



# Getting the Record Straight

A Guide to Navigating Background Checks

**JOHN JAY COLLEGE  
INSTITUTE FOR JUSTICE  
AND OPPORTUNITY**

**CU** THE CITY  
**NY** UNIVERSITY  
OF  
NEW YORK

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The John Jay College Institute for Justice and Opportunity (the Institute), formerly known as the *Prisoner Reentry Institute*, is a center of research and action at the John Jay College of Criminal Justice/CUNY. The Institute is committed to providing opportunities for people to live successfully in the community after involvement with the criminal legal system. Capitalizing on its position within a large public university and recognizing the transformational power of education, much of its work focuses on increasing access to higher education and career pathways for people with conviction histories. The Institute's comprehensive and strategic approach includes direct service, research, technical assistance, and policy advocacy.

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## About the John Jay College Institute for Justice and Opportunity

The John Jay College Institute for Justice and Opportunity (the Institute) champions institutional, structural, and personal transformation. The mission of the Institute is to create opportunities and eliminate barriers for people to live successfully in the community after involvement with the criminal legal system. We are deeply committed to increasing access to higher education and pathways to satisfying careers. We advocate for the right to education, housing,

employment, healthcare, and other human rights too often denied to people with conviction records.

In 2020, after 15 years as the Prisoner Reentry Institute, we changed our name to the John Jay College Institute for Justice and Opportunity. Our new name more accurately reflects our work, our values, our aspirations, and our commitment to person-first language.

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## A note on language

As criminal justice reform receives increasing attention and support, the language used to describe the people impacted by the system – and the system itself – must also be reconsidered. In this guide, we’ve chosen to adopt the term criminal legal system, rather than criminal justice system. Omitting the word “justice” reflects the growing acknowledgement that our systems of criminalization, policing, prosecution, and punishment are not always “just.”<sup>1</sup> Instead, these systems more accurately involve legal practice, so we adopt terminology that describes just that.

As stated powerfully by the late Eddie Ellis in his letter to partners and allies,<sup>2</sup> we too urge the use of

person-first language in all discussions related to the experiences of people impacted by the criminal legal system. Person-first language avoids the conscious or subconscious nominalization of someone based on a single characteristic.<sup>3</sup> Words like “criminal,” “convict,” “felon,” “inmate,” and “prisoner” are powerful. They possess the ability to restrict people to categories that do not speak to their larger human identity and reinforce existing stereotypes about people with conviction histories.<sup>4</sup>

**In this guide, we omit the stigmatizing word, “criminal” in “criminal background check.” We also use the phrase “conviction record” rather than “criminal record.”**

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# Introduction

## The lasting impact of mass criminalization

The impact of decades of mass criminalization policies in the United States is overwhelming.



**Over 70 million people**

have a conviction record in the United States<sup>5</sup>



In New York State, an estimated 6,958,700 people have an arrest or conviction record – that's

**45% of the adult population<sup>6</sup>**



**The United States incarcerates more people per capita**

than any other nation in the world<sup>7</sup>



About ninety-five percent of people incarcerated in state prisons return to their communities at some point,<sup>8</sup> and each year

**over 600,000 people return to their communities**

after spending time in correctional custody<sup>9</sup>

The criminal legal system does not impact all communities equally – it disproportionately targets and harms underserved, under-resourced, communities of color, namely Black and Latinx people. Today, 1 in 3 adult Black men have a felony conviction.<sup>10</sup>

The overrepresentation of Black and Latinx people in our criminal legal system is connected inextricably to the history of slavery in the United States and the capitalist economy.<sup>11</sup> As Bryan Stevenson poignantly notes, the 13<sup>th</sup> Amendment is widely cited as the end of slavery, but those convicted of a crime were exempt from this protection:

**After emancipation, Black people, once seen as less than fully human ‘slaves,’ were less than fully human ‘criminals.’ The provisional governor of South Carolina declared in 1865 that they had to be ‘restrained from theft, idleness, vagrancy and crime.’ ...<sup>12</sup>**

Even today, law enforcement and prosecution practices, masked as race-neutral, disproportionately target communities of color. From racist policing, to prosecutorial discretion in charging, to pressured plea bargaining, to laws that shield officers, to problematic evidentiary laws, there are documented problems throughout our criminal legal system. This has resulted in millions of Black and Latinx people who must now face the civil consequences of a conviction record.<sup>13</sup>

## The civil consequences of a conviction record

The millions of people marked with a conviction endure a perpetual punishment because of the extensive use of background checks. Background checks are an obstacle to employment, housing, and education. Where the direct consequences of a conviction, like incarceration or fines, are set out at sentencing or in a plea deal, there are many consequences triggered by a conviction record that are known as civil consequences.<sup>14</sup> In most cases, these consequences, except immigration matters, are not discussed at plea or sentencing, and may only become clear years later.<sup>15</sup>

Requiring background check clearance as a precondition to employment, housing, education, and professional licensure has resulted in a system that excludes millions of Americans from opportunity.<sup>16</sup> Moreover, background checks often may contain errors that can wrongfully deny access and are difficult to fix.<sup>17</sup>

Advocates, including the John Jay College Institute for Justice and Opportunity, are working across the country to end the use of background checks. In 2017, Seattle passed an ordinance that prevents landlords from

unfairly denying applicants housing based on conviction history.<sup>18</sup> Several cities have followed suit, and New York City advocates and City Council members are working on a similar law.<sup>19</sup> In 2016, the State University of New York (SUNY) removed a question asking applicants to declare prior felony convictions from their 64-campus system’s application.<sup>20</sup> Further, the New York City Fair Chance Act makes it illegal for most employers in New York City to run a background check or ask about a job applicant’s conviction record before making a conditional job offer.<sup>21</sup>

While we work to end the use of background checks as a barrier to opportunity, millions of people still must contend with their widespread use. This guide will help you navigate background checks so you can overcome many of the existing civil consequences. We provide guidance so you can better explain the larger, societal factors (for example, poverty, targeting by law enforcement, and racism at all decision-making

points throughout the criminal legal system) while also describing your unique situation throughout the background check process.

We hope that this guide will become obsolete as more and more laws are passed to prohibit record-based discrimination and we dismantle other types of civil consequences. Until then, we hope it will be useful.

## What is in this guide, and who is it for?

If you have ever worried about being subject to a background check, struggled to find the best way to answer questions about your record, or wondered what colleges, employers, landlords, and others really want to hear, this guide is for you.

This guide is designed to help people with conviction records navigate the individual, institutional, and systemic barriers erected by background checks. It is common for people to feel nervous or stigmatized when going through a background check. Preparing in advance can help the experience become less intimidating. This guide will help you:

- ① Understand what is on your record
- ② Prepare for a background check
- ③ Know your rights
- ④ Be ready to respond to questions about your record
- ⑤ Be equipped to talk compellingly about yourself and your history, beyond just the facts of your conviction

This guide is an overview and will **not** fully cover all of your legal rights. However, we provide links to complete information about your legal rights throughout. The **RESOURCES** section lists organizations that may be able to help you with specific legal questions. This guide is also not focused on any particular type of background check, as the process and use of background checks will differ. Most background checks happen in employment

and housing applications, but they are also used elsewhere. This guide does not list every use or process. Instead, this guide explains how to create a narrative about your history that you can use in a variety of settings.

