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## Survivors Need Clean Slate, Too

By Kate Mogulescu

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The Clean Slate Act is on the verge of passage here in New York and that is a win for all New Yorkers. By increasing economic justice and opportunity, Clean Slate will allow millions of people to support their families and make communities stronger and safer. Survivors of domestic violence, as well as victims of other crimes - many who have conviction histories themselves - will benefit from the passage of this long overdue and transformative bill.

Our legal system should not permanently bar those who have completed their sentences from accessing basic life essentials, but that's exactly what happens right now. Years, and even decades, after someone has done their time, old criminal records cause barriers to jobs, housing and education that make it nearly impossible for people to get back on their feet. By eliminating these barriers, individuals will be able to support themselves and their families. Clean Slate will make all of our communities safer.

As the Director of the Survivors Justice Project and a Professor of Clinical Law at Brooklyn Law School, I have seen first-hand the devastating impact of collateral consequences that continue long after someone has successfully and fully completed their sentence.

I have also worked alongside countless survivors of domestic violence and human trafficking who have criminal records, often as a direct consequence of the abuse they have endured. Take Mariann, for example, who was convicted of petit larceny for using her abusive husband's credit card while she was escaping with her young son. Many years later, she continues to be denied jobs she is more than qualified for because of that record.

For survivors of violence and abuse who have been criminalized, Clean Slate would allow them to access what they need most in order to rebuild their lives and support their children: housing, employment and education. Survivors would be able to protect their privacy and make their own decisions about whether or not to disclose the violence they have survived, rather than being retraumatized or fearful every time they apply for a job or an apartment.

Despite inaccurate fear-mongering about the bill, there is no reason to believe Clean Slate would compromise the safety of victims of crime. Orders of protection will remain active and will not be sealed under Clean Slate. People will only be eligible to have their records sealed under Clean Slate after a 3-year waiting period for a misdemeanor conviction and an 8-year waiting period for a felony conviction, following any period of incarceration, without any new charges.

When a person is able to have an old criminal record sealed, [research](#) shows that their likelihood of committing a crime is even lower than the general population. Still, in the case that

someone with a sealed record ends up charged with a new crime, law enforcement and the courts will be able to see their prior record and current sentencing laws will apply. Clean Slate doesn't change that.

Too many New Yorkers are unfairly held back by old conviction records. These are our neighbors, our fellow congregants, our family members. And just as importantly, these are people who have themselves been victims of crime, which in many cases led to their prior arrests and convictions. When we ask survivors themselves, they will tell you [two to one that they want a criminal legal system that focuses more on rehabilitation than punishment.](#)

Now is the time to implement evidence-based solutions and address this ongoing harm with real relief. With just two scheduled session days remaining on the calendar, Clean Slate cannot, must not, and will not wait.

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