



## Workshop Recording | Resources | Slides

<b>Topic</b>	<b>Preparing Youth with Criminal History for Education, Employment and More</b>
<b>Presenter</b>	Cindy Wrend, NYSDOL Program Development Special Populations Unit Alea Boulton, Staff Attorney, Legal Aid Society of Northeastern New York
<b>Length of recording</b>	1 hour 28 Minutes
<b>Description</b>	Youth's ability to understand and communicate information about their legal history is important for making career planning, employment and education decisions. Learn about the impact of misdemeanor and felony charges, sealed/unsealed records, conditions of probation/parole, and certificates of rehabilitation. This webinar will provide resources for legal aid services across the state.
<b>Recording</b>	At <a href="https://dews.webex.com">dews.webex.com</a> choose "Webex Training" from the triple bar icon. In the upper left corner, go to "View session recordings." Search the workshop topic. Select "View" for the recording. When prompted, enter "Careers" for the password.
<b>Resources</b>	<ul style="list-style-type: none"><li>- Webinar Presentation</li><li>- Webinar Follow-up Resources</li></ul>
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## Preparing Youth with Criminal History for Education, Employment and More Youth Issues Webinar Resources

### Initiatives and Resources for Individuals with Criminal History

- [NYS DOL Resources and Initiatives for Job Seekers with Criminal Records](#): An extensive list of resources with tax credits, Federal Bonding, Re-Entry Toolkits, and staff contacts.
- [NYS Federal Bonding Webpage](#): Includes the brochure for the Federal Bonding program and a list of Federal Bonding Coordinators at the local level. The program provides no-cost fidelity bonding for six months to businesses that hire hard-to-place job seekers.
- [Certificates of Rehabilitation](#): Information on who is eligible for a Certificate of Rehabilitation and how to request one.
- [New York State Occupational Licensing Survey \(2006\)](#): Information about statutory restrictions placed on the licensure of individuals with criminal records and about the procedures available to appeal a denial of licensure, registration, or certification based on an individual's criminal history.
- [New York State Division of Human Rights Complaint](#): Instructions on what the Human Rights Law of New York covers and how to file a complaint.
- [Legal Aid Service Organizations](#): A preliminary list of legal aid service organizations categorized by the geographical areas they serve. These organizations provide a variety of legal services to youth which is detailed on their webpages.

### Examples, Samples, and Best Practices

- [Obtaining Record of Arrest and Prosecution \(RAP\) Sheet](#): Handout to request a RAP sheet.
- [RAP sheet with error examples](#): Examples of common errors found on RAP sheets.
- [Job Application and Interview Q & As about Criminal History](#): Handout for justice-involved youth to prepare for job applications and interviews.
- [Evidence of Rehabilitation Examples](#): List of documents that can be provided as proof of Evidence of Rehabilitation

## Relevant Laws

- [Raise the Age Reform Bill Summary](#): Summary which includes key components of Raise the Age Reform, in which the presumptive age of juvenile accountability is raised for 16 and 17 year olds.
- [Know the law – Article 23-A New York Correction Law](#): What employers can and cannot ask.
- Sealing Law:
  - [Information about the new Sealing Law](#)
  - [Application to Seal a Criminal Conviction](#)

## Contact Information

- [SpecialPopulations@labor.ny.gov](mailto:SpecialPopulations@labor.ny.gov)
- [YouthTeam@labor.ny.gov](mailto:YouthTeam@labor.ny.gov)
- Sophie Crispin, Staff Attorney at Legal Aid Society of Northeastern NY  
[scrispin@lasnny.org](mailto:scrispin@lasnny.org)  
(518) 689-6335

# Obtaining a RAP Sheet

## What is a RAP Sheet?

A RAP sheet, or Record of Arrest and Prosecution, is a record containing every arrest, prosecution, and disposition (outcome) of a legal case. You have a RAP sheet if you have been arrested and fingerprinted.

## Why should I have a copy of my RAP sheet?

It is important to obtain a copy of your RAP sheet to ensure that the information on it is accurate. If there are errors on your RAP sheet, particularly around information that should be sealed, you will want to get them corrected as soon as possible. In addition, you want to know what is on the RAP sheet so that it can be addressed in an interview. The information on your RAP will be reflected in information that will show up on a background check that an employer will do after an interview. Make sure you know what your employer may see so you can accurately discuss your legal history. Use the instructions below to request either a Suppressed (without sealed information) or Unsuppressed (with sealed information) RAP sheet.

## How to Request a RAP Sheet?

To request a copy of your RAP sheet, you must make the request, as well as, be fingerprinted.

