

# **CRIMINAL RECORDS SEALING IN D.C. SUPERIOR COURT**

## **GENERAL OVERVIEW/FAQS**

FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION CONTAINED  
HEREIN SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR LEGAL  
REPRESENTATION.

# D.C. CRIMINAL RECORDS SEALING ACT

## ***D.C. CODE §§16.802 & 16-803***

What does it mean to have your record sealed?

If a record is sealed, the government deletes it or limits access to it. A sealed record generally cannot be used against you if you are applying for a job, in certain background checks, or in certain legal proceedings.

There are 3 levels of sealing under the Criminal Records Sealing Act:

- Actual innocence (§ 16-802) – arrest and case records are sealed from both public and law enforcement.
- Other cases, except fugitive from justice (§ 16-803) – arrest and case records are sealed from the public, but not from law enforcement and not from certain entities, like daycares and schools.
- Fugitive from justice (§ 16-803.01) and records of decriminalized or legalized offenses (§ 16-803.01) arrest and case records are sealed from the public, including entities like schools and daycares, but are not sealed from law enforcement.





## D.C. CRIMINAL RECORDS SEALING ACT

Only applies to a District of Columbia criminal record. It cannot seal a record in another state or in federal court.

# HOW DO I FIND OUT IF I AM ELIGIBLE?

- **Actual innocence**
  - Can file at any time
- **Not convicted, but either can't prove innocence or are not innocent**
  - If for an eligible misdemeanor, can file at any time
  - For all other non-convictions, there are 2 waiting periods:
    - If case was terminated before charging by prosecution ("no papered"), then must wait 3 years
    - If case was terminated after charging by prosecution ("papered"), then must wait 4 years
- **Convicted of an "eligible misdemeanor"**
  - If you have been convicted of an eligible misdemeanor, must wait 8 years after you have completed your sentence
- **Convicted of an "eligible felony"**
  - If you have been convicted of an eligible felony, must wait 8 years after you have completed your sentence
- **Convicted of a "disqualifying misdemeanor"**
  - If you have been convicted of a disqualifying misdemeanor, must wait 5 years after you have completed your sentence
- **Incorrectly attributed record (instances of identity theft)**
  - Can file at anytime
- **Arrested as a fugitive from justice**
  - If you have been convicted of a BRA offense, must wait 8 years after you have completed your sentence
- ***Arrest for decriminalized or legalized marijuana offenses***
  - *Can file at any time*



# D.C. CRIMINAL RECORDS SEALING ACT

*You can seal an arrest for decriminalized or legalized marijuana offenses.*

*If you were arrested for, charged with, and / or convicted in D.C. of:*

- *Possession of a controlled substance (marijuana)*
- *Distribution of a controlled substance (marijuana)*
- *Possession with intent to distribute a controlled substance (marijuana) OR*
- *Possession of paraphernalia (related to the possession, distribution, or PWID of marijuana)*



# PREPARING TO FILE:

## YOU WILL NEED: (1) MPD ARREST HISTORY REPORT, & (2) COURT RECORD

### Police Record

- You will need to bring:
  - A valid ID (such as a Driver's License)
  - \$7.00 cash or money order to pay for the record, AND
  - Your social security number
- Go to the:  
Record Information Desk  
Metropolitan Police Department (MPD)  
300 Indiana Avenue, NW  
Criminal History Section, Room 1075 (On the 1st Floor)  
Mon-Fri 9:00 a.m. - 5:00 p.m.
- Stop at the desk and show valid identification to receive a payment slip.
- Take the payment slip to room 1140B on the 1st Floor to pay the \$7 charge. You will receive a receipt that says that you have paid.
- Go back to the desk on the 1st Floor and show your paid receipt and ID to receive a MPD Arrest History Report Form for Purposes of the Criminal Record Sealing Act of 2006.
- Complete the MPD Arrest History Report Form for Purposes of the Criminal Record Sealing Act of 2006 in all of the spaces marked with a dot, as instructed.
- Go to the service window down the hallway. The clerk will check your identification and take your receipt and MPD Arrest History Report Form for Purposes of the Criminal Record Sealing Act of 2006 form.
- Move away from the service window; your name will be called when your MPD Arrest History Report is ready. The clerk will give you a copy of your MPD Arrest History Report. **HOLD ONTO THIS FORM.** You will need it to determine your eligibility to file a motion to seal your arrest record. Because it may contain information that is not otherwise public, you probably do not want to attach it to your motion to seal, which will be filed in public court records. If you do attach it to your motion to seal, ask the court to put your motion "under seal."



