**Welcome Page -**

**“Intro Language” (I need to edit this language)**

If you have ever been arrested or had a warrant out in the District of Columbia for a suspected violation of the D.C. Code, you have a D.C. criminal record. Moreover, even if you obtain a police clearance form (Form PD 70) from the Metropolitan Police Department (MPD) it does not necessarily mean that you do not have a record to seal. The PD 70 only shows arrests from the past 10 years and only arrests that resulted in a conviction or forfeiture (like a post-and-forfeit case). If you have an arrest that is older than ten years or if the arrest did not result in a conviction or forfeiture (like it was no papered), then it will not appear on the PD 70 but MPD still has that record in its files. Other agencies, like the court, might also still have a record of your case.

This website is not intended to provide legal advice. The questions will simply help you determine if you MAY be eligible to have certain misdemeanors, convictions and/or arrests sealed on your D.C. criminal record and when you are allowed to file a motion with the Court to make that request.

You will need a copy of your COMPLETE D.C. criminal record in order to answer the questions through this site. To obtain a copy of your record please go to the Metropolitan Police Department and to the Superior Court of the District of Columbia. (Click HERE For directions on obtaining your complete record)

***TABS***

1. ***Fugitive from justice arrest (16-803.01) - I was arrested in D.C. because I had a warrant in another jurisdiction (state).***
2. ***Incorrect ID (12-803 (c-2)) - My D.C. criminal record is incorrect. There are cases or arrests listed that are not mine. Someone may have used my name or the information was entered incorrectly.***
3. ***Actual Innocence (16-802) - I was arrested for or charged with a crime in D.C., BUT I was NOT convicted of it, AND I can prove to the Court that I ACTUALLY INNOCENT.***
4. ***Non-Conviction, Eligible Misdemeanor (16- 803(a)) - I was arrested for or charged with a misdemeanor in D.C. but I was NOT convicted. I cannot prove I am innocence (or I am not innocence).***
5. ***Non-Conviction, All Other Offenses (803 (b)) - I was arrested for or charged with a crime in D.C. but I was NOT convicted and I cannot prove that I am innocence.***
6. ***Conviction, Eligible Misdemeanor/Felony BRA 803(c) - I was convicted for a crime in D.C.***
7. ***I was arrested, charged or convicted for possession of (1) ounce or less of marijuana?***

**Fugitive from justice arrest (16-803.01)**

**I was arrested in D.C. because I had a warrant in another jurisdiction (state).**

1) Were you arrested in DC because you had a warrant in another jurisdiction (i.e. another state)?

Yes – Proceed to #2

No- Not applicable. STOP

2) Have you appeared before the proper authority in the jurisdiction that issued the warrant?

Yes – Proceed to #3

No. You may be eligible after your appear before the proper authority in jurisdiction that issued the warrant. **(Please see PDS for information on sealing under “Fugitive from justice arrest 16-803.01”)**

3) Can you prove that you appeared before the proper authority in the jurisdiction that issued the warrant?

Yes – You may be eligible for sealing with a waiting period. **(Please see PDS for information on sealing under “Fugitive from justice arrest 16-803.01”)**

NOTE: IF the judge grants your motion to seal your record, the only thing that is sealed by the court’s order is your fugitive arrest in DC. The DC court’s order does not seal any record you may have in the jurisdiction that issued the warrant. You should check in that jurisdiction to see whether the law will allow you to get that record sealed.

No. You may be eligible once you have documentation showing you have appeared before the proper authority in the demanding jurisdiction. **(Please see PDS for information on sealing under “Fugitive from justice arrest 16-803.01”)**

**Incorrect ID (12-803 (c-2))**

**My D.C. criminal record is incorrect. There are cases or arrests listed that are not mine. Someone may have used my name or the information was entered incorrectly.**

1) Does your criminal record incorrectly identify you as having a case or arrest that you did not have? (For example – Someone used your name when they were arrested or a data entry error has linked your name or other identifying information to a case that is not yours)

Yes. Proceed to #2

No. Not applicable. STOP

2) Have you checked with the United States Attorney’s Office to see if fingerprints are on file for the individual at was actually arrested?

Yes. Proceed to #3

No. Contact the Public Defender Service for information on the process for completing a fingerprint comparison. (list contact information)

3) Are the individual’s fingerprints available?

Yes- You may be eligible to seal. Contact PDS for assistance to do a fingerprint comparison procedure.

No- You may file a motion to seal if there are no fingerprints to compare.

**Actual Innocence (16-802)**

**I was arrested for or charged with a crime in D.C., BUT I was NOT convicted of it, AND I can prove to the Court that I ACTUALLY INNOCENT.**

“Not convicted” means

(a) the prosecutor did not paper or did not charge the case; OR

(b) the prosecutor dropped the charges against the you before trial; OR

(c) the court dismissed the charges against the you; OR

(d) you were acquitted (found “not guilty”) of the crime after a trial.

