

Preparing Youth with Criminal History for Education, Employment and More Youth Issues Webinar Resources

Initiatives and Resources for Individuals with Criminal History

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

Examples, Samples, and Best Practices

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

Relevant Laws

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

Contact Information

- SpecialPopulations@labor.ny.gov
- YouthOffice@labor.ny.gov
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Obtaining a RAP Sheet

What is a RAP Sheet?

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

Why should I have a copy of my RAP sheet?

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

How to Request a RAP Sheet?

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

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

How to Request a Fee Waiver for a RAP sheet?

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

How to Correct RAP Sheet Errors?

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

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

Reference: https://lac.org/wp-content/uploads/2014/12/Your_New_York_State_Rap_Sheet_2013.pdf

RAP Sheet Error Examples

Example 1

Cycle 1 

Arrest/Charge Information

Arrest Date: 

Name: 
Date of Birth: 
US Citizen: 
Sex: 
Race: 
Age at time of crime/arrest: 
Address: 
Fax Number: 
Place of Arrest: Town of Colonie, Albany County, NY
Date of Crime: 
Place of Crime: Town of Colonie, Albany County, NY
Criminal Justice Tracking No.: 
Arresting Agency: Colonie Town Police Department
Arrest Number: 
Arrest Charges:
-- Petit Larceny
PL155.25 Class A Misdemeanor Degree 0 NCIC 2399

Court Case Information

--Court: Colonie Town Court Case Number: Unknown

January 11, 1978
Adjourned In Contemplation Of Dismissal CPL170.55

~~January 11, 1979~~
Dismissed After Adjournment In Contemplation Of Dismissal CPL170.55

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

Not sealed

Other History Related Information

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

Job/License Information

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

RAP Sheet Error Example 2

Arrest/Charge Information

Arrest Date: [REDACTED]

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

Arrest Number: [REDACTED]
 Arraignment: Albany City Court
 Arrest Charges:

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

No Court Reported Information

Missing disposition

Court Case Information

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

[REDACTED]
 Initial Report Of Docket Number
 [REDACTED]
 Bench Warrant Issued

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

[REDACTED]
 Initial Report Of Docket Number
 [REDACTED]
 Arraigned
 -- Petit Larceny
 PL155.25 Class A Misdemeanor NCIC 2399

Bench Warrant Issued

[REDACTED]
 Dismissed
 -- Petit Larceny
 PL155.25 Class A Misdemeanor NCIC 2399

Bench warrant not vacated

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

Job Application and Interview Q & As Related to Criminal History

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

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

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

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

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

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

During the Job Interview

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

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

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

“Have you ever been arrested?”

Answer YES if:

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

Answer NO if:

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

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

Answer YES if:

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

Answer NO if:

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

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

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

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

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

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

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

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

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

Practice:

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

Your Response: Last year, I was convicted of _____.

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

_____ . I deeply regret the harm/damage I have

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

_____ (actions, skills, abilities, experiences,

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

be an asset by contributing _____.

Legal Aid Service Organizations

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

Statewide

Legal Action Center

<https://lac.org/>

Serves: Entire State

Main Office: New York City

Phone: (212) 243-1313

E-Mail: lacinfo@lac.org

Mid-New York

The Legal Aid Society of Mid-New York, Inc

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

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

Volunteer Lawyers Project of Onondaga County Inc.

<https://www.onvlp.org>

Search: New Start Program – Reentry Assistance

Phone: (315) 579-0177

E-Mail: newstart@onvlp.org

Long Island New York

Nassau Suffolk Law Services Committee Inc.

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

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

Search: The Volunteer Lawyers and Pro Bono Project

New York City

New York City Legal Aid Society

www.legal-aid.org/en/home.aspx

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

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

Youth Represent

<http://youthrepresent.org/>

Provides services to youth under the age of 25.

Phone: (646) 759-8080

E-Mail: info@youthrepresent.org

Rural New York Counties

Rural Law Center of New York Inc.

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

Serves: 44 rural counties.

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

Youth Program: Preventative Legal Education for Teens

Phone: (518) 561-5468

Northeast New York

Legal Aid Society of Northeastern NY

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

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

Western New York

Legal Assistance of Western New York, Inc

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

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

Legal Aid of the Chautauqua Region Inc.

(No webpage found)

111 West 2nd St. - Suite 250, Jamestown, NY 14701

Phone: (716) 483-2116

Community Service Society of New York

www.cssny.org

Phone: (212) 254.8900

E-Mail: info@cssny.org

Search: Next Door Project

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

The Door

www.door.org

Provides a range of services to youth ages 12-21

Phone: (212) 941-9090



Legal Aid Society

NORTHEASTERN NEW YORK

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

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Examples of Evidence of Rehabilitation

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

Criminal history

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

Rental history

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

Employment history

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

Education

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

Community service

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

Family stability

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

Overall wellness

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



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