

# On Your Own

Free Legal Information and Services in the Capital District

a publication of The Center for Law and Justice

## Introduction

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Although it is a well-established principle that all individuals are given the same legal rights regardless of income, it is also clear that access to important legal information and help to exercise many of those rights can be sufficiently blocked. Access is also hampered by the fact that the legal system is becoming more complex all the time. Simply getting an answer to a specific legal question is an increasingly frustrating experience for many and an impossible task for others. It is difficult enough to retain the “right” lawyer, but to obtain the services of a lawyer or paralegal for free or at reduced cost is often next to impossible.

This directory offers community residents a listing of public and private legal services and information that is available in the Capital District and is free of charge or offered at modest cost. Although the included services offer information, assistance, or advice on a broad range of legal subjects, this directory is by no means complete. And, since there are plans to periodically update this directory to keep it current and useful, we welcome suggestions and updated information.

## Acknowledgments

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## Preface

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This directory is intended primarily for those who, for a variety of reasons, may find themselves in need of a lawyer, legal services, or legal information, but cannot afford to purchase such services. Many of us do not have the luxury of retaining a “family lawyer” to call upon when we need legal assistance. Although this directory may not serve all the needs of those who seek assistance, it may be useful to some. This directory is not intended to replace the professional services of a good lawyer.

There are a number of public and private organizations and programs which offer a variety of legal services and information in our communities. This pamphlet identifies many of them in the hope that they will be made more accessible to those in need. The agencies listed in this directory are arranged alphabetically. An index of the types of services listed in this directory appears on page 12.

This edition of “On Your Own” also includes two special sections: the first, on navigating the New York State correctional system, and the second, on the legal rights of ex-offenders.

## **Agencies Located Within the Capital District**

### **1/ Capital District Center for Independence**

855 Central Avenue, Albany, New York 12206

518-459-6422 (voice/TDD)

Provides legal advice pertaining to disabilities, discrimination, how to receive or cancel benefits, and other issues. Although they usually do not go to hearings, they will represent clients in the Social Security benefits administrative process.

Limited to persons with mental or physical disabilities.

### **2/ Center for Alternative Dispute Resolution**

30 Watervliet Avenue, Albany, New York 12231

518-446-0356

Provides an alternative approach to court for solving disagreements. Both parties must agree to take part in mediation. Types of issues include family problems, landlord/tenant disputes, consumer/merchant disagreements, employer/employee conflicts, personal/real property issues, small claims, special education and school issues, and victim/offender mediation.

### **3/ The Center for Law and Justice**

Pine West Plaza #2, Washington Avenue Extension, Albany, New York 12205

518-427-8361

Provides legal rights and criminal justice information and will assist with limited legal and criminal justice complaints. Also provides criminal justice advocacy and community education. Does not provide direct legal representation.

### **4/ Clinical Legal Studies Program of Albany Law School**

Albany Law School, 80 New Scotland Avenue, Albany, New York 12208

518-445-2328

Represents persons with AIDS or who are HIV +, persons who are disabled, and victims of domestic violence in administrative proceedings. Focuses on cases of health discrimination, Social Security, fair hearings, and Family Court proceedings. Does not deal with criminal matters. Encourages service providers to call for technical assistance. Must call for an appointment.

### **5/ Commission on Judicial Conduct, New York State**

38-40 State Street, Albany, New York 12207

518-474-5617

Receives and reviews written complaints of misconduct against judges of the state unified court system, which includes, state, county, municipal, town, and village courts. Types of complaints that may be investigated include improper demeanor, conflicts of interest, intoxication, bias, prejudice, favoritism, corruption, prohibited business or political activity, and serious financial and records mismanagement.

## **6/ Committee on Open Government, New York State**

New York State Department of State, 41 State Street, Albany, New York 12231  
518-474-2518

Administers the Freedom of Information Law, which governs the right to access of government records.

## **7/ Committee on Professional Standards, New York State**

Alfred E. Smith Office Building, Box 7013, Albany, New York 12225  
518-474-8816

Handles complaints against attorneys related to all aspects of their professional career, malpractice, and personal life if it interferes with their ability to practice law.

## **8/ Community Dispute Settlement Program**

Troy Area United Ministries, 17 First Street, Troy, New York 12180  
518-274-5920

Offers free or low-cost mediation services as a way of settling disputes or conflicts. Trained, neutral mediators assist individuals and groups in discussing issues and agreeing to mutually acceptable solutions. Limited to residents of Rensselaer County. Part of a statewide network of mediation centers funded in part by the New York State Unified Court System, and a program of Troy Area United Ministries (TAUM).