- Get instructions on how to request your RAP sheet/New York State Criminal History: [www.criminaljustice.ny.gov/ojis/recordreview.htm](http://www.criminaljustice.ny.gov/ojis/recordreview.htm)
- Cost for obtaining RAP sheet through MorphoTrust/USA is \$ 62.00 and you might be eligible for a fee waiver, see below
- Schedule with MorphoTrust/USA: <https://uenroll.identogo.com/>

## How to Request a Fee Waiver for a RAP sheet?

If you can't afford the fee, you might be able to have your fee waived under certain circumstances. Email [RecordReview@dcjs.ny.gov](mailto:RecordReview@dcjs.ny.gov) to get a copy of the fee waiver application. You must provide your current complete mailing address to obtain the application packet; it cannot be emailed to you. In your application for fee waiver, you will need to include a completed Notarized Financial Statement OR provide a copy of a public assistance benefits card (Medicaid or SNAP card).

## How to Correct RAP Sheet Errors?


Once you have obtained your RAP sheet, conduct a thorough review. Should you find errors on the report, contact the New York State Division of Criminal Justice Services (DCJS) to have any mistakes corrected.

Contact a [Legal Aid Services office](#) to assist with correcting a RAP Sheet:

Reference: [https://lac.org/wp-content/uploads/2014/12/Your\\_New\\_York\\_State\\_Rap\\_Sheet\\_2013.pdf](https://lac.org/wp-content/uploads/2014/12/Your_New_York_State_Rap_Sheet_2013.pdf)

# RAP Sheet Error Examples

Example 1

Cycle 1 

## Arrest/Charge Information

Arrest Date: [REDACTED]

Name: [REDACTED]

Date of Birth: [REDACTED]

US Citizen: [REDACTED]

Sex: [REDACTED]

Race: [REDACTED]

Age at time of crime/arrest: [REDACTED]

Address: [REDACTED]

Fax Number: [REDACTED]

Place of Arrest: Town of Colonie, Albany County, NY

Date of Crime: [REDACTED]

Place of Crime: Town of Colonie, Albany County, NY

Criminal Justice Tracking No.: [REDACTED]

Arresting Agency: Colonie Town Police Department

Arrest Number: [REDACTED]

Arrest Charges:

-- Petit Larceny

PL155.25 Class A Misdemeanor Degree 0 NCIC 2399

## Court Case Information

--Court: Colonie Town Court Case Number: Unknown

January 11, 1978

Adjourned In Contemplation Of Dismissal CPL170.55

~~January 11, 1979~~

Dismissed After Adjournment In Contemplation Of Dismissal CPL170.55

-- Petit Larceny

PL155.25 Class A Misdemeanor NCIC 2399

*Not sealed*

## Other History Related Information

There is no Other History Related Information associated with this history.

## Job/License Information

There is no Job/License Information associated with this history.

RAP Sheet Error Example 2

Arrest/Charge Information

Arrest Date: [REDACTED]

Name: [REDACTED]  
 Date of Birth: [REDACTED]  
 US Citizen: [REDACTED]  
 Sex: [REDACTED]  
 Race: [REDACTED]  
 SSN: [REDACTED]  
 Age at time of crime/arrest: [REDACTED]  
 Address: [REDACTED]  
 Place of Arrest: City of Albany, Albany County, NY  
 Arrest Type: Crime In Progress  
 Date of Crime: [REDACTED]  
 Place of Crime: City of Albany, Albany County, NY  
 Criminal Justice Tracking No.: [REDACTED]  
 Arresting Agency: Albany City Police Department  
 Arresting Officer ID: [REDACTED]

Arrest Number: [REDACTED]  
 Arraignment: Albany City Court

Arrest Charges:  
 -- Criminal Sale Controlled Substance-3rd:Narcotic Drug  
 PL220.39 Sub 01 Class B Felony Degree 3 NCIC 3599

No Court Reported Information

*Missing disposition*

Court Case Information

--Court: Niskayuna Town Court Case Number: [REDACTED]

[REDACTED]  
Initial Report Of Docket Number

[REDACTED]  
Bench Warrant Issued

--Court: Niskayuna Town Court Case Number: [REDACTED]

[REDACTED]  
Initial Report Of Docket Number

[REDACTED]  
Arraigned

-- Petit Larceny  
PL155.25 Class A Misdemeanor NCIC 2399

[REDACTED]  
Bench Warrant Issued

[REDACTED]  
Dismissed

-- Petit Larceny  
PL155.25 Class A Misdemeanor NCIC 2399

*Bench warrant not vacated*

\* Sealed Upon Termination Of Criminal Action In Favor Of The Accused CPL160.50

## Job Application and Interview Q & As Related to Criminal History

The first knock-out question most individuals with legal history face often appears on an application form or in the job interview:

**“Have you ever been convicted of a felony? Have you ever been convicted of a crime? If yes, provide details.”**

If you have been convicted, how should you best respond to this question on an application form? You have four choices:

1. Lie by saying "no."
2. Don't respond; just leave it blank and go on to the next question.
3. Be truthful by saying "yes" and giving the details.
4. Be truthful by saying "yes" and then follow up by saying "details provided at the interview."

