstract

More than 2 million American children have a parent incarcerated, making the consequences of parental incarceration for families critical to understand. A growing literature documents significant challenges not only among incarcerated men, but also among their spouses, partners, and children. Much remains to be learned about these experiences; however, and the data available for doing so are limited. This analysis takes steps to improve the quality of available data on paternal incarceration by supplementing a leading population-based survey of families with administrative criminal history records from a state criminal justice agency. While this administrative supplement provides only a lower-bound on the extent of criminal justice involvement in our sample, it increases the number of fathers identified with criminal histories by more than 20%. Building upon such a supplement, in our current survey or future ones, stands to improve the identification of justice-involved fathers on a broader scale.

### Introduction

As of 2010, more than 2 million American children had a parent incarcerated (Western & Pettit, 2010), motivating a far-reaching examination of the criminal justice system and its role in family life. Over 90% of incarcerated parents are fathers (Western & Pettit, 2010), and a growing literature documents significant disadvantage not only among incarcerated fathers, but also among their spouses, partners, and children (See Wakefield, Lee, and Wildeman, this issue; Wakefield and Wildeman, 2014 for reviews).

Much recent research on paternal incarceration is based on household surveys in which respondents may report that they or a family member has been to prison or jail (Foster & Hagan, 2007; Geller, Cooper, Garfinkel, Schwartz-Soicher, and Mincy, 2012, among others). These surveys provide rich descriptors of family life, including identification of incarcerated family members outside the household. However, survey data are limited by the inherent risk of attrition, recall error, and underreporting (Groves, 2004), as well challenges in identifying when respondents or their family members were incarcerated, for how long, or for what offenses (Geller et al., 2012; National Center for Family and Marriage Research, 2012).

In this paper we examine the ways in which survey data can be strengthened for the study of incarceration and families through an administrative data supplement. Using data from a leading source of information on incarcerated fathers, the Fragile Families and Child Wellbeing Study, supplemented with administrative data from a state criminal justice agency, we find the combined dataset identifies a significant number of fathers with previously unreported criminal histories, and adds rich detail on the nature of their criminal justice involvement. However, we also note challenges in matching survey respondents to comprehensive criminal history data, which may lead to attenuated estimates of incarceration's effects. We therefore conclude the paper with recommendations for prospective collection of administrative criminal history data alongside current and future household surveys.

## Background

To date, the literature examining parental incarceration in the United States has relied on three methods of data collection. First, qualitative studies (Arditti, Lambert-Shute, & Joest, 2003; Braman, 2004; Comfort, 2008, this volume; Nurse, 2002) provide rich descriptions of the lives of incarcerated men and their families. However, these studies focus predominantly on descriptive accounts of family stressors, and are not designed to distinguish the challenges caused by incarceration from those tied to broader socioeconomic disadvantage.

A second set of studies uses data from population-based household surveys, such as the National Longitudinal Study of Adolescent to Adult Health ("Add Health") (Foster & Hagan, 2007; Roettger et al., 2011), the Fragile Families and Child Wellbeing Study (FFCWS) (Geller, Cooper, Garfinkel, Schwartz-Soicher, & Mincy, 2012), and the Project on Human Development in Chicago Neighborhoods (PHDCN), (Wakefield & Wildeman, 2011), in which fathers may self-report criminal justice involvement, or family members may identify fathers as having been incarcerated. Population-based surveys are valuable because they contain families with and without incarceration histories, providing a control group against which to assess the disadvantage faced by incarcerated fathers and their families. They also follow families prospectively, allowing the examination of family circumstances prior to many fathers' incarceration. Furthermore, some surveys systematically oversample socioeconomically disadvantaged families, providing both a large sample of families with fathers who have been incarcerated, and a comparison sample vulnerable to many of the same socioeconomic challenges correlated with incarceration.

However, longitudinal surveys also have limitations. Because they do not focus on criminal justice, they may not capture details of fathers' incarceration experiences. Attrition rates also tend to be high among socioeconomically disadvantaged respondents, suggesting incarcerated fathers may be difficult to retain. Further, stigmatized behaviors such as criminal involvement are often underreported in surveys (Golub, Johnson, Taylor, & Liberty, 2002; Groves, 2004). While some surveys supplement self-report data with reports by other family members, proxy respondents are less likely to accurately recall the experience of others (Gelman & Hill, 2007). Women may also underreport the criminal history of a man

with whom they are romantically involved (Caspi et al., 2001), but report such information if the relationship ends, introducing systematic measurement error.

A third literature uses administrative data to examine the effects of incarceration on outcomes like recidivism risk (Nagin, Cullen, & Jonson, 2009) and employment (e.g., Kling, 2006). However, incarcerated fathers are frequently not connected to their children in official records, since most live in different households when arrested (Geller, 2013; Johnson & Waldfogel, 2002) are not primary caregivers, and may not be designated legal guardians. Over the past 20 years, there has also been a sharp increase in the availability of criminal history information through private companies conducting background checks (Bushway et al., 2007); however, these companies are not organized by state, not regulated by public records laws, and data they provide have been found to contain significant discrepancies with records available through official sources (ibid.). We therefore limit our discussion to the potential for public administrative sources to study the effects of paternal incarceration on families; however, their utility on their own is limited.

Several European studies use a mix of household surveys, national registry data, and administrative records of parents' criminal histories (Murray & Farrington, 2010; Andersen, L. H., this volume; Andersen, S. H., this volume) allowing long-term assessments of incarceration and its effects on family life. However, these studies would be difficult to replicate in the United States, where criminal history data is collected at federal, state, and county levels (Bushway, Briggs, Taxman, Thanner, and Van Brakle, 2007). While criminal records may be integrated with other administrative data at a state or local level (Berger et al., this volume; Cho, 2009a, 2009b, 2011), these studies are limited in their generalizability. To date there is no comprehensive data collection that integrates systems across states.