## **9/ Comprehensive Crime Victims Assistance Program**

112 State Street, Room 1110, Albany, New York 12207  
518-447-5500

Provides legal advocacy for victims of violent crime. Provides court advocacy, including accompaniment to criminal and family court, and will explain laws. Also provides Crime Victims Board compensation assistance.

## **10/ Consumer Frauds and Protection Bureau**

800-771-7755

Mediates consumer complaints such as false advertising claims, non-delivery of mail-order merchandise, home improvement problems, and landlord/tenant security deposit problems.

## **11/ Consumer Protection Board, New York State**

5 Empire State Plaza, Albany, New York 12223  
518-474-4759

Receives and investigates consumer complaints. Will represent consumer interests before federal, state, and local agencies. Intervenes on behalf of the consumer in Public Service Commission hearings.

## **12/ Crime Victims Board of New York State**

845 Central Avenue, Suite 107, Albany, New York 12206  
518-457-8727 or 800-247-8035

Reimburses crime victims for casualty-related, unreimbursed expenses including medical or funeral expenses, loss of earnings, and essential personal property repair or replacement. Also provides information, referrals, and victim advocacy. Crime victims must file a police report and be an innocent victim of a crime.

## **13/ Department of Health Division of Legal Affairs, New York State**

Corning Tower, Empire State Plaza, Room 2438, Albany, New York 12237  
518-474-7553

Provides legal information on issues related to health, such as clean air and AIDS.

## **14/ Department of Labor Public Information Office, New York State**

Building 12, Room 586, State Campus, Albany, New York 12240  
518-457-5519

Will connect a person who has legal questions concerning labor, such as wages, safety, or unemployment benefits, with the office within the Department of Labor equipped to answer the particular questions.

## **Department of Social Services**

Answers legal questions regarding family matters, home energy, and food stamps. Investigates allegations of neglect and abuse of adults and initiates legal proceedings to protect them, and provides investigative and other “field services” to working parents in child support proceedings for a nominal cost set by law.

### **15/ Albany County**

162 Washington Avenue, Albany, New York 12210  
518-447-7300

### **16/ Rensselaer County**

1801 Sixth Avenue, Troy, New York 12180  
518-283-2000

### **17/ Schenectady County**

487 Nott Street, Schenectady, New York 12308  
518-388-4470

## **18/ Developmental Disabilities Legal Clinic of Albany Law School**

518-445-2328

Serves people who are developmentally disabled, as defined by federal legislation. Provides legal advice and representation at court and administrative hearings. Investigates and negotiates solutions to problems of the developmentally disabled and their families. Provides clients and their families with information on their

rights and how to protect them.

### **19/ Disability Advocates**

6 Clinton Square, 3rd floor, Albany, New York 12207  
518-432-7861

Provides legal protection and advocacy to people with disabilities. Also offers legal advice and direct representation. Serves 16 northeastern New York counties including Albany, Rensselaer, and Schenectady.

### **20/ Dispute Resolution Program**

Law, Order, and Justice Center, 144 Barrett Street, Schenectady, New York 12305  
518-346-1281

Provides an alternative approach to court for solving disagreements. Both parties involved must agree to take part in mediation. Types of issues include consumer/merchant disagreements, employer/employee conflicts, family problems, landlord/tenant disputes, personal/real property issues, small claims, special education and school issues, and victim/offender mediation. The Law, Order, and Justice Center also assists with bails/fines.

### **District Attorneys' Offices**

There is an officer on duty daily during regular business hours who will answer legal questions concerning criminal law.

#### **21/ Albany County**

County Courthouse, Albany, New York 12207  
518-487-5460

#### **22/ Rensselaer County**

County Courthouse, Troy, New York 12180  
518-270-4040

#### **23/ Schenectady County**

County Courthouse, 612 State Street, Schenectady, New York 12305  
518-388-4364

### **24/ Division of Human Rights, New York State**

Agency Building 2, Empire State Plaza, Albany, New York 12223  
518-474-2705

Administers the New York State human rights law which prohibits discrimination on the basis of race, creed, color, national origin, sex, disability, marital status, age, arrest record, and conviction in employment, housing, places of public accommodations, and credit. Accepts and helps to prepare and process complaints from individuals who feel that they have been discriminated against. Serves 16 northeastern New York counties including Albany, Rensselaer, and Schenectady.

