

RECORD SEALING AND EXPUNGEMENT

WHAT IS THE DIFFERENCE BETWEEN SEALING AND EXPUNGEMENT?

- Both remove the criminal record from any public search
- Both make the record inaccessible to most background checks
- Sealing causes the record to only be accessible by limited court order for specific criminal justice or government agencies
- Expungement causes the record to be destroyed and permanently irretrievable
- An expunged record can only be accessed for the limited purpose of determining an individual's qualification for employment as a law enforcement officer

WHAT OFFENSES CANNOT BE SEALED OR EXPUNGED?

- Traffic Convictions
- Sexually oriented offense where the applicant is subject to requirements to the sex offender registry (examples: Public Indecency or Voyeurism)
- Offenses in which the victim of the offense was less than 13 years old
- Domestic Violence convictions (3rd and 4th degree misdemeanor sealing is allowed, but not expungement)
- Violating protection order convictions
- Dismissed charges of the above offenses may be sealed, but not expunged, if all other requirements are met.

WHAT IS THE WAITING PERIOD?

- If applying to seal or expunge a minor misdemeanor, you must wait six months after discharge to apply.
- If applying to seal or expunge a misdemeanor, you must wait one year after discharge to apply.
- If applying to seal or expunge records of a not guilty finding, there is no waiting period
- If applying to seal or expunge a dismissed conviction, you must wait until the statute of limitations has expired

WHAT OTHER REQUIREMENTS MUST BE MET?

- You must have no other pending criminal charges. This includes requirements such as probation and any reimbursement.
- You must show that you have been "rehabilitated to the satisfaction of the court" and are unlikely to re-offend
- You must show that your interest in sealing or expunging a record is greater than any legitimate government need to maintain the record

HOW DO YOU APPLY?

- You must complete an application in the court where there is a case to be sealed or expunged
- In Cleveland, the filing fee is \$50
- Contact the Clerk of Courts for more information at 216-664-4790. Copies of the application can be found on the Cleveland Municipal Court's website.
- The filing fee may be waived if you complete and submit a poverty affidavit. This can also be found on the Court's website

WHY SHOULD YOU APPLY?

- An expungement destroys or erases a record. Sealing stops most people and organizations from finding a record, though some employers (for example, nursing, childcare, or security-related employment) may still be able to see a sealed record.
- Expunging or sealing a record may be beneficial for events such as future employment opportunities or apartment applications

FURTHER INFORMATION

- If you have specific questions about your circumstances, you should reach out to an attorney. Depending on your financial status, Cleveland Legal Aid Society may be able to assist you. The Legal Aid Society's phone number is 216-861-5500.

