

UNDERSTANDING JUVENILE & CRIMINAL RECORDS AND THEIR  
IMPACT ON EMPLOYMENT IN NEW YORK STATE

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**UNDERSTANDING JUVENILE & CRIMINAL RECORDS  
AND THEIR IMPACT ON EMPLOYMENT**

## **Acknowledgements**

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## **About the Illustrator**

Rick Hill, was born and raised in Brooklyn, New York. He has been drawing and creating since his toddler days, entering and displaying his work in many contests, benefits and exhibitions.

Raised in a good, close-knit family structure, the middle child of three boys, he was wonderfully nurtured and encouraged to pursue his creativity. He has loving parents, two great brothers, beautiful children and a host of loving family and friends who continue to support and encourage him.

Rick attended Boston University College of Engineering, the City College of New York and the Academy of Aeronautics and continues to aspire to be an inventor and an engineer, as well as a successful artist. He has worked in several different fields, including computer technology and the college test-prep industry. He hopes to one day make his creativity the centerpiece of his life.

Life has not always been easy for Rick. He served 10 years in prison. However, he believes his experiences while incarcerated have made him a better person and have finally guided him to his calling - pencil drawings.

It is his strong belief that any and all parts of ones life can be used to become the person you want to be.

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## Introduction

Established by the Legal Action Center, the National HIRE Network (Helping Individuals with criminal records Reenter through Employment) is both a national clearinghouse for information and an advocate for policy change to promote policies and employment practices that enable qualified people who have criminal records to obtain and retain employment. This past year, HIRE created a Youth Reentry project that provides technical assistance, information and advocacy tools to youth and those who work with them to address the unique employment barriers faced by young people with conviction records.

With this in mind, this booklet was written to educate young people like yourself who have been involved in the New York State juvenile or criminal justice system. It explains some of the challenges you might face when you look for a job and what you can do to lessen, or in some cases remove, some of those barriers. The booklet highlights some of New York's laws that you should be aware of when looking or applying for a job, such as what type of employers can get your rap sheet, how to get and correct your rap sheet, what you must legally disclose about your criminal history on a job application or in an interview, and what type of criminal records can be sealed. Our hope is that the information inside will give you and those who work with you some of the tools you need to successfully enter and remain in the workforce.

# BEFORE YOU BEGIN YOUR JOB SEARCH

## Overview of Things to Know and Do

### WHAT SHOULD I DO BEFORE I BEGIN MY JOB SEARCH?

- Get a copy of your rap sheet from the N.Y.S. Division of Criminal Justice Services (DCJS). DCJS is the state agency that keeps all N.Y.S. criminal record information.
- If at all possible, try to obtain a copy of your criminal record through the Office of Court Administration (OCA).

*See page 20-27 for more information on background checks. See Appendix #7 for how to get a copy of your criminal record from OCA, and Appendices #8 and 9 for how to get a copy of your rap sheet.*

### WHY SHOULD I GET A COPY OF MY RAP SHEET?

- To make sure there are no errors on it.
- To give you time to **correct any errors** before applying for a job.
- To prepare for a job interview.

**You may have to explain your cases in detail on a job application or at an interview so be prepared and know what is on your rap sheet!**

### IF I HAVE A RECORD FROM MY YOUTH, WILL IT APPEAR ON A BACKGROUND CHECK REQUESTED BY AN EMPLOYER?



Yes

- Juvenile Offender (JO) convictions **will** be released to an employer.

No

- A Juvenile Delinquency (JD) or Youthful Offender (YO) adjudication should not be released to an employer even if you were fingerprinted at the time of arrest or served time in a juvenile facility, jail or prison.

*See pages 12-17 for more information on JDs, YOs and JOs.*

## **IS THERE ANYTHING I CAN DO IF I AM NOT HIRED BECAUSE OF MY CONVICTION HISTORY?**

Yes

**NY prohibits employers from unfairly denying jobs to individuals with past convictions.**

- NY law gives you the right to ask an employer for a letter stating why you were denied the job and must respond within 30 days of your request.
- Under federal law, if an employer used a consumer reporting agency background check, you are entitled to a copy of that report and a reasonable amount of time to review the report before the employer denies your employment. **MAKE SURE YOU REQUEST** a copy to ensure that there are no errors on it.
- Even if the criminal record information used is correct, the job denial might be illegal.

*See Appendix #5 for sample letter to employer requesting a copy of your background check and the reason for denial of employment.*

## ARE THERE LAWS THAT WILL PROTECT ME FROM DISCRIMINATION BY AN EMPLOYER IF I AM DENIED EMPLOYMENT BECAUSE OF MY CRIMINAL RECORD?

Yes

- New York State law makes it **illegal to deny any person** with a criminal record a job **or to fire that person unless:**

1. The conviction(s) are directly related to the duties of the job.

**Example:**

An employer can deny you a job for a Driving While Intoxicated (DWI) conviction if you are applying for a job as a driver, but should not deny you a job as store clerk with no driving duties or based solely on your DWI.

-or-

2. Employing that person would be a risk to the safety of people or property.

**Example:**

An employer will likely consider a burglary conviction if the job requires you to work in people's homes.

- This law **applies to** all NY employers with more than 10 employees.
- This law **does not apply** to jobs in law enforcement.
- It is also **illegal** in NYS for an employer to ask if you have ever been **arrested but not convicted** or to consider arrests that did not lead to conviction in denying you employment.

*See Appendix #1 for the eight factors an employer must consider to determine if a person's conviction history is job related. See page 9 for more information on arrests that did not lead to conviction.*



**CONVICTIONS v. ADJUDICATIONS v. ARRESTS**

# CONVICTIONS v. ADJUDICATIONS v. ARRESTS

## What does it all mean when I go on a job interview?

Before you fill out a job application, you should understand what a conviction, adjudication and a favorable outcome to an arrest are because it makes a difference in what you may or may not have to tell employers about your conviction history.

### IN NEW YORK, WHAT IS CONSIDERED A CONVICTION?

- A conviction is a guilty plea or a court's finding of guilt for a crime or an offense.

### WHAT IS THE DIFFERENCE BETWEEN A CRIME AND AN OFFENSE?

- Only misdemeanors and felonies are crimes.

#### Crimes are:

- **Felonies:** Class - A, B, C, D or E
- **Misdemeanors:** Class - A or B

#### Offenses are:

##### 1) Violations

- Violations are non-criminal offenses and are less serious than misdemeanors or felonies.
- Common violations include loitering, disorderly conduct and trespass.

##### 2) Traffic infractions

- Traffic infractions are often charged in the form of a ticket and do not usually involve an arrest.

*See page 34 for information on sealing violations. See Appendix #2 for a list of violations that can be sealed.*

IF I HAVE A FELONY OR MISDEMEANOR CONVICTION AND AN EMPLOYER ASKS ME IF I WAS EVER CONVICTED OF A CRIME, HOW MUST I ANSWER?

Yes

- Felonies and misdemeanors are considered criminal convictions.