The guidance about city and state laws **are specific to New York** and may not be true elsewhere. However, anyone can use the general tips and guidance. This guide covers:

- Information about who uses background checks, where the information comes from, and common problems in background checks
- Steps you can take long before you apply for housing and employment to correct and clean-up your New York State record of arrest and prosecution (RAP) sheet
- How you can develop a compelling narrative about your personal history and conviction record

# Background checks

## Who uses background checks?

These days, passing a background check is a common part of applying to college, getting a job, or applying for housing. Nationally, about 94% of employers and about 90% of landlords use background checks to evaluate prospective employees and tenants.<sup>22</sup> The internet allows instant access to millions of databases containing conviction record information, making it easy for companies to get into the business of background checks.



One estimate found that there were **1,954 background check companies** preparing reports for U.S. customers in 2019.<sup>23</sup>

## Where does conviction record information come from?

Background check companies get conviction records information from a few sources:

- ① State criminal legal system databases
- ② Court records
- ③ Corrections department records
- ④ Buying information from other background check companies

In New York, the Division of Criminal Justice Services (DCJS) is the legal repository for the conviction records information that comes from New York state law enforcement agencies and courts. This is called a record of arrest and prosecution (RAP) sheet. **DCJS does not provide access to RAP sheet information to the public or to background check companies.** The law allows some *government agencies* to access conviction records information from DCJS for the purpose of screening job and occupational license applicants. You can get your own RAP sheet information from DCJS – see the section, **WHAT'S ON YOUR RAP SHEET?** to learn more.

Entities that do not have access to DCJS records can get conviction records information from two other government sources: **the court system and corrections systems.**

### ① The court system:

The New York Unified Court System Office of Court Administration (OCA) sells court records to the public, including background check companies, for a fee of \$95.<sup>24</sup> While they sometimes contain mistakes, these are the most accurate records available to background check companies. But because they cost \$95 per search,<sup>25</sup> less reputable background check companies may decide not to use them.

### ② The corrections systems:

The New York State Department of Corrections and Community Supervision (DOCCS) maintains information about currently incarcerated people and some formerly incarcerated people in New York State.<sup>26</sup> The New York City Department of Correction (DOC) also has an online database of people currently incarcerated in New York City.<sup>27</sup> Both corrections department systems are on the internet and available to the public. These systems were designed to allow attorneys, families, and others to locate individuals within detention and correctional

systems. They were not intended to be a source of conviction history information, may not be up to date, and will not contain comprehensive information. Yet, background check companies frequently rely on these databases because they are available to them at no charge, which can lead to errors.

### NOTE



Most employers and housing providers pay for background checks from companies, not from official government records. Most background check companies also provide other services, like employment and education verification and credit checks.<sup>28</sup> These companies get their conviction record information from official sources in New York – the Office of Court Administration (OCA), the New York State Department of Corrections and Community (DOCCS), or the New York City Department of Correction (DOC) – or they purchase it from another company.

When someone conducts a background check, you usually will not know beforehand where the conviction record information is coming from. If you are asked to provide fingerprints, then the information is most likely being sought from DCJS.<sup>29</sup> (There are also some instances where fingerprint-based records might be requested from the Federal Bureau of Investigation.<sup>30</sup>) If the entity does not ask you to provide fingerprints, then it's more likely that the background check is being done by a private background check company.

### KNOW YOUR RIGHTS



If a background check is done

through a background check company, you have some rights under Federal law:<sup>31</sup>

- You must consent to the background check in writing
- The company must provide you with a summary of your rights
- If an employer or housing provider is rejecting you based on the results of the background check, they must provide you with a notice that includes the name of the background check provider and information about your right to dispute the results of the background check
- If an employer is planning to take an adverse employment action against you (for example, refusing to hire you, refusing to promote you, or terminating you) based on a background check, the employer must provide you with a copy of the background check and allow you a “reasonable period of time” to contact the employer before taking the adverse action. This period of time – which is not set by law, but which courts have often interpreted to be at least five days – is intended to allow you time to contact the employer and explain that the background check contains mistakes, or that the adverse action should not be taken despite the conviction record, or both

### TIP



Get more information about your rights regarding background check companies and how to make a complaint if your rights are violated:

- **Background checks for employment:**  
[www.consumer.ftc.gov/articles/0157-background-checks](http://www.consumer.ftc.gov/articles/0157-background-checks)
- **Background checks for housing:**  
[ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-landlords-need-know](http://ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-landlords-need-know)

### KNOW YOUR RIGHTS



You have additional rights

when an employer does a background check in New York City (for a job that will be located in New York City). Under the New York City Fair Chance Act, most employers:

- Cannot do a background check or ask questions about your conviction record until they've made you a conditional job offer
- If an employer then wants to revoke the conditional job offer based on your conviction record, the employer must:
  - Explain why to you in writing, using the New York City Fair Chance Act Notice set by law
  - Provide you with a copy of any background check
  - Give you at least three business days to respond

To learn more about your rights under New York City Fair Chance Act, see:

- The NYC Commission on Human Rights' info page, *Fair Chance Act*: [www1.nyc.gov/site/cchr/media/fair-chance-act-campaign.page](http://www1.nyc.gov/site/cchr/media/fair-chance-act-campaign.page)
- The Center for Urban Pedagogy & VOCAL-NY's guide, *A Fair Chance*: [welcometocup.org/file\\_columns/0000/0992/mpp\\_a\\_fair\\_chance.pdf](http://welcometocup.org/file_columns/0000/0992/mpp_a_fair_chance.pdf)

## Common problems with background checks

There has been no industry-wide study of errors in background checks, but lawsuits, government enforcement actions, and government reports all confirm that errors in background check reports are common.<sup>32</sup> Even conviction records information obtained directly from government sources – like DCJS and the OCA – may have errors.<sup>33</sup>

### Common errors on commercial background checks prepared by private background check companies include:

- Incorporating information about a different person, often with a name similar to yours
- Providing incomplete information about a case, like the disposition – e.g. the disposition may be missing
- Posting information about sealed records
- Displaying data in misleading ways, like listing an incident multiple times
- Mis-classifying the offense

**TIP**  Every time someone performs a background check, request a copy and review it for errors. See the section, [REVIEW EVERY BACKGROUND CHECK](#) for more information about what to look for.

Keep reading on to the next section to learn more about making sure the information on your official RAP sheet is correct.



# Getting prepared – before you apply

## Obtain your RAP Sheet

### What's on your RAP sheet?

If you have ever been arrested and fingerprinted, you have a RAP (“record of arrest and prosecution”) sheet.<sup>34</sup> This is true even if you were not ultimately convicted of a crime. In New York State, this record of your arrests and convictions is kept by the New York State Division of Criminal Justice Services (DCJS).

#### TIP



If your case was in Federal Court, your DCJS RAP sheet will not have information about those charges. The federal government maintains those records. To obtain a copy of your FBI rap sheet, you can contact the legal services providers listed in the **RESOURCES** section of this guide or go to [fbi.gov/services/cjis/identity-history-summary-checks](https://fbi.gov/services/cjis/identity-history-summary-checks) for more information.

Because of the complexities within the criminal legal system and reporting formats, it may be hard to understand what is on your RAP sheet and what you were convicted of. RAP sheets you order for your own review include information about every time you were fingerprinted by the police in New York State, and what happened afterwards. The information is not simple to read. Law enforcement and courts add different information about the charges at different times while your case is pending. Ultimately, you may be convicted of, or plead guilty to any or none of the charges. It is also possible for the people entering information about your case into official records to make errors at any point.

