



**Powering a
more equitable
New York**

Testimony of Judith M. Whiting, Community Service Society of New York

New York State Joint Legislative Budget Hearing: Public Protection

January 25, 2022

Thank you very much for allowing The Community Service Society of New York (CSS) to submit this written testimony in support of the Clean Slate Act, S1553C/A6399B.

CSS is an informed, independent, and unwavering voice for positive action on behalf of more than three million low-income New Yorkers. Our work bridges many subject areas and approaches, all with a concerted focus on addressing economic and racial disparities that stand in the way of opportunity and forward movement. Among other endeavors, CSS works with and for New Yorkers with past criminal systems involvement in reentry and conviction records-related advocacy, litigation, and rap sheet-related services provided through our Next Door Project. With these tools, CSS helps break down conviction history-based barriers that keep people from good jobs, licenses to practice trades, and stable, safe housing. Legislative action is needed, though, to create systemic change, and for this reason the Clean Slate Act is vitally important to us and individuals we work with. We urge you to include this important legislation in your one house budget bills.

We were happy to see that the Governor included key Clean Slate principles in the Executive Budget, evidencing the broad, statewide support for the values that underpin our legislation: strengthened communities, increased economic growth, and enhanced public safety. However, the language proposed in the Executive Budget includes changes that significantly weaken the bill. We ask that you include in your one house budget bills the full Clean Slate Act (S. 1553C/A. 6339B) without these changes.

New York State needs Clean Slate legislation now more than ever. As our economy rights itself after COVID 19's devastating impacts, we need to ensure that everyone is a part of the

recovery. But individuals with conviction histories will be left out without the automatic sealing relief Clean Slate brings. An astonishing one in seven New Yorkers – more than 2.3 million people – have conviction histories; because of our state’s history of discriminatory policing, prosecution, and mass incarceration, most are Black or Brown. Our state’s existing conviction records sealing remedy – Criminal Procedure Law §160.59 – is inadequate. Not only are most individuals with conviction histories ineligible due to the law’s overly strict requirements, but a motion must be filed to obtain relief, something that generally requires an attorney and often takes more than a year for courts to process. It is not surprising that as of last count, fewer than 2,500 individuals statewide had managed to seal their records using this mechanism¹ – fewer than 1% of those estimated to be eligible and a miniscule proportion of the millions burdened by conviction records in New York State.

For the overwhelming majority of New Yorkers with a conviction history, there is no way forward. Having a conviction history can mean a lifetime of lost opportunities not only for an individual but for their families and communities. It can block individuals from being part of our economy: a combination of unfounded concerns and, in some cases, raw racial prejudice disguised as business judgment keeps many employers and landlords from offering jobs and housing to people with conviction histories. It can mean a lifetime of perpetual punishment that continues long after any criminal systems involvement has ended.

New York can change this grim reality by passing the Clean Slate Act, which will automatically seal conviction records for civil purposes such as jobs and housing. Supported by business leaders, unions, faith leaders, directly impacted individuals and organizations they lead, and individual New Yorkers in every corner of the state, Clean Slate is a jobs bill, a housing bill, and an antipoverty bill. Automatically sealing past conviction records is also a matter of simple fairness. Championed by Senator Zellnor Myrie and Assembly Member Catalina Cruz, the Clean Slate Act will allow New Yorkers to move ahead with their lives and participate in our state’s economic and social recovery. This will not only help individuals and their families thrive but will also enhance public safety. CSS calls upon you to pass the Clean Slate Act immediately and stands ready to support you in any way we can.

¹ Source: <https://www.criminaljustice.ny.gov/crimnet/ojsa/Raise-the-Age-Provision-Sealing-Report.pdf>

Thank you for the opportunity to submit these comments.

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