

## **Personal Criminal History Record Frequently Asked Questions**

### **1. How do I obtain a certificate of relief?**

**Answer:** A certificate of relief is a document, issued by a court or the Department of Corrections and Community Supervision, which removes restrictions barring individuals who have been convicted of misdemeanors or up to one felony from certain types of employment and from obtaining certain licenses.

You need to contact the court or the New York State Department of Corrections and Community Supervision at [www.doccs.ny.gov](http://www.doccs.ny.gov) for detailed information on how to apply for the certificate.

### **2. How do I obtain a certificate of good conduct?**

**Answer:** A certificate of good conduct is a document, issued by the Department of Corrections and Community Supervision, which removes 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.

You need to contact the New York State Department of Corrections and Community Supervision at [www.doccs.ny.gov](http://www.doccs.ny.gov) for detailed information on how to apply for the certificate.

### **3. I was convicted of a misdemeanor or felony in New York State more than 10 years ago. How do I get it expunged?**

**Answer:** New York State law does not allow for expungement of adult arrest records (those based upon criminal incidents when the individual was 16 years of age or older).

However, a record related to an arrest that resulted in a dismissal of the charge or an acquittal may be sealed. A sealed record can be released only for limited purposes, such as if an individual applies for a pistol permit or for employment as a police or peace officer.

Additionally, a sealed record may be released to parole or probation if you are under supervision.

### **4. How do I obtain a copy of my New York State criminal history?**

#### **To Request a Public Record Review While Living in New York State:**

1. To schedule an appointment for fingerprinting, contact MorphoTrust USA by calling 1-877-472-6915 (toll-free) or visiting its website: [www.Identogo.com](http://www.Identogo.com). New York State contracts with MorphoTrust USA to provide this service.
2. The following information must be provided when calling to schedule an appointment:
  - a. The Record Review ORI Number: **NYDCJSPRY**
  - b. The type of Personal Record Review: Suppressed or Unsuppressed
  - c. If the response will be sent to an attorney instead of the individual making the request

3. Individuals must provide the following upon arrival for the fingerprinting appointment:

- a. Two forms of identification (information on acceptable forms are available on the MorphoTrust USA website or from the MorphoTrust USA Call Center);

AND

- b. Payment for fingerprinting services: \$59.95 using cash, credit card or personal or business check, certified check, bank check or money order made out to "MorphoTrust USA".

**After a request has been submitted:**

Individuals may verify that their fingerprint transaction has been submitted to DCJS by contacting MorphoTrust USA at 1-877-472-6915 (toll-free).

DCJS will send the Personal Record Review response via U.S. mail within seven to 10 business days after it receives fingerprints. Responses cannot be picked up at DCJS.

The response may include criminal history information, information about fingerprints submitted by law for employment or licensure, or "no response," which indicates no criminal history on file with DCJS. Also included is a form explaining how to challenge the accuracy of any reported information.

**To Request a Record Review While Living Outside New York State:**

1. Contact the DCJS Record Review Unit to request an out-of-state Record Review application packet by:

- a. **E-Mail:** [RecordReview@dcjs.ny.gov](mailto:RecordReview@dcjs.ny.gov). Please provide current **complete** mailing address via e-mail, including addresses outside the United States, to obtain the application packet. The packet cannot be sent via e-mail.

OR

- b. **Surface Mail:**

Record Review Unit  
New York State Division of Criminal Justice Services  
Alfred E. Smith Building  
80 South Swan St.  
Albany, New York 12210

2. Complete the "Request for MorphoTrust USA Cardscan Fingerprinting Services – NYS Division of Criminal Justice Services Record Review Program" application form and select the type of Personal Record Review: Suppressed or Unsuppressed.

3. Obtain fingerprints on the enclosed fingerprint card and complete the demographic information on the card. **Please use only the card provided and do not fold it.** If applicable, complete the authorization on the application form to have the Record Review response mailed to an attorney.

