

DAILY NEWS

Do your time & get a clean slate: New York will be safer and stronger by clearing out old criminal records

By Brendan Cox and Rosemary Nidiriy

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Far too many New Yorkers with criminal convictions are still paying a price long after they finished their sentences. Their criminal records follow them, preventing them from getting jobs, going to school, or finding a home. Having a criminal record can make it extremely difficult for someone to rebuild their life — but it doesn't have to be this way. CEOs, clergy, labor leaders, civil rights advocates, and lawmakers have all come together in support of a bill that would change the lives of millions of New Yorkers. Our legislators in Albany must pass the [Clean Slate Act](#) before June 8 when this session ends. This bill would automatically seal certain criminal records after a waiting period of three offense-free years for misdemeanors and seven for felonies, not including time in prison.

As Albany's former chief of police and a former federal prosecutor, we know that holding people accountable for their crimes and imposing appropriate punishment is essential for public safety. But we also know that the best way to keep communities safe is to prevent crime in the first place. The Clean Slate Act would remove some of the roadblocks between people who have served their time and real opportunities to get back on their feet and fully participate in society. When they can't find jobs or housing, people with past criminal convictions often end up back in jail.

New York's current sealing rules, which require a lengthy application process, aren't working. Only [0.2%](#) of eligible New Yorkers have successfully navigated them.

Make no mistake. The Clean Slate Act is not a "get out of jail free" card. It has limits. People on parole or probation would not be eligible. Sex offenses cannot be sealed. And if someone commits an offense during the waiting period, it starts over. A person's record won't be sealed just because they've finished their sentence — they have to also have lived in their communities, crime-free, for years after.

People's records would still be accessible for public safety needs. Law enforcement, prosecutors, and the courts would retain access, and people's records would still come up in background checks for firearms permits. Employers in certain sensitive fields, such as financial services and education, would also have access.

Over the course of our careers in law enforcement, we have seen too many people fall into the cycle of crime and imprisonment simply because they didn't get a fair shot at a second chance. Research shows that clean slate provisions can help break that cycle.

A [study](#) done in Michigan in 2020 shows that record clearance policies can boost wages and employment. Individuals who had their criminal records sealed were less likely than members of the general public to be convicted of a crime.

Research also demonstrates the damage a criminal record can do to someone's earning potential. According to the Brennan Center for Justice, felony convictions reduce a person's annual earnings by around 20%, and misdemeanors by around 15%. A person who has spent time in prison makes an average of [\\$484,000](#) less than someone who hasn't been incarcerated over the course of a lifetime. Time in prison more heavily impacts the lifetime earnings of Black and Latino people. These losses worsen intergenerational poverty and exacerbate the racial wealth gap.

A recent [report](#) from the NYC comptroller's office found that more than half a million New York City residents would be eligible to have their criminal history sealed, increasing their total annual wages by an estimated \$2.4 billion. Further, a recent [analysis](#) by the Brennan Center found that across New York State, underemployment related to a criminal record impacts approximately 2 million people, who would see their collective annual earnings reduced by \$12.6 billion a year. Even those with a criminal conviction who have never spent time in prison suffer significant earnings losses, averaging \$98,800 over a lifetime.

New York has the opportunity to become the [11th state](#) to adopt clean slate legislation. There is a reason that this movement is taking hold. Communities around the country recognize that giving people better access to jobs, school, and housing can help make us all safer.

The Clean Slate Act would remove a huge obstacle for people who have served their time and are trying to become productive New Yorkers. It would help reduce crime and grow our economy. It makes sense for public safety, for second chances, and for the future of our neighborhoods and our state.

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