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Stop Selling Them: Unreliable CHAIRS reports do more harm than good

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By **The Post-Standard Editorial Board**

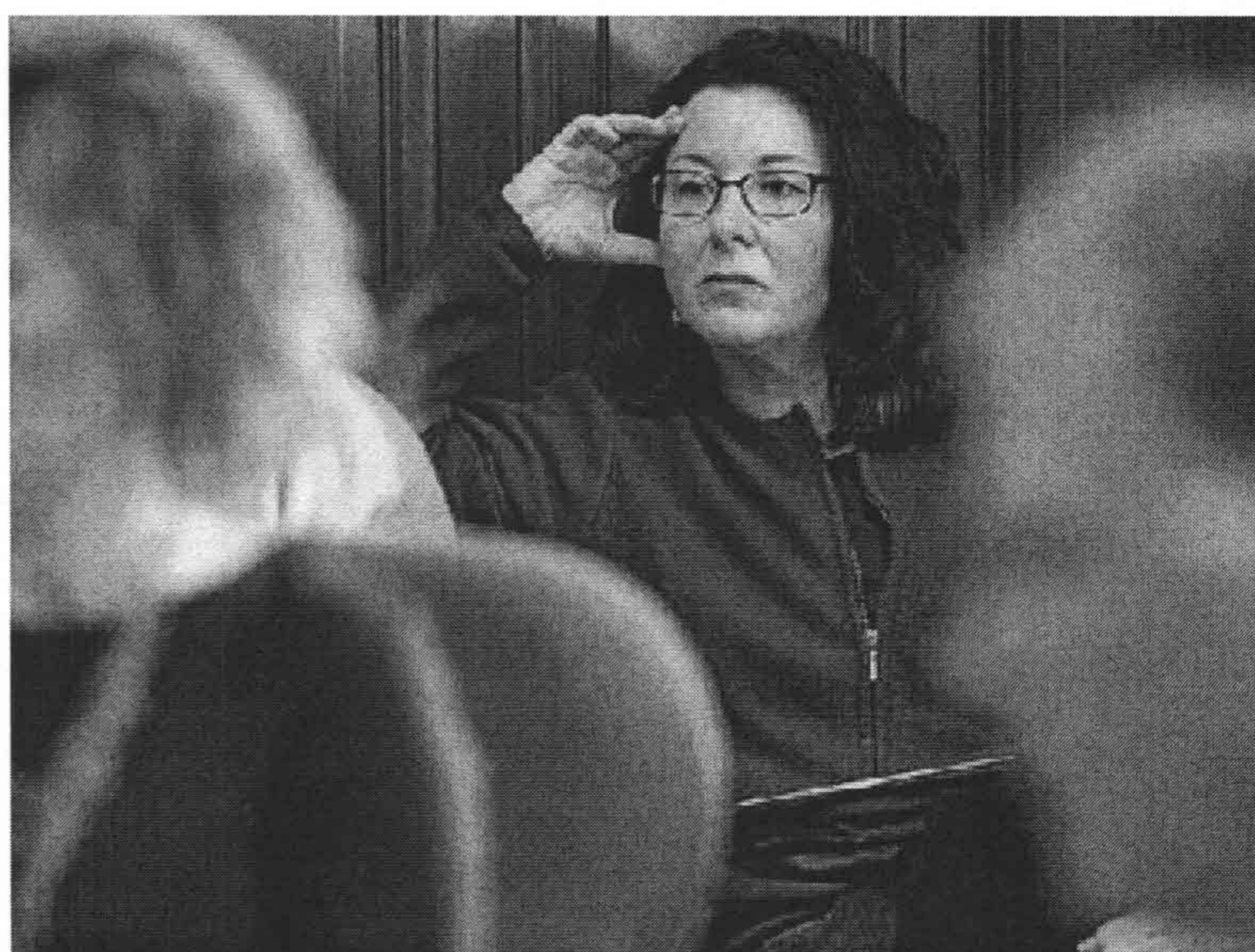
When members of the Alliance of Communities Transforming Syracuse (ACTS) raised objections in late 2009 to the Onondaga County Sheriff's Office practice of selling background checks for \$10, the group made a convincing case the reports were unfair.

They argued the reports — Criminal History Arrest Incident Reporting System, or CHAIRS — are flawed because they list arrests in Onondaga County but do not show the disposition of charges. In many cases, the outcome of an arrest required that the arrest record be sealed.

Now a study by the Center for Community Alternatives (CCA) shows ACTS greatly underestimated the level of inaccuracy in the CHAIRS reports. The findings strengthen their calls for the sheriff to stop selling the reports and for landlords and employers to stop using them. We endorsed those suggestions in 2009 and find the new data even more convincing.

The CHAIRS reports date to the 1980s. They come from a countywide database and incorporate information from most police agencies operating in Onondaga County, except the state police and Skaneateles police. The system was developed to give police quick access to information about the criminal backgrounds of people they deal with. That kind of internal use makes sense.

The problem comes when employers, volunteer groups and landlords use the reports to screen applicants or potential tenants. The inaccuracies unfairly deny people employment, housing and community service opportunities. A majority of reports include information about arrests that are protected from disclosure by New York's sealing statutes, Human Rights Law and the Fair Credit Reporting Act.



David Lassman/The Post-Standard, 2009

RETIRED STATE Trooper Lisa Parlato learned when applying to mentor a student that a 1976 shoplifting arrest that should have been sealed was on her CHAIRS report.

The CCA reviewed 70 criminal background reports the sheriff's office generated between August 2008 and April 2010. The study found 64.3 percent of the CHAIRS reports (45 out of 70) reviewed contained at least one arrest that should not be publicly disclosed under New York state law because they were sealed.

Ninety percent of the reports reviewed contained arrests that did not lead to criminal convictions and therefore should not be disclosed.

In allowing such reports to be disseminated publicly, the sheriff's office "is regularly undermining New York's law and public policy," the CCA report says. Patricia Warth, of CCA, adds that the reports undermine public safety by limiting employment and housing options for people who were in the criminal justice system. People with stable jobs and housing are less likely to commit crimes again, she said.

After ACTS met with Sheriff Kevin Walsh in 2009, his office clarified on the report that they reflect only arrests, and the report is labeled an "arrest history" rather than a "criminal arrest history." The new reports fail to note that they do not reflect court dispositions, although the sheriff's website does say that.

That's a minor improvement. But the onus should not be on individuals to correct any mistakes.

Walsh continues to defend selling the \$10 reports because they're much cheaper than the \$125 fee charged by the state Division of Criminal Justice Services, or the \$65 fee charged by the state's Office of Court Administration.

That only proves the adage, you get what you pay for. If Walsh's office can't provide accurate background reports, it should stop selling them.

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