IF I HAVE A VIOLATION AND AN EMPLOYER ASKS ME IF I HAVE EVER BEEN CONVICTED OF A CRIME, HOW SHOULD I ANSWER?

No

- Because a violation is not a crime. It is a non-criminal conviction.

IF I HAVE A VIOLATION CONVICTION AND AN EMPLOYER ASKS ME IF I HAVE EVER BEEN CONVICTED OF AN OFFENSE, HOW MUST I ANSWER?

Yes

- Even if your violation is sealed, you must answer "yes" because a violation is considered an offense.

IF I HAVE A VIOLATION AND AN EMPLOYER ASKS ME IF I WAS EVER CONVICTED, HOW MUST I ANSWER?

Yes

- Even if your violation is sealed, you must answer "yes" because a violation is still a conviction, even though it is non-criminal.

## IS IT STILL CONSIDERED A CONVICTION EVEN IF I NEVER SERVED JAIL TIME?

Yes

- You can have a conviction even though you never served time in jail or prison. If you received probation, paid a fine, did community service or received a conditional or unconditional discharge, you have a conviction.

## IS A GUILTY PLEA CONSIDERED A CONVICTION?

Yes

- A guilty plea to any offense or crime is considered a conviction.

## IF I PLED GUILTY TO A CRIME OR AN OFFENSE AND AN EMPLOYER ASKS ME IF I HAVE EVER BEEN CONVICTED OF A CRIME, HOW MUST I ANSWER?

Yes and No

Yes

- If you pled guilty to a misdemeanor or felony.

No

- If you pled guilty to a violation, because a violation is a non-criminal conviction.

## WHAT IS CONSIDERED A FAVORABLE DISPOSITION (EG. CASE THAT ENDED IN YOUR FAVOR) TO AN ARREST?

- Dismissal
- Acquittal
- Dismissal by a Grand Jury
- District Attorney Declines to Prosecute
- Adjournment in Contemplation of Dismissal (ACD)

## IF AN EMPLOYER ASKS IF I HAVE EVER BEEN ARRESTED DO I HAVE TO TELL ABOUT ANY ARRESTS THAT WERE TERMINATED IN MY FAVOR AND DID NOT LEAD TO CONVICTIONS (FAVORABLE DISPOSITIONS)?

No

- In New York State, it is illegal for an employer to ask if you have been arrested. So if an employer asks you about arrests, you only need to tell them about arrests that led to a conviction.

**Exception:** If you apply for a job in law enforcement, you must list all of your arrests even if you were never convicted, as well as any traffic tickets.

## IF I AM SENTENCED AS A JUVENILE DELINQUENT (JD) OR A YOUTHFUL OFFENDER (YO) IS IT CONSIDERED A CONVICTION?

No

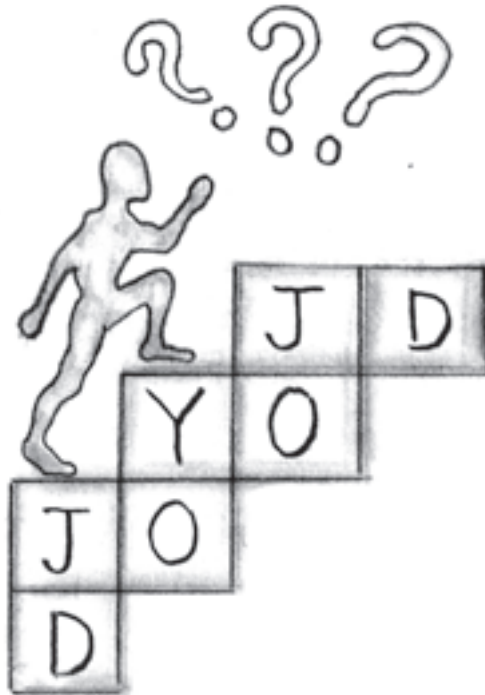
- By law, JD and YO adjudications **are not** considered convictions.

**IF I AM SENTENCED AS A JUVENILE OFFENDER (JO) IS IT CONSIDERED A CONVICTION?**

**Yes**

- A JO is considered a criminal conviction.

*See pages 12-17 for information on JDs, YOs and JOs. See pages 43-45 for more sample questions and answers that may be asked on an employment application or on a job interview regarding adjudication and conviction history.*



JUVENILE DELINQUENT, YOUTHFUL OFFENDER,  
JUVENILE OFFENDER

# JUVENILE DELINQUENT, YOUTHFUL OFFENDER, JUVENILE OFFENDER

## What's the difference?

## What does it all mean when I go on a job interview?

Below you will find very specific information on how youth under the age of 19 are treated under New York's juvenile and criminal justice systems. This section also provides information on how to answer questions about your juvenile/criminal record on a job application depending on whether you were designated a juvenile delinquent (JD), youthful offender (YO), or juvenile offender (JO).

### Overview

#### WHAT HAPPENS WHEN A PERSON IS ARRESTED BETWEEN THE AGES OF 7 AND 16?

- In general, a person between the ages of 7 and 16 who commits a crime will be charged in Family Court, and, if found guilty, will be adjudicated (found to be) a **Juvenile Delinquent**.
- For certain designated violent felonies, a person 13, 14 or 15 years of age may be tried in Criminal or Supreme Court as a juvenile offender.
- If fingerprinted the records will be sent to DCJS.

#### WHAT HAPPENS IF A PERSON IS 16 YEARS OR OLDER AND IS ARRESTED:

- These cases will be heard in Criminal or Supreme Court.
- A person 16 years or older is **considered an adult** and may be **tried as an adult**, or granted **Youthful Offender** status.
- YO status may also be granted to a youth 13, 14 or 15 charged as a juvenile offender.
- These records will be sent to DCJS and will appear on a rap sheet that you request.

## Juvenile Delinquency

### WHO IS CONSIDERED A JUVENILE DELINQUENT?

- A JD is a child over the age of 7 and under the age of 16 who committed an act, which would be regarded as a crime if committed by an adult.
- A hearing will be held to determine whether a child is a juvenile delinquent.
- A juvenile delinquency is considered an adjudication (finding) not a conviction.

### IS A JUVENILE DELINQUENCY HEARING HELD IN FAMILY COURT?

Yes

- JD hearings are heard in Family Court, **NOT** in Criminal or Supreme Court.

### WILL THE POLICE TAKE MY FINGERPRINTS AFTER AN ARREST IF I AM UNDER 16?

Yes and No

Yes

- If you are under the age of 16 and are alleged to be a JD, you will be fingerprinted if you are:
  - 11 years or older and arrested for an A or B felony.
  - 13 years or older and arrested for any felony.

No

If you are under the age of 16 and do not fall into the two categories listed above.

## IF I AM FINGERPRINTED AND NOT ADJUDICATED A JD, WHAT WILL HAPPEN TO MY FINGERPRINTS?

- If you are **not** adjudicated a JD, the Family Court will order DCJS, the police department, and any other law enforcement agencies to destroy your fingerprints.

