

What About Arrest Records?

If you were arrested, but were never charged and never went to court, you can ask to have your arrest record sealed by writing a letter to the chief of police in the community where you were arrested. You can contact Legal Aid to find out if you are eligible for help sealing an arrest record.

What About Juvenile Records?

Unlike adult criminal records, juvenile records can be both sealed and expunged (with the exception of certain offenses such as aggravated murder, murder, and rape). More information about sealing juvenile records is available at www.lasclev.org.

What if I am not eligible?

People with convictions that are not eligible to seal may be eligible and can apply for a Certificate of Qualification for Employment (CQE). A CQE potentially allows people with convictions to overcome barriers to getting jobs and certain job related licenses. Interested people can apply for a CQE online at the Department of Rehabilitation and Correction's website, www.drccqe.com. A person with misdemeanor convictions must wait six months before applying. Persons with felonies must wait one year.



This brochure was prepared by Legal Aid, which serves low-income residents of Ashtabula, Cuyahoga, Geauga, Lake and Lorain counties in Northeast Ohio.

Intake Line for New Legal Cases

Toll Free: 888.817.3777

Tenant Information Line

Call for info related to tenants' rights and rental housing.

(This line does not provide legal advice.)

216.861.5955

Learn more about Legal Aid and upcoming brief advice clinics:

www.lasclev.org

Legal Aid Offices:

Cleveland & Administrative Offices

1223 West Sixth Street, Cleveland, OH 44113

Elyria Office

1530 West River Road, Suite 301, Elyria, Ohio 44035

Jefferson Office

121 East Walnut Street, Jefferson, OH 44047

Painesville Office

8 North State Street, Suite 300, Painesville, OH 44077

If you have a communications limitation, contact Legal Aid through the Ohio Relay Service at 800.750.0750.

Legal Aid offers interpretation and translation services so those with limited English proficiency can communicate with Legal Aid staff in their dominant and/or preferred language.

The information in this brochure cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.



LA0074 10/18

Sealing An Ohio Criminal Record



www.lasclev.org

“Sealed” or “Expunged”?

In Ohio, adult convictions generally cannot be “expunged” or completely erased from your record. Instead of expungement, Ohio uses a court process called “sealing a criminal record.” If your record is sealed, you do not have to disclose your conviction, arrest, or any charge against you when you apply for most jobs. Under Ohio law, once the record is sealed, it is as if the offense never occurred.

Even sealed records will be available to some employers for some jobs. For example, your convictions, even if sealed, may disqualify you from a job working with children, older persons, developmentally disabled persons, or from a job that has a substantial connection with your offense. You must report sealed records when enlisting in the military. The Ohio Bureau of Criminal Identification and Investigation (BCI) keeps a record of all sealed criminal records.

Who Is Eligible?

To be eligible to seal a criminal record, you must meet one of two sets of criteria. If you meet the requirements listed under either Criteria A or Criteria B below, you may qualify to seal your criminal record.

Criteria A:

First, you may be eligible if you have:

- No more than five 4th or 5th degree felony convictions, AND
- Unlimited number of misdemeanors, AND
- No 1st, 2nd, or 3rd degree felony convictions, AND
- No felony sex offense convictions, AND
- No violent crime convictions (felony or misdemeanor).

If you meet this criteria, you may be able to seal all of your convictions, including felonies and misdemeanors. If you do not qualify under Criteria A, you may still be eligible to seal your records if you satisfy the following:

Criteria B:

You may be eligible if you have NO MORE THAN:

- Two misdemeanor convictions; OR
- One misdemeanor and one felony conviction

ALL convictions are considered, regardless of how long ago they happened or where they occurred (including other state and federal courts).

Even if you are eligible to seal your records, some convictions can never be sealed, including traffic and OVI/DUI offenses, serious crimes of violence, most crimes involving children, most sex crimes, and 1st or 2nd degree felonies. Also, the prosecutor may object to the request to seal criminal records. It is up to the court to decide whether to allow a record to be sealed.

You can usually seal records of “minor misdemeanor” convictions, dismissed cases, “no bills” and “not guilty” verdicts even if you fail both tests listed above.

When Can You File?

You must wait a certain amount of time after you have completed your sentence before sealing your record. The time period you must wait begins when you have finished serving a jail or prison sentence, any term of probation or parole, and paid any fines (referred to as final discharge).

• **FELONY:** Depending on the number of felony convictions, you must wait either 3, 4 or 5 years.

• **MISDEMEANOR:** You must wait at least one year.

- **ARRESTED AND CHARGED, BUT NOT INDICTED:** You must wait at least 2 years from the time that a jury failed to indict you and the jury’s report of “no bill” was returned.
- **NOT GUILTY OR NOLLED:** You can file any time after you were found not guilty, your case was nolled (dropped), or your case was dismissed.

Where Should I Start?

To seal your criminal record, you need to know your complete criminal record including all arrests, convictions, dismissals, nolles, and no bills. Gather documents related to all of your records. For each court where you have a criminal record, contact the clerk of courts office to obtain your records. You can go in person, call by telephone, or search the clerk’s website. For a fee, you may also request an Ohio BCI Webcheck through the Ohio Bureau of Motor Vehicles. A complete listing of locations that provide Webchecks is available on the Ohio Attorney General’s website. Please note that a Webcheck may not include all of your convictions, such as some misdemeanor convictions.

For felonies in Cuyahoga County, you can request help from the Public Defender’s office. You would need to fill out an application that can be found online at www.publicdefender.cuyahogacounty.us/ and return it in person or by mail to:

Cuyahoga County Public Defender’s Office
Attn: Expungement Application
310 W. Lakeside, Suite 200
Cleveland, OH 44113

For misdemeanors in Cuyahoga County, or misdemeanors and felonies in Ashtabula, Lorain, Lake, and Geauga Counties, call Legal Aid to find out if you are eligible for help at 1.888.817.3777.