Your best course of action would be #4 - inform the employer that you will provide details at the interview. You should be prepared to discuss all unsealed misdemeanor and/or felony convictions with prospective employers. Do not lie. Lying will just delay the inevitable; the employer will most likely find out about your conviction during a background check. It is important to be honest about all unsealed misdemeanor and/or convictions because:

**Protections to prevent discrimination of people with criminal records are lost if one lies or does not disclose about unsealed misdemeanor and/or felony convictions. In addition, this can be grounds for being denied a job or being terminated from a job.**

### During the Job Interview

It is best for you to explain the circumstances around what happened and anything that might help the employer understand your perspective.

Inform the interviewer of any activity considered proof of rehabilitation such as: school, training, employment, volunteer work, involvement in the community, etc.

You want to do this because you need to be in control of the story relating to your conviction. This part of your story may take three to five minutes. But again, don't talk too much – just enough to let the employer know you are a new and potentially very productive person.



## “Have you ever been arrested?”

### Answer YES if:

- There was an arrest and that arrest led to a conviction that is not sealed

### Answer NO if:

- Charges were dropped (no conviction)
- District Attorney declined to prosecute (no conviction)
- You were not found guilty (no conviction)
- Case was adjourned in contemplation of dismissal (ACOD) and that adjournment period has ended
- You pled to/were found guilty of a violation that is sealed
- You were sentenced as a Juvenile Delinquent (JD) or were granted Youthful Offender (YO) status by a judge

## “Have you ever been convicted of a crime or an offense?”

### Answer YES if:

- You took a plea or were found guilty of a misdemeanor or felony offense

### Answer NO if:

- You been granted a YO status or were tried as a JD
- You took a plea or were found guilty of a violation (non-criminal offense)

Once you get to the interview, the interviewer may ask about your conviction. This is the time to use the 3 R's.

1. **Responsibility:** Take responsibility for your actions. Give a very brief overview of what happened to you – the crime, the conviction, the outcome. You should be able to do this in less than a minute.
2. **Regret:** Honestly express being sorry about what you did and quickly move to the third “R”.
3. **Redemption:** Focus on how you have changed your life for the better because of this experience. Remember, the employer wants to hire your future, not your past. Let the employer know who you are now.

Employers are like many other people: sympathetic to those who have made mistakes, are willing to take responsibility and make sincere efforts to change their lives. It's part of our culture of forgiveness, redemption, and self-transformation.

Whatever you do, make sure you **stress your future** rather than dwell on your past. But let's also acknowledge that some criminal activities are difficult to deal with in



the job market. For example, if you have been convicted of assault, murder, or a sex crime, your red flag is bigger than most red flags of those with legal history. These are frightening crimes for many employers, who do not want the liability of such individuals working with their employees. If you've done time for such crimes, you'll need to put together a rehabilitation portfolio as well as seek jobs with employers who are known to have hired ex-offenders.

### **An example of how the conversation can go during a job interview:**

**Employer/Interviewer:** I noticed that you've marked "yes" to the question about having been convicted of a crime, can you please explain?

**Interviewee:** Last year I became involved with a new group of friends. Even though my friends were negative influences, the choices I made were my own fault and I don't blame anyone but myself. Because of these choices, I was convicted of burglary and vandalism. I am now under supervision by the court, but that supervision has saved my life by getting me back on track, including improving my performance in school and benefiting from other services provided to me. I worked hard this year to understand the poor choices I made and to learn new ways to prevent making those kinds of choices again. I focused more on school by taking on extra work through a special program. I deeply regret the harm that I have caused, but I've learned a valuable lesson. I'm a hard worker, learn new things very quickly, and from what I know about your company, I believe I could be an asset to your business. You won't find anyone who will work harder than I will to earn your trust.

### **Practice:**

**Employer:** I noticed that you've marked "yes" to the question about having been convicted of a crime, can you please explain?

**Your Response:** Last year, I was convicted of \_\_\_\_\_.

I have \_\_\_\_\_ (consequence) due to my poor decisions. Because of this, I have had the opportunity to improve my life by focusing my attention on

\_\_\_\_\_ . I deeply regret the harm/damage I have

caused, but have learned a valuable lesson. I am now

\_\_\_\_\_ (actions, skills, abilities, experiences,

contributions), and from what I know about your business, I believe that I would

be an asset by contributing \_\_\_\_\_.

## Legal Aid Service Organizations

The following organizations provide a menu of legal services to youth, which may include: obtaining and correcting RAP sheets; applying for a Certificate of Rehabilitation; issues in discrimination (voting, higher education, housing, and guardianship); denial of unemployment insurance; occupational licensing; employment and more.

