

Lowering Conviction Record Barriers

Certificates of Relief from Disabilities and Certificates of Good Conduct

If you have a conviction record, getting a Certificate of Relief from Civil Disabilities (often referred to simply as “Certificate of Relief from Disabilities”) or a Certificate of Good Conduct can help improve your chances of getting a job, occupational license, and more. This booklet explains what these certificates do, who is eligible for them, and how to apply for them.



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1 WHAT ARE CERTIFICATES OF RELIEF FROM DISABILITIES AND CERTIFICATES OF GOOD CONDUCT?

Certificates of Relief from Civil Disabilities and Certificates of Good Conduct are documents issued by New York State that restore certain rights taken from you because of your criminal conviction.¹ They can also serve as “evidence of rehabilitation” when applying to jobs, employment licenses, housing, or other opportunities where your conviction record may be a barrier. If you are a New York State resident, you can apply for these certificates even if you have out-of-state convictions. In this resource we’ll refer to Certificates of Relief from Civil Disabilities as CRDs and Certificate of Good Conduct as CGCs.

Restoring Rights

New York has laws that automatically disqualify people with specific convictions from accessing certain rights like getting an employment license, serving on a jury, owning a gun, or holding public office. CRDs and CGCs can remove these automatic disqualifications and restore your right to have your application evaluated on an individual basis just like other candidates.

Evidence of Rehabilitation

New York law requires most employers and employment licensing agencies to consider “evidence of rehabilitation” before deciding whether to deny someone a job or employment license based on a criminal conviction.² The purpose of evidence of rehabilitation is to convince employers to look beyond what they see on a background check and understand why you would be a trustworthy, dependable, and safe employee. CRDs and CGCs are strong evidence of rehabilitation. In fact, the law specifically states that if you have a CRD or CGC for your conviction(s), employers and employment licensing agencies must assume you have been “rehabilitated” unless there is evidence to suggest otherwise.³

Other forms of evidence can include letters of recommendation, personal statements, resumes, diplomas, transcripts, and other documents that show how you’ve changed and grown as a person since the time of your offense(s).⁴

¹ *Certificates of Good Conduct and Certificates of Relief from Civil Disabilities* are sometimes confused with Certificates of Disposition. Certificates of Disposition are documents provided by courts that simply explain how a criminal case was resolved and do not restore any rights. You may be asked to provide Certificates of Disposition when applying for jobs, licenses, education, or other opportunities. For advice on how to obtain Certificates of Disposition, call the Legal Action Center at 212-243-1313.

² While New Yorkers with conviction histories generally have fewer legal protections in non-employment settings, evidence of rehabilitation can still be helpful in situations where your background check may be a barrier, like applying for housing or college. Contact the Legal Action Center at 212-243-1313 for more information on your legal rights against discrimination in non-employment settings.

³ NY Corr, § 753(2)

⁴ To learn more about evidence of rehabilitation, see our booklet *How to Gather Evidence of Rehabilitation*.



What Can't These Certificates Do?

Unfortunately, CRDs and CGCs cannot completely protect you from being denied a job or employment license because of your conviction record.

First, a certificate is not a pardon; it also does not seal, erase, or expunge your conviction(s). Even after getting a CRD or CGC, you must disclose the conviction(s) when legally asked about your conviction history as part of a hiring process or licensing application.⁵ Employers and licensing agencies will also still see your conviction(s) if they run a background check.⁶

Second, the law still allows employers and licensing agencies to deny employment/licensing based on your conviction record if they have a basis to believe that your convictions are “job related” or that hiring or licensing you would create an “unreasonable risk to property or to the safety or welfare of specific individuals or the general public.”⁷

2 DIFFERENCES BETWEEN THE TWO CERTIFICATES

- There are very few differences in the rights restored by the two different certificates.
 - Only CGCs can restore the right to hold “public office.” See Section 8 below for more information on public offices.
 - CRDs and CGCs may also have different effects on gun licensing rights.⁸
- There are different eligibility requirements for the two certificates. See Section 3 below for eligibility rules.
- The application processes for the two certificates are different. See Sections 6-7 below for more information on the application processes.
- Each CRD applies to one conviction only, while a CGC applies to your entire conviction record. See Section 4 below for more information.

⁵ For information on when and how most New York State employers or licensing agencies are allowed to ask about your arrest or conviction history, see our publications *Applying for Jobs in New York* and *How to Recognize and Address Discrimination*. We also have publications about NYC’s “Ban-the-Box” law, the NYC Fair Chance Act. Information on how to get these publications is at the end of this booklet.