Thus, it is important to check what is on your official RAP sheet and correct any errors. If possible, you should review it with a trained reentry services provider who can help identify mistakes and answer your questions about your record so that you have an accurate understanding of your conviction record. You can then take action to correct any errors, and will be able to describe your convictions accurately when applying for a job, a license, or housing.

**NOTE**

Although most employers and landlords rely on court records and online commercial background checks instead of official DCJS RAP sheets, if there are errors on your official DCJS RAP Sheet, it can be a signal that errors may exist in other records. See the [RESOURCES](#) section for a list of legal services providers who may be able to help you get and review your RAP sheet.

## How do you get a copy of your RAP sheet?

If you were arrested and fingerprinted in New York State, you will have a RAP sheet on file with the New York State Division of Criminal Justice Services (DCJS). You must submit fingerprints to DCJS to get a copy of your RAP sheet, which can be done manually by a trained reentry services provider, or by computer scan at a special center that contracts with DCJS. There are fees for processing your fingerprints, and there may be fees associated with requesting your RAP sheet. You can find more information about fingerprinting, forms required, and fees at [criminaljustice.ny.gov/ojis/recordreview.htm](https://criminaljustice.ny.gov/ojis/recordreview.htm)

**IMPORTANT!**

If you request your own DCJS RAP sheet, you will have the opportunity to specify whether you want a “suppressed” or “unsuppressed” version. If you ask for a “suppressed” copy, it will not include any sealed information or records about cases without dispositions that are more than five years old. If you request an “unsuppressed” copy, the RAP sheet will include sealed matters or other confidential conviction or arrest information.

**Do not share an “unsuppressed” RAP sheet with anyone other than a trained reentry services provider or your own attorney.**

## TIP



If you need more help or cannot pay the fees, there are several not-for-profit legal organizations that may be able to help you apply for your RAP sheet free of cost and/or help simplify the process. See the [RESOURCES](#) section for free legal help.

## What if there are errors on your RAP sheet?

Although legislation was passed in 2019 that has significantly reduced errors, RAP sheets may still include mistakes, including reporting:

- Information about a different person
- Incomplete information about a case, like the disposition or sentence – e.g. missing disposition
- Sealed records
- Old warrants that have been cleared<sup>35</sup>

Again, background check companies don't get official RAP sheets, but if there's an error on your RAP sheet, it's likely that there's an error on your commercial background checks. If you think there is an error on your RAP sheet, see the Legal Acton Center's guide, *Your New York State RAP Sheet: A Guide to Getting, Understanding, and Correcting your Criminal Record*, available at [lac.org/assets/files/Your\\_New\\_York\\_State\\_Rap\\_Sheet.pdf](http://lac.org/assets/files/Your_New_York_State_Rap_Sheet.pdf), or view the [RESOURCES](#) section for free legal help.

## Collect “evidence of rehabilitation,” also known as “proof of positive change”

When preparing to apply for school, a job, or a license, it is especially important to collect what is commonly known as “evidence of rehabilitation” or “proof of positive change.” These are any documents to show an employer, landlord, or government agency other things you have done post-conviction that they will perceive as positive.

Proof of positive change may include:

- Letters of recommendation. These can come from past employers, counselors, people who know you well, faith leaders, volunteer programs, etc. It is particularly helpful to have letters from people who know you have a conviction record and will vouch for you
- Copies of awards
- Graduation certificates from programs
- Educational achievements
- Proof of current employment/job training
- Certificate of Relief from Civil Disabilities and/or a Certificate of Good Conduct (see the [CERTIFICATES GUIDE](#) in the Appendix)
- Any other documents about your achievements or positive developments in your life

## TIP



Gathering these documents can take time. It's important to collect them before someone runs a background check. You can collect these documents at any time and keep copies on hand so you can provide them quickly, instead of scrambling to get them at the time an employer or housing provider requests them.

The more documents the better! But keep in mind:

## DO

- ✓ **DO read through each document carefully to make sure there isn't confidential information in it.** You should not share documents that have personal identifying information, like a social security number. You can black out any confidential information with a marker before copying and sending. You also need not provide any confidential health information.
- ✓ **DO get letters or papers on official letterhead and/or signed by a responsible person.** If someone signs a letter, make sure it also includes their contact information.

## DON'T

- ✗ **DON'T provide duplicative documents about a single accomplishment.** For example, if you attended an education program, you might want to provide a transcript and/or a completion certificate. You don't need to also provide registration documents, receipts, or attendance sheets.
- ✗ **DON'T provide original documents unless required.** Make copies or scan documents and send electronic versions. Keep the originals for yourself!
- ✗ **DON'T provide documents that have negative information if there are alternatives that you can provide.** For example:
  - You should not provide a school transcript if your grades are poor. Instead, provide proof of enrollment.
  - You should not provide proof that you attended a program that also shows that you missed or were late to several sessions.

For more information on collecting evidence of rehabilitation, see the Legal Action Center's guide, *How to Gather Evidence of Rehabilitation*: [lac.org/assets/files/How-to-Gather-Evidence-of-Rehabilitation.pdf](http://lac.org/assets/files/How-to-Gather-Evidence-of-Rehabilitation.pdf)

## Review every background check

Errors in background checks are common. There are a few things you should do every time a background check is done:

- Request a copy of the background check
- Get the name and contact information of the company doing the background check
- Review identifying information on the background check like the names, middle names, aliases; date of birth; social security number or other ID numbers; current and past addresses; and phone numbers – to make sure they all belong to you
- For each arrest or conviction listed, look at:
  - Dates of arrest, arraignment, conviction, and release from incarceration (if applicable)
  - Arrest charges, arraignment charges, and conviction charges
  - Offense level listed for each charge (whether it's a Felony or Misdemeanor, and the level)
  - Whether there is a disposition (how the case ended)

### NOTE



If any of the information is incorrect, send a dispute in writing to the background check company. Include any documentation you have showing that the information is wrong. For example:

- If the background check includes information about someone else, then send a copy of your government identification
- If the case information is wrong or incomplete, send a copy of a court Certification of Disposition available from the court clerk's office

Incorrect background check information must be investigated by the background check company if you bring it to their attention. The employer or landlord is not responsible for fixing incorrect information. However, you should tell the employer or landlord that the information is wrong and that you have requested that the background check company investigate and fix it.

### TIP



Wherever possible, communicate in writing – by email, fax, or letter. Save a copy of the written communication. This creates a record that may be useful if an employer, landlord, or background check company violates your rights.

For more information about the types of errors that background checks frequently have, see the section, **COMMON PROBLEMS WITH BACKGROUND CHECKS.**

# Talking about your background

When going through a background check, you may be asked to give a written statement about your conviction record or asked to discuss it in person. Most times, laws or regulations require this process. You should prepare a statement beforehand that includes an accurate list of all of your convictions, so you can comfortably describe your conviction(s), the circumstances that surrounded your involvement in the criminal legal system, your responsibility, and your accomplishments since your conviction.

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**TIP**  Wondering what you should write or say about gaps in your resume while you were incarcerated? There is no one “right way” to talk about these gaps, but you do have several options. See the Community Service Society’s guide, *Answering Employment Questions*: [bit.ly/CSSEmploymentQuestions](http://bit.ly/CSSEmploymentQuestions)

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## What should you disclose about your conviction record?