### Statewide

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#### Legal Action Center

<https://lac.org/>

Serves: Entire State

Main Office: New York City

Phone: (212) 243-1313

E-Mail: [lacinfo@lac.org](mailto:lacinfo@lac.org)

### Mid-New York

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#### The Legal Aid Society of Mid-New York, Inc

<http://www.lasmny.org/Index.shtm>

Offices: Visit website to find offices in Utica, Syracuse, Binghamton, Oswego, Watertown, Oneonta, Cortland, and New Paltz

#### Volunteer Lawyers Project of Onondaga County Inc.

<https://www.onvlp.org>

Search: New Start Program – Reentry Assistance

Phone: (315) 579-0177

E-Mail: [newstart@onvlp.org](mailto:newstart@onvlp.org)

### Long Island New York

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#### Nassau Suffolk Law Services Committee Inc.

<http://nslawservices.org/wp/>

Offices: Visit website to find offices in Hempstead, Islandia, and Riverhead

Search: The Volunteer Lawyers and Pro Bono Project

### New York City

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#### New York City Legal Aid Society

[www.legal-aid.org/en/home.aspx](http://www.legal-aid.org/en/home.aspx)

<http://www.legal-aid.org/en/las/findus/locations.aspx>

Offices: Bronx, Brooklyn, Manhattan, Queens, Staten Island for criminal, civil and juvenile rights practice

#### Youth Represent

<http://youthrepresent.org/>

Provides services to youth under the age of 25.

Phone: (646) 759-8080

E-Mail: [info@youthrepresent.org](mailto:info@youthrepresent.org)

### Rural New York Counties

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#### Rural Law Center of New York Inc.

<http://www.rurallawcenter.org/pg40.cfm>

Serves: 44 rural counties.

Offices: Plattsburgh, Lake Placid, Castleton-on-Hudson

Youth Program: Preventative Legal Education for Teens

Phone: (518) 561-5468

### Northeast New York

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#### Legal Aid Society of Northeastern NY

<https://www.lasnny.org/get-help/>

Serves: Saratoga, Warren, Washington, Albany, Columbia-Green, Rensselaer, Schenectady, Montgomery, Fulton, Schoharie, St. Lawrence and St. Regis Indian Reservation, Clinton, Essex, Franklin, and Hamilton Counties

### Western New York

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#### Legal Assistance of Western New York, Inc

<https://www.lawny.org/>

Serves: Allegany, Cattaraugus, Chautauqua, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates Counties

#### Legal Aid of the Chautauqua Region Inc.

(No webpage found)

111 West 2<sup>nd</sup> St. - Suite 250, Jamestown, NY 14701

Phone: (716) 483-2116

#### Community Service Society of New York

[www.cssny.org](http://www.cssny.org)

Phone: (212) 254.8900

E-Mail: [info@cssny.org](mailto:info@cssny.org)

Search: Next Door Project

Schedule Intake appointment by calling: (212) 614-5441.

#### The Door

[www.door.org](http://www.door.org)

Provides a range of services to youth ages 12-21

Phone: (212) 941-9090



# Legal Aid Society

NORTHEASTERN NEW YORK

55 Colvin Avenue, Albany, New York 12206

(800) 462-2922 • (518) 462-6765 • Fax: (518) 427-8352

*This office serves Albany, Columbia, Greene, Rensselaer and Schenectady Counties.*

Ronald J. Kim  
*President*

Lillian M. Moy  
*Executive Director*

Peter D. Racette  
*Deputy Director*

Wendy Wahlberg  
*Deputy Director*

## Examples of Evidence of Rehabilitation

Any of the following applicable documents can be used as proof of Evidence of Rehabilitation

### Criminal history

- Documentation of successful completion of probation/parole
- Letters from parole, probation, reentry case worker
- Documentation of completion of drug/alcohol treatment, anger management, or domestic violence program, including certificates and letters from treatment provider/program director

### Rental history

- Letters from landlords, neighbors, household members demonstrating housing stability

### Employment history

- Resume
- Letters from current employer and/or former employers, colleagues, clients/patients

### Education

- College transcripts
- Certifications
- Licenses
- Letters from professor/advisor

### Community service

- Certificates
- Letters from supervisors
- List of community service activities

### Family stability

- Documentation of up-to-date child support payments
- Marriage license
- Letters from children's teachers/school counselors

### Overall wellness

- Letters from counselors, therapists, case managers, psychiatrists, other treatment providers, clergy members, community members, etc.
- Letters of recommendation/character reference letters from friends and family members




**Main Office:** 55 Colvin Avenue, Albany, New York 12206  
(518) 462-6765 • (800) 462-2922 • Fax (518) 427-8352



# Preparing Youth With Criminal Justice Involvement For Jobs, Education And More

Understanding Legal Charges, Records, Rights and Addressing Barriers Caused by a Conviction History



1

**Alea Boulton**  
Staff Attorney




Housing Eviction	Foreclosure Prevention
Public Benefits	Family Law
Consumer Law Clinic	Low Income Tax Clinic
Children's Law Project	Domestic Violence Legal Assistance
HIV/AIDS Legal Consortium	Immigration Law Project
<b>Reentry Project</b>	Medical-Legal Partnership
Senior Legal Services	Nutrition Outreach and Education

2

### What challenges do you face when working with youth with criminal history? (Select All that Apply)


- Youth do not generally disclose their legal history
- Youth do not understand their legal history enough to discuss it
- My staff are afraid to work with youth who have legal history
- Staff are not familiar with the (juvenile) criminal justice system
- Staff are unsure how they can assist these youth
- We are not familiar with Legal Services in our local area
- Other challenges...(Write in Chat)



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### What percent of all the youth your local area serves have been involved with the criminal justice system?