**25/ Fathers' Rights Association of the Capital Region**

P.O. Box 13534, Albany, New York 12212

518-374-2346

Provides information and referrals concerning fathers' rights when dealing with child custody and child support issues. The organization is committed to addressing the full range of public policy considerations affecting father-child relationships. Must make an appointment.

**26/ Greater Upstate Law Project**

119 Washington Avenue, Albany, New York 12210

518-462-6831

Provides free civil legal representation and other advocacy services on issues including food stamps, Medicaid, disabilities, public and subsidized housing, homelessness, child support, and domestic violence. Clients must meet financial eligibility requirements. Also publishes a regular newsletter on issues affecting low-income people.

**27/ Human Rights Commission, City of Albany**

Administrative Services, City Hall, Room 301, Albany, New York 12207

518-434-5284

Investigates discrimination complaints based on race, gender, religion, marital status, sexual orientation, or disability. Must make an appointment with an investigator.

**28/ Human Rights Commission, City of Schenectady**

612 State Street, Schenectady, New York 12305

518-388-4290

Receives complaints of alleged discrimination on the basis of race, creed, national origin, sex, marital status, disability, or age. Serves as a fair housing office. Seeks to eliminate discrimination through community conferences and conciliation.

**29/ Human Rights' Commission, City of Troy**

City Hall, Monument Square, Troy, New York 12180

518-270-4520

Investigates complaints of discrimination in employment, housing, criminal justice, legal aid, and other public and private agencies.

**30/ Hunger Action Network of New York State**

94 Central Avenue, Suite 2, Albany, New York 12206

518-434-7371

Provides food stamp pre-screenings for clients eligible for social services. Assists

clients in filling out applications for Albany County social services.

**31/ Independent Living Center of the Hudson Valley**

Troy Atrium, Troy, New York 12180

518-274-0701 (voice/TTY)

Answers questions concerning disability law. Offers employment advocacy services, independent living skills training, information and referral, consumer-directed personal assistant services, and employment.

**Lawyer Referral Service**

Provides referrals to attorneys. The first consultation with an attorney will cost between \$25-30 for the first half hour. Further payments are left up to the individual attorney. Areas of law are comprehensive.

**32/ New York State Bar Association**

1 Elk Street, Albany, New York 12207

518-463-3200

Provides a series of informational pamphlets on an individual's rights under law.

**33/ Albany County Bar Association**

Albany County Courthouse, 16 Eagle Street, Albany, New York 12207

518-445-7691

Pro bono (free) referrals are sometimes possible, if applicants qualify.

**34/ Rensselaer County Bar Association**

297 River Street, Troy, New York 12180

518-272-7220

**35/ Lawyers' Fund for Client Protection**

119 Washington Avenue, Albany, New York 12210

518-434-1935 or 800-442-FUND

Provides reimbursement to law clients who have lost money or property due to a lawyer's dishonest conduct in the practice of law, such as the wrongful taking of client's money or other property. Typical losses covered include theft of money from estates, escrow funds in real property transactions, and settlements in personal injury actions.

**36/ Legal Aid Society of Northeastern New York**

55 Columbia Street, Albany, New York 12207

518-462-6765 or 800-462-2922

Provides representation for individuals in the following civil law fields: housing, welfare, Social Security, disability, food stamps, emergency assistance, Medicaid, and employment. Applicants must meet financial eligibility requirements. The

Albany-based office serves Albany, Columbia, Greene, Rensselaer, and Schenectady counties. The Saratoga Springs-based office (587-5188 or 800-870-8343) serves Saratoga, Warren, and Washington counties.

**37/ Mental Hygiene Legal Service, Capital District Psychiatric Center**

75 New Scotland Avenue, Albany, New York 12208  
518-447-9664

Protects and advocates for the rights of people admitted to all mental health, developmental disability, or alcoholism facilities, including residences. Offers free legal representation, advice, and assistance to all patients concerning their admission, transfer, care, and treatment.

**NAACP**

Provides legal information and referrals in areas such as employment, discrimination, police impropriety, and general rights violations.