Employers and landlords may want you to provide some detail about your conviction after they have run a background check. It is important not to say too much or too little. You want to provide enough information so that the decision-maker has a basic understanding of your conviction(s). But sharing too much information can be overwhelming or counterproductive. You can strike this balance by giving brief details about the conviction, the incident that led to your arrest, and the sentence you received.

### NOTE



If you are asked questions – either on paper or in person – make sure you know just what is being asked so that you can respond accurately. If a question asks whether you have ever been convicted of a crime, you must say “yes,” even if your conviction is decades old – unless you have applied to have it sealed. To learn more about applying to seal old convictions, see the Legal Action Center’s guide, *Sealing Old New York Convictions*: [lac.org/assets/files/Seal-Criminal-Convictions-Brochure.pdf](http://lac.org/assets/files/Seal-Criminal-Convictions-Brochure.pdf)

### KNOW YOUR RIGHTS



No one can ask about an arrest that did not result in a conviction.<sup>36</sup> This includes cases that were dismissed, adjourned in contemplation of dismissal (ACD), sealed, or ended with a violation conviction, Youthful Offender adjudication, or juvenile delinquency conviction. This does not apply to police or peace officer jobs – including firefighter jobs – or to gun license applications, which require you to disclose all arrests and convictions.

## Conviction

You should disclose the name of the offense and the level of the offense, or at least whether it was a misdemeanor or felony.

**DON'T** disclose:

- Arrest or arraignment charges; only disclose the conviction charge(s)
- Any case that was dismissed, adjourned in contemplation of dismissal (ACD), sealed, or ended with a violation conviction, Youthful Offender adjudication, or juvenile delinquency conviction<sup>37</sup>



### Examples of things you might say or write:

- “I was convicted of Robbery in the Second Degree, a Class C felony”
- “I was convicted of Assault in the Third Degree, a misdemeanor”

### KNOW YOUR RIGHTS



If you’re asked about arrest or arraignment charges, or a case that was dismissed, adjourned in contemplation of dismissal (ACD), sealed, or ended with a violation conviction, Youthful Offender adjudication, or juvenile delinquency conviction, **you may respond as if it did not occur**.<sup>38</sup> This does **not** apply to police or peace officer jobs – including firefighter jobs – or to gun license applications, which require you to disclose all arrests and convictions.

## Incident

People can get tripped up when discussing their conviction by providing too much or too little information about the case. There is **no need** to describe:

- The actions of other people involved, unless it shows that you played a minor role
- Things the police did or said
- A lot of background

*Keep it simple!* Provide a short description of the behavior for which you were convicted. Address important things that the decision-maker might want to know, for example:

- **Drugs:** the drug you possessed or sold. If it was a small amount, say so
- **Robbery/Larceny:** the item(s) you stole, from where and from whom
- **Assault:** whether you knew the other person involved, or whether someone attacked you first



### Examples of things you might say or write:

- “I was arrested for selling two small bags of crack-cocaine.”
- “When I was 17-years-old, I was with a friend and we stole a cell phone from another kid who lived in my neighborhood.”
- “I was at a bar and had too much to drink and got into a fistfight with another person.”

## Sentence

You should also talk about the sentence you received. Add any detail that portrays you positively. This can include showing that you were successful at completing the sentence or any court mandates. Other things you might include:

- Were you released from jail or prison early for good time credit or merit release?
- Were you discharged from probation early?
- Did you complete your community service or pay fines?
- Did you complete any court-mandated programs, like drug treatment?
- Did you complete any non-mandatory programs while incarcerated, like education programs, college courses, or job training?



### Examples of things you might say or write:

- “I was sentenced to complete a residential drug treatment program, which I successfully completed in 18 months.”
- “I was sentenced to 1 ½ to 3 years in prison. I was released after 13 months. The parole board released me at my first appearance for good behavior.”

### IMPORTANT!



Remember, it is important to be truthful and accurate. Some information about your case may be in the background check or available online. If you lie about your conviction or sentence – or even if you report it inaccurately by mistake – you lose your protections under the law.<sup>39</sup> Your application is likely to be denied because you appear dishonest. If you are not sure about the details of your conviction or sentence, do not guess. Your mistakes about your conviction record may seem like a lie to the person reviewing your record.

## What if you were innocent?



People who are innocent sometimes plead guilty.



Often, people plead guilty even though they are innocent to avoid a longer sentence.<sup>40</sup>

Unfortunately, people who don't have experience with the criminal legal system don't understand the hard choices and power imbalances in the system that result in guilty pleas. When a person explains that they were innocent of the charge for which they were convicted, it can seem like they are avoiding responsibility. Evaluate carefully whether you need to discuss your innocence.

**If you decide to say you were innocent, you must explain why you pleaded guilty.**



**Examples of things you might say or write:**

"If I went to trial and lost, the minimum sentence I would have received was five years. The prosecutor offered a plea bargain that made me eligible for parole in 2 years. My lawyer couldn't tell me my chances of winning at trial because the prosecutor wasn't required to turn over any evidence until trial started, and I had to decide whether to take the plea bargain before then. My family was very important, so I took the plea bargain even though I didn't do it. I was the sole provider and did not want to be away from my family longer than absolutely necessary."

**If you did not commit the exact crime you were convicted of, but you violated the law in some way, explain the part that you were guilty of.**



**Examples of things you might say or write:**

"I was convicted of possession of crack-cocaine with the intent to distribute. I pleaded guilty even though I was not selling drugs. The drugs were for my personal use, but my lawyer said that would be hard to prove at trial, so I pleaded guilty to possession with intent to distribute and got a lower sentence."

## When should you disclose that you have a conviction?

It is not always easy to decide when you should talk about your conviction. A question about your conviction record could come up at any time, on an application or in-person. Be prepared to discuss your conviction record and have your evidence of rehabilitation prepared beforehand.

### IMPORTANT!



If you are applying for employment in New York City, most employers cannot legally ask about your conviction record until they have made a conditional offer of employment. If an employer violates this law, you can report it. For more about your rights when seeking employment in New York City under the Fair Chance Act, see the Center for Urban Pedagogy & VOCAL-NY's guide, *A Fair Chance: welcometocup.org/file\_columns/0000/0992/mpp\_a\_fair\_chance.pdf*

If you are asked about your conviction record on a written application, do not leave it blank and do not provide incorrect or incomplete information. Your failure to answer completely will often be perceived as dishonesty. If you report your conviction record inaccurately in an employment situation, you lose protections under the New York City and New York State Human Rights Laws.<sup>41</sup> If the application only has a small amount of room to respond, and if you can add a document, then write “see attached statement” and include a full statement about your conviction(s), your record, and your accomplishments since your conviction.



It is best to type any statement, especially if you don't have excellent handwriting! This will look more legible and professional.

Sometimes your experience in the criminal legal system might be viewed as a benefit. If a job involves working with people who might be impacted by the criminal legal system, your personal experience is relevant to the job. Employers who are looking for people who have relevant life experience often note it in the job description with phrases like “people with conviction histories” or “people with relevant life experience” are encouraged to apply. If you believe that a decision-maker values your experience, you might discuss your conviction record earlier in the process, such as in a cover letter or an interview. If you do, say how your conviction record will help you with the job duties.



