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A Powerful Tool for Rehabilitation

By Vincent Schiraldi

In 2011, Tyrone, a 48-year-old senior maintenance supervisor at a hospital in the Bronx, set about finalizing his application to receive a real estate license. He had already passed the test and lined up an established broker to sponsor him—now all he needed to do was obtain a Certificate of Relief from Disabilities (COR) for a non-violent drug felony from 1989.

It shouldn't have been a big deal. Over the last 20 years, Tyrone had completed a drug treatment program, established an impressive employment history (he often worked two jobs simultaneously), bought a house and gotten married. Clearly, this was a rehabilitated man. But getting a COR turned out to be much more difficult than Tyrone anticipated. His first request to the court was denied, and it was only with the help of the Bronx Defenders that he eventually got his COR. He is now an established real estate broker who is much better equipped to support his eight children and five grandchildren.

Things ended up working out for Tyrone, but for too many people obtaining a COR can prove to be an insurmountable roadblock. This is tragically ironic given the fact that CORs were originally intended to ease the barriers preventing people from transcending their criminal histories.

In 1966, Governor Nelson A. Rockefeller signed into law legislation that created Certificates of Relief from Disabilities to help first offenders turn their lives around. He stated, "This bill will reduce the automatic rejection and community isolation that often accompany conviction of crimes, and will thus contribute to the complete rehabilitation of first offenders and their successful return to responsible lives in the community."

When I started as commissioner of the New York City Department of Probation (DOP) in 2010, I had never heard of CORs. But during my time at the agency, which supervises 25,000 New Yorkers on probation and evaluates 20,000 defendants a year for the courts, I have become convinced that CORs serve as a powerful tool that, when deployed appropriately, can do just what Governor Rockefeller intended—give men and women sentenced for misdemeanors or first-time felonies a real shot at rehabilitation.

I first grasped the importance of CORs on a tour of the Doe Fund in my first year on the job. The homeless clients the Doe Fund works with often begin their journey to employment pushing a broom on New York City streets in order to learn "soft" skills like showing up both on-time and ready to work. As they prove themselves, participants move on to more skilled work. The trouble is that in order to secure many types of jobs, you must have a COR.

No COR, no job.

The Doe Fund employs staff whose primary duties include helping their clients get CORs. Unfortunately, many won't have their COR request granted in time to fill available vacancies, missing vital opportunities to further their rehabilitation.

Without a COR, you can be evicted from public housing and, as the story of Tyrone illustrates, encounter difficulties in obtaining professional licenses.

Despite their obvious utility, CORs are woefully underutilized, granted to only a fraction of the tens of thousands who could benefit from them. That's why DOP has developed a three-fold plan to help more of our clients get CORs.

First, we are holding "COR Days" at DOP offices throughout the city. The purpose of these events is to educate our clients about the importance of CORs and, if they are interested, help them fill out the application to the court.

Second, probation officers are providing one-on-one assistance to clients who want to apply for a COR.

Third, we are helping all eligible clients apply for CORs at sentencing, while we are conducting their pre-sentence investigation. This effort dovetails with legislation proposed by Mayor Michael R. Bloomberg and signed into law by Governor Andrew M. Cuomo in August 2011 that requires courts to consider granting CORs to eligible applicants prior to or at the time of sentencing. Judges can still deny the issuance of a COR; the law simply makes it more likely that someone who needs a COR to, for instance, get a job or avoid eviction will get one. As Mayor Bloomberg said when the legislation was passed, "Promoting employment for ex-offenders is the single best way we can stop what has become a revolving door out of, and back into, the criminal justice system—that will help us make the safest big city in America even safer."

Issuing CORs at sentencing may sound counterintuitive—how can someone prove they've been rehabilitated when they haven't even begun serving their sentence? But what's clear from Governor Rockefeller's statement is that CORs are intended to aid in rehabilitation, not be a reward for it. That's why they are revocable during a person's probation term.

That's also how CORs are different from Certificates of Good Conduct (COGs), which are granted by the Parole Board. COGs require a waiting period during which individuals must show they're rehabilitated. No such waiting period is required for CORs; as mentioned, they can be granted immediately at sentencing.

DOP's effort in this area comes after decades of new and increasingly debilitating collateral consequences for people convicted of a crime. These consequences include felony disenfranchisement and expulsion from public housing. Whatever one believes about whether these consequences are fair, there can be little doubt that they stack the deck against people with convictions and make their rehabilitation more tenuous.

DOP's push to help people obtain CORs is part of Mayor Bloomberg's Young Men's Initiative (YMI), which is the nation's boldest and most comprehensive effort to tackle the broad disparities slowing the advancement of black and Latino young men, who are disproportionately represented in the criminal justice system. YMI is a public-private

partnership that is investing \$43 million annually in programs that will connect young men to educational, employment, and mentoring opportunities across more than a dozen city agencies.

It includes an effort to help justice-involved young people address the civil disabilities facing them. The mayor has issued executive orders that prohibit city agencies and contractors from learning about criminal convictions until later in the hiring process so that people with convictions have a better shot at interviewing for city jobs. The mayor has also ordered city agencies to encourage and support young people in obtaining government-issued IDs, without which they have difficulty obtaining legitimate jobs. And under YMI, people with criminal convictions will get help understanding and cleaning up their criminal records, many of which are laden with incorrect information, including charges that have either been dismissed or resulted in acquittals.

The governor and legislature have given the court system a powerful tool to help with the rehabilitation of those who come before the bench. By helping to stabilize families and promote successful reentry, CORs are making communities safer. At Probation, we're committed to working with the courts to help more hard-working men and women like Tyrone achieve, in the words of Governor Rockefeller, a "successful return to responsible lives in the community."

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