4. Send the completed application form and fingerprint card, along with the fee of \$59.95, which can be paid by credit card or personal or business check, certified check, bank check or money order made out "MorphoTrust USA" to the following address:

MorphoTrust USA  
New York Card Scan Department  
3051 Hollis Drive, Suite 310  
Springfield, IL 62704

**After a request has been submitted:**

Individuals may verify that their fingerprint transaction has been submitted to DCJS by contacting MorphoTrust USA at 1-877-472-6915 (toll-free).

DCJS will send the Personal Record Review response via U.S. mail within seven to 10 business days after it receives fingerprints. Responses cannot be picked up at DCJS.

The response may include criminal history information, information about fingerprints submitted by law for employment or licensure, or "no response," which indicates no criminal history on file with DCJS. Also included is a form explaining how to challenge the accuracy of any reported information.

**5. Can I request a waiver of the Record Review Fee?**

**Answer:** Yes. Individuals unable to pay the fingerprint processing fee may contact DCJS to request a Record Review Fee Waiver application packet by:

- a. **E-Mail:** [RecordReview@dcjs.ny.gov](mailto:RecordReview@dcjs.ny.gov). Please provide current **complete** mailing address via e-mail, including addresses outside the United States, to obtain the application packet. The packet cannot be sent via e-mail.

OR

- b. **Surface Mail:**

Record Review Unit  
New York State Division of Criminal Justice Services  
Alfred E. Smith Building  
80 South Swan St.  
Albany, New York 12210

1. Complete and return the Record Review Fee Waiver packet to the DCJS Record Review Unit (address above) and select the type of Personal Record Review: Suppressed or Unsuppressed.
2. Please include the following:
  - a. The Record Review Fee Waiver application form;
  - b. The completed fingerprint card: obtain fingerprints on the enclosed fingerprint card and complete the demographic information on the card. **Please use only**

**the card provided and do not fold it.** If applicable, complete the authorization on the application form to have the Record Review response mailed to an attorney.

- c. Documentation to support your request for a fee waiver such as a photocopy of a valid and current public assistance benefits card; or a notarized financial statement listing available assets and current income, which includes certification or attestation that the statement is true and accurate.

3. DCJS staff processes fingerprint cards when Record Review Fee Waiver requests have been approved.

#### **After a request has been submitted:**

After mailing the Record Review Fee Waiver Request to DCJS, allow for a minimum of seven to 10 business days for a response, which will be sent via U.S. Mail.

The response may include criminal history information, information about fingerprints submitted by law for employment or licensure, or “no response,” which indicates no criminal history on file with DCJS. Also included is a form explaining how to challenge the accuracy of any reported information.

#### **Additional Information: Civil Fingerprint Processing**

##### **1. Does DCJS perform background checks?**

**Answer:** Yes. DCJS performs fingerprint-based background checks for employment and licensing purposes.

##### **2. Who can request a background check?**

**Answer:** An agency may request a background check for an applicant for employment or licensing based upon a federal, state, or local statute that authorizes submission of fingerprints to DCJS.

An agency may also be authorized to have the fingerprints submitted to the FBI for a federal fingerprint-based background check if a state law authorizes such access.

If authorized by law, private sector and not-for-profit agencies requesting background checks are normally required to have the fingerprints submitted through the state agency that has regulatory authority over their operations.

##### **3. If an agency is authorized by a law to request a fingerprint based background check for a certain type of job/license application, what fees are charged?**

**Answer:** The standard DCJS processing fee for background checks is \$75. The standard FBI fee for background checks submitted electronically is \$14.75.

In addition, MorphoTrust USA under a contract with New York State may submit civil fingerprint transactions from authorized contributors to DCJS.

If a contributor agency chooses to utilize the MorphoTrust network for transmission of their authorized civil fingerprint submissions, an additional MorphoTrust vendor fee would apply.

In all cases, applicants should contact the agency that instructed them to be fingerprinted for the current fee.

**4. When an applicant fingerprint card is submitted to DCJS, how long does the fingerprint search process take for results to go back to the authorized agency?**

**Answer:** Once the fingerprints and associated data are taken, sent, and received by DCJS, the authorized agency should receive the applicant's criminal history within five days. In the case of applicant prints submitted electronically, DCJS strives to process such transactions within 24-48 hours.

*Updated June 2015*