## IF I AM NOT FINGERPRINTED BUT ADJUDICATED A JD, WHAT WILL HAPPEN TO MY RECORD?

- Your records will remain at the Family Court and will not be sent to DCJS.

## IF I AM FINGERPRINTED AND ADJUDICATED A JD, WHAT WILL HAPPEN TO MY RECORD?

- If you were fingerprinted your records **will be sent to DCJS** by the court where your case was heard, but JD status is **confidential**.
- At the **age of 16** you can file a motion to have your JD adjudication **sealed**.

*See pages 30-32 for more information on sealing JD records.*

## IS A JD CONSIDERED A CONVICTION?

**No**

- A JD should not disqualify you from public or private employment or occupational licensing even if you served time in a detention center.

## IF I HAVE A JD AND I AM ASKED ON AN EMPLOYMENT APPLICATION IF I WAS EVER CONVICTED, HOW SHOULD I ANSWER?

**No**

## Youthful Offender

### WHO IS CONSIDERED A YOUTHFUL OFFENDER?

- A YO is a special status granted by a judge to a youth who is at least 16 years of age but less than nineteen years old who would otherwise be charged as an adult for committing a crime, or a youth 13, 14 or 15 charged as a juvenile offender for certain designated felonies.
- A YO is considered an adjudication not a conviction.
- If your case is heard in a local criminal court and you plead guilty or are found guilty after a trial, and if you have no previous criminal convictions or youthful offender adjudications, the court **MUST grant you YO status**.
- YO status is **not an automatic right in any other situation** and a judge will consider factors like the type of crime committed and past offenses before granting YO status.

### IS A YO HEARING HELD IN FAMILY COURT?

No

- YO hearings are held in Criminal or State Supreme Court.

### WILL A YO RECORD BE SENT TO DCJS?

Yes

- Your record **will be sent to DCJS** by the court where your case was heard, but YO status is considered **confidential**.
- DCJS **must release your YO** information to the criminal justice system if you are arrested again.

**IS A YO CONSIDERED A CONVICTION?**

**No**

**IF I HAVE A YO AND I AM ASKED ON AN EMPLOYMENT APPLICATION IF I WAS EVER CONVICTED, HOW SHOULD I ANSWER?**

**No**

- A YO should not disqualify you from public or private employment or occupational licensing even if you served time in a detention center or were incarcerated.

## **Juvenile Offender**

**WHO IS CONSIDERED A JUVENILE OFFENDER?**

- Juvenile Offender status is for children aged 13, 14 or 15 who are charged with committing certain serious criminal acts.
- 13-year-olds can be tried as JOs for murder.
- 14 and 15-year-olds can be tried as JOs for murder and other violent felonies such as, kidnapping, arson, rape and robbery.

**ARE JO CASES HEARD IN FAMILY COURT?**

**No**

- They are heard mostly in Supreme Court.

## WHAT ARE SOME OF THE MAIN DIFFERENCES BETWEEN JO, YO, AND JD DESIGNATIONS?

- A JO adjudication is **considered a conviction and is never sealed**.
- YO and JD adjudications are not considered convictions and the records are kept confidential.
- You must disclose a JO conviction if an employer asks about your conviction history.
- You do not have to disclose a JD or YO to an employer if asked about your conviction history.

## ARE THERE ANY DIFFERENCES BETWEEN BEING CONVICTED AS AN ADULT OR AS A JO?

- The incarceration facility and sentencing may be different depending upon your age.

## IS A JO CONVICTION SENT TO DCJS?

Yes

## IF I HAVE A JO AND I AM ASKED ON A JOB APPLICATION IF I WAS EVER CONVICTED, HOW MUST I ANSWER?

Yes

*See pages 43-45 for more sample questions and answers that may be asked on an employment application or on a job interview regarding adjudication and conviction history.*



**DON'T GET WRAPPED UP - GET YOUR RAP SHEET!**



**RAP SHEETS AND CONSUMER REPORTING AGENCY  
BACKGROUND CHECKS**

Illustration Concept: Joseph Feliciano

# RAP SHEETS AND CONSUMER REPORTING AGENCY BACKGROUND CHECKS

## What's the difference? Who is allowed to request a copy?

### HOW DO I KNOW IF I HAVE A RAP SHEET?

- In New York State, if you have ever been arrested and fingerprinted, **even if you were never found guilty of the charges**, you have an arrest record on permanent file at the Division of Criminal Justice Services (DCJS).
- These records are your Record of Arrest and Prosecution (RAP) sheet, and they cannot be destroyed or expunged.

### IF I HAVE A JD ADJUDICATION, WILL I HAVE A RAP SHEET AT DCJS?

Yes and  No

Yes

- If you are fingerprinted at the time of arrest, no matter what your age, you will have a DCJS rap sheet. The JD adjudication will appear on your own record review, but may not be made public to any person or public or private agency or employer.

No

- If you were not fingerprinted DCJS will not have a record of your JD.

## IF I HAVE A YO, JO OR I WAS TRIED AS AN ADULT, WILL I HAVE A RAP SHEET AT DCJS?

Yes

- A YO adjudication will appear on a rap sheet you request from DCJS. It will NOT be made public to any person or public or private agency or employer other than the criminal justice system or to officials where you are enrolled in school.
- JO or adult conviction will appear on both the rap sheet you request and on a rap sheet requested by an employer from DCJS.
- A JO and adult conviction will appear on a consumer reporting agency background check as well.

*See page 27 for more information on consumer reporting agency background checks.*

## WHO CAN LEGALLY REQUEST A COPY OF MY RAP SHEET FROM DCJS?

There are **four categories** of people and agencies that are allowed to see a copy of your rap sheet.

### 1. You

- First and most importantly, you have a right to see your own rap sheet.
- Before applying for any job, you should obtain your rap sheet to check for errors and to understand your criminal history.

*See page 23 for how to get a copy of your DCJS rap sheet.*

### 2. Criminal justice and law enforcement agencies

- This would include: Police departments, courts, district and defense attorneys, parole and probation departments and the Department of Corrections.

### 3. Certain employers

- New York State does allow certain employers to obtain copies of your rap sheet as part of the hiring process. BUT, most employers do NOT have the right to see your DCJS rap sheet.
- Most employers conduct background checks using commercial background check companies or through the Office of Court Administration web site.

*See Appendix #6 for a list of some of these employers.*

### 4. Occupational licensing agencies

#### WHAT IS AN OCCUPATIONAL LICENSE?

- Barbers, taxi drivers, nurses, and security guards are examples of jobs that require a state or city license.
- Many agencies have a licensing bar against individuals who have conviction records or a "good moral character" requirement to obtain a license, which often works to disqualify people with conviction records.
- In some cases a licensing bar will be lifted if a person obtains either a Certificate of Relief or a Certificate of Good Conduct.

**IMPORTANT:** Occupational licensing bars do not apply to individuals with JD or YO adjudications because they are not considered convictions. Therefore, no certificate would be required.