**For jobs in New York City, most employers are prohibited by law from discussing your conviction record – even if you raise it – before they give you a conditional job offer.**

## Tell your story

Providing information about the circumstances of your life that led to your conviction can help overcome any reaction an employer might have to your conviction. People who are reviewing your record may not know someone who has been arrested or convicted. Television portrays people in the criminal legal system as being evil, incorrigible, and violent. People assume the worst because they don't know about the reasons that people end up in the criminal legal system.



Many people don't understand that **in Black and Latinx communities, the government invests more in police than it does in schools.**<sup>42</sup>



Many people do not understand that **there may have been more police officers in your high school than guidance counselors.**<sup>43</sup>



And many people don't understand that growing up and living in under-resourced communities **increases the likelihood that you'll be arrested.**<sup>44</sup>

It can be helpful to provide information about what your life was like, at the appropriate time. This includes the things that were not in your control, but that pushed you toward behavior or decisions that resulted in contact with police. Identify the experiences that formed your life and explain how that resulted in the behavior for which you were arrested.

### TIP



Identifying things in your life or in society that contributed to your arrest doesn't mean avoiding responsibility. In fact, an explicit statement of responsibility is often what employers and landlords want to hear. You can address this squarely by saying things like: "I take responsibility for my actions. Since my arrest, I thought a lot about how I ended up in that situation and learned a lot about myself."

**Some common experiences that increase the likelihood of being arrested or convicted include:**

- Growing up where violence was common – in your home, in your school, in your neighborhood – so you didn't have the tools or coping mechanisms to handle conflict without violence
- Lack of employment opportunities, which led you to find other ways to make money to survive
- Getting involved with drugs and becoming addicted, so you sold drugs or stole things to support your habit
- Living in a neighborhood or with family where many people were in jail and prison, so you didn't believe that there were other options for your own life
- Experiencing the trauma of losing a family member or close friend
- Not having the emotional support of important people (because your parents worked several jobs to support the family or because of the mental health issues of your caregiver), which led you to get involved with a gang

**If you identify one of these experiences – or similar experiences – you also need to say how you addressed it in your life.**

- Did you go to a drug treatment program, or a program that helped you find other ways to cope with anger or stress?
- Did you get counseling or therapy to address past trauma?
- Did you complete any education or trainings, which helped you gain more skills to find employment?
- Did you find new friends and/or support systems?
- Were you young (under 21) when you were convicted and have since matured?

**NOTE**



**What if you have a serious conviction, like a homicide or sex offense?**

Be really open and directly acknowledge the seriousness of the conviction – don't gloss over it. Be sure to talk about how old the conviction is, and highlight how much time has passed.

## What have you done since your conviction(s)?

After you explain your conviction and give details of your life that led to the conviction, describe all of your accomplishments since the conviction. This is where you describe your proof of positive change, as discussed in the section, **GETTING PREPARED**. Tell the decision-maker about the accomplishments that those documents represent. Be sure to say that you have provided documentation.



### Examples of things you might say or write:

- “When I was in incarcerated, I decided that I wanted a better future for myself and my family. So, I got my high school equivalency credential and completed a substance use program, while incarcerated. After I was released, I enrolled in college at [college name]. I have provided a copy of my high school equivalency degree and a transcript of my college credits.”
- “My experience of being arrested and convicted was a wake-up call. I didn’t want to end up incarcerated like so many men in my neighborhood. So, I signed up for a job skills training program at [name of program]. I completed that program in [month, year] and have provided my certificate of completion.”

After discussing what you’ve accomplished, you can discuss how you’ve moved on. You can describe what is important in your life right now. Talking about family or important friends helps humanize you to an employer or landlord.



### Examples of things you might say or write:

- “Since I completed my sentence, I moved on with my life. Right now, my kids are the most important thing to me. I will never do anything that would take me away from my children.”
- “My mom worked hard to provide for my family when I was a kid. Now that she’s older, it’s important for me to be able to care for her.”

#### TIP



People often think that a background check provides assurance of safety or trustworthiness – but we know that a piece of paper can’t really provide those assurances. Employers want to hire people who are reliable and who will not create safety problems – they want to know that they can trust you and that the past is the past. You can address these concerns by talking about your accomplishments and changes in your life since your conviction.

## Put it all together

Through a personal narrative, you can reframe the negative impression of a conviction record. Shedding light on the circumstances of your life before your arrest and telling your personal story can place your record in a better light. And sharing your experience and changes *after* contact with the criminal legal system can help highlight your accomplishments.

This worksheet is designed to help you think through the elements of a personal statement broken down into its individual parts. The first worksheet is an example, and the following blank worksheet is for you to fill out and use yourself. Preparing what you'll say about your conviction beforehand can help you stay calm and collected when employers, landlords, and others ask you about it.

### EXAMPLE:

#### DESCRIBING YOUR CONVICTION(S)

##### Name and level of offense(s) and dates

*I was convicted of Robbery in the Second Degree, a class C felony, on July 15, 2016.*

*I was also convicted of Petit Larceny, a class A misdemeanor, on Jan 23, 2015.*

##### Sentence(s)

*I was sentenced to 2 years in prison for my robbery conviction, but was released after 18 months for good time credit.*

*I received and completed 2 days of community service for my larceny conviction.*

##### Brief description of incident(s)

*I was arrested and charged with robbery because a friend and I stole an iPhone from another kid in my neighborhood. My friend was carrying a knife at the time and pulled it out during the robbery, but I didn't know he had the knife.*

*I was arrested and charged with petit larceny because I stole two pairs of jeans from a clothing store.*

#### CONTEXT – BEFORE CONVICTION

##### Societal context

*At the time of my convictions, I lived in an over-policed community where people were continually criminalized and arrested. I was stopped and frisked by police constantly even though I wasn't doing anything wrong. Because of that, I started to believe that I must be a criminal, and acted out.*

*I lived in a neighborhood where there was a lot of violence. I was robbed and beaten up several times as a teenager.*

*I had few job or educational opportunities.*

*Lots of people in my neighborhood were in prison, or had been incarcerated before / There weren't many role models and I didn't have a lot of hope for my future or goals for myself.*

**Personal context**

*I was 19 years old when I was convicted – I was young and immature and made poor choices.*

*My family struggled to make ends meet, despite always working hard.*

*My parents struggled with health/mental health/financially. Because of this, I started hanging out with kids who were bad influences, but they made me feel protected.*

**ACCOMPLISHMENTS/CHANGES****Personal accountability**

*Yes, I have a conviction record and I take responsibility for what I did.*

*I'm not proud of my choices at the time.*

*Since my arrest, I thought a lot about how I ended up in that situation and learned a lot about myself.*

*If innocent, see the section, [WHAT IF YOU WERE INNOCENT?](#)*

**What's important to you now**

*After my conviction/incarceration:*

*I committed to living a law-abiding life and getting out of the situation I grew up in.*

*I knew I didn't want to go back to prison/jail, so I made changes in my life.*

**Family changes**

*I got married and had children whom I support. The most important thing for me now is to me to provide and be present for my spouse and children.*

**Education/employment achievements**

*I have achieved a Bachelor's degree in [major]/*

*I have maintained full-time employment for [X] years*

**Community contributions**

*I have contributed to my community by supporting my family / volunteering / mentoring.*

*I have worked to earn the respect of my peers, colleagues, and community members.*

 **YOUR TURN:**

**DESCRIBING YOUR CONVICTION(S)**

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Name and level of offense(s) and dates

.....  
**Sentence(s)**

.....  
**Brief description of incident(s)**

**CONTEXT – BEFORE CONVICTION**

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**Societal context**

.....  
**Personal context**



## ACCOMPLISHMENTS/CHANGES

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### Personal accountability

If innocent, see the section, [WHAT IF YOU WERE INNOCENT?](#)

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### What's important to you now

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### Family changes

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### Education/employment achievements

---

### Community contributions



It can also be helpful to ask a trusted person or organization to review your responses – it's always good to have a second set of eyes! See the [RESOURCES](#) section for organizations that may be able to help.