**38/ Albany Branch**

95 Livingston Avenue, Albany, New York 12207  
518-462-1823

**39/ Schenectady Branch**

955 State Street, Schenectady, New York 12307  
518-377-0522

**40/ Troy Branch**

195 River Street, Troy, New York 12180

**41/ New York Civil Liberties Union (Capital Region Chapter)**

90 State Street, Albany, New York 12207  
518-436-8594

Seeks to preserve and extend constitutional rights and privileges found mainly in the Bill of Rights. Provides information and assistance on matters involving individual civil liberties. Will accept for direct litigation only test cases which involve precedent-setting civil liberties issues. Does not provide direct representation in criminal defense cases. Serving Albany, Rensselaer, Saratoga, Schenectady, Warren, and Washington counties and adjoining areas.

**42/ New York State Defenders Association**

194 Washington Avenue, Suite 500, Albany, New York 12210  
518-465-3524

Provides research, consultation, and training to public defenders. Works to improve the quality of defense representation statewide. Does not provide individual criminal defense representation.

**43/ Office of Consumer Protection**

City Hall, Room 204, Schenectady, New York 12305  
518-382-5061

Investigates complaints of fraud, deception, or unfair dealings with consumers. Represents those who have problems with Schenectady city businesses.

#### **44/ Prisoners' Legal Services of New York**

105 Chambers Street, New York, New York 10007

212-513-7373

Provides legal services to prisoners in New York State prisons who cannot afford legal representation. Will only handle cases that other attorneys and other legal services are unlikely to handle. Does not handle criminal trials or direct criminal appeals. NOTE: Most PLS offices have been temporarily closed. If state funding is restored, PLS is expected to resume normal operations.

#### **Public Defenders' Offices**

Provide representation for all criminal matters. Applicants must qualify based on income and other conditional factors.

#### **45/ Albany County**

112 State Street, Room 700, Albany, New York 12207

518-447-7150

#### **46/ Rensselaer County**

County Courthouse, Troy, New York 12180

518-270-4030

#### **47/ Schenectady County**

519 State Street, Schenectady, New York 12305

518-386-2266

#### **48/ Public Utility Law Project of New York**

90 State Street, Albany, New York 12207

518-449-3375 or 800-235-7857

Provides information regarding utility law, such as rates for gas and electric. Provides legal representation, education, and advocacy for low- and fixed-income people on energy and utility issues.

#### **49/ Rape Crisis Center of Albany**

112 State Street, Room 1100, Albany, New York 12207

518-447-7716

Provides comprehensive treatment services to recent and past victims of sexual assault. Operates a 24-hour hotline. Staff and volunteers accompany victims to the emergency room for the forensic examination and to the police station if necessary. Free treatment for Albany County residents.

#### **50/ Rape Crisis Services of Schenectady County**

Planned Parenthood, 414 Union Street, Schenectady, New York 12305

518-374-5353 or 518-346-2266

Provides crisis counseling and legal referrals for victims and families of victims

of rape and sexual assault. Will accompany victims to hospital, police, and courts.

#### **51/ Senior Services of Albany**

25 Delaware Avenue, Albany, New York 12210

518-465-3322

Provides information and referrals, tax and legal advice, adult day program, home-delivered meals, and senior commuter service to area residents 60 years of age and older. Suggested contribution for most services.

#### **52/ Sexual Assault and Crime Victims Assistance Program**

Samaritan Hospital, 2215 Burdett Avenue, Troy, New York 12180

518-271-3445 or 518-271-3257

Provides confidential assistance for victims of rape and sexual abuse; crisis intervention; individual, couple, and family counseling; support and advocacy through medical and legal procedures; and information and referrals.

#### **53/ Statewide Youth Advocacy**

17 Elk Street, Albany, New York 12207

518-436-8525

Provides free legal representation for youths under 21 years of age. Specializes in education law, public assistance law, and the legal rights of children and adolescents. Must call for an appointment.

#### **54/ United Tenants of Albany**

33 Clinton Avenue, Albany, New York 12207

518-436-8997

Provides housing information and referrals on a wide range of housing issues.

#### **55/ Veterans' Service Agency**

1600 Seventh Avenue, Troy, New York 12180

518-270-2760

Provides assistance to veterans, widows and children of veterans in all phases of benefits due from the Veterans Administration. Helps fill out forms for pensions, burial allowances, and educational assistance. Provides advocacy and referrals for veterans and helps hospitalized veterans. Assists in obtaining documentation and discharge upgrades from the Department of Defense. Will appoint accredited representatives for veterans, widows, and children of veterans in disputes before the V.A. Board regarding any services they provide.