⁶ See footnote 5, above.

⁷ This is known as a “23-A analysis” because the New York State law that created these rules is called Correction Law Section 23-A. In NYC, this is called a “Fair Chance Analysis” because of the Fair Chance Act. See footnote 6 above for publications that explain the rules most New York employers must follow when conducting these analyses. If you’re facing a job denial or other work-related consequence due to your record, you can also call LAC at 212-243-1313 for help.

⁸ Restoration of gun rights in New York State is a complex legal issue and not within LAC’s expertise. For more information, call the DOCCS Clemency Department at (518) 457-7565.



3 WHICH CERTIFICATE SHOULD I APPLY FOR?

ATTENTION: If you are not a US citizen, we strongly recommend you consult an immigration attorney before applying for a CRD or CGC.

The number of felony convictions on your record determines which certificate you are eligible for. To understand your eligibility, you should first get an official copy of your record.

- Getting an official copy of your RAP sheet is the best way to understand exactly what's on your arrest and conviction record before applying for a certificate. The Legal Action Center may be able to help you get a free copy of your New York State RAP sheet. Contact us at 212-243-1313 for more information.
- If you have a record in other states or in federal court, you should also order a RAP sheet from the FBI. These FBI RAP sheets, which are known as FBI Identity History Summaries, will list all your convictions across states and the federal system.⁹
- You may also be able to get a copy of your record from the other states where you were arrested.¹⁰

Next, count your felonies to understand which certificate(s) you can apply for.

You are eligible to apply for Certificates of Relief from Disabilities if you have zero felonies and any number of misdemeanors, or have one felony and any number of misdemeanors.

- If you have two or more felony convictions and any number of misdemeanors, you are not eligible for CRDs and must apply for a CGC
- Convictions for more than one felony in the same court on the same day count as one felony when applying for certificates.
- You must count felony convictions for federal or out-of-state convictions towards your total.
- Cases in which you were adjudicated a juvenile delinquent (JD) or youthful offender (YO) are not included because they are not legally considered convictions.¹¹

Note: If you are eligible for a CRD, you are also eligible for a CGC. Yes – this can be confusing. When in doubt, call us at 212-243-1313!

⁹ For more information on getting a copy of your FBI RAP sheet, visit the FBI website. (<https://www.fbi.gov/services/cjis/identity-history-summary-checks>)

¹⁰ For information on getting RAP sheets from states other than NY, visit LAC's HIRE Network webpage at: (<https://www.lac.org/major-project/national-hire-network>), select the state, and look for information about that state's "criminal record repository."

¹¹ If you were charged with a crime when you were a minor, you may have received a JD or YO adjudication. You should understand exactly what's on your arrest and conviction record before applying for a certificate. Contact the Legal Action Center at 212-243-1313 for more information; we may be able to help you get a free copy of your New York State record.



4 HOW MANY CERTIFICATES DO I NEED?

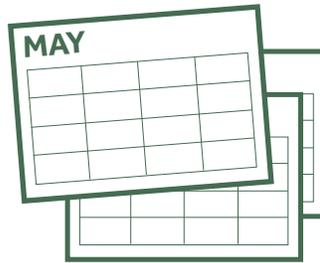
For Certificates of Relief:

- Each CRD only applies to one conviction. This means you must apply for a separate CRD to cover each misdemeanor or felony conviction on your record.

Note: If your conviction record is long, we recommend you prioritize applying for CRDs for your most recent and most serious convictions. You may also consider applying for a CGC instead if the waiting period has passed.

For Certificates of Good Conduct:

- One CGC will cover all felony and misdemeanor convictions on your entire record.



5 WHEN CAN I APPLY FOR A CERTIFICATE?

For a Certificate of Relief:

- There are no waiting periods to apply. You can be granted a CRD on your sentencing date or any time afterward.

For a Certificate of Good Conduct:

- There are waiting periods before you may apply. Your application for a CGC will only be considered if the waiting period has passed.
- The date this waiting period begins is based on your most recent conviction.
 - If you were sentenced to incarceration on your most recent conviction, the waiting period starts on the date of your release from incarceration on that case.
 - If you did not receive a jail or prison sentence for your most recent conviction, the waiting period starts on the date of that conviction (the date of your plea or of a guilty verdict after trial).
- The length of the waiting period depends on the most serious conviction on your record.
 - If your most serious conviction is an A or a B felony, the waiting period is 5 years.
 - If your most serious conviction is a C, D, or E felony, the waiting period is 3 years.
 - If your most serious conviction is a misdemeanor, the waiting period is 1 year.