**We hope this  
guide will help  
you own your story,  
better understand  
your rights, and  
feel prepared to  
move forward  
with your life.**

# Appendix

## Certificates Guide

### Certificate of Relief from Disabilities & Certificate of Good Conduct

#### Overview

**What is the benefit of having a Certificate of Relief or Certificate of Good Conduct?<sup>45</sup>**

Both certificates remove any mandatory bars to licensure or employment. This means you cannot be automatically disqualified for a particular license or job because of your conviction(s); the licensing agency or employer must consider you “rehabilitated” and evaluate you on an individual basis.

In addition, a Certificate of Good Conduct restores the right to apply for “public office,” if the public office that you want to hold has an automatic bar for people with conviction histories. Most do not.

**Does the certificate expunge, seal, or pardon my conviction(s)?**

No. You still must list your unsealed convictions when asked on license and job applications. Employers will still see your unsealed convictions if they get your rap sheet or do a background check.

**Does the certificate guarantee me a license or job?**

No. The licensing agency or employer must take your certificate into account when deciding whether to license or hire you, and they must assume that you are “rehabilitated” unless there is evidence indicating otherwise. But, the law still allows a licensing agency or employer to refuse to license or hire you if they find that there is a “direct relationship” between your conviction(s) and the license or employment, or that licensing or hiring you would create an “unreasonable risk.”

**Do I need a certificate to be able to register to vote?**

You can register to vote without a certificate! All people on parole in New York State are issued a conditional pardon that restores their right to vote. The conditional pardon is renewed on a monthly basis.

If you are on parole and want to check if your voting rights have been restored, you can search online by name: [publicapps.doccs.ny.gov/ParoleeLookup/default](https://publicapps.doccs.ny.gov/ParoleeLookup/default)

Register to vote here: [dmv.ny.gov/more-info/electronic-voter-registration-application](https://dmv.ny.gov/more-info/electronic-voter-registration-application)

Learn more about voting on parole here: [bit.ly/VoteOnParole](https://bit.ly/VoteOnParole)

	<b>Certificate of Relief from Disabilities<sup>46</sup></b>	<b>Certificate of Good Conduct<sup>47</sup></b>
<p><b>Which certificate am I eligible for?</b> Eligibility depends on your conviction(s):</p>	<p>Maximum of 1 felony* Any number of misdemeanors</p> <p>*Two or more felony convictions <b>in the same court on the same day</b> are counted as one felony.</p>	<p>2 or more separate felonies Any number of misdemeanors</p> <p><b>Note:</b> Some “public office” jobs require you to have a Certificate of Good Conduct, (regardless of your conviction type). “Public office” positions include: Some elected positions; Some government jobs; Law enforcement jobs, such as firefighters or police officers.</p>
<p><b>How many convictions does the certificate cover?</b></p>	<p>Each Certificate of Relief from Disabilities only covers one conviction.</p> <p>You can apply for a separate Certificate of Relief from Disabilities for each misdemeanor or felony conviction.</p> <p>If you have many convictions, you should at least try to get Certificates of Relief from Disabilities for your most recent and most serious convictions.</p>	<p>One Certificate of Good Conduct will cover all of your felony and misdemeanor convictions.</p>
<p><b>When can I apply for a certificate?</b></p>	<p>Right away – there is no waiting period for this certificate.</p>	<p>Depends on <b>your most serious conviction</b> (<u>not</u> your last one):</p> <ul style="list-style-type: none"> <li>• <b>A or B felony:</b> 5 years</li> <li>• <b>C, D, or E felony:</b> 3 years</li> <li>• <b>Misdemeanors only:</b> 1 year</li> </ul> <p>The waiting period starts: the last time you got out of prison or jail (onto parole or maxed out) OR at the time of your last criminal conviction if you weren’t incarcerated.</p> <p><b>Note:</b> If you were convicted in another state or in federal court, the waiting period will be determined by what the level of the conviction would have been if the conviction happened in New York State.</p>

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

**Can I get the certificate at my sentencing?**

Yes! You can get a Certificate of Relief from Disabilities from the judge at the time you are sentenced, *unless* you are sentenced to incarceration in a state facility.

Getting a certification at sentencing is especially important if you have a job or license that will be affected by a conviction, or if you live in public housing.

Talk to your defense attorney about asking for a Certificate of Relief from Disabilities at sentencing.

No, you must wait until the time period above passes.

**Can I get the certificate while on parole or probation?**

You can get a temporary Certificate of Relief from Disabilities while on parole or probation. A temporary Certificate of Relief from Disabilities will automatically become permanent after a specified date unless the issuing court or the parole board revokes it.

You cannot apply for a Certificate of Good Conduct while you are on parole or probation.

**Where do I apply for the certificate?**

It depends on where you were convicted and if you were incarcerated in a state facility:

**If you were convicted in New York but you were not incarcerated in state prison:**

You have to apply to the court where you were convicted.

**If you were convicted in New York and you were incarcerated in a state prison,**

**OR if you were convicted of a federal or out-of-state misdemeanor or felony:**

You have to apply to the New York State Department of Corrections and Community Supervision (DOCCS).

You must apply to the New York State Department of Corrections and Community Supervision (DOCCS).

## How do I request the application?

### Certificate of Relief from Disabilities

#### If you are on parole or probation:

You should request the certificate from your parole or probation officer. Your parole or probation officer will then forward the request to DOCCS.

#### If you are applying to the court where you were convicted (and not on parole):

Contact the court clerk where you were convicted. They have a different application than DOCCS. See this chart of NYC Sentencing Courts by borough from the Community Service Society:  
[bit.ly/CourtsChart](https://bit.ly/CourtsChart)

#### If you are applying to DOCCS (and not on parole):

You can download one application for each conviction at:  
[doccs.ny.gov/certificate-relief-good-conduct-restoration-rights](https://doccs.ny.gov/certificate-relief-good-conduct-restoration-rights)  
OR call and ask DOCCS to send you the application(s) at:  
(518) 485-8953

### Certificate of Good Conduct

You can download the application at:  
[doccs.ny.gov/certificate-relief-good-conduct-restoration-rights](https://doccs.ny.gov/certificate-relief-good-conduct-restoration-rights)

OR call and ask DOCCS to send you the application(s) at:  
(518) 485-8953

## Certificate of Relief from Disabilities and Certificate of Good Conduct

### What should I include with my application?

#### If you are applying to DOCCS:

In addition to your completed, signed, and notarized application, you will need to send proof of income for the last two years:

- ① Copies of your Federal Income Tax Filings for the last two years if you were employed, **and/or**
- ② Copies of your Statement and Wages (W-2 Form) for the last two years if you earned wages, **and/or**
- ③ Copies of any miscellaneous income statements (Tax Form 1099) for the last two years if you received one.