# WHY DO YOU NEED THE MPD ARREST HISTORY REPORT?

The purpose of the MPD Arrest History Report for Purposes of the Criminal Record Sealing Act of 2006 is to determine if you are eligible to file a motion to seal your record. This report shows all your arrests, non-convictions, and convictions. This document will contain arrests that may not appear in the Court's criminal information database or in what is commonly referred to as the PD 70 or police clearance. The PD 70 or a Police Clearance obtained from MPD only shows D.C. arrests from the past ten years and only arrests that resulted in a conviction or a forfeiture (like a post-and-forfeit case). Simply because you do not see an arrest on the PD 70 does not mean that the record has been sealed. (See Frequently Asked Question 2.) If you know you have D.C. arrests that are not listed on the MPD Arrest History Report for Purposes of the Criminal Record Sealing Act of 2006 or the PD 70, you must still include them in your motion so that you are moving to seal all of your arrests at the same time, as the law requires. If you do not, your motion will be "dismissed without prejudice" by the court and you will have to start the process over.



# OBTAIN COURT RECORDS

## Court records.

Go to the:  
Clerk's Information Office  
Criminal Records Division  
D.C. Superior Court, Room 4001 (on the 4th floor)  
500 Indiana Avenue, N.W.  
(202) 879-1451  
Monday – Friday, 8:30 a.m. – 5:30 p.m.

To obtain the information needed to complete the Motion to Seal Records:

Give your name and birth date to the Clerk and request your entire Superior Court criminal record;  
OR

Enter your name into the Court View software on the computers in Room 4001 to search for your records.

If the case does NOT have a number (usually because if it is a No Paper or Post & Forfeit), ask the clerk to assign you a case number to use in your Motion to Seal. You MUST have a case number in order to file.





# HOW LONG DOES IT TAKE ONCE I FILE?

The time varies depending on the individual case and the Court's schedule. After the initial filing of a Motion to Seal, the US Attorney's Office will be given an opportunity to respond. The Court will consider the movant's Motion to Seal, the Government's response, and any additional pleadings before making a decision.



# INELIGIBLE MISDEMEANORS

Interpersonal violence (D.C. Code § 16-1001(6)(B) only); intimate partner violence; and intrafamily violence.

Driving while intoxicated or under the influence and/or operating while impaired.

A misdemeanor offense that required you to register as a sex offender.

Criminal abuse of a vulnerable adult

Interfering with access to a medical facility

Possession of a pistol by a convicted felon

Failure to report child abuse

Refusal or neglect of guardian to provide for child under 14 years of age

Disorderly conduct (peeping tom)

Misdemeanor sexual abuse

Violating the Sex Offender Registration Act

Violating child labor laws

Election/petition fraud

Public assistance fraud

Trademark counterfeiting

Attempted trademark counterfeiting

Fraud in the second degree

Attempted fraud

Credit card fraud

Attempted credit card fraud

Misdemeanor insurance fraud

Attempted insurance fraud

Telephone fraud

Attempted telephone fraud

Identity theft, second degree

Attempted identity theft

Fraudulent statements or failure to make statements to employee

Fraudulent withholding information or failure to supply information to employer

Fraud and false statements

False statement/dealer certificate

False information/registration

No school bus driver's license

False statement on DMV document

No permit – 2nd or greater offense

Altered title

Altered registration

No commercial driver's license

A violation of building and housing code regulations

A violation of the Public Utility Commission regulations

Attempt or conspiracy to commit any of the above offenses.