### Current Contribution

In this paper we assess the potential of an administrative dataset provided by a state agency to supplement one of the leading household surveys examining children and families, to provide comprehensive information on fathers' involvement in the criminal justice system. We focus our analysis on the extent to which administrative data matching identifies incarceration histories unreported in family survey data, as well as the extent to which survey respondents provide information on paternal criminal histories beyond that in administrative data.

To our knowledge, this study represents the first attempt to combine an American population-based family survey with computerized criminal history data from administrative sources. Although our analysis is based on a very small subsample of the FFCWS, our work with the criminal justice clearinghouse in one state provides a barometer for the feasibility of broader data matching. Although we do not make inferences about the broader population – or even the broader FFCWS sample – our findings offer guidance for future data collection efforts.

## Methods

### Data Sources

Data are drawn from the New York City subsample of the Fragile Families and Child Wellbeing Study, supplemented with Computerized Criminal History (CCH) records provided by the New York State Division of Criminal Justice Services (DCJS).

### The Fragile Families and Child Wellbeing Study

The FFCWS is a leading source of information about the role of incarceration in urban families. (See Reichman et al., 2001 for a description of the sample and design, and Geller, Jaeger, and Pace, forthcoming, for a discussion of the study's contemporary use.) The study systematically oversamples unmarried parents, providing a sample that is socioeconomically disadvantaged, with high rates of incarceration among the fathers. Many of the families without paternal incarceration also face socioeconomic disadvantage, improving our ability to isolate incarceration effects from other sources of family instability. The study also measures a wide range of post-incarceration outcomes among fathers, mothers, and children. However, to date, measurement challenges have limited analyses of justice system involvement.

### New York State Computerized Criminal History Files

We supplement the FFCWS with Computerized Criminal History (CCH) data provided by the New York State Division of Criminal Justice Services (DCJS), sent to the FFCWS Study Director's office at the end of 2014. The CCH data contain information about adult arrests for fingerprintable offenses (i.e., misdemeanor or felony offenses) sent to DCJS by police departments in municipalities across New York State.

The CCH file provided by DCJS is known as a "top charge" file obtained through a "name search". The research team provided names and personal identifiers of FFCWS fathers to DCJS in order to identify participants with criminal justice contact in New York State<sup>1</sup>. In this particular search, DCJS staff selected the best candidate match and returned at most one matched individual for each FFCWS record submitted. Fathers found to have criminal histories through the name search process were matched with their New York State Identification numbers (NYSID), unique identifiers used by state agencies to link the records of justice-involved individuals across agencies. The resulting file included information on the most serious charge at each arrest for a fingerprintable crime<sup>2</sup>.

Notably, DCJS does not receive information about non-fingerprintable arrests (for violations), federal offenses, immigration detention, juvenile offenses, or arrests that occur out of state. The CCH data also do not include information on sealed records; the record of an arrest may be sealed if it results in an acquittal, the dismissal of charges, a conviction for a violation or other non-criminal offense, or if the person is granted youthful offender status.

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<sup>1</sup>Personal identifiers provided to DCJS included, when available, first and last names, one middle initial, date of birth, and social security number. Data were also provided on fathers' reported race and ethnicity, which were used, along with their sex, to assess the goodness of fit with records found to be potential matches.

<sup>2</sup>Hereafter, "arrests" in the CCH data refer to adult arrests for fingerprintable crimes, with all the exclusions noted above.

Accordingly the CCH data include some, but not all, incidents that might lead someone to spend time in jail, and represent a lower bound on the disruption to family life that might be caused by paternal criminal justice involvement.

### Analysis Sample

The analysis sample for the proposed study is based on the 384 FFCWS families with children born in New York City. Records were searched for the 333 fathers identified by name (87% of fathers in the New York City sample) and date of birth<sup>3</sup>. Social Security Numbers were submitted for 192 of the 333 fathers searched (58%).

### Human Subjects Concerns

Criminal history records include sensitive information, and an extensive literature documents the potential of a criminal record to stigmatize formerly incarcerated individuals in the labor and housing markets, and throughout their communities (see, e.g., Western and Pettit, 2010). Moreover, the FFCWS is a publicly available, deidentified dataset widely used by social science researchers. It was therefore critical to protect participant identities throughout the name search process.<sup>4</sup> Communication of name search information to DCJS was therefore done exclusively by the FFCWS Study Director's office at Princeton University. Identifying information was communicated using encrypted "pseudo-identifiers" to prevent the linkage of names and other identifying information to the family details provided in the survey responses.

Upon receipt of the top charge file from DCJS, the FFCWS Study Director's office removed all personal identifiers. Although deductive disclosure was unlikely from the remaining file, the Study Director's office took further efforts to protect participant identities, and generalized all incident-level data to further minimize the risk of deductive disclosure. The resulting file included no exact dates (referring only to the month and year of incidents), or specific locations (identifying regions only as "New York City", "Suburban New York City" and "Upstate"). The resulting encrypted, generalized criminal history file was then merged into the FFCWS dataset.

### Key Variables

**Survey Reports of Paternal Criminal History**—The Fragile Families and Child Wellbeing Study asks several questions in which parents may indicate a father's history of justice system involvement. Parents are asked directly about fathers' criminal histories at the one, three, five, and nine-year follow-up surveys (hereafter, "Y1", "Y3", "Y5" and "Y9"). However, questions are asked differently of fathers and mothers; details about the

<sup>3</sup>Complete dates of birth were submitted for 314 of the 333 fathers searched. The remaining 19 fathers had dates of birth approximated based on the ages self-reported or provided by their partners at the time they were surveyed.