If you do not have copies of any of the documents listed above, you can get them from the IRS at [irs.gov/individuals/get-transcript](https://www.irs.gov/individuals/get-transcript) or 1-800-829-1040.

*If you received public assistance, unemployment insurance, or Social Security benefits for any or all of the two-year period:*

You must include a printout from the agency that provided you with the benefits/support, showing all the benefits that you received.

*If you had no reportable income for any or all of the two-year period (including any other benefits not listed above):*

You must provide a notarized document explaining how you supported yourself.

#### For all applications:

You should send as much **evidence of rehabilitation** as you have, such as:<sup>48</sup>

- Proof of your current employment and/or job training
- Proof of any education you have completed or are pursuing (HSE, certificate programs, higher education)
- Proof of any programs you are attending or have completed (substance use treatment, anger management, etc.)
- Letters of support from community members (employer, religious leader, etc.)
- Letters of support from counselors, therapists, or doctors
- Letters describing your community service/volunteer work

**What does a typical application process look like?**

### **Certificate of Relief from Disabilities**

#### **If you are applying to the court where you were convicted:**

Every court sets up its own procedure for processing applications.

- You might have to meet with a probation officer who will evaluate your “rehabilitation.”
- Your meeting with a probation officer might be the same day or within a few weeks of applying, so you should bring all of your evidence of rehabilitation with you when you apply.
- You may have to appear before a judge, depending on the court.
- The probation officer will prepare a report that includes a recommendation on whether you should get a Certificate. The court should provide you with a copy of that report if you request it.

#### **If you are applying to DOCCS:**

After DOCCS has received all necessary documents and records from you, they will assign a field Parole Officer to complete an investigation. The field Parole Officer will:

- Contact you to arrange an interview at your home/residence to answer any remaining questions and confirm your current circumstances and living situation.
- DOCCS will then decide whether to grant you a certificate.
- DOCCS may choose to grant none, one, some, or all of your applications.

### **Certificate of Good Conduct**

After DOCCS has received all necessary documents and records from you, they will assign a field Parole Officer to complete an investigation. The field Parole Officer will:

- Contact you to arrange an interview at your home/residence to answer any remaining questions and confirm your current circumstances and living situation.
- DOCCS will then decide whether to grant you a certificate.

**When will I receive the certificate?**

**Certificate of Relief from Disabilities**

**If you apply to a court:**

The typical processing time is six to ten weeks.<sup>49</sup>

**If you apply to DOCCS:**

The processing time will vary depending on the complexity of your case and whether you provide all of your supporting documentation upfront. The assigned parole officer will complete their report within 60 days of when all documentation has been submitted.

**Certificate of Good Conduct**

The processing time will vary depending on the complexity of your case and whether you provide all of your supporting documentation upfront. The assigned parole officer will complete their report within 60 days of when all documentation has been submitted.

It could take **a year or more** to obtain a Certificate of Good Conduct or a Certificate of Relief from Disabilities. If you need your certificate urgently, you should include a letter explaining why when you send your completed application form.

## Resources

### Helpful Guides:

#### Legal Action Center Guides

*How to Gather Evidence of Rehabilitation:*

[lac.org/assets/files/How-to-Gather-Evidence-of-Rehabilitation.pdf](https://lac.org/assets/files/How-to-Gather-Evidence-of-Rehabilitation.pdf)

*Your New York State RAP Sheet: A Guide to Getting, Understanding, and Correcting your Criminal Record:*

[lac.org/assets/files/Your\\_New\\_York\\_State\\_Rap\\_Sheet.pdf](https://lac.org/assets/files/Your_New_York_State_Rap_Sheet.pdf)

*Criminal Records and Employment:*

*Protecting yourself from discrimination:*

[lac.org/assets/files/Criminal\\_Records\\_Employment.pdf](https://lac.org/assets/files/Criminal_Records_Employment.pdf)

Visit [lac.org/resources](https://lac.org/resources) to view all of their publications.

#### John Jay College Institute for Justice and Opportunity Guides

*Getting to Work with a Criminal Record: New York State License Guides (2020 Expanded Edition):*

[justiceandopportunity.org/wp-content/uploads/2020/06/License-Guides\\_Final.pdf](https://justiceandopportunity.org/wp-content/uploads/2020/06/License-Guides_Final.pdf)

*New York State Back to School Guide: Pursuing College After Incarceration:* [justiceandopportunity.org/wp-content/uploads/2020/12/NYS-Back-To-School-Guide\\_virtual.pdf](https://justiceandopportunity.org/wp-content/uploads/2020/12/NYS-Back-To-School-Guide_virtual.pdf)

Visit [justiceandopportunity.org/research-and-publications/](https://justiceandopportunity.org/research-and-publications/) to view all of our publications.

#### The Center for Urban Pedagogy (CUP) Guides

*A Fair Chance*, a guide to help formerly incarcerated people understand their rights under the NYC Fair Chance Act, advocate for themselves, and hold employers accountable: [welcometocup.org/Projects/MakingPolicyPublic/AFairChance](https://welcometocup.org/Projects/MakingPolicyPublic/AFairChance)

#### The New York Public Library's Correctional Services

The New York Public Library publishes *Connections*, a free, annual reentry guide for people returning to New York City after incarceration. *Connections* includes a Job Search guide and listings of over 500 community organizations.

Visit [nypl.org/corrections](https://nypl.org/corrections) to view the full PDF online.

### Helpful Links:

#### Fair Chance Act

The Fair Chance Act makes it illegal for most employers in New York City to ask about a job applicant's criminal record before making a job offer. This means ads, applications, and interview questions cannot ask about an applicant's criminal record. Learn more here:

[www1.nyc.gov/site/cchr/media/fair-chance-act-campaign.page](https://www1.nyc.gov/site/cchr/media/fair-chance-act-campaign.page)

If you believe an NYC employer did not follow these rules, call 311 and ask for the Commission on Human Rights. You can leave an anonymous tip, or you can file a complaint about what happened to you. If the employer is found to have broken the law, you could recover lost wages or other damages and the employer may have to pay a fine.<sup>50</sup>

#### FBI RAP Sheet – if you had a Federal case

For a fee, the FBI can provide individuals with an Identity History Summary (their term for a RAP sheet) which lists certain information taken from fingerprint submissions kept by the FBI and related to arrests and, in some instances, federal employment, naturalization, or military service. The FBI has a new option to electronically submit requests and receive responses for Identity History Summary Checks and Identity History Summary Challenges. Learn more here:

[fbi.gov/services/cjis/identity-history-summary-checks](https://fbi.gov/services/cjis/identity-history-summary-checks)

#### DCJS RAP Sheet – if you had a NYS case

If you were arrested in New York State, the New York State Division of Criminal Justice Services (DCJS) maintains your New York State RAP sheet. You must submit fingerprints to DCJS to get a copy of your RAP sheet and there are fees for processing your fingerprints and RAP sheet.

You can find information about fingerprinting, forms required, and fees at:

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

**NOTE:** if you request your own DCJS RAP sheet, the copy you receive may include sealed or confidential criminal record information. **Do not share this RAP sheet with anyone.**

## Help with RAP Sheet Clean-up and Sealing:

### Community Service Society (CSS)

CSS's Next Door Project (NDP) helps low-income New Yorkers obtain, review, understand and fix mistakes in their official criminal record RAP sheets. Attorneys also advise, advocate for, and represent NDP clients who have faced employment, licensing, and housing discrimination on account of their records, and represent individuals eligible for records sealing under New York law.

