

**Record Review: Frequently Asked Questions
New York State Division of Criminal Justice Services
Office of Criminal Justice Operations**

1. How do I obtain a certificate of relief?

Answer: A certificate of relief is a document, issued by a court or the Parole Board, 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 State Division of Parole at www.parole.state.ny.us/ 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 Parole Board, 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 Division of Parole at www.parole.state.ny.us/ 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?

Answer: You may get a copy of your New York State criminal history by conducting a Record Review.

If you live in New York State, you need to schedule an appointment with L-1 Identity Solutions by telephoning their Call Center toll free at 1-877-472-6915 or visiting their web site at www.L1enrollment.com. L-1 Identity Solutions, which is under contract with the state, has approximately 100 fingerprinting workstation sites spread around New York State, including some offering evening and weekend hours. You will be required to provide two forms of identification when you appear for your appointment. Information on acceptable forms of identification can be obtained through the L-1 Call Center and on their website.

If you live outside New York State, please call the DCJS Record Review unit at (518)485-7675 or (518)457-9847 to request a cardscan packet (fingerprint card, application and fee) that should be completed and mailed to the L-1 Identity Solutions address on the application. You can contact the L-1 Call Center at 1-877-472-6915 to confirm receipt of the cardscan packet.

The current Record Review processing fee is \$61.50, which includes a \$50.00 DCJS fingerprinting fee and an L-1 fingerprinting fee of \$11.50. Information on acceptable forms of payment can be obtained from the L-1 Call Center and the L-1 website.

You will receive your complete unsuppressed New York State criminal history rapsheet within 7 to 10 business days after DCJS receives the transaction from L-1 Identity Solutions. You will also receive information on how to challenge any aspect of your criminal history record.

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

Answer: Yes. If you believe that you qualify to have your Record Review fee waived, please call the DCJS Record Review unit at (518) 485-7675 or (518) 457-9847 to request a Record Review Fee Waiver packet. You will receive a fingerprint card and an application. You need to return the completed fingerprint card and application with the necessary documentation (such as a valid public assistance benefits card or a notarized financial statement) to support your request for the fee waiver. Then, the application, the fingerprint card and the supporting documentation should be returned to DCJS.

A. CIVIL FINGERPRINT PROCESSING

6. Does DCJS perform background checks?

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

7. 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.

8. 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 \$19.25. In addition, L-1 Identity Solutions 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 L-1 network for transmission of their authorized civil fingerprint submissions, an additional L-1 vendor fee would apply. In all cases, applicants should contact the agency that instructed them to be fingerprinted for the current fee.

9. 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.