<sup>4</sup>The Fragile Families and Child Wellbeing Study is governed by Columbia University IRB Protocol AAA7011, and Princeton University Protocol 5767. The record match study is governed by Princeton University IRB Protocol 6649. The data collection and data analysis components of this project were segmented so that the only files transmitted to Columbia and New York Universities in pursuit of this project were encrypted and generalized, with minimal possibility of deductive disclosure of participant identities. Because the research at Columbia and New York Universities was limited to the analysis of existing deidentified data, the analysis was deemed Not Human Subjects Research by the Columbia University IRB and the New York University Committee on Activities Involving Human Subjects.

questions asked at each wave are provided in Table 1, with illustrative examples provided in Appendix A.

Generally, fathers are asked more detailed questions than mothers: they are first asked if they have been charged with a crime in a particular time period; if so, they are asked if they were convicted of a crime, and if so, they are asked if they have spent time in prison or jail. Mothers, on the other hand, are simply asked if their partner was incarcerated<sup>5</sup>. Mothers' questions are therefore more inclusive than fathers': If a father was charged with a crime, held in central booking or jail for a period of time, but charges were ultimately dismissed, mothers would have an opportunity to report the incident, but fathers would not: they would report the charge, but with no conviction, they would not be asked about incarceration.

Given the differences in how mothers and fathers are asked to report fathers' involvement in the criminal justice system, it is not surprising that parents' reports do not always align. Furthermore, as the FFCWS progresses, the period of time that elapses between mother and father interviews increases (Geller et al., forthcoming), increasing the risk of inconsistency between parents' responses. To resolve inconsistencies between mother and father reports of fathers' criminal justice involvement at a given wave, many researchers categorize incarceration histories using an inclusive indicator that incorporates any indication of incarceration, even if inconsistencies exist (Geller et al., 2012).

To understand how administrative data might be used to adjudicate between reports that differ across parents, we focus our analysis on the Y1 survey wave, examining both mothers' and fathers' direct reports. We expect Y1 reports of fathers' criminal histories will contain the least measurement error, since both parents are simply asked to report any criminal justice contact the father had until that time. In later waves, parents often are asked to report only recent experiences, which introduces a risk of telescoping or other recall errors (Rubin and Baddeley, 1989). Given attrition over time, we also expect that Y1 reports on fathers' criminal histories will be provided by the largest subsample.

**Administrative Reports of Paternal Criminal History**—Although the CCH data provided by DCJS are a lower bound on the lifetime prevalence of justice system involvement among the FFCWS fathers, we refer to fathers as “ever involved” with the New York State criminal justice system if the DCJS name search returns at least one arrest, though note that additional records may exist. To identify whether fathers have been incarcerated, we focus specifically on the CCH variable noting the “collapsed sentence type” of the top charge disposition. Although a variety of sentences may be reported in the data, along with a wide range of minimum and maximum incarceration terms, when relevant, we focus specifically on whether arrestees received a custodial sentence, a non-custodial sentence, or if their case disposition was something other than a conviction<sup>6</sup>.

<sup>5</sup>If either parent indicates incarceration, they are asked to elaborate on the experience, but again, the line of questioning differs slightly between mothers and fathers. More detail is provided in Appendix A.

<sup>6</sup>We consider sentences of “Determinate Prison”, “Prison”, “Jail”, and “Jail+Probation” to be custodial sentences. We also consider sentences of “Time Served” to indicate incarceration, because they suggest arrestees spent time in jail while their case was in progress. A sentence of “Time Served” could refer to any length of time spent in jail: from a single day to much longer. We consider sentences of “Probation”, “Fine”, “License Suspended/Revoked”, “Convicted - No sentence”, and “Other”, or combinations thereof, to be noncustodial sentences. When arrestees were not convicted, given a conditional discharge, or their case was not disposed, we also

**Analytical Approach**—Our research examines the extent to which our administrative data supplement identifies father involvement in the criminal justice system that is unreported or underreported in the FFCWS. We begin with an evaluation of the matching process itself, examining the extent to which the identifying information provided to DCJS was used to detect criminal history records among the fathers.

**Matching**—Our matching analysis begins by assessing the number of families who match to at least one CCH record of contact with the criminal justice system. DCJS recommends checking each returned case against available identifying information, and we identify the extent to which discrepancies exist between the survey and administrative records of the fathers' Social Security Numbers, Dates of Birth, race, and ethnicity.

Within our matched sample, we compare the contents of the survey and administrative data, focusing specifically on events that preceded the Y1 follow-up interview. Because we obtained the administrative data after several waves of the survey were completed, rather than prospectively, we begin by stratifying the administrative data to identify arrests that came before each parent's Y1 interview. We next examine, of those incidents clearly timed before the Y1 interviews, the extent of survey-administrative concordance: how incidents reported in the administrative data were identified in either fathers' self-reports or mother's partner-reports. We also examine whether FFCWS survey reports suggest criminal justice involvement not indicated in the CCH data.

Finally, in addition to examining concordance between parents' individual reports of incarceration and the fathers' administrative records, we also identify the extent to which mothers' and fathers' reports of incarceration align with each other. To the extent that parents' reports are discordant, we examine which conflicting survey reports are resolved through the identification of administrative records. Most generally, we seek to understand the potential sources of differences in reporting, in order to inform future surveys and reduce discrepancies.