\*CSS can only obtain RAP sheets for low-income individuals in the five boroughs of New York City.

**Phone:** (212) 614-5441.

Messages left on this hotline will be promptly returned.

**Web:** [cssny.org/programs/entry/the-next-door-project](https://cssny.org/programs/entry/the-next-door-project)

No walk-ins because NDP staff are often in the field; please call the hotline or visit the website above.

### Legal Action Center (LAC)

LAC provides legal help to New York State residents who have a criminal record, substance use disorder, or HIV. Legal Action Center's online resources include publications, webinars, videos, and training materials about the rights of people with criminal records. Their services include:

- Getting and correcting your New York State and FBI RAP sheets
- Certificates of Relief from Disabilities or Good Conduct
- Sealing cases under New York's limited sealing laws
- Correcting mistakes on a background check for a job or housing
- Denials of jobs and occupational licenses because of your criminal record
- Denials of New York City Housing Authority (NYCHA) and other publicly funded housing because of your criminal record
- Voting, higher education, and guardianship rights
- Collecting evidence of rehabilitation/positive change

**Phone:** 212-243-1313

**Web:** [lac.org](https://lac.org)

No walk-ins; please call the phone number or visit the website above.

### Youth Represent

Youth Represent serves people under the age of 25 who have had involvement in the criminal legal system. They correct mistakes on RAP sheets for their clients, and counsel youth on how to speak about their criminal record accurately and effectively.

**Phone:** 646-759-8080

**Web:** [youthrepresent.org](https://youthrepresent.org)

No walk-ins; please call first or fill out the contact form at [youthrepresent.org/contact](https://youthrepresent.org/contact).

## Legal Help:

The legal resources below are NYC-specific; to find legal services in New York State, visit [lawhelpny.org](https://lawhelpny.org), click on "Find a Lawyer," and enter your location and legal issue to search for legal services near you. Before visiting the organizations listed below, please call first to see if the services you need are available.

### The Bronx Defenders

The Bronx Defenders are holistic, community-oriented public defenders serving Bronx residents with interconnected civil/criminal legal issues.

**Phone:** 718-838-7878, Community Intake: x 303

**Web:** [bronxdefenders.org](https://bronxdefenders.org)

**Address:** 360 East 161st Street, Bronx, NY 10451

**Walk-ins accepted:** M, W, F: 9am-4pm; T, Th: 9am-3pm

### Brooklyn Defender Services (BDS)

BDS provides legal representation and related services to low-income Brooklyn residents.

**Phone:** 718-254-0700

**Web:** [bds.org](https://bds.org)

#### Main Office Address:

177 Livingston Street, 7th Floor Brooklyn, New York 11201

#### Community Office Address:

566 Livonia Avenue Brooklyn, New York 11207

#### Walk-ins accepted at the Community Office:

Monday-Friday, 9am-5pm

### The Legal Aid Society

The Legal Aid Society provides free legal services to low-income individuals and families throughout New York City.

**Phone:** 888-663-6880 on Tuesdays, Wednesdays, and Thursdays, 9:30am-12:30pm

**Web:** [legalaidnyc.org](http://legalaidnyc.org)

No walk-ins; please call the phone number above.

### Legal Hand

Legal Hand has trained community volunteers who operate out of neighborhood storefront centers and provide free legal information in areas like housing, family, immigration, divorce, domestic violence, and benefits.

**Web:** [legalhand.org](http://legalhand.org)

#### Legal Hand Crown Heights:

250 Kingston Avenue, Brooklyn, NY 11213

**Phone:** 718-619-4248

#### Legal Hand Brownsville:

650 Rockaway Avenue, Brooklyn, NY 11212

**Phone:** 347-404-9585

#### Legal Hand Jamaica:

149-13 Jamaica Avenue, Jamaica, NY 11435

**Phone:** 646-741-6411

#### Legal Hand Highbridge:

1759 Jerome Avenue, Bronx, NY 10453

**Phone:** 929-222-2015

#### Legal Hand Tremont:

713 E. Tremont Avenue, Bronx, NY 10457

**Phone:** 929-222-2014

Walk in or make an appointment; please call or check their website for hours.

### Legal Services NYC (LSNYC)

LSNYC provides civil legal services with neighborhood-based offices and outreach sites across all five boroughs.

**Phone:** 917-661-4500 - Legal Assistance Hotline open Monday-Friday, 10am-4pm, in any language

**Web:** [legalservicesnyc.org](http://legalservicesnyc.org)

No walk-ins; please call the phone number above.

### Mobilization for Justice (MFJ), Workplace Justice Project

MFJ's Workplace Justice Project provides city-wide free legal assistance for low-wage and immigrant workers on various employment issues.

**Phone:** 212-417-3838 on Tuesdays, 2-5PM

**Web:** [mobilizationforjustice.org/projects/workplace-justice-project](http://mobilizationforjustice.org/projects/workplace-justice-project)

No walk-ins; please call the phone number above on Tuesdays.

### Neighborhood Defender Service of Harlem (NDS)

NDS provides legal representation to residents of upper Manhattan, primarily 96th street and above.

**Phone:** 212-876-5500

**Web:** [neighborhooddefender.org](http://neighborhooddefender.org)

**Address:**

317 Lenox Avenue, 10th Floor, New York, NY 10027

**Walk-ins accepted:** Wednesdays, 9AM-5PM

### Youth Represent

Youth Represent serves people under the age of 25 who have had involvement in the criminal legal system.

**Phone:** 646-759-8080

**Web:** [youthrepresent.org](http://youthrepresent.org)

No walk-ins; please call first or fill out the contact form at [youthrepresent.org/contact](http://youthrepresent.org/contact).

## Education & Training Help:

### John Jay College Institute's College Initiative and Career Pathways

The Institute for Justice and Opportunity's College Initiative and Career Pathways create access to college, training, and employment for people impacted by the criminal legal system. This includes:

**College Initiative**, which offers free academic counseling, assistance with financial aid/college applications, peer mentoring, scholarships, and ongoing support. If you are interested in joining College Initiative, fill out the intake form: [justiceandopportunity.org/educational-pathways/college-initiative/](https://justiceandopportunity.org/educational-pathways/college-initiative/)

Learn more about going to college with a conviction in the guide, *Is College for Me?* here: [welcometocup.org/Projects/PublicAccessDesign/iscollegeforme](https://welcometocup.org/Projects/PublicAccessDesign/iscollegeforme)

**Tech 101**, an entry-level course designed to introduce students to the fundamental technology skills needed in the workforce. Learn more here: [justiceandopportunity.org/career-pathways/tech-101/](https://justiceandopportunity.org/career-pathways/tech-101/)

The **Navigator Certificate in Human Services and Community Justice** is intended for people with lived experience in the criminal legal system who are working in entry-level human services positions or seek employment in human services. The curriculum combines the theory and ethics of human services with development of professional skills. Learn more here: [justiceandopportunity.org/career-pathways/navigator/](https://justiceandopportunity.org/career-pathways/navigator/)

To find this guide online, visit [justiceandopportunity.org](https://justiceandopportunity.org)

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