

Criminal History Records: Frequently Asked Questions (FAQs)

1. How do I obtain a copy of my New York State criminal history?

An individual can request a Personal Record Review to obtain a copy of his or her criminal history record information maintained at the New York State Division of Criminal Justice Services (DCJS) or a "no record" response indicating that he or she has no criminal history record information on file with the agency.

Individuals cannot request a Personal Record Review for another person in order to determine if that person has a criminal history.

2. How can I correct information on my criminal history record that is wrong or incomplete?

Criminal history record information is provided to DCJS by criminal justice agencies, including police departments, the courts, probation departments and the state Department of Corrections and Community Supervision. Criminal history records also are commonly referred to as "rap sheets."

Individuals who believe their personal criminal history records maintained by DCJS are incomplete or inaccurate can use the "challenge" process to provide supporting documentation so that incorrect or incomplete data can be fixed.

The DCJS Record Review Unit handles the challenge process. For more information or to submit a challenge to a criminal history record, contact the unit by:

E-mail:

dcjsCriminalJusticeRecords@dcjs.ny.gov

OR

Surface Mail:

Records Correspondence Unit
New York State Division of Criminal Justice Services
80 South Swan St.
Albany, New York 12210

The following steps must be taken to challenge the accuracy or completeness of a criminal history record involving:

- **Arrest Information:** To change or correct arrest information, such as arrest charges, date of arrest or date of crime, individuals must contact the agency that made the arrest and request that the agency submit the changes to DCJS. The

agency must submit the changes in writing in order for DCJS to update the criminal history record information.

- **Disposition Information:** To change or correct existing disposition information, or to update missing disposition information, individuals must contact the court that handled the case and request a certified copy of the disposition. Individuals must then send the certified copy of the disposition to DCJS. Photocopies are not acceptable unless they contain a raised seal placed on the document by the court.
- **Unsealed Arrest and/or Conviction Information:** Individuals who believe that arrests or convictions should be sealed must contact the court that handled the case and request a certified sealing order. Individuals must then send the certified sealing order to DCJS. Photocopies are not acceptable unless they contain a raised seal placed on the document by the court.

Please Note: New York State law does not allow for adult (defined as individuals 16 years or older) arrest or conviction records to be expunged (erased).

Certain convictions or a record related to an arrest resulting in a termination of the case in favor of an individual, such as dismissal or acquittal, may be sealed. Sealing means that information is not included on a criminal history record, however, there are limited circumstances when a sealed record can be released.

Examples are as follows:

- In response to a fingerprint-based criminal history background check on an individual applying for a peace/police officer job;
- In response to a check on an individual seeking a firearms license;
- As a result of a court order; and
- In response to an individual's request for his or her own criminal history record. To receive criminal history record information with sealed information included, an individual must request an unsuppressed (unsealed) record.

3. **How do I obtain a certificate of relief from disabilities?**

A certificate of relief may be issued by a court or the New York State Department of Corrections and Community Supervision (DOCCS). The certificate removes restrictions barring individuals who have been convicted of misdemeanors, or up to one felony, from certain types of employment and/or from obtaining certain licenses.

Individuals seeking a certificate of relief must contact the court that handled their case or visit the DOCCS website at www.doccs.ny.gov for information on how to apply.

4. How do I obtain a certificate of good conduct?

A certificate of good conduct may be issued by DOCCS. This certificate removes certain employment and licensure restrictions imposed on individuals who have been convicted of two or more felonies, and may restore the right of the individual to hold public office.

Individuals seeking a certificate of good conduct can visit the DOCCS website at www.doccs.ny.gov for information on how to apply.

5. I was convicted of a misdemeanor or felony in New York State more than 10 years ago. How do I get the conviction expunged?

New York State law does not allow for adult (defined as individuals at least 17 years old as of 2018 and 18 years old as of 2019) arrest or conviction records to be expunged (erased). Certain convictions or a record related to an arrest resulting in a termination of the case in favor of an individual, such as dismissal or acquittal, may be sealed.

Sealing means that information is not included on a criminal history record, however, there are limited circumstances when a sealed record can be released.

Examples are as follows:

- In response to a fingerprint-based criminal history background check on an individual applying for a peace/police officer job;
- In response to a check on an individual seeking a firearms license;
- As a result of a court order; and
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New York State Youth Pardon Program

6. Can an individual obtain a copy of someone else's criminal history record information?

No.

7. Does DCJS perform criminal background checks and who can request it?

Yes. DCJS performs fingerprint-based criminal history record information background checks for employment and licensing purposes for a fee.

An individual can request his or her own criminal history record information for personal use.

Criminal History Record Information maintained by the DCJS may only be released to entities having statutory authority to access that information or pursuant to a judicial order or subpoena.

New York State Executive Law defines the “qualified agencies” that are eligible to access criminal history record information.

Access to criminal history record information for employment or licensing is permitted only if there is a state law, federal law, or local law of a New York State village, town, city, or county that specifically authorizes a fingerprint-based criminal history record background check. Requests can take up to five business days.