



## **Criminal History Record FAQs**

Visit [Requesting Your New York State Criminal History](#) for important information about what you need to know and the steps you need to take to request your criminal history, commonly called a rap sheet, or verify that you don't have a record in the state.

**Note:** *This process also may be called fingerprint-based criminal background checks, police certificate or police certification.*

### **1. How can I or my lawyer correct information on my criminal history record that is wrong or incomplete?**

If you believe your New York State criminal history record maintained by DCJS is incomplete or inaccurate, you must provide supporting documentation to fix the omissions or errors. This process is known as challenging your record.

**Arrest Information:** To change or correct arrest information, such as arrest charges, date of arrest or date of crime, you must contact the police 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 disposition information or to add a disposition that is missing, you must contact the court that handled the case and request a certified copy of the disposition. You 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:** If you believe that an arrest(s) or conviction(s) should be sealed, you must contact the court that handled the case and request a certified sealing order. You 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.

For more information or questions about this process:

**Email:** [dcjsCriminalJusticeRecords@dcjs.ny.gov](mailto:dcjsCriminalJusticeRecords@dcjs.ny.gov)

or

**Write:** Records Correspondence Unit, New York State Division of Criminal Justice Services, 80 South Swan St., Albany, N.Y. 12210.

### **2. Someone gave my name and date of birth to police when they were arrested. What can I do to prove it wasn't me?**

Review [Arrests Involving Suspected Identity Theft](#) to learn how DCJS can help you with this process.

**3. Can individuals or members of the media request someone else’s criminal history or submit a request to DCJS to find out if someone has a criminal history?**

No. Official criminal history records maintained by DCJS are not considered public records. They cannot be provided under the state’s Freedom of Information Law, even if an individual is deceased.

**4. Can an individual request copies of fingerprints or the criminal history record of a family member(s) who has died?**

No.

**5. Can I apply to have my criminal record destroyed?**

State law only allows individuals convicted of unlawful possession of marijuana and fifth-degree criminal possession of marijuana to seek destruction of those conviction records.

You must make a formal request to the state’s Unified Court System to have those records destroyed. Visit [www.nycourts.gov](http://www.nycourts.gov) and search “marijuana convictions” for more information about that application process.

If you have no convictions on your record for at least 10 years and have no charges pending, you may apply to a court to request that certain New York State convictions be sealed:

- [English »](#)
- [Español »](#)
- [Application Forms and Instructions](#)

Sealing means that all of the arrest, court and prosecution records related to certain convictions are confidential and cannot be seen except under the limited circumstances as required by state law, including:

- If an individual is applying for a job as a police or peace officer; and,
- If an individual is applying for a pistol permit.

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

A certificate of relief may be issued by a court or the [state Department of Corrections and Community Supervision](#) (DOCCS).

You must contact the court that handled your case or [DOCCS](#) for information on how to apply. Visit [www.nycourts.gov](http://www.nycourts.gov) for more information about this process.

If granted, the certificate removes restrictions that bar individuals who have been convicted of misdemeanors, or one felony, from certain types of employment and/or from getting certain licenses.

**7. 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 faced by individuals who have been convicted of two or more felonies and may restore the right of the individual to hold public office.

**8. I am applying for a job and the potential employer told me I needed to submit my fingerprints to DCJS for a background check. Can they ask me to do that?**

There must be a local, state, or federal law that allows a potential employer to ask you to submit fingerprints to DCJS so you can be considered for a job. You also may be asked to submit your fingerprints to DCJS if you are applying for a professional license.

The potential employer or agency that grants the license must make you aware of that requirement.

A fingerprint-based criminal history check done by DCJS is not the same as a “background check” done by third parties or businesses that sell this information. Third parties or businesses get the information they sell by searching public databases and records by name, date of birth or other demographic information, such as home addresses. Those records are not fingerprint-based. DCJS does not sell its records to third parties or businesses.