- < 5%
- 5 – 15%
- 16 – 30%
- 31 – 50%
- > 50%



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## Content of Workshop

- Youthful Offender Categories
- Probation and Parole
- “Conditions” of Probation/Parole
- RAP Sheets: Obtaining and Correcting



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## Content of Workshop

- Sealing Legal Records
- Certificates of Rehabilitation
- Rights and Legal Protections
- Legal History and the Job Search
- Reducing Barriers Created by a Legal History



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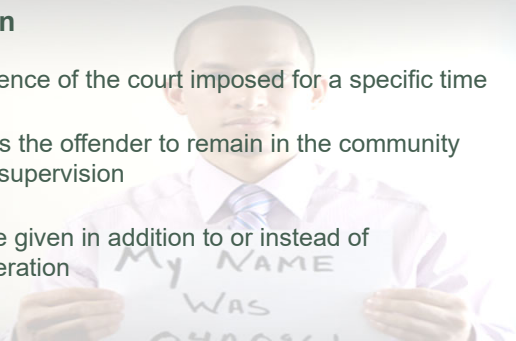
## Definitions

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## Probation

- A sentence of the court imposed for a specific time
- Permits the offender to remain in the community under supervision
- Can be given in addition to or instead of incarceration

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## Parole

The conditional release of an inmate from a federal or state correctional facility prior to the completion of a conviction sentence

Parole is granted by a decision of an administrative body – The Parole Board

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## Offense

**Infraction** = a non-criminal offense charged in the form of a summons which does not require arrest

**Violation** = a non-criminal offense that can be charged in the form of a summons, arrest, or incarceration (jail) of 15 days or less

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## Misdemeanor

Crime punishable by a fine and/or time in county jail for 15 days up to a year

Misdemeanors are tried in the lowest courts

There are three classes of misdemeanors:  
A, B, and U (Unclassified)

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## Felony

Serious crime characterized under federal and state law as an offense punishable by death or incarceration of one year or more in prison

There are five classes of felonies:  
A, B, C, D, & E

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## Adjudication

A formal finding by a juvenile court (judge) after a hearing or by entering of a plea of guilt or admission.

After the adjudication, a disposition hearing determines the services and/or sanctions that a youth will receive.

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	Juvenile Delinquent (JD)	Juvenile Offender (JO)	Youthful Offender (YO)
<b>What is it?</b>	Adjudication	Conviction	Adjudication
<b>Where is it received?</b>	Family Court	For the most part, in Supreme Court	Adult Criminal Court
<b>Who receives it?</b>	Youth between 7-16 years of age who committed an act that would be considered criminal if committed by an adult	Youth between the ages of 13 – 15 years old who have committed a serious or violent felony, such as murder, rape, arson, etc.	Typically, youth between the ages of 16 – 18 who have been granted this to be spared having an adult criminal record. In some cases, a YO adjudication may be granted to younger offenders who would otherwise be convicted as a juvenile offender.
<b>What is the consequence?</b>	May be placed in a juvenile facility up to the age of 18, or 21 with the consent of the youth	Detained in a juvenile facility until considered an adult (usually at 16 years old), at which point the youth is transferred to an adult facility	For youth 16 and older, sentence is served in an adult facility. Younger youth who would otherwise be convicted as JO are held in juvenile facilities until 16.
<b>Can it be sealed?</b>	Yes – it is not considered a conviction	No – it is a conviction and can never be sealed	Yes – it is not considered a conviction.

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## RAP Sheets

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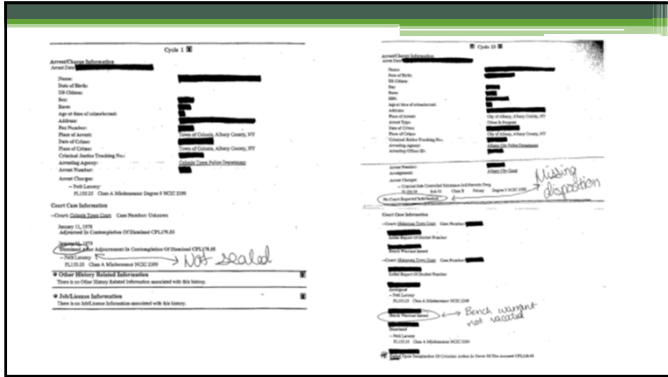
### What is a RAP sheet?

“RAP” = Record of Arrest and Prosecution

RAP sheet is a record containing every arrest, prosecution, and disposition (outcome) of a legal case

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## True or False?