#### **56/ Women's Bar Association Legal Project**

Sponsors free legal clinics on a monthly basis (September-June) which offer 30-minute consultations at six locations in the Capital District. Open to all members of the community. Cover all areas of civil law. For more information or to

schedule an appointment, call (518) 432-3972. Locations available: the Women's Building (Albany); the YWCA (Schenectady); Unity House Street Ministry (Troy); Albany County Mental Health Center; the Urban League (Albany) and Trinity Institute. In addition, the Legal project offers *pro bono* and reduced rate legal representation in Family Court for domestic violence victims. Call Domestic Violence Legal Connection at (518) 432-3985. The Legal Project also provides educational workshops which helps make the law more understandable to community groups or organizations. All legal topics can be covered. Call Legally Speaking at (518) 432-3972 to schedule a workshop.

### **60/ Family Court of Albany County**

1 Van Tromp Street, Albany, New York 12207  
518-427-3500

### **61/ Family Court of Rensselaer County**

Court House Annex, Troy, New York 12180  
518-270-3761

### **62/ Family Court of Schenectady County**

620 State Street, Schenectady, New York 12208  
518-388-4305

## **Agencies Located Outside of the Capital District**

### **57/ Legal Action Center**

135 Waverly Place, New York, New York 10014  
212-243-1313

A public interest law firm which generally handles test cases or law reform litigation. The firm has a program which focuses upon challenging discrimination against ex-offenders, especially in employment. Provides assistance to all state residents.

### **58/ National Lawyers' Guild**

126 University Place, New York, New York 10003  
212-225-4181

Refers prisoners to legal assistance. Also operates a Prison Law Project.

### **59/ Prisoners' Rights Project**

Legal Aid Society, 90 Church Street, 13th floor, New York, New York 10007  
212-577-3300

Assists New York State prisoners with problems related to medical care, correction officer misuse of force, assault or risk of assault by other inmates, and with issues related to jail time credit.

## **Area Criminal Justice Agencies**

Local and regional police, probation, and parole departments; county jails; and courts can often provide information regarding their mandates, jurisdiction, and procedures. For more information, consult the blue pages in your telephone book.

## **Area Family Courts**

Family courts provide legal solutions to family problems such as juvenile delinquency, adoptions, child abuse and neglect, support, and family offenses.

## Area Small Claims Courts

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Small claims courts will hear claims made against a resident of the particular county. Courts have jurisdiction of up to \$3,000.

### **63/ Albany Small Claims Court**

City Hall, Room 209, Albany, New York 12207  
518-434-5113

### **64/ Schenectady Small Claims Court**

City Hall, Room 215, Jay Street, Schenectady, New York 12305  
518-382-5077

### **65/ Troy Small Claims Court**

City Hall, Troy, New York 12180  
518-273-2434

## Area Law Libraries

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### **66/ Albany Law School Library**

Albany Law School, 80 New Scotland Avenue, Albany, New York 12208  
518-445-2340

Provides a complete law library and will supply basic instructions on the use of the library. Cannot provide legal advice. Please call for days and hours that the library is open.

### **67/ New York State Library**

Cultural Education Center, 7th floor, Albany, New York 12230  
518-474-5355

Provides an extensive law library and will supply basic instructions on the use of the library. Cannot provide legal advice. Open Monday to Friday from 9:00 am to 5:00 pm. Located above the State Museum.

### **68/ Thomas E. Dewey Library for Public Affairs and Policy**

135 Western Avenue, Albany, New York 12222  
518-442-3691

Provides an extensive collection of American law materials including statutes, case reporters, law reviews, and monographs. Emphasis is on criminal law, public law, and social welfare. Reference assistance is provided regarding the use of the collection. Cannot provide legal advice. Please call for days and hours that the library is open.

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## Navigating the New York State Prison System

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Navigating through the New York State prison system can be a very frustrating experience for many prisoners' families. This section of the directory is intended to provide some information about state offices and other entities that can answer questions and address problems encountered by prisoners and their families.

### **NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES**

Building 2, State Campus, 1220 Washington Avenue, Albany, New York 12226  
518-457-8126

The New York State Department of Correctional Services is the state agency that operates the state's prisons which currently house over 70,000 inmates. The DOCS administration, based in Albany, includes many different offices responsible for a variety of functions.