*See pages 38-39 for more information on Certificates and Appendix #10 on how to apply for one.*

## IF I HAVE A CONVICTION RECORD, ARE THERE ANY LICENSES THAT THE STATE WILL NOT LET ME GET?

Yes

See the Legal Action Center's Occupational Licensing Survey at [www.lac.org/pubs/gratis/crimjus.html](http://www.lac.org/pubs/gratis/crimjus.html) for a list of agencies that will review your rap sheet when you apply for a license and the kinds of criminal record restrictions that apply for each type of license.

## WHY IS IT IMPORTANT TO GET A COPY OF YOUR RAP SHEET?

- To make sure there are no errors.
- To give you time to correct any errors before applying for a job.
- So you can prepare for a job interview and know how to answer questions about your criminal history truthfully.

## HOW DO I GET A COPY OF MY RAP SHEET?

**If you are not incarcerated or will be incarcerated for less than 45 days:**

- You must fill out a form called a "Request for Review."
- You can get this form by writing to the DCJS.
- Once you fill out the form, return it to DCJS with a copy of your fingerprints.
- There is a fee, but if you are on public assistance or do not have a job the fee may be waived.

*See Appendix #8 for sample letters to DCJS requesting a copy of your rap sheet if you are not incarcerated or will be for less than 45 days.*

### **If I am in a juvenile facility, prison or jail:**

- If you are in a New York State prison, a county or city jail, or in placement in a juvenile facility for more than 45 days, you must request a copy of your rap sheet from DCJS.
- When DCJS gets the request, it will mail you a copy free of charge.

*See Appendix #9 for a sample letter to DCJS requesting a copy of your rap sheet if you are incarcerated.*

### **WHERE CAN I GET MY FINGERPRINTS TAKEN?**

- You can get fingerprinted at your local police precinct or at One Police Plaza in New York City. The charge is approximately \$15.
- You can call the Legal Action Center and make an appointment to be fingerprinted and send for a copy of your rap sheet for free if you are on public assistance, receive Medicaid or are not currently working.

*For an appointment to be fingerprinted please call the Legal Action Center at (212) 243-1313.*

### **WARNING: OUTSTANDING WARRANTS**

- If you think that there may be an outstanding warrant for your arrest, you should clear it up before you contact DCJS or go to police by calling a private attorney or a local public defender.

## CAN AN EMPLOYER GET MY CRIMINAL HISTORY FROM ANYWHERE ELSE BESIDES DCJS?

Yes !!!

- More and more employers who are not allowed to get your rap sheet are finding other ways to do a background check.

### HOW?

1. Through a **consumer or credit reporting agency**.
  - There are currently hundreds of companies that provide this service for employers. If an employer runs a consumer background check on you, it will include a section on your criminal history.
2. Through the website of the **Office of Court Administration**.

*See Appendix #7 for OCA contact information.*

## DOES AN EMPLOYER NEED MY PERMISSION TO OBTAIN MY BACKGROUND CHECK?

### Consumer Reporting Agency Background Check

Yes

- Both the Federal and New York State Fair Credit Reporting laws require that an employer get your permission before they run a background check on you from a Consumer Reporting Agency.

## Office of Court Administration Background Check

No

- An employer or any individual can get a copy of your criminal record through OCA **without your permission**, which will reveal not only your criminal convictions but also your sealed violations.

WILL MY JD OR YO ADJUDICATION APPEAR ON A CONSUMER BACKGROUND CHECK?

No

WILL MY JO OR ADULT CONVICTION RECORD APPEAR ON A CONSUMER BACKGROUND CHECK?

Yes

WILL A BACKGROUND CHECK BY AN EMPLOYER THROUGH OCA OR A CONSUMER REPORTING COMPANY HAVE DIFFERENT OR MORE INFORMATION THAN MY DCJS RAP SHEET?

Yes

## Office of Court Administration

- OCA is not required to seal violations. Therefore, all sealed violations and criminal convictions including JO's are in a background check done through OCA.
- JD and YO adjudications should not appear on an OCA report.

## Consumer Reporting Agencies

- Also known as credit check companies, under NYS law are not permitted to report cases that did not lead to conviction or sealed violations, but these agencies often make mistakes and do report this information.
- JD and YO adjudications should not appear.

## WHAT SHOULD I DO IF I AM DENIED EMPLOYMENT BASED ON MY CRIMINAL RECORD?

- Ask the employer for a letter stating why it denied you the job. Under NYS law they must give you this letter within 30 days of your request.
- If the employer used a consumer reporting agency background check, under federal law, you are entitled to a copy of that report and a reasonable amount of time to review the report before the employer denies your employment.
- If you believe the employer illegally discriminated against you when it denied your employment, contact the Legal Action Center.

*See Appendix #5 for sample letter to employer requesting a copy of your background check and the reason for denial of employment.*

## SHOULD I GET MY CONSUMER REPORT AND OFFICE OF COURT ADMINISTRATION BACKGROUND CHECK BEFORE APPLYING FOR A JOB?

- If possible **yes**.
- Currently there is a fee to get your credit report. However, three major credit bureaus will supply one free credit report per year. Visit [www.annualcreditreport.com](http://www.annualcreditreport.com).
- An OCA background check requires a \$52 fee.

*See Appendix #7 for how to get a copy of your background check from OCA.*





**SEALING**

# SEALING

## What records can be sealed? What do I need to do to get them sealed?

In New York State certain records are or can be sealed. Once sealed, they are generally not available to the public or private sector. Below is information on what records can be sealed, how to get them sealed, and under what circumstances a sealed record can be disclosed.

### WHAT DOES IT MEAN TO HAVE A CASE SEALED?

- Fingerprints, palm prints and photographs in the record are destroyed.
- Information about the sealed arrest is removed from the version of the DCJS rap sheet that will be sent to an employer.
- Sealed cases will always appear on a rap sheet you request.

### IF I HAVE A CONVICTION, CAN IT EVER BE COMPLETELY ERASED FROM MY RECORD?

**No**

- In New York, you cannot have your record erased or expunged (destroyed), **BUT** certain types of records can be and are sealed.

### IF I HAVE A JD ADJUDICATION, WILL IT BE SEALED?

**Yes**

and

**No**

Yes

- A JD is automatically sealed to the public and private agencies and employers.
- If you were fingerprinted, your JD will appear only on a rap sheet you request.

No

- It is not automatically sealed to the criminal justice system (for example, courts, parole, probation, district attorney).

### CAN I HAVE MY JD SEALED TO THE CRIMINAL JUSTICE SYSTEM?

Yes

- If you have not committed certain designated felonies, when you reach the age of 16 you can file a motion with the court to request that your JD be sealed.
- The judge will look at the time that has elapsed since you were adjudicated a JD, the seriousness of the act you committed, and whether you have had further involvement with the juvenile or criminal justice system.
- Sometimes these motions are not granted. You can file again, but you may want to wait a year before doing so.
- **IMPORTANT:** If your JD is not sealed and you are convicted of a subsequent crime, the judge can consider the records and information on file with the Family Court when imposing your sentence.

