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## **Certificates of Rehabilitation**

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#### **What are Certificates of Rehabilitation?**

Are you having a hard time finding a job because of your criminal record? If you live in New York State, you may be able to receive a Certificate of Rehabilitation. A Certificate could help you show an employer that you have been rehabilitated. Certificates of Rehabilitation are also known as a Certificates of Restoration and Certificates Promoting Restoration. These names refer to the same Certificate.

In New York State there are two types of Certificates of Rehabilitation:

- Certificates of Relief from Disabilities, and
- Certificates of Good Conduct

Later in this article, we will explain the differences between these two Certificates. You need to know the difference between these Certificates so you know which one to apply for. To get a certificate, you need to apply to either the court that sentenced you or the parole board. Once you receive a Certificate, you could use it to show an employer that you have been rehabilitated.

#### **What does a Certificate of Rehabilitation do?**

A Certificate is only evidence of your rehabilitation. It protects you from being discriminated against for your criminal record. It also restores your right to vote. If you were convicted of a felony and incarcerated or on parole, you lose your right to vote until you are released from incarceration and finished with parole.

Having a Certificate does not mean you will automatically get the job. An employer can still deny you a job if you are not qualified for it. An employer can also deny you a job if the crime you committed is related to the work you would be doing. For example, if you were convicted of driving while intoxicated, you could be denied a job as a bus driver.

## **Will the Certificate of Rehabilitation expunge my record?**

No! You can never have your record expunged in New York State. You may be able to get some convictions sealed, but they can never be erased from your record.

## **Do I have to report my convictions on job applications if I have a Certificate of Rehabilitation?**

Yes! You still have to report your convictions. A Certificate of Rehabilitation does not erase or seal your record. If you lie on your application, you could be denied the job or fired. You do not have to report sealed cases or cases where you were tried as a youthful offender. You do not have to report your arrests, only your convictions.

## **Do I need a Certificate of Rehabilitation?**

It depends. Not everyone needs a Certificate to get a job. But if you are having a hard time finding a job because of your criminal record, a Certificate of Rehabilitation may help you.

There are some jobs that you need a Certificate of Rehabilitation to get. You need a Certificate for any job that requires a special license, such as a nurse or a barber. You also need a Certificate if you are seeking a job that is considered a "public office." For more information about public positions, see below.

## **What is the difference between a Certificate of Relief from Disabilities and a Certificate of Good Conduct?**

The Certificate you apply for depends on when you were convicted and what you were convicted of. You must count all of your convictions, even federal convictions or convictions in other states. You do not have to count cases if you were tried as a youthful offender or juvenile delinquent.

Apply for a **Certificate of Relief from Disabilities** if you:

- have only been convicted of one felony, and/or
- any number of misdemeanors

You cannot get one Certificate of Relief from Disabilities to cover all of your convictions. You need to apply for a separate Certificate of Relief from Disabilities for each conviction. You can request a Certificate of Relief at sentencing. If you are not going to jail or prison, you can apply for a Certificate of Relief after you are sentenced. If you are incarcerated, you must wait until you are released before you can apply. You can apply for a Certificate of Relief from Disabilities while on probation or parole. If you get the Certificate of Relief while on probation or parole, it will be temporary until your probation or parole ends.

Apply for a **Certificate of Good Conduct** if you:

- have been convicted of two or more felonies, and

- any number of misdemeanors, and/or
- you are applying for a public office position that has a felony ban (more information below)

You only need one Certificate of Good Conduct to cover all of your convictions. There is a waiting period to apply for a Certificate of Good Conduct. You cannot apply for a Certificate of Good Conduct while you are in jail, prison, or on probation or parole. There are different waiting periods for different convictions.

To figure out the amount of time you have to wait to apply, look at your most serious conviction. For a “C,” “D,” or “E,” felony, you must wait three years from your last release to apply. For an “A,” or “B” felony, you must wait five years from your last release to apply.

### **Do I need an attorney to apply for a Certificate?**

No. You can apply for a Certificate on your own. If you want an attorney, you may be able to find one who can help you. Some legal aid offices may be able to help you apply for free. To find out if you can get help for free, contact your local legal aid office.