6 HOW DO I APPLY FOR A CERTIFICATE OF RELIEF FROM DISABILITIES?

The procedure for applying for a CRD depends on where you were sentenced and what kind of sentence you received.

If the sentence for your conviction did not include time in a state prison:

- Apply to the court where you were convicted.
- If your case is still pending, ask your defense attorney to request that the judge grant a CRD at sentencing.

TIP: If you want a CRD or CGC for a specific goal like a job, license, or housing, you should write that on your application.¹²

- If you were not granted a CRD at sentencing, contact the Court Clerk in the court where you were convicted. Every court sets up its own procedure for processing applications; the Clerk will be able to explain the steps required by that specific court.
 - Courts often require an interview with a probation officer as part of the application process. The probation officer will do an investigation into the information provided in your application, as well as information about your conviction. After the investigation, the probation officer provides the court with a report that includes a recommendation on whether you should get the CRD. The court should provide you with a copy of that report at your request.

If you were convicted of a felony and served time in a state prison OR if you have a federal or out-of-state conviction:

- Apply to the New York State Department of Corrections and Community Supervision (DOCCS) for a CRD for that case.
 - Download the application from the DOCCS website (you'll need a separate application for each CRD you plan to apply for). You can also call DOCCS at (518) 485-8953 and ask them to send you the application form(s).
 - » If you are currently on parole (and the certificate was not issued when you were released), you can ask your parole officer to submit a request to DOCCS on your behalf.
 - » You cannot apply if you are still incarcerated, but DOCCS will automatically consider granting you a CRD when you are considered for early release. If the certificate is granted, it will be mailed to your parole officer 90 days after your release (unless your parole has been revoked).
 - Complete the application form(s), have them notarized, and then return them to the DOCCS Certificate Review Unit. If you are seeking a specific job or license, we recommend you state that in your application.

¹² You or your defense attorney can call the Legal Action Center at 212-243-1313 for information on how a conviction may affect your job, license, or housing. You and your attorney can also refer to the resources listed at the end of this publication.



- The Certificate Review Unit will assign your application to a parole officer in the county where you live. The parole officer will conduct an investigation into the information provided in your application, as well as information about your conviction. This investigation may involve the parole officer interviewing you at your residence. If you have worked in the last three years, you will have to provide proof that you paid income taxes.
- After the investigation, the parole officer will send a report to DOCCS. DOCCS will make the final decision about your CRD and will notify you by mail.

If you are currently on probation or parole:

- The same rules above apply BUT you may be issued a temporary CRD that becomes permanent after a specified date (unless revoked by the court or parole board).

TIP: Including evidence of rehabilitation along with your application for a CRD or CGC is not required, but can significantly increase your chances of getting the certificate(s).¹³

IMPORTANT: Unless you are granted a CRD at sentencing, the application process can take months. If you need the certificate quickly because of an employment license or other reason, you should explain this in your application or attach a letter explaining your circumstances. If you are on parole, you can inform your parole officer.

ATTENTION: As mentioned above, we strongly recommend that non-US citizens consult an immigration attorney before applying for a CRD or CGC.

7 HOW DO I APPLY FOR A CERTIFICATE OF GOOD CONDUCT?

Once the required waiting period has passed, you can apply to DOCCS for a CGC. The procedure is the same regardless of the sentence you served.

- Download the application from the DOCCS website or call DOCCS ask ask them to send you the application(s) at: (518) 485-8953
- Complete the application, have it notarized, and then return it to the DOCCS Certificate Review Unit. If you are seeking a specific job or license, we recommend you state that in your application.
- The Certificate Review Unit will review your application to make sure you are eligible to apply for a CGC and then will assign your application to a parole officer in the county where you live. The parole officer will conduct an investigation into the information provided in your application, as well as information about your conviction. This investigation may involve the parole officer interviewing you at your residence. If you have worked in the last three years, you will have to provide proof that you paid income taxes.
- After the investigation, the parole officer will send a report to DOCCS. DOCCS will make the final decision about your CRD and will notify you by mail.

¹³ For examples of evidence of rehabilitation to attach to your application packet, see LAC's publications, "How to Gather Evidence of Rehabilitation" and "Crafting an Effective Personal Statement." Information on how to get these publications is included at the end of this booklet.