### IF I AM NOT ADJUDICATED A JD, WILL MY RECORD BE SEALED?

Yes

- If your delinquency petition was either withdrawn or dismissed, the court will order all records with regard to your JD hearing **automatically sealed**.
- You do not need to file a motion to have these records sealed.
- **These records should never be available to another court even if you commit a subsequent crime.**

#### IF I HAVE A YO ADJUDICATION, WILL MY RECORD BE SEALED?

**Yes** and **No**

- Your record **will be sent to DCJS**, but will be **considered confidential**. You do not have to **file a sealing motion**.
- A YO will appear on a rap sheet you request, but not on one requested by an employer.
- A YO **may not be made public to any person or public or private agency** other than to school officials where you are enrolled.
- DCJS **must release your YO** information to the criminal justice system if you are arrested again.

#### IF I HAVE A JO CONVICTION, CAN I HAVE IT SEALED?

**No**

- Your JO conviction can never be sealed.

#### WILL MY RECORDS BE SEALED IF MY CASE WAS TRANSFERRED FROM CRIMINAL OR ANOTHER COURT TO FAMILY COURT?

**Yes**

- The records from both courts should be sealed.
- The criminal court or other court action will still appear on a rap sheet you request, but will not appear on a rap sheet requested by your employer.

**IF I WAS ARRESTED BUT NOT CONVICTED (FOR EXAMPLE, THE CASE WAS DISMISSED) WILL MY RECORD BE SEALED?**

**Yes**

- However, **ONLY** arrests that did not lead to conviction and ended in your favor are sealed.

**IF MY ARREST ENDED FAVORABLY, IS MY RECORD AUTOMATICALLY SEALED?**

**Yes**

and **No**

**Yes**

- After November 1991, if your arrest ended favorably, your record should be automatically sealed.
- If the record was not sealed automatically, you will have to go to the court where the case was heard to get an official disposition slip and send a letter with the disposition slip to DCJS requesting that they seal your record.

**No**

- If the arrest occurred before 1991, you must apply to have your record sealed.

*See pages 35-36 for more information about how to get a record sealed. See page 9 for arrests that are considered ended in your favor.*

## IF I HAVE A MISDEMEANOR OR FELONY ON MY RAP SHEET, CAN I HAVE IT SEALED?

**No**

- Arrests that led to misdemeanor or felony convictions cannot be sealed.
- If you have a JO, your record cannot be sealed.

## IF I WAS CONVICTED OF A NON-CRIMINAL OFFENSE (A "VIOLATION"), WILL MY RECORD BE SEALED?

**Yes** and **No**

**Most violations can be sealed, but there are three exceptions.**

1. A violation conviction for driving while impaired.
2. Loitering in a sexual, deviant manner.
3. A conviction for possession of less than 7/8 of an ounce of marijuana will only be sealed three years after the offense occurred, and if you have no further drug convictions during that three-year waiting period.

**Note:** Although the law seals violations on your official DCJS rap sheet, the law does not seal them at the court level. Until August 2007, the Office of Court Administration (OCA) routinely gave information about sealed violations to anyone (such as a potential employer) who paid a fee for a criminal background check. But in August 2007, OCA stopped including information about sealed violations in the records it sells to the public.

*See pages 26-27 for more information on OCA background checks. See Appendix #2 for violations that can be sealed.*

## IF MY RECORD IS SEALED, CAN ANYONE SEE IT?

**Yes** - But only in very limited circumstances.

- When you apply for a job as a law enforcement or peace officer. Any employer in this area will have access to your sealed and confidential information from DCJS.
- If you are arrested while on parole or probation, your probation or parole officer can get information on the case even if it was sealed.
- Prosecutors and other law enforcement officials may get sealed records by showing that "justice requires."

### **IF I REQUEST MY OWN RAP SHEET, WILL IT INCLUDE MY SEALED RECORDS?**



### **WHEN I LOOK AT MY DCJS RAP SHEET, HOW CAN I TELL THAT MY RECORDS ARE SEALED AND WILL NOT BE ON A RAP SHEET REQUESTED BY AN EMPLOYER?**

- Your personal rap sheet will have a notation that will say "sealed 160.50" or "sealed 160.55" in the disposition section. This will mean your records are sealed to an employer who receives your background check from DCJS.
- Youthful offender adjudications will be noted as such but will not say sealed. They are, however, "sealed" to public and private agencies and employers.

### **IF MY RECORD SHOULD HAVE BEEN SEALED AND IT DOES NOT APPEAR AS SEALED ON MY RAP SHEET, WHAT SHOULD I DO?**

Every court sets up its own way for sealing cases so here are some first steps to take:

1. Call the court clerk where your case was heard and ask what the procedure is to get a case sealed in that court.

2. If the clerk says you need to write a letter to have the case sealed, ask the clerk:
  - How and to whom you should address the letter.
  - Whether you need to send a copy to the District Attorney.
3. If a letter is not sufficient, you may have to file a sealing motion.
4. Manhattan Criminal Court requires no letter or motion.
  - All you have to do is go the court with your ID and docket number (if you know it) and tell the court clerk that you have a case that you want sealed.
  - The court clerk or staff will fill out the paperwork for you and file it with the District Attorney's office.

*See Appendix #3 for a sample sealing request letter. Call the Legal Action Center at (212) 243-1313 to get information on filing a motion.*



**CERTIFICATES OF REHABILITATION**

# CERTIFICATES OF REHABILITATION

## What are they? Why you may want to apply for one.

### WHAT IS A CERTIFICATE OF REHABILITATION?

- If you have an adult conviction for a felony or misdemeanor or a JO adjudication, you can apply for either a Certificate of Relief from Disabilities or a Certificate of Good Conduct and it may help you when you are looking for a job or applying for an occupational license.

**REMEMBER:** You do not need a certificate if you have a JD or YO because they are not convictions.

### WHY SHOULD I APPLY FOR ONE?

- When you apply for a job or a license and you have a Certificate, an employer must consider it as evidence that you are rehabilitated.
- This means that your conviction cannot be used as the sole reason for being denied for employment or refused a license, there must be other evidence that you are not qualified.
- A certificate can also be used to lift automatic N.Y.S. occupational licensing bars because of a conviction.

*See the Legal Action Center's Occupational Licensing Survey at [www.lac.org/pubs/gratis/crimjus.html](http://www.lac.org/pubs/gratis/crimjus.html) for a list of agencies that will review your rap sheet if you apply for a license and the kinds of criminal record restrictions that apply for each type of license.*

## WILL A CERTIFICATE COMPLETELY PROTECT ME FROM BEING DENIED A JOB OR LICENSE BECAUSE OF MY CRIMINAL RECORD?

No

- Even with a certificate, the law permits an employer or licensing agency to refuse to hire or license you if your convictions are job-related.
- A certificate is not a pardon and does not erase your conviction.
- You still have to list your convictions on a job application if asked about them by an employer.
- Your convictions will remain on your rap sheet.