If a youth has been arrested they have a RAP sheet.

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If a youth has been arrested they have a RAP sheet.

19

Youth have a RAP sheet if they have been arrested and fingerprinted

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## RAP Sheets

Two types of RAP sheets obtained through Department of Criminal Justice Services (DCJS):

**Suppressed** – does not contain sealed information

**Unsuppressed** – contains sealed information

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## Who can get an unsuppressed RAP Sheet?

### 1 - Youth

### 2 - Criminal Justice/Law Enforcement agencies and staff

Police Departments  
Courts  
Prosecutors  
Defense Attorneys  
Parole and Probation Departments  
Correctional Officials  
Judges

### 3 - Some employers/agencies

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## What is found in a RAP Sheet?

Name and NYSID Number

Arrest Information

Prosecution Charges

Arrest Warrants Issued

Dispositions

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## What is found in a RAP Sheet?

Incarceration and Parole and/or Probation Information

Determination if Case Has Been Sealed

Certificate of Relief from Disabilities Received

Certificate of Good Conduct Received

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## True or False?

A plea of guilty counts as a conviction.



25

A plea of guilty counts as a conviction.



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A plea of guilty has the same weight as a finding of guilt by a judge or jury



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Why obtain a copy of a RAP Sheet?

- Know what information is on it
- Be prepared to discuss legal history in an interview
- Identify and correct errors
- To understand what information should be sealed

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## Common RAP Sheet errors

- Incomplete entries (arrest but no disposition)
- Incorrect entries (Penal Code 125.25 murder vs. 155.25 petit larceny)
- Double entries (same charge entered twice)
- Open warrants (warrant was not vacated)
- Information that should be sealed (Adjudications)

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## Requesting a RAP Sheet

- Fingerprints are required to obtain a RAP Sheet
- Cost for RAP Sheet and fingerprints = \$ 61.75  
\$50.00 DCJS Fee and \$11.75 Fingerprint Charge
- Request Suppressed or Unsuppressed RAP Sheet

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## Requesting a Fee Waiver

### Fee Waiver:

Complete Notarized Financial Statement OR provide a copy of a public assistance benefits card (Medicaid or SNAP card) for fee waiver

Email to get a copy of the fee waiver application packet go to:

[RecordReview@dcjs.ny.gov](mailto:RecordReview@dcjs.ny.gov)

### Get Fingerprints:

Schedule with MorphoTrust/USA: <https://uenroll.identogo.com/>  
\$11.75 for fingerprints

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## Requesting a RAP Sheet

[www.criminaljustice.ny.gov/ojis/recordreview.htm](http://www.criminaljustice.ny.gov/ojis/recordreview.htm)

New York State Division of Criminal Justice Services  
Record Review Unit  
Alfred E. Smith Building  
80 Swan Street  
Albany, New York 12210  
Email: [RecordReview@dcjs.ny.gov](mailto:RecordReview@dcjs.ny.gov)

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## Correcting RAP Sheet Errors

The New York State Division of Criminal Justice Services (DCJS) can correct mistakes on a RAP sheet



Contact a Legal Services Office to assist with obtaining and correcting a RAP Sheet

Reference:  
[https://lac.org/wpcontent/uploads/2014/12/Your\\_New\\_York\\_State\\_Rap\\_Sheet\\_2013.pdf](https://lac.org/wpcontent/uploads/2014/12/Your_New_York_State_Rap_Sheet_2013.pdf)

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## Sealed Cases

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## True or False?

If enough time has passed since a conviction, a record can be expunged.



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If enough time has passed since a conviction, a record can be expunged.



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### NO expungement in New York

Certain types of cases can be sealed

If a case is sealed, that means that the information is hidden but not removed from a record

Most cases that can be sealed are automatically sealed, but obtaining a RAP sheet is the best way to make sure that cases that should be sealed actually are

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### What kinds of cases can be sealed?

#### Cases that ended in an individual's favor:

- Dismissal
- Declination to prosecute
- Acquittal
- Adjourned in Contemplation of Dismissal or ACOD  
(After the adjournment period has ended)

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### What kinds of cases can be sealed?

#### Violations

- "Non-criminal offenses"
- Examples:
- ✓ Disorderly Conduct
  - ✓ Trespassing
  - ✓ Loitering

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### What kinds of cases can be sealed?

Certain substance abuse related felonies and misdemeanors under Rockefeller Drug Law Reform

To qualify:

- ✓ An individual must have completed a court-sanctioned substance abuse treatment program;
- ✓ Individual must have completed any other sentence imposed following that treatment program; **and**
- ✓ Individual must have no pending charges

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### What kinds of cases can be sealed?

- ✓ Juvenile Delinquency (JD) Adjudications
- and**
- ✓ Youthful Offender (YO) Adjudications

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### What kinds of cases cannot be sealed?