### **Where do I apply for a Certificate of Relief from Disabilities?**

You need to apply for a Certificate of Relief from Disabilities for each conviction. Depending on the conviction, you need to apply to either the Court or Parole Board.

Apply to the Court where you were convicted if:

- you were convicted in New York, and
- you did not serve state time.

Often the Court will refer your application to the Parole Board for investigation.

Apply to the Parole Board if:

- you were convicted of a federal crime,
- you were convicted in another state, or
- you went to jail or prison.

### **Where do I apply for a Certificate of Good Conduct?**

You need to apply to the Parole Board for a Certificate of Good Conduct. Make sure you apply after your waiting period is over.

### **How do I apply to the Parole Board?**

To get an application, write a letter to the Certificate Review Unit. In your letter, state which Certificate you are applying for. Ask for one application for each Certificate of Relief from Disabilities you are applying for. Write to the Certificate Review Unit at:

Certificate Review Unit  
New York State Division of Parole  
845 Central Avenue  
Albany, NY 12206  
(518) 485-895

The Certificate Review Unit will mail you an application. Do your best to fill out the application and send it back to the Certificate Review Unit. Make sure you list every prison or jail you were incarcerated in. You will need to send proof that you have paid your taxes for the last three years (if you worked).

It may also be helpful to send the following:

- proof of your current employment (if you are employed),
- letters of support from community members (boss, neighbor, religious leader, etc.),
- information about community service you have done,
- proof of anger management programs you completed,
- proof of substance abuse treatment programs you completed,
- letters of support from counselors or doctors,
- any other relevant information you have showing that you are a good member of your community.

Once you send in this information, the Certificate Review Unit will review your application. The Certificate Review Unit will then assign a Parole Officer in your area to investigate your case. The Parole Officer will meet with you about your application. After the meeting, the Parole Officer will send a report to the Parole Board. The report will state whether or not the Officer believes you should receive a Certificate.

The Parole Board will review the report and the rest of the information you provided and make a decision. The Parole Board will send you a letter to let you know if your application has been approved. If your application is approved, you will receive your Certificate in the mail.

### **How do I apply to the Court?**

Each Court is different. Contact the Court where you were convicted about how to apply. You will probably need to gather the same information listed above.

### **How long does it take to get a Certificate?**

After you apply, it can take six months to one year before you get a Certificate. You may be able to get a Certificate sooner, but the amount of time depends on the Court or Parole Board. If you need your Certificate sooner for a job or a license, tell the Court or Parole

Board when you apply.

### **What Certificate do I need if I am applying or running for a public office?**

If you are trying to get a job that is considered a “public office”, you need a Certificate of Good Conduct. “Public office” positions include:

- some elected positions;
- some government jobs;
- law enforcement jobs, such as firefighters or police officers;
- public notaries, etc.

Some public office jobs ban people with felonies unless they have a Certificate of Good Conduct. If you are unsure whether the job is considered a public office, ask when you are applying. If it is a public office, ask if there is a ban on people with felonies. If there is a ban, you need a Certificate of Good Conduct, even if you only have one felony on your record. When you apply for the Certificate of Good Conduct, tell the Parole Board that you need it for a job. Send the Parole Board information about the job that shows it is a public office and has a felony ban.

### **What can my application be denied for?**

Your application can be denied for many reasons. If your application was denied, answer these questions:

- Did you pay all of your fines?
- Did you wait the right amount of time before applying?
- Did you violate your parole or probation?
- Did you fill out the application correctly?

Your application could have been denied if you answered yes to any of these questions. The Court or Parole Board may have denied your application if they believed you are not rehabilitated. Contact the Court or Parole Board if you have more questions.

### **If my application for a Certificate was denied, can I apply again?**

Yes. You can apply again.

### **Does my Certificate cover future convictions?**

No. Your Certificate will not apply to future convictions. If you are convicted of a crime after you receive your Certificate, you need to apply for a new Certificate.

### **Where can I get more information?**

For more information contact the Certificate Review Unit, or see the Legal Action Center’s

online resource bank at <http://www.lac.org/index.php/lac/132>.

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