## WHAT IS THE DIFFERENCE BETWEEN A CERTIFICATE OF RELIEF FROM DISABILITIES AND A CERTIFICATE OF GOOD CONDUCT?

- The major difference is who is eligible to apply for each one.
- You should only apply for the certificate that you are eligible to apply for.
- Your criminal record will determine which certificate you can apply for, but also check and see the type of certificate the licensing agency requires. For example, to be licensed as a school bus driver you need a certificate of good conduct not a certificate of relief.

*See Appendix #10 to determine which type of certificate you should apply for and how to apply.*





## JOB INTERVIEWS AND APPLICATIONS

# JOB INTERVIEWS AND APPLICATIONS

## Sample questions and answers

### Overview

#### Most Important:

1. Only answer the question that is being asked. Be careful not to give more information than an employer asks or has a right to know.
2. Since you may have to explain your cases in detail at an interview, make sure you review your record and understand the charges for which you were convicted or adjudicated.
3. Do not forget to highlight your successes and accomplishments.
4. Provide any evidence of rehabilitation.
5. Take responsibility for mistakes made in the past.
6. If an employer asks about your convictions, **NEVER LIE ABOUT YOUR CRIMINAL RECORD.**

#### WHY?

- If you do not tell the truth to an employer about your convictions, he or she can use that reason alone not to hire you or fire you once the lie is revealed.
- If you do tell the truth, an employer can only use your conviction as one factor in determining whether to hire you.

## Sample Questions and Answers on Job Applications

**Q. HAVE YOU EVER BEEN CONVICTED?**

A. **Yes**

- If you have been convicted of a felony, misdemeanor, offense/violation, even if your offense/violation is sealed, or if you have a JO adjudication.

A. **No**

- If you have a JD or YO adjudication.

**Q. HAVE YOU EVER BEEN CONVICTED OF A CRIME?**

A. **Yes**

- If you have been convicted of a felony, misdemeanor or have a JO adjudication.

A. **No**

- If you have been convicted of an offense/violation.
- If you have a JD or YO adjudication.

**Q. HAVE YOU EVER BEEN CONVICTED OF A CRIME OR OFFENSE OF THE LAW? IF SO, EXPLAIN.**

A. **Yes**

- If you have a conviction for a felony, misdemeanor, or offense/violation, even if the violation is sealed, or if you have a JO adjudication.

A. **No**

- If you have a JD or a YO adjudication.

**Q. HAVE YOU EVER PLED GUILTY OR BEEN FOUND GUILTY OF A CRIME OR AN OFFENSE? IF SO, EXPLAIN.**

A. **Yes**

- If you have pled guilty or have been found guilty of a felony, misdemeanor, or offense/violation.
- Even if your violation is sealed, you must answer yes.

A. **No**

- If you have a JD or YO.

**Q. HAVE YOU EVER BEEN ARRESTED? IF SO, EXPLAIN.**

A. **Yes**

- If you have arrests that led to a conviction for a felony, misdemeanor or offense/violation, or if you have a JO adjudication.

A. **No**

- If you only have arrests that did not lead to conviction.
- If you have a JD or YO adjudication, which by law are not considered convictions.

**Q. HAVE YOU EVER BEEN CHARGED WITH A CRIME? IF SO, EXPLAIN.**

A. **Yes**

- If you have arrests that led to a conviction for a misdemeanor, felony or offense/violation, or if you have a JO adjudication.

A. **No**

- If you only have arrests that did not lead to a criminal conviction.
- If you have a JD or YO adjudication, which by law are not considered convictions.
- If you were only convicted of an offense/violation because they are not crimes.

## HAVE YOU EVER BEEN CONVICTED OF A CRIME IN THE PAST SEVEN YEARS?

A. **Yes**

- If you have been convicted of a felony, misdemeanor, or JO during the past seven years.

A. **No**

- If your conviction for a felony or misdemeanor is more than seven years old.
- If you have a JD or YO adjudication.
- If you have been convicted of an offense/violation.



## GLOSSARY

- Adjudication:** A formal finding issued by the court after a hearing. Juvenile delinquencies and youthful offender findings are considered adjudications. Adjudications are not convictions.
- Arrest:** Being detained, processed and charged of committing an offense or crime. Depending on your age and the severity of the crime, fingerprints and photos are often taken which will generate a criminal record entry at the Division of Criminal Justice Services.
- Conviction:** A finding of guilt or plea of guilt for a crime or offense.
- Crime:** A felony or misdemeanor offense.
- Disposition:** The final decision or outcome of a case that has been filed in a court against a defendant.
- Division of Criminal Justice Services:** Located in Albany, this is the state agency that maintains a complete history of New York State criminal justice information.
- Felony:** Crimes punishable by one year or more of incarceration or no less than five years of probation. A felony is never sealed and will always appear on a rap sheet requested by an employer.
- Juvenile Delinquent:** A youth between the ages of 7 and 16 who commits an act that would otherwise be considered a crime if committed by an adult. These cases are only heard in Family Court. A juvenile delinquency is not considered a conviction and should not appear on a rap sheet requested by an employer.

- Juvenile Offender:** A youth aged 13, 14 or 15, who is charged with committing certain serious criminal acts. These children may be prosecuted as adults and if convicted the record(s) will appear on a rap sheet requested by an employer and are treated the same as adult convictions for employment purposes.
- Misdemeanor:** Crimes punishable by less than one year of incarceration or by no more than three years probation. A misdemeanor is never sealed and will appear on a rap sheet requested by an employer.
- Violation:** An offense punishable by usually no more than thirty days, a fine, and/or a conditional/unconditional discharge. It is not considered a crime, but is rather a non-criminal conviction. A violation is usually sealed at the Division of Criminal Justice Services and not available to an employer. The Office of Court Administration is legally allowed to give information about sealed violatons to the public, but it stopped doing so in August 2007
- Youthful Offender:** A special status granted by a judge to a young person, at least 16 years of age but less then 19, who would otherwise be charged as an adult, or a youth 13, 15 or 15, charged as a juvenile offender. Youthful offender adjudications are not considered convictions.

## APPENDICES

## **APPENDIX #1:**

### **Factors an Employer Must Consider to Determine if Your Conviction History is Job Related**

Article 23-A of the New York State Correction Law states that an employer must consider the following factors to determine if your conviction history is job-related:

1. The seriousness of the offense.
2. The amount of time that has passed since your criminal offense took place.
3. Your age at the time of the criminal offense.
4. The specific duties and responsibilities related to the job or license you are applying for.
5. Whether the criminal offense you were convicted of will affect your ability to perform any of the duties or responsibilities of your job.
6. Any information you can provide to show rehabilitation or good conduct.
7. The public policy of New York State to encourage the employment of people with conviction records.
8. The legitimate interest of the employer in protecting the property, safety and welfare of specific individuals or the general public.

#### **TIP:**

- Within 30 days of your request you are entitled to a written statement as to why you were turned down by an employer or licensing agency.
- If an employer used a consumer reporting agency to perform your background check you are also entitled to a copy of that report.