#### Some Violations

- ✗ Driving While Ability Impaired
- ✗ Loitering for the Purpose of Prostitution

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### NYS Sealing Law: Corrections Law 160.59

#### Who is eligible?

- ✓ Individuals who have been convicted of up to two crimes
- ✓ Individuals who have **only** 1 felony conviction
- ✓ Individual has had a clean record for 10 years
- ✓ If this criteria is met record will be eligible for sealing 10 years after the most recent conviction or release from incarceration, whichever is most recent

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## NYS Sealing Law: Corrections Law 160.59

Certain offenses will **NOT** be eligible for sealing:

- \*Sex Offenses
- \*Homicide
- \*Violent Felony Offenses
- \*Class A Felonies
- \*Conspiracy or attempt to commit an exempted felony offense
- \*Offenses that require registration as a Sex Offender

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## Rights and Legal Protections

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## True or False?

If an individual has a felony conviction, they permanently lose the right to vote.



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If an individual has a felony conviction, they permanently lose the right to vote.



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**Youth do not permanently lose right to vote in New York State**

- ✓ Youth are unable to vote if they have a felony conviction AND are still serving time or still on parole
- ✓ As soon as a sentence is over or the individual completes parole (whichever comes later) the right to vote is automatically restored
- ✓ The ability to vote can be restored sooner if an individual obtains:
  - Certificate of Relief from Disabilities**
  - OR**
  - Certificate of Good Conduct**

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**Certificate of Relief from Disabilities  
Certificate of Good Conduct**

**Certificates of Rehabilitation restore rights that are lost due to a conviction**

**Examples:** the right to serve on a jury, getting certain types of employment, certain occupational licenses.....

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**Certificate of Relief from Disabilities  
Certificate of Good Conduct**

- ✓ These certificates create a “presumption of rehabilitation” and **must** be considered by businesses and government agencies in deciding whether to hire or grant a license to an individual
- ✓ These certificates will show up on a RAP sheet and background check if obtained

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**Certificate of Relief from Disabilities  
Certificate of Good Conduct**

**It is possible that Certificates may not be needed if:**

- ✓ A youth has no misdemeanor or felony convictions
- ✓ All youth offenses and convictions are sealed
- ✓ All charges have been dismissed

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	Certificate of Relief from (Civil) Disabilities	Certificate of Good Conduct
Who can apply?	An individual with at maximum (1) felony and any number of misdemeanor convictions may apply (includes individuals that only have misdemeanor convictions)	An individual with more than (1) felony and any number of misdemeanor convictions
What is the minimum waiting period to apply?	None is specified, but it is suggested that an applicant wait a sufficient period of time from his or her release from incarceration or supervision to demonstrate personal rehabilitation.	Individuals whose most serious felony conviction is Class C, D, or E must wait at least 3 years from release from incarceration or supervision to apply.  Individuals whose most serious felony conviction is Class A or B must wait at least five years from the date of release from incarceration or supervision to apply.
Who issues the certificate?	The court(s) of sentencing	The Department of Corrections and Community Supervision (DOCCS)
Other information	An individual on community supervision may receive a temporary certificate that becomes permanent after completing his or her period of supervision.  Individuals convicted of federal or out-of-state offenses can qualify.	In special cases, this certificate may be required for certain public office jobs (including law enforcement) even if an individual has (1) or no felony convictions.

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### Certificate of Relief from Disabilities (CRD)

Apply for a CRD if **one felony conviction** and/or any number of misdemeanors or misdemeanors only

Must apply for separate CRDs for each conviction received (If convicted of two felonies in the same case, that will count as one conviction for these purposes)

Youth can apply for a CRD at the time of sentencing

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### Certificate of Good Conduct (CGC)

Apply for a CGC if **2 or more felony convictions** and/or any number of misdemeanors

The waiting period begins from the date of release from prison, OR the date of the last criminal conviction, whichever was most recent

- For A and B felonies → waiting period is 5 years
- For C, D, and E felonies → waiting period is 3 years

CGCs cover all convictions in one certificate

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### Certificates of Rehabilitation

[www.doccs.ny.gov/certrelief.html](http://www.doccs.ny.gov/certrelief.html)

- ✓ Frequently Asked Questions on both certificates
- ✓ Application and Instructions for both certificates
- ✓ Contact Legal Services to assist with obtaining certificates of rehabilitation

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## Evidence of Rehabilitation

### Without a Certificate of Rehabilitation:

Youth can still improve chances of getting a job or overcoming barriers by gathering evidence of rehabilitation

This is a way to show details of the positive changes someone has made since a previous conviction or incarceration

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## Evidence of Rehabilitation

- ✓ Transcripts from schools attended or Resume
- ✓ Licenses or certifications obtained
- ✓ Letters from a job training program, volunteer work, or employment
- ✓ Letters from parole or probation officer noting compliance with program requirements
- ✓ Letters from a religious leader/character reference about positive involvement in the community
- ✓ Documentation of successful completion of treatment programs: substance abuse, anger management, mental health, etc.