## Results

### Survey-Administrative Matching

Of the 333 fathers for whom records were searched, 77 had CCH records of at least one arrest. An additional 44 fathers had criminal justice involvement (at least a criminal charge) indicated in at least one survey question, but did not have CCH records. The 77 fathers in the CCH data, 23% of the submission sample, were identified in between 1 and 36 incident records each, for a total of 417 arrests. Comparing the identifying information that DCJS provided for the 77 matched fathers to the information provided in the survey, we found that 38 fathers, slightly less than half of those with records returned, had information in their CCH records that that matched perfectly with the information provided in the FFCWS. As shown in Table 2, the remaining 39 fathers had one or more discrepancy, mostly related to

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noted this as an experience without incarceration, though this again represents a lower bound on the family disruption associated with the experience.

race and Hispanic ethnicity, which were not used in the name search beyond verification of already-identified potential matches.

Among the records that were matched, 79% had a SSN included in the submission. More than 88% of names submitted without a SSN were unmatched, a match rate 20 percentage points lower than the names submitted along with an SSN. We have no reason to believe there is a difference in the true prevalence of criminal histories by whether a father's SSN is known by the FFCWS, suggesting that the SSN is a key component of record identification.

### Survey-Administrative Concordance: The Example of Y1

Turning to our examination of concordance between survey and administrative data, we first examine the timing of all 417 arrests reported, to identify cases clearly timed before the Y1 survey, as shown in Table 3.

Of the 417 reported arrests, just over half were associated with families in which both parents were interviewed at Y1: 78 took place before the associated fathers' and fathers' partners' Y1 interview, and 133 took place after both parents' Y1 interviews. Another 181 events occurred in couples with only one parent interviewed, but were clearly timed with respect to that parent's interview: 100 came before, and 81 came after. These "clearly timed" cases constitute 94% of all reported incidents. The remaining 6% include cases in which neither parent was interviewed, arrest dates were not provided, or the arrest timing was "mixed"<sup>7</sup>. In the interest of clarity, we exclude these cases from the matching analysis. Further, we focus specifically on the 178 arrests that are clearly timed before the Y1 interview. These arrests are associated with 55 fathers.

**Father Reports**—Of the 55 fathers with arrests before the Y1 survey wave, almost one-third (17) were not interviewed at Y1. Of those fathers interviewed, most reported having been charged with a crime, but many did not (22 reported having been charged, 16 reported not having been charged). Notably, those fathers were not subsequently asked about conviction or incarceration. Moreover, of the 16 fathers not asked, 12 had CCH data indicating convictions by their Y1 survey. (The remaining four had charges dismissed or not disposed of). Of the 22 fathers asked about conviction histories, 10 reported conviction, and subsequently reported having been incarcerated. Another 10 reported not having been convicted, and two declined to answer<sup>8</sup>. These 12 fathers were not subsequently asked about, or given the opportunity to report, incarceration, although five had CCH data noting previous sentences to jail, prison or "time served". Another 17 fathers reported having been charged with a crime at some point before the survey, though no prior incidents appeared in the CCH data. Three of these fathers also self-reported having been convicted of a crime (though none reported incarceration).

**Mother reports**—Of the 55 fathers with pre-Y1 arrests in their CCH records, five had partners who were not interviewed. Of the 50 mothers interviewed, three reported that their

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<sup>7</sup>Cases with "mixed" timing include one arrest that occurred after the father's Y1 interview but before the mother's, and three arrests occurring in the same month as at least one parent's interview. Because we analyzed the month and year of arrest and interview, rather than the exact date, we were unable to ascertain relative timing.

<sup>8</sup>Parents are noted as "declining to answer" if their answer was "don't know" or "refuse".



children's fathers were incarcerated at the time of their interview. Each of these fathers had been CCH records of arrests or convictions in the year leading up to their partners' interviews<sup>9</sup>, and all three had prior incarceration sentences in their records. Another 21 mothers reported that their partners had been incarcerated at some point before her Y1 interview.

In addition to the mothers reporting that their partners had been incarcerated, 23 reported no incarceration, and three declined to answer the question. However, just over half (13) of these mothers had their reports of "no incarceration" borne out by the CCH records. Eight others had partners sentenced to prison or jail before her Y1 interview, and the remaining two had partners who had been sentenced to "time served", suggesting he had spent at least some time incarcerated while his case was processed. In addition, all three mothers who had declined to answer the incarceration question had partners sentenced to jail or prison at least once before her survey took place.

Of the 21 mothers reporting that their partner had been incarcerated, only 13 had partners with jail or prison sentences in their administrative records at the time of the Y1 interviews, or sentences to "time served". In addition to the 55 fathers with arrests before Y1, 16 mothers reported their partners had been incarcerated, including one who said he was incarcerated at the time of her Y1 survey, although these fathers had no records in the CCH data at that time. This suggests several possibilities: As in cases where fathers self-reported criminal histories unobserved in the CCH data, the survey reports could refer to federal or youthful offender incidents, arrests outside of New York, arrests for non-fingerprintable offenses, sealed records, immigration offenses, or pretrial detention. However, the mothers' reports could also reflect an alternative possibility: that the mother's reports reflect an inaccurate understanding of their partners' criminal histories.

**Couple Mismatch**—One notable strength of the FFCWS dataset is its collection of couple data; mothers provide information on the fathers of their children, which is particularly valuable for the many families in which fathers are not interviewed. However, the FFCWS couple data introduce considerable complexity in the examination of paternal incarceration. To minimize this complexity in the current analysis, we focus on reports at Y1. As shown in Table 4, just under two-thirds of the 333 families in the initial analysis sample have both maternal and paternal answers to the question of paternal incarceration at Y1. In approximately 90% of these cases, parental reports are in agreement, and nearly all of these agreed-upon parental reports are supported by the CCH data.