## APPENDIX #2:

### Violations and Traffic Infractions that Can Be Sealed Under §160.55 of the New York State Criminal Procedure Law (CPL)

#### Name in Alphabetical Order

	<u>CPL §</u>
Appearance in Public Under the Influence of Narcotics or Drugs other than Alcohol	240.40
Criminal Solicitation in the Fifth Degree	100.00
Disorderly Conduct	240.20
Exposure of a Person	245.01
Failing to Respond to Appearance Ticket	215.58
Harassment in the Second Degree	240.26
Hazing in the Second Degree	120.17
Loitering *	240.35
Offensive Exhibition	245.05
Promoting the Exposure of a Person	245.02
Trespass	140.05
Unlawfully Posting Advertisements	145.30
Unlawful Possession of Marijuana (less than 7/8 of an ounce) **	221.05

\* Loitering in a sexual deviant manner or loitering involving prostitution will not be sealed.

\*\* Conviction for possession of less than 7/8 of an ounce of marijuana may only be sealed after successful completion of a three-year waiting period.

## APPENDIX #3:

### Sample Letter to the Court Requesting Sealing of a Record

- You can use this same letter for sealing of a juvenile delinquency addressed to the appropriate Family Court. Underlined portions should be replaced with your information.

Date:

Court Clerk's Office  
Kings County Criminal Court  
120 Schermerhorn Street  
Brooklyn, NY 11201

Dear Clerk of the Court:

I was tried in the King's County Criminal Court of Brooklyn on May 8<sup>th</sup> 1995 under docket number P12-3577. I pled guilty to the charge of Trespass (PL140.05) and paid a fine of \$50.

I am contacting you now to request that the records of my violation conviction be sealed pursuant to Section 160.55 of the New York State Criminal Procedure Law. Please forward sealing orders to any agency that has a record of my arrest, including the Division of Criminal Justice Services, and the New York City Police Department 45.

In addition, please send me notification of the outcome of my sealing motion request. Thank you for your attention.

Sincerely,  
Name and Address

cc: Brooklyn District Attorney's Office

## APPENDIX #4:

### Sample Letter to Request Corrections on Your Rap Sheet

Date:

New York State Division of Criminal Justice Services  
Record Review Unit  
4 Tower Place  
Albany, NY 12203-3764

Re: DCJS record of (your name) - NYSID #: \_\_\_\_\_

Dear Sir or Madam:

On May 8<sup>th</sup>, I reviewed a copy of my DCJS rap sheet and I discovered errors on my record and am writing to list the corrections that should be made. As required, I am enclosing certified disposition slips.

My challenges include:

1. My rap sheet reports that I was convicted of Burglary on 8/16/02. In fact I was adjudicated a youthful offender on this charge, as documented by the attached disposition slip, docket #Y00012. Please correct my record as soon as possible.
2. No disposition is reported from my 3/24/03 arrest. The attached court transcripts with docket #X3567 shows that all charges were dismissed following this arrest. Please add this information to your files.

Please inform me of the changes that you have made on my rap sheet.

Sincerely yours,

Name and Address

## APPENDIX #5:

### Sample Letter to Employer Requesting a Copy of your Background Check and the Reason for Denial of Employment.

[Date]

[Sender's name]  
[Street Address]  
[Sender's City, State, Zip]

[Employer's Name]  
[Company Name]  
[Street Address]  
[City, State Zip Code]

To Whom It May Concern:

[insert name of company/firm/agency] denied me a job on [date] for the position of [title of position], and I am requesting that within 30 days you provide me with a written statement stating the reasons for such denial. I am entitled to this statement under Article 23-A of the New York State Correction Law because I have (a/some) criminal conviction(s). Section 754 of the Correction Law states:

At the request of any person convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial. Failure to provide a written statement may result in a complaint being filed with the NYS Division of Human Rights.

Also under federal law, if you used a consumer reporting agency background check to make your employment determination, I should have been given a copy and a reasonable amount of time to review the report before you denied my employment. 15.U.S.C. § 1681b(b)(3). Therefore, if you conducted a consumer agency background check, please enclose a copy with the letter requested above.

Thank you for your prompt attention to this matter.

Sincerely,

[Your Name]

## APPENDIX #6:

### Partial List of Employers Who by Law Can Obtain Your RAP Sheet from DCJS or the FBI as Part of the Hiring Process

- Public Employers in New York State
  - Federal, state and local government agencies including:
    - All Law Enforcement Agencies such as:
      - Police Department
      - Fire Department
      - Immigration
      - New York City Transit Authority
      - New York State Department of Correctional Services
      - Department of Sanitation
    - School Districts
    - U.S. Postal Service
  - Child care agencies
  - Financial institutions, such as banks and brokerage houses
  - Home health care agencies
  - Hospitals
  - Museums
  - Nursing homes or mental health facilities
  - Schools and companies hiring school bus drivers and attendants
  - Security guard companies

**REMEMBER:** Most employers do not have the right to see your DCJS rap sheet but can run your criminal background check through the Office of Court Administration or by running a credit report.

## **APPENDIX #7:**

### **How to Obtain a Copy of your Criminal History from the Office of Court Administration**

Effective July 14, 2003, the Office of Court Administration (OCA) of the State of New York expanded its program of making criminal history records available to the general public. The fee is \$52.

#### **To request a copy of your criminal history records:**

##### **You can write to:**

NYS Office of Court Administration  
Office of Administrative Services  
Criminal History Record Search  
25 Beaver Street (Room 840-Front Counter)  
New York, NY 10004  
Telephone number: (212) 428-2810

You can request it online at:  
[www.nycourts.gov/apps/chrs](http://www.nycourts.gov/apps/chrs)

**IMPORTANT:** If you find that this report has inaccurate results, you can call OCA Criminal History Search Unit at (212) 428-2943 between the hours of 10:00 am and 4:00 pm. The Legal Action Center may also be able to assist you with correcting inaccurate reporting. For assistance, please call LAC at (212) 243-1313.

## APPENDIX #8:

### Examples of RAP Sheet Requests

#### If you Are Not Incarcerated or are Incarcerated for Less than 45 days

- Example # 1:

*If you need to have the fee waived because you are not working*

Date \_\_\_\_\_

New York State Division of Criminal Justice Services  
Record Review Unit  
4 Tower Place  
Albany, New York 12203-3762

Dear Sir or Madam:

This letter is being sent to request a copy of my criminal record and to confirm that even though I am not on public assistance, I am not employed and am indigent and cannot afford the \$50 fee to obtain my criminal record. Enclosed is my full set of fingerprints. My notarized signature is below. Thank you.

Signature

Name

Full Mailing Address

Date of Birth

Sworn to me this \_\_\_\_\_ day

of \_\_\_\_\_ 200\_

\_\_\_\_\_  
Notary Public \_\_\_\_\_

• **Example #2:**

*If you need to have the fee waived because you are on public assistance, you will need to send some form of proof that you are on public assistance such as a copy of your Medicaid card.*

New York State Division of Criminal Justice Services  
Record Review Unit  
4 Tower Place  
Albany, New York 12203-3762

Dear Sir or Madam:

This letter is being sent to request a copy of my criminal record and to confirm that I am on public assistance and cannot afford the \$50 fee to obtain my criminal record. Enclosed please find a copy of my \_\_\_\_\_ as proof of my indigence. Also enclosed if a full set of fingerprints. Thank you.