- **Classification and Movement**

518-457-6022

Provides information on inmate transfers within the system. If you know the inmate's DIN (department identification number), you may receive information on his/her custody status by calling the automated New York State VINE (Victim Information and Notification Everyday) system at 888-846-3469.

- **Office of Guidance and Counseling**

518-457-5652

Oversees inmate education and counseling services at all facilities. Each state correctional facility assigns counselors to inmates. Please call the appropriate facility to speak with an inmate's counselor.

- **Office of Ministerial and Family Services**

518-457-8106

Serves the religious and family-related needs of inmates. Maintains visitation programs, including the Family Reunion Program and the free state-sponsored buses to correctional facilities.

- **Office of Public Information**

518-457-8182

Answers questions regarding all aspects of DOCS and its operations.

## **NEW YORK STATE COMMISSION OF CORRECTION**

Executive Offices, Executive Park, Stuyvesant Plaza, Albany, New York 12203

518-485-2346

The New York State Commission of Correction is the state agency responsible for overseeing the operations of New York's county jails. The COC administration, based in Albany, includes different offices responsible for a variety of functions.

- **COC Investigators**

Investigate all inmate deaths, including those at state correctional facilities.

- **Medical Review Board**

Reviews the granting of special medical needs of inmates at county jails.

## **OTHER INFORMATION**

- **Collect Calls from Prisoners**

MCI-WorldCom is the private company that arranges for New York State inmates to make collect telephone calls to their families and friends. For more information on this service, call 800-937-1048.

- **Transportation to Prisons**

For information on free state-sponsored buses to correctional facilities, call the Office of Ministerial and Family Services at the Department of Correctional Services at 518-457-8106. There are also several private companies which offer transportation to correctional facilities. For more information on some of these services, contact Operation Family Connection at 518-783-7604, Operation Prison Gap at 914-376-7771, United Brothers at 888-834-2700, or Inspirational Travel Van at P.O. Box 1512, Albany, New York 12201.

- **Correctional Rehabilitation and Life Skills Committee**

Monitors physical conditions, treatment, and access to rehabilitation services

# **The Legal Rights of Ex-Offenders**

There is no federal statute designed to specifically protect ex-offenders from employment discrimination. But policies that specifically deny people jobs on the basis of arrests not followed by conviction, or policies that bar those with a criminal record from employment, have been ruled illegal under federal civil rights laws. Since minorities are arrested and convicted at a greater rate than whites, courts have found that such policies have a racially discriminatory effect. So, in some cases, a refusal to hire on the basis of a criminal record may be illegal race discrimination under federal law.

New York State has two laws that protect persons with criminal records from discrimination by employers and occupational licensing agencies: Article 23-A of the Correction Law (§§750-755) and the Human Rights Law (Exec. L. §296(15), (16)).

## **Discrimination Based on Arrest**

The New York State Human Rights Law prohibits public and private employers and occupational licensing agencies from denying any individual a job or license (or otherwise discriminating against that person) because of any arrest that did not result in conviction (Exec. L. §296(16)). This law also makes it illegal for most employers and licensing agencies to ask applicants to disclose or discuss any arrest that did not lead to conviction. The law does not apply to police or “peace officer” jobs, though. The Human Rights Law also makes it illegal for employers to inquire about an applicant’s disabilities, including his or her treatment for alcoholism or drug addiction.

## **Discrimination Based on Conviction**

Although it is legal for employers and licensing agencies to ask individuals about past convictions for criminal offenses, Article 23-A of the Correction Law (§§750-755) protects ex-offenders from being unfairly denied jobs or occupational licenses solely because of their convictions. This law, which applies to all New York State occupational licensing authorities, public employers (except for positions involving members of law enforcement agencies), and private employers of more than 10 employees, makes it illegal to deny any ex-offender a job or license because of his or her past conviction(s) unless that person’s conviction(s) are “directly related” to the job in question, or hiring or licensing that person would create an “unreasonable risk” to the safety of people or property.

The factors which must be considered in determining job-relatedness and risk to the public and to property include:

1. New York’s public policy to encourage the licensing and employment of ex-offenders;

2. The specific duties and responsibilities necessarily related to the license or employment being applied for, and the bearing, if any, that the ex-offender’s criminal history will have on his or her fitness to perform these duties and responsibilities;
3. The time which has elapsed since the ex-offender’s criminal conduct, and the ex-offender’s age at the time of its occurrence;
4. The seriousness of the individual’s offense or offenses;
5. The legitimate interest of the employer or licensing agency in protecting property, specific persons, or the general public; and
6. Any evidence of rehabilitation that an ex-offender presents, including a Certificate of Relief from Disabilities or Certificate of Good Conduct.