The remaining 121 couples in the analysis sample do not have answers about fathers' incarceration from both parents. In approximately one-third of these cases, neither parent reports on the father's incarceration history; almost none of these 41 fathers had CCH records<sup>10</sup>. Another 61 mothers reported on their partners' incarceration histories, with no corresponding father report. Most reported that their partner had never been incarcerated,

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<sup>9</sup>One of these fathers was arrested two months prior to his partner's interview, and was convicted in the following month. Another was convicted in the prior month, and the third was convicted six months prior.

<sup>10</sup>Although these parents were generally not interviewed at Y1, the fathers' arrests predate 2001, the modal year of parents' Y1 interviews. In a small number of cases, a parent was interviewed but did not provide criminal history information.

nearly always consistent with the CCH data. Mothers reporting that their partner had been incarcerated were less likely to have supporting CCH reports; only eight out of 16 such fathers were noted in the CCH data as having been sentenced to prison, jail, or time served. It was much less common for fathers to report on incarceration without a corresponding report from their partners, though in nearly all such cases the fathers' self-reports were consistent with the CCH data. The extent to which parents offered conflicting reports in their Y1 surveys was relatively small, though conflicting reports became more prevalent in subsequent waves (Geller, 2012). In approximately one third of these cases, CCH records confirm that the father had been incarcerated.

**Newly Identified Criminal Histories**—In total, 44 fathers were reported as having been incarcerated, either in self-reports, partner reports or both. The CCH supplement identifies an additional 10 fathers as having spent time behind bars before the Y1 survey wave, increasing the number of fathers known to have incarceration histories by over 20%. Although a full treatment of subsequent survey waves is beyond the scope of this analysis, it bears noting that 93 of the fathers had some report of criminal justice contact<sup>11</sup> in at least one FFCWS survey wave. 28 additional fathers had at least one arrest in the CCH data, increasing our count of justice-involved fathers by approximately 30%.

Underreporting is common in survey data, particularly in discussions of a stigmatized status. Estimates of reporting of food stamp receipt range from 22% to 50% (Almada, 2015), suggesting that our current estimates of criminal justice underreporting are of comparable magnitude. Moreover, since the CCH data are known to exclude several classes of arrests that might lead to incarceration, it is likely that the true rate of underreporting is even greater than the 20–30% currently measured.

## Discussion

### Survey-Administrative Matching

**Summary of Findings**—With information commonly collected from respondents in household surveys, it was feasible to gather criminal history records compiled by a large state's criminal justice clearinghouse. Matches were based on a name search that also considered fathers' dates of birth, social security numbers, or both, and were further verified in many cases using fathers' race and ethnicity. While some discrepancies exist between the matched CCH data and the FFCWS data, most of these discrepancies were in fathers' race and/or ethnicity, which were not themselves part of the search process. It bears noting that these race/ethnic differences may exist due to differences in reporting sources: reports of father race and ethnicity in the CCH data determined by the reporting agency (often based on the reports of an arresting officer), while the FFCWS reports were based largely on self-reports and partner reports.

As the CCH data reflects only adult arrests for fingerprintable offenses (in which records were not subsequently sealed), the incidents reported represent a lower bound on the

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<sup>11</sup>Including being charged or booked, convicted, and/or incarcerated, per the indicators in Table 1. This measure is more inclusive than the incarceration indicators examined in the rest of the analysis.

fathers' criminal histories that may be reported in comprehensive survey data. However, the combined dataset identifies 20–30% more fathers as involved with the criminal justice system, depending on the measure of involvement used. This finding underscores the difficulty of comprehensively measuring criminal justice involvement with survey data, and lends support to the strategy of identifying fathers as incarcerated, or justice-involved, based on any survey responses that indicate such involvement, even if inconsistencies exist. The CCH data stands to add value to the FFCWS by identifying justice-involved fathers not reported in the survey (with the understanding that still more may exist).

In addition to the arrest, disposition, and sentencing information analyzed in this analysis, the CCH data include the dates of the charged offense, arraignment and disposition, as well as the minimum and maximum sentences in cases when fathers are incarcerated. These data offer the potential to construct detailed, if partial, event histories of fathers' fingerprintable arrests in New York State. The CCH files also contain information about the top charge type in each arrest (including the standardized charge code from the FBI's Uniform Crime Report, so charges could be compared across subjects and even across states) and charge class (Felony classes A-I through E, Misdemeanor classes A and B, and Violations). Moreover, offense charge and class are provided for the arrest, arraignment, and disposition charges, providing valuable information about fathers' case trajectories. Arrestees are frequently arraigned on more serious crimes than their ultimate disposition charges, and the CCH data provides the potential to observe this charge decay. Further, when fathers are convicted of felonies, drug offenses, sex offenses, or other charges that may disqualify them from housing or labor market opportunities, this may also be noted.

**Limitations and Directions for Research and Policy**—However, the matching process in this analysis was limited by several factors. As noted, the CCH data are not exhaustive of fathers' potential arrest experiences, and 44 out of the 333 fathers in our analysis sample had criminal justice either self-reported or reported by their partners, but did not have records returned in the CCH data. The name search process was also a cumbersome one, and DCJS staff members were forthcoming about its limitations. Records could have been obtained more efficiently if the FFCWS research team had access to the fathers' NYSID numbers and searched by NYSID rather than by name.