Signature:

Name:

Full Mailing Address:

Date of birth:

• **Example #3:**

*If you are working, not on public assistance and do not need the fee waived*

Date: \_\_\_\_\_

New York State Division of Criminal Justice Services  
Record Review Unit  
4 Tower Place  
Albany, New York 12203-3762

Dear Sir or Madam:

I am requesting my criminal record. Enclosed please find the \$50 fee as well as a full set of my fingerprints. Thank you.

Signature:

Name:

Full Mailing Address:

Date of birth:

## APPENDIX #9:

### Example of Rap Sheet Request If you Are Incarcerated in a State or Local Facility for More than 45 Days

Date:

New York State Division of Criminal Justice Services  
Record Review Unit  
4 Tower Place  
Albany, NY 12203-3702

Dear Sir/Madam:

I am currently incarcerated in a correctional facility, and I am writing to request a copy of my DCJS criminal history record ("rap sheet").

The following information should assist you in locating my file:

Name and Aliases: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Institutional #: (if you are in a local facility) \_\_\_\_\_

Din#: (if you are in a state facility) \_\_\_\_\_

NYSID#: (if you are in a state facility) \_\_\_\_\_

Please process my request at your earliest convenience.

Thank you for your attention.

Sincerely,

Signature \_\_\_\_\_

Name \_\_\_\_\_

Full Mailing Address

## APPENDIX #10:

### CERTIFICATES OF REHABILITATION

#### Eligibility and How to Apply

##### Eligibility

##### Certificate of Relief from Disabilities

You are eligible to apply for this Certificate if:

- **You have been convicted of** no more than one felony, or JO and/or any number of misdemeanors. When counting your felonies you must include any federal or out-of-state convictions.
- You have federal or out-of-state convictions you must be a resident of New York State at the time you apply for a Certificate of Relief.

##### Certificate of Good Conduct

You are eligible to apply for this Certificate if:

- If you have been convicted of two or more felonies and any number of misdemeanors. When counting your felonies you must include any federal or out-of-state convictions.
- When the mandatory waiting period has passed.
- The mandatory waiting period will begin from either: the date of payment of any fines or restitution; date of release from prison to parole supervision; or suspension, commutation or termination of a sentence.
- Length of waiting periods:
  - Class A or B Felony: 5 years
  - Class C, D, or E Felony: 3 years
  - Misdemeanor: 1 year

#### 2. Remember:

- You DO NOT NEED TO APPLY for a Certificate of Rehabilitation if you have a youthful offender or juvenile delinquency adjudication because they are not considered convictions.

## How to Apply

### Certificate of Relief from Disabilities

#### **1. Things to know before you apply:**

- Every court sets up its own procedures, so you should contact the court first to find out what the procedure is.
- You must get a separate Certificate of Relief from Disabilities for each conviction.

#### **2. If you were convicted of a misdemeanor or if you were convicted of a felony but served no time in prison (sentenced to probation):**

- You must apply for a Certificate at the court where you were sentenced.
- The court can issue the Certificate anytime after sentencing.

#### **3. If you were convicted of a felony and served New York State time or were convicted by a Federal or out-of-state court and are currently a resident of New York State:**

- You can request an application for a Certificate from:  
State of New York - Executive Department  
Division of Parole  
Certificate of Review Unit  
97 Central Avenue  
Albany, New York 12206  
(518) 485-8953

Or you can download an application at:

[www.parole.state.ny.us/parolecert.pdf](http://www.parole.state.ny.us/parolecert.pdf)

#### **4. If you are on probation or parole:**

- You should make a request to your probation or parole officer.

- You may be granted a temporary Certificate that becomes permanent when you complete your sentence, if you are on probation or parole.

### Certificate of Good Conduct

#### 1. Things to know before you apply:

- You will need only one certificate for all convictions.
- Only the Parole Board is authorized to issue a Certificate of Good Conduct.
- You cannot apply until the end of your mandatory waiting period.

#### 2. Once the waiting period has ended:

You can request an application for a Certificate from:

State of New York - Executive Department  
Division of Parole  
Certificate Review Unit  
97 Central Avenue  
Albany, New York 12206  
(518) 485-8953

#### 3. You can download an application at:

[www.parole.state.ny.us/parolecert.pdf](http://www.parole.state.ny.us/parolecert.pdf)

**IMPORTANT:** Please note that the entire process to obtain a Certificate could take from six months to one year. If you are in a hurry because a job or occupational license is at stake mention this in your letter.

## APPENDIX #11:

### Contact Information for New York City, Family, Criminal, and Supreme Courts

FAMILY COURT	CRIMINAL COURT	SUPREME COURT
<p><b>Bronx County</b> 900 Sheridan Avenue Bronx, NY 10541 (718) 590-3318</p> <p><b>Kings County (Brooklyn)</b> 330 Jay Street Brooklyn, NY 11201 (347) 401-9600</p> <p><b>New York County (Manhattan)</b> 60 Lafayette Street New York, NY 10013 (646) 386-5200</p> <p><b>Queens County</b> 151-20 Jamaica Avenue Jamaica, NY 11432 (718) 298-0197</p> <p><b>Richmond County (Staten Island)</b> 100 Richmond Terrace Staten Island, NY 10301 (718) 390-5460</p>	<p><b>Bronx County</b> 215 East 161<sup>st</sup> Street Bronx, NY 10451 (718) 590-2858</p> <p><b>Kings County (Brooklyn)</b> 120 Schermerhorn Street Brooklyn, NY 11201</p> <p><b>New York County (Manhattan)</b> 100 Centre Street New York, NY 10013 346 Broadway New York, NY 10013</p> <p><b>Queens County</b> 125-01 Queens Boulevard Kew Gardens, NY 11415</p> <p><b>Richmond County (Staten Island)</b> 67 Targee Street Staten Island, NY 10301</p> <p><b>NYC Criminal Court Information Line</b> (212) 347-5880</p>	<p><b>Bronx County</b> 851 Grand Concourse Bronx, NY 10451 (718) 590-3803/4/5 215 East 161<sup>st</sup> Street Bronx, NY 10451 (718) 590-2858</p> <p><b>Kings County (Brooklyn)</b> 360 Adams Street Brooklyn, NY 11201 (718) 643-8076</p> <p><b>New York County (Manhattan)</b> 60 Centre Street New York, NY 10013</p> <p><b>Queens County</b> 88-11 Sutphin Boulevard Jamaica, NY 11435 (718) 298-1000</p> <p><b>Richmond County (Staten Island)</b> 18 Richmond Terrace Staten Island, NY 10301 (718) 390-5201</p>

For other court locations in New York State visit [www.courts.state.ny.us](http://www.courts.state.ny.us) on the Internet.