Whether a particular ex-offender’s conviction is “job-related” must be determined on a case-by-case basis. The meaning of “job-relatedness” and standards for implementing the law are still being developed. But the Correction Law (and the Human Rights Law), which make violations of Article 23-A illegal discriminatory practices, offer ex-offenders protection against arbitrary discrimination.

## **What You Can Do to Prevent or Address Employment or Licensing Discrimination If You Have a Criminal Record**

1. Make sure your rap sheet, or criminal record, is correct. For more information, contact the New York State Division of Criminal Justice Services, Executive Park Tower, Stuyvesant Plaza, Albany, New York 12203 (telephone: 518-457-1260).
2. Remove statutory bars to jobs or licenses. If you have only one felony and/or any number of misdemeanors, you may apply for a Certificate of Relief from Disabilities. If you have more than one felony, you may apply for a Certificate of Good Conduct. For more information, contact the New York State Division of Parole, Executive Clemency Bureau, 97 Central Avenue, Albany, New York 12206 (telephone: 518-473-5195).
3. Contact the New York State Division of Human Rights, Alfred E. Smith Office Building, 25th floor, Albany, New York 12225 (telephone: 518-473-8925) or consult an attorney regarding the possibility of filing a lawsuit in state or federal courts.

## **Where to Get Help with Problems of Discrimination Based on Arrest or Conviction**

Contact the New York State Division of Human Rights, Alfred E. Smith Office Building, 25th floor, Albany, New York 12225 (telephone: 518-473-8925). Or, you may contact the Legal Action Center, 153 Waverly Place, New York, New York 10014 (telephone: 212-243-1313).

## **Offender Rights in Community-Based Corrections Programs: Probation and Parole Revocation**

The Supreme Court has ruled that certain due process requirements must be observed at revocation proceedings. A probationer and a parolee are entitled to a preliminary and a final revocation hearing. Although a revocation hearing is not a criminal prosecution, certain minimal due process safeguards are mandated. One of the most important is that probationers and parolees have a right to counsel. Those who cannot afford an attorney are entitled to appointed counsel.

Other due process rights include:

- Written notice of the violation.
- Opportunity to be heard in person and to present evidence as well as witnesses.
- Right to judgement by a detached and neutral body.
- Written statement of reasons for revocation.

## **Conditions of Parole and Probation Behavior**

Although the sentencing court has broad discretion in setting conditions of behavior, this discretion is not absolute. It can be argued that conditions that have no relationship to either the protection of the community or the rehabilitation of the offender might be invalid.

## **Complaints Against Probation Officers**

To make a complaint against a probation officer, contact the officer's supervisor or the County Director. If dissatisfied with the outcome, contact the State Director, New York State Division of Probation and Correctional Alternatives, Executive Park Tower, Stuyvesant Plaza, Albany, New York 12203.

## **Complaints Against Parole Officers**

To make a complaint against a parole officer, contact the officer's supervisor. If you are dissatisfied with the outcome, contact the Office of Professional Responsibility, New York State Division of Parole, 97 Central Avenue, Albany, New York 12206.

## **For More Information**

For more information on the legal rights of ex-offenders, contact The Center for Law and Justice, Pine West Plaza Building 2, Washington Avenue Extension, Albany, New York 12205 (telephone: 518-427-8361).

## **About The Center for Law and Justice**

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The mission of The Center for Law and Justice is to promote the empowerment of individuals and communities to change social justice policy to bring about fair and just juvenile and criminal justice systems.

The Center seeks to accomplish its mission by pursuing three major goals:

- Serve as a clearinghouse for legal, juvenile and criminal justice information, education, and referral.
- Provide individual and group-based advocacy that promotes social justice.
- Support the social, economic, and political empowerment of individuals, groups, and communities.

For more information, contact:

**The Center for Law and Justice**

Pine West Plaza Building 2

Washington Avenue Extension

Albany, New York 12205

phone: 518-427-8361

fax: 518-427-8362

**Includes Special  
Sections on  
the Legal Rights  
of Ex-Offenders and  
Navigating the  
State Prison System**