The study was also limited by its focus only on the New York City sample, and criminal history records within New York State. Not only could fathers in our sample have out-of-state records, fathers sampled from other cities (e.g., Newark, NJ) may have records in New York State that we failed to search for or identify. While expanding the collection of administrative data beyond New York State is a logical direction for future research, it bears noting the challenges in broader data collection. While the Federal Bureau of Investigation maintains criminal history records information, this information is limited to information on federal offenders, and state offenders in states that voluntarily provide the information (Bushway et al., 2007). We anticipate that state-level information will be more comprehensive when collected on a larger scale. The field would be well-served by researchers building on the work of Bushway et al. (2007) to identify the accessibility of records information in all 50 states and documenting each state's request procedures. Our understanding of incarceration and its role in families and broader society would also be

substantially improved by policies that made comprehensive criminal history data available for social science research, while protecting sensitive personal information.

### Survey-Administrative Concordance

**Summary of Findings**—Focusing specifically on the criminal justice contact reported by in the CCH data by the Y1 survey wave (or, for parents not interviewed, by 2001), we find that the CCH reports provide significant information not reported by parents in the FFCWS. Although the CCH data represents a lower bound on fathers' arrest experiences, we find that the survey fails to identify even this subset of fathers' arrests. This is most pronounced in cases where fathers do not report having been charged with a crime, and are thus not asked about, or given an opportunity to report, further involvement such as conviction and incarceration. In some of these cases, their partners, who are not asked about charges or convictions, indicate that the father had been incarcerated; however, of cases where both parents provided incarceration reports, the reports coincided over 90% of the time. In most cases these reports were supported by the CCH data. The greatest disparity between survey and administrative data came in cases where mothers reported fathers as having been incarcerated, but fathers were not interviewed, or did not report incarceration. It is possible that these maternal reports may reflect pretrial detention.

**Limitations and Directions for Future Research**—This analysis is clearly based on a very small sample – New York City is just one of 20 cities sampled in the FFCWS, and the analysis sample of 333 families represents only 6.7% of the full FFCWS sample. We also focus predominantly on just the Y1 survey, rather than leveraging the longitudinal nature of the FFCWS. Much of the analysis focused largely on just 178 arrests experienced by 55 fathers, just over 1% of the FFCWS sample. We therefore make no inferences about the broader FFCWS sample or the population of urban fathers.

Moreover, it is likely that the concordance observed between mother and father reports of fathers' incarceration at Y1, and between the survey and administrative reports, deteriorates at later waves of the FFCWS. Not only does survey attrition increase over time, questions about criminal history in Y3 and beyond vary not only in the format of the questions being asked of mothers and fathers, but also in the time frame being examined. Attempts to reconcile responses to these questions may be plagued by measurement error. Mothers may report on a single period of incarceration at both Y1 and Y3, and because fathers rarely have their Y1 interviews exactly on the date of their child's first birthday, may have gaps or overlaps in the waves of analysis. Further, there is a risk of telescoping, or fathers reporting criminal justice contact at Y1, and mistakenly reporting the same incident again at Y3. In these cases, the events noted in the CCH records may add significant value toward resolving discrepancies between parents. On the other hand, it is also noteworthy that attrition is greater in the New York City sample than in other cities surveyed in the FFCWS. The value added by the CCH data may therefore be attenuated in other cities, which have higher survey reporting rates.

Despite the limitations of this analysis, the matching process and results identify several directions for future research. It bears noting that the process of matching the survey and

administrative data was a long and laborious one that took multiple years. If a broader-scale administrative criminal history supplement were to be added to the FFCWS, it would likely be a resource-intensive process that took several years. Given the variety of arrests not included in New York State CCH data, a broader supplement would serve only as a lower bound on the extent of criminal justice involvement among the FFCWS fathers, rather than replacing the survey data altogether. Nonetheless, such a supplement could identify a significant number of fathers whose criminal histories were not self-reported or reported by partners.

We also strongly encourage future survey researchers studying incarceration and families to collect administrative data alongside each wave of new surveys. This will require significant preparation, such as the informed consent of survey respondents and a data protection plan that permits the exchange of identifying information with criminal justice agencies, without breaching participant confidentiality. Survey researchers would also be well-served by designing questionnaires to collect criminal history information that could support and be enhanced by administrative data, rather than replaced by it. For example, it would be more useful to ask fathers indicating arrest histories *where* their justice involvement took place, whether records were sealed, and for identifying information that could locate them within state systems, than to ask *what* their justice involvement included or *when* it took place; this information could be ascertained with far more precision in administrative data.

Although beyond the scope of the current analysis, several other features of the CCH data suggest directions for future research. For example, the disposition variables identify arrestees “convicted upon plea of guilty”, “convicted upon verdict after jury trial”, and “convicted upon verdict after bench trial”, based on different disposition codes, with other codes indicating even more detail. Most arrestees were “convicted upon plea of guilty”, including some fathers who did not indicate conviction in their survey responses. While these mismatches may be the result of fathers hiding their criminal histories, it is also possible that respondents don’t equate plea bargain experiences with a conviction.

It is also notable that a substantial portion (16%) of the charges resulting in conviction led to a sentence of “time served”. This suggests that many arrestees are held in central booking or in jail for some or all of the time their case is being processed. Much remains to be learned about pretrial detention in the United States, though what we know suggests that the processing of a criminal charge may be incredibly disruptive for individuals and families (Feeley, 1979; Fellner, 2010; Glaberson, 2013a, 2013b; Lewis, 2013a, 2013b). Surveys examining the role of incarceration in families must seek to identify even early stages of contact with the criminal justice system, not only incarceration following sentencing. From a survey methodology standpoint, more research – such as a mode experiment where question wording is randomly varied across respondents – is needed to know whether survey questions require more explanation than typically given in household surveys. Mode experiments can also be used to test whether some choices in question wording lead to more comprehensive reports of criminal justice involvement than others.