NOTE: It may take over a year to get a CGC from DOCCS. If you need the certificate quickly because of an employment license or other reason, you should explain this in the application or attach a letter explaining your circumstances.

TIP: Including evidence of rehabilitation along with your application for a CRD or CGC is not required, but can significantly increase your chances of getting the certificate(s).¹⁴

ATTENTION: As mentioned above, we strongly recommend that non-US citizens consult an immigration attorney before applying for a CRD or CGC.



8 WHAT IF THE JOB I AM SEEKING IS CONSIDERED A “PUBLIC OFFICE?”

Some government jobs in New York, like police officer and firefighter, are considered “public offices.” Some public offices have “statutory bars,” which mean that people with certain types of convictions are prohibited from holding these jobs or licenses without a Certificate of Good Conduct. Sometimes the statutory bar is against all felonies or only certain felonies and misdemeanors.

There is no complete list of all the public offices in New York, but they include some elected and appointed offices as well as others including firefighters, police officers, and local school board members. If you know that you want to hold a public office, you should find out if there is a statutory bar for certain convictions. One way to do this is to ask the employer or licensing agency:

- Is this job a public office?
- Is there or a statutory bar for certain kinds of convictions?

If the answer to both questions is yes and you have a conviction that bars you from holding a public office, you should apply for a CGC, even if you are otherwise eligible for a CRD. On your CGC application, you should specifically state that you’re seeking a public office and that a statutory bar applies to that public office. If you do not specifically request to have the bar to public office removed, DOCCS may issue you a CGC that does not lift the bar.

¹⁴ For examples of evidence of rehabilitation to attach to your application packet, see LAC’s publications, “*How to Gather Evidence of Rehabilitation*” and “*Crafting an Effective Personal Statement*.” Information on how to get these publications is included at the end of this booklet.



9 WHERE CAN I GET MORE INFORMATION?

The Legal Action Center frequently publishes educational materials to help you understand and access your rights as a New Yorker with an arrest or conviction record. In addition to this booklet, we have both videos and shorter print resources on Certificates of Relief from Civil Disabilities and Certificates of Good Conduct. Other materials cover topics such as voting eligibility, employment rights, and record sealing and expungement. We also publish materials for people who use drugs, including cannabis, or who are living with substance use disorder or HIV/AIDS. These are all available on our website at www.lac.org/resources. If you are currently incarcerated, you can request copies of our printed materials by writing to LAC at 225 Varick St, 4th Fl., New York, NY 10014.

Below is a list of some of the relevant educational materials LAC publishes.

Virtual RAP Sheet Workshop

- Short video series discussing what appears on the background checks run by many employers; laws protecting jobseekers and workers from discrimination; and ways to lower barriers to employment, occupational licenses, and housing.
- <https://www.lac.org/resource/virtual-rap-sheet-workshop>

How to Gather Evidence of Rehabilitation

- Learn how to compile effective evidence of rehabilitation for employers, landlords, and other decisionmakers
- <https://www.lac.org/assets/files/How-to-Gather-Evidence-of-Rehabilitation.pdf>

Crafting an Effective Personal Statement

- A step-by-step guide on how to write an effective personal statement as part of your evidence of rehabilitation
- <https://www.lac.org/assets/files/Personal-Statement-Outline-FINAL.pdf>

Crafting an Effective Letter of Reference for an Individual with a Conviction Record

- This resource can help people in your life craft letters of reference that effectively addresses your conviction record
- <https://www.lac.org/assets/files/Reference-Letter-Template-1.11.21.pdf>



How to Recognize and Address Discrimination

- A guide to job, housing, and other discrimination based on arrest or conviction record, HIV/AIDS, and substance use disorders
- <https://www.lac.org/resource/are-you-somebody-with-hiv-or-aids-alcohol-or-drug-addiction-or-a-criminal-record>

Certificate Eligibility Chart

- Short visual aid to help you understand whether you are eligible for a CRD or CGC
- <https://www.lac.org/assets/files/CERTIFICATES-2.pdf>

Getting to Work with a Criminal Record: New York State License Guides

- Explain the processes for obtaining and keeping employment licenses in 25, high-demand occupations and professions for people who have conviction records
- <https://justiceandopportunity.org/research/getting-to-work-with-a-criminal-record-new-york-state-license-guides-2020-expanded-edition/>



*This is sensitive information that may not be appropriate to share in all cases.
Call the Legal Action Center to discuss this decision with one of our staff members.