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## Laws that offer protections to people with criminal records

NYS Corrections Law Article 23-A

NYS Executive Law Article 15 (Human Rights Law)

NYS General Business Law Article 25 (NYS Fair Credit Reporting Act)

15 USCA 1681 (Federal Fair Credit Reporting Act)

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## Legal History and Employment

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## True or False?

Youth are required to tell employers about past arrests if asked.



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Youth are required to tell employers about past arrests if asked.



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## Disclose only arrests that led to conviction

This is true on applications and in interviews - throughout the employment or licensing process

Courts have held that if an employer asks about an arrest (and the case did not lead to a conviction), it is **legal** and **appropriate** to answer NO!

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It is unlawful for anyone to ask about or take adverse action for:

Arrests that ended favorably

Youthful Offender adjudications

Sealed convictions

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### Prohibited Discrimination (Article 23-A)

Employers and licensing agencies are not permitted to deny an application for any occupational license or employment, or to treat someone adversely, based on that person's criminal record unless:

- ✓ There is a **direct relationship** between a conviction and the specific occupational license or employment sought;
- OR
- ✓ Granting or continuing the license or employment would create an **unreasonable risk to property or persons**

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### Employers and licensing agencies are required to consider:

NYS public policy to encourage the licensure and employment of people with criminal histories

Specific duties and responsibilities related to the license or employment, and the bearing, if any, of conviction(s) on a person's ability to perform such duties or responsibilities

Period of time since a conviction(s)

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### Employers and licensing agencies are required to consider:

- An individual's age at the time of the offense(s)
- Seriousness of the offense(s)
- Interest in protecting property or persons
- Evidence of rehabilitation
- Certificates of Rehabilitation obtained

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### Please discuss criminal record

- ✓ Youth should be prepared to discuss all unsealed misdemeanor and/or felony convictions with prospective employers
- ✓ **It is important to be honest** about convictions due to protections from discrimination for people with criminal records. Protections are lost if one lies or does not disclose. In addition this can be grounds for being denied a job or being terminated from a job.



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## Please discuss your criminal record

- ✓ It is best for youth to explain the circumstances around what happened and anything that might help the employer understand the youth's perspective
- ✓ Inform the interviewer of any activity considered proof of rehabilitation such as: school, training, employment, volunteer work, involvement in the community, etc.



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## Employment and Occupational Licensing

### Department of Health and Department of Education

Each have their own criminal history review process

Each allow the individual an opportunity to provide information and documentation of why their criminal record should not prevent them from getting licensed

Best to have certificate of rehabilitation and **LOTS** of evidence of rehabilitation if looking in these areas

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## If a job or license is denied and discrimination is suspected...

- 1- Request - in writing - why hiring did not occur (Employer has 30 days to respond in writing)
- 2- If employer does not respond or the employer's response does not appear to include consideration of Article 23-A factors, the job seeker may raise a discrimination complaint with the Division of Human Rights - unless the denial was made by a public agency

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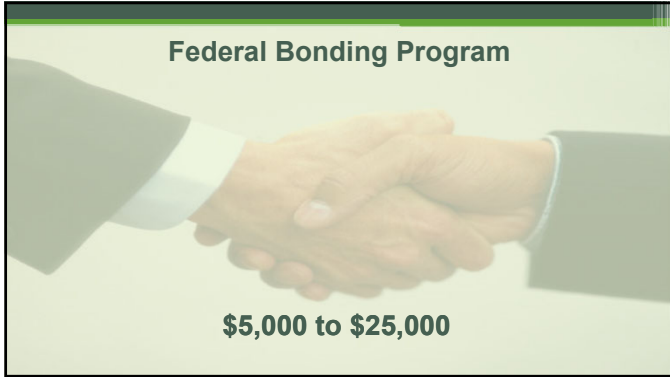
## File a Complaint

[www.dhr.ny.gov/how-file-complaint](http://www.dhr.ny.gov/how-file-complaint)

New York State Division of Human Rights  
1-888-392-3644

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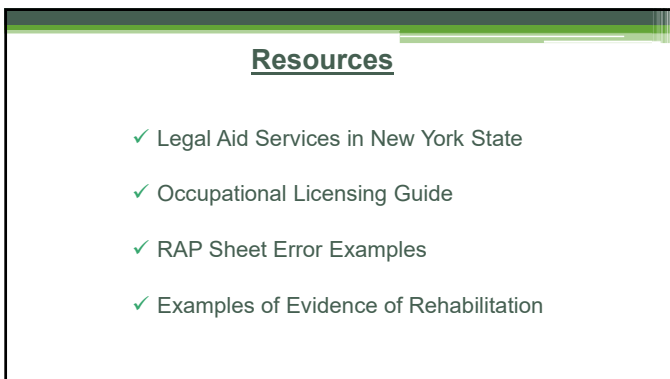




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**Contact**

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