## Conclusion

The past 10 years has seen an increased recognition of the criminal justice system as a major influence in family life and driver of broader social inequality. The literature has expanded rapidly, with a growing consensus that on average incarceration is associated with considerable risk for families. However, much remains to be learned about how incarceration changes family dynamics, the extent to which its effects are cumulative, driven by the time that fathers spend behind bars, or tied to particular charges and sentences. The event histories provided in administrative criminal history data have the potential to substantially enrich surveys about family functioning so that we may better understand these effects. Matching a small subsample of the FFCWS to some of these administrative records underscores their potential, but suggests that data matching must be done carefully, and would be most effectively done prospectively alongside a longitudinal survey. Our findings also underscore the importance of a thorough understanding and disclosure of the limitations of current survey data. However, with those limitations in mind, existing surveys have greatly expanded our knowledge of parental incarceration at a population level, and stand to further broaden the knowledge base in coming years.

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## Appendix A: Illustrative Examples of FFCWS Criminal History Reports

The FFCWS asks several questions in which parents may indicate a father's involvement in the criminal justice system. Parents are asked directly about fathers' criminal histories at the Y1, Y3, Y5, and Y9 follow-up surveys. Questions are asked differently of fathers, who self-report their own involvement with the criminal justice system, and mothers, who report their focal partner's history of involvement. For example, fathers are asked to report at Y1 if they have ever been booked or charged with a crime; if they report having been charged, they are asked if they were ever convicted, and if they report conviction, they are asked the charges of which they were convicted, and if they ever spent time in a correctional institution "like a county jail, a state or federal prison, or a youth correctional institution like a training or reform school." Mothers, on the other hand, are asked if the father is in jail or prison at the time of her Y1 interview; if not, she is asked if he has ever spent time in jail or prison.

In this example, the mother's line of questioning may include more incidents than the father's: if a father is held overnight in central booking or jail, but the charges against him are subsequently dismissed, his incarceration could be noted by his partner, while his own line of questioning would indicate that he was charged with a crime, but not convicted. Without reporting a conviction, he would never be asked about incarceration. It is also unclear how or whether fathers report convictions that came from guilty pleas, or Adjournments in Contemplation of Dismissal, dispositions that lead to a dismissal of

charges if the arrestee has no subsequent contact with the police for a period of time (N.Y. CPL. LAW § 170.55).

If either parent indicates the father was incarcerated, he or she is asked to elaborate on the experience. However, the questions asked of each parent are also different. Fathers are asked the total number of times they were incarcerated, whether any of this time was in a youth correctional institution, the total time served across all incidents, and the month and year of their most recent incarceration and release. Mothers, on the other hand, are asked about the month and year of incarceration only when fathers are incarcerated at the time of her interview. In this case she is also asked when he is expected to be released. Mothers who report their partner was previously incarcerated are also asked the offenses for which he was incarcerated, and an approximate length of time spent incarcerated. They are not asked how many times their partner was incarcerated, nor do they indicate whether the reported “length of time” is an aggregate, or refers only to the most recent incident.

Father and mother survey questions also differ in later waves. At Y3, for example, fathers are asked if they were booked or charged since the focal child’s first birthday. If they respond that they have, they are asked if they have ever been convicted of any charges. If they respond that they have, they are asked of which offenses, and if they have ever spent time in a correctional institution. Notably, fathers are asked at Y3 if they have been booked or charged with a crime since the focal child’s first birthday. It is therefore likely that the charges they report at Y3 refer to these new charges. However, fathers reporting having been charged in this time are then asked if they have “ever” been convicted of a crime or incarcerated. There is a risk that formerly incarcerated fathers with new charges dismissed between Y1 and Y3 report the same incarceration incident in both Y1 and Y3.

Similarly, at Y3, mothers are again asked whether their partners had “ever” gone to jail or prison, rather than asking whether they had been incarcerated since the previous wave. This is of little consequence for researchers seeking to estimate the lifetime prevalence of incarceration among FFCWS fathers. However, for researchers seeking to assess changes that follow a father’s incarceration, the mothers’ reports do not permit easy assessment of family circumstances before the father’s incarceration, even if it came during the period of the survey – researchers are forced to rely on reports of the dates their partners were incarcerated, and these are provided inconsistently. If fathers are incarcerated multiple times, their partners aren’t given an opportunity to indicate this.

Several parents interviewed in the FFCWS indicate that the father had spent time in prison or jail in questions beyond those in which they are directly asked about criminal justice involvement. Geller et al. (2012) refer to these reports, such as mothers indicating that the couple broke up due to incarceration, as “indirect indicators” of incarceration. Most fathers with reported incarceration histories report these histories directly or have incarcerated histories reported by their partners (*ibid.*); however, indirect reports occasionally indicate incarceration experiences not reported elsewhere. Such inconsistencies and differences in reporting patterns require researchers to make assumptions about when reported events are likely to have occurred, and whether changes across survey waves span a period of paternal incarceration.

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**Table 1:**

## FFCWS Criminal History Reports by Parent and Wave

Wave	Father Questions	Mother Questions
Y1	<ul style="list-style-type: none"> <li>● f2fh19</li> </ul> Have you ever been booked or charged with breaking the law? <ul style="list-style-type: none"> <li>● f2fh21 (if yes to f2fh19)</li> </ul> Have you ever been convicted of any charges (not minor traffic)? <ul style="list-style-type: none"> <li>● f2fh22 (if yes to f2fh21)</li> </ul> Have you ever spent time in a correctional institution?	<ul style="list-style-type: none"> <li>● m2c33: Is father currently working/in school/unemployed/in jail?</li> <li>● m2c36: Has father ever spent any time in jail or prison?</li> </ul>
Y3	<ul style="list-style-type: none"> <li>● f3i25</li> </ul> Since child's first birthday, have you been booked or charged with breaking the law? <ul style="list-style-type: none"> <li>● f3i27 (if yes to f3i25)</li> </ul> Have you ever been convicted of any charges (not traffic violations)? <ul style="list-style-type: none"> <li>● f3i29 (if yes to f3i27)</li> </ul> (Have you ever spent time in a correctional institution?)	<ul style="list-style-type: none"> <li>● m3c41</li> </ul> What is father currently doing now (can indicate "in jail")? <ul style="list-style-type: none"> <li>● m3c42 (if m3c41 does not indicate jail)</li> </ul> Has father ever spent any time in jail or prison?
Y5	<ul style="list-style-type: none"> <li>● f4i25</li> </ul> In the last two years, have you been charged with breaking the law by the police or court? <ul style="list-style-type: none"> <li>● f4i27 (if yes to f4i25)</li> </ul> In the last two years, have you been convicted of any charges?	<ul style="list-style-type: none"> <li>● m4c36</li> </ul> What was father doing in the last week? (can indicate "in jail") <ul style="list-style-type: none"> <li>● m4c37</li> </ul> Has father spent any time in jail in the past two years?
Y9	<ul style="list-style-type: none"> <li>● f5f25</li> </ul> Since your last interview, have you been booked or charged with breaking the law? <ul style="list-style-type: none"> <li>● f5f27 (if yes to f5f25)</li> </ul> Have you been convicted of any charges since your last interview? <ul style="list-style-type: none"> <li>● f5f28b (if yes to f5f27)</li> </ul> (Have you ever spent time in a correctional institution?)	<ul style="list-style-type: none"> <li>● m5b29</li> </ul> What was father doing in the last week? (can indicate "in jail") <ul style="list-style-type: none"> <li>● m5b30</li> </ul> Has father spent any time in jail since [TIME]? ([TIME] may refer to the Y1 or baseline interview, or "in the past six years")

**Table 2:**

Details of matches of CCH/FFCWS reports of identifying information

Criminal Cycles N=417	Fathers n=77	Number of perfect matches n=38	Number of matches with 1+ discrepancy n=39	SSN match	DOB match	Race match	Hispanic Ethnicity match	Notes
1	23	11	12	21/23	23/23	11/23	23/23	2/12 race discrepancies had inconsistencies within FFCWS reports
2	11	3	8	11/11	11/11	3/11	9/11	2/8 race discrepancies involved inconsistencies within FFCWS reports
3	9	5	4	9/9	8/9	5/9	8/9	DOB discrepancy of 1 month.
4	4	1	3	2/4	4/4	2/4	3/4	
5	6	4	2	6/6	6/6	4/6	6/6	
6	3	1	2	2/3	3/3	1/3	3/3	
7	4	2	2	4/4	4/4	2/4	4/4	1/2 race discrepancy involved inconsistencies within FFCWS reports
10	7	5	2	7/7	7/7	5/7	7/7	
11	1	0	1	1/1	1/1	0/1	1/1	Race discrepancy involved inconsistencies within FFCWS reports
13	3	2	1	3/3	3/3	2/3	3/3	
16	1	1	0	1/1	1/1	1/1	1/1	
18	2	1	1	2/2	2/2	2/2	½	
20	1	0	1	1/1	1/1	1/1	0/1	
25	1	1	0	1/1	1/1	1/1	1/1	
36	1	1	0	1/1	1/1	1/1	1/1	

Note: Of 77 FFCWS fathers who matched to CCH records, 61 were submitted for searches with SSNs. (27 were otherwise “perfect matches”; 34 had at least one other discrepancy.)

**Table 3:**

Timing of Arrests with Respect to FFCWS Y1 Interviews N=417 Reported Arrests

<b>Timing</b>	<b>N</b>	<b>Percent</b>
Before both parents' Y1 Interviews	78	19%
After both parents' Y1 Interviews	133	32%
One parent interviewed at Y1, arrests before interview	100	24%
One parent interviewed at Y1, arrests after interview	81	19%
Mixed timing	4	1%
Neither parent interviewed at Y1	7	2%
No date provided in CCH Data	14	3%

Data Source: CCH Data, Provided to research team by DCJS

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**Table 4:**

Parental Responses to Survey Questions on Fathers' Criminal History, and Corresponding CCH Records N=333 Families

Survey Reports of Incarceration	N	Percent	CCH Records
<i>Incarceration indicated</i>			
Both parents report father incarceration	6	2%	<b>5 with incarceration records</b> 1 without incarceration record
Mother says father incarcerated, Father says never incarcerated	18	5%	4 with incarceration records 14 without incarceration records
Mother says father incarcerated, Father report missing	16	5%	<b>8 with incarceration records</b> 8 without incarceration record
Father reports incarceration, Mother says Father never incarcerated	3	<1%	2 with incarceration records 1 without incarceration record
Father reports incarceration, Mother report missing	1	<1%	<b>1 with incarceration record</b>
<i>No incarceration indicated</i>			
Both parents say Father never incarcerated	<b>185</b>	<b>56%</b>	5 with incarceration records <b>180 without incarceration record</b>
Mother says father never incarcerated, Father report missing	45	14%	1 with incarceration record <b>44 without incarceration record</b>
Father says never incarcerated, Mother report missing	18	5%	1 with incarceration record <b>17 without incarceration record</b>
<i>Incarceration status unknown</i>			
Both parents' reports missing	41	12%	3 with incarceration records 38 with no incarceration records

Source: FFCWS Y1 Interviews, CCH data

Note: Fathers not in CCH data extract are referred to as "without incarceration record", as are fathers with CCH records, but no incarceration sentences before Y1.

Cases where CCH data supports survey responses are indicated in **bold**.