1) Were you arrested for or charged with crime but “not convicted” of that crime as defined above?

Yes. Proceed to #2

No. Convictions are not eligible for sealing under actual innocence but you may still be eligible. Click on the “Convictions, Eligible Misdemeanor/Felony BRA” tab on the home page.

2) Are you willing to swear under oath that you are actually innocent of the crime for which you were arrested or charged? *Please Note: False swearing can be prosecuted as a crime.*

Yes. Proceed to # 3

No. Not eligible.

3) Can you prove that the offense for which you were arrested or charged did not occur?

Yes. You may be eligible for sealing with no waiting period. – Proceed to #4

No. Proceed to #4

4) Can you prove that you did not commit the offense for which you were arrested or charged? *Please note- Being found “not guilty” after a trial is NOT proof of your innocence.*

Yes. You may be eligible for sealing with no waiting period. However, if it has been more than four years after the prosecution was terminated, then you will have to provide more convincing evidence of your innocence.

No. If you answered “yes” to #3, you may still be eligible. If you answered “no” to both #3 and #4 proceed to #5

5) Based on your responses, you may not be able to file for sealing under Actual Innocence. Please see the “Non-Conviction, Eligible Misdemeanor (16- 803(a))” tab on the home page for an additional option.

**Non-Conviction, Eligible Misdemeanor (16- 803(a))**

**I was arrested for or charged with a misdemeanor in D.C. but I was NOT convicted. I CANNOT prove I am innocence (or I am not innocence).**

1. Do you have a case pending in D.C. or any other state that is not a minor offense (minor offense means a traffic offense, disorderly conduct, or an offense that is punishable by a fine only?

Yes. You are ineligible at this time. You cannot file a Motion to seal your records if there is a pending criminal case in any jurisdiction, other than cases for “minor offenses”. If you have a pending case, you must wait until the case is over. Whether you can file to seal after that case is over will depend on whether you are convicted or not and will depend on what the crime in the case is.

No. Proceed to #1

“Not convicted” means

(a) the prosecutor did not paper or did not charge the case; OR

(b) the prosecutor dropped the charges against the you before trial; OR

(c) the court dismissed the charges against the you; OR

(d) you were acquitted (found “not guilty”) of the crime after a trial.

1) Were you arrested for or charged with a crime but “not convicted” of that crime as defined above?

Yes. Proceed to #2

No. Convictions are not eligible for sealing under “Non-Conviction, Eligible Misdemeanor (16- 803(a)).” Click on the “Convictions, Eligible Misdemeanor/Felony BRA” tab on the home page.

2) Was the crime one of the misdemeanors listed below?

**(Drop Down list of Ineligible Misdemeanors)**

Yes. The arrest may be eligible for sealing. See “Non-Conviction, All Other Offenses 803 (b)” tab on the homepage.

No. You may be eligible for sealing after a 2 –year waiting period. The waiting period “clock” started the day after the case was terminated. Please refer to the date listed on your criminal record. Proceed to #3

3) Do you have any other arrests or charges for additional offenses that did not result in a conviction that you are trying to seal on your D.C. Criminal Record?

Yes. You may have a longer waiting period before you will become eligible to file a Motion to Seal.

No. You can refer to question #3 for waiting period times.

**Non-Conviction, All Other Offenses (803 (b))**

**I was arrested for or charged with a crime but I was NOT convicted AND I cannot prove that I am innocence.**

1. Do you have a case pending in D.C. or any other state that is not a minor offense (minor offense means a traffic offense, disorderly conduct, or an offense that is punishable by a fine only)?

Yes. You are ineligible at this time. You cannot file a Motion to seal your records if there is a pending criminal case in any jurisdiction, other than cases for “minor offenses”. If you have a pending case, you must wait until the case is over. Whether you can file to seal after that case is over will depend on whether you are convicted or not and will depend on what the crime in the case is.

No. Proceed to #1

“Not convicted” means

(a) the prosecutor did not paper or did not charge the case; OR

(b) the prosecutor dropped the charges against the you before trial; OR

(c) the court dismissed the charges against the you; OR

(d) you were acquitted (found “not guilty”) of the crime after a trial.

1) Were you arrested for or charged with a crime but “not convicted” of that crime as defined above?

Yes. Proceed to #2

No. Convictions are not eligible for sealing under “Non-Conviction, Eligible Misdemeanor (16- 803(a)).” Click on the “Convictions, Eligible Misdemeanor/Felony BRA” tab on the home page.

2) Is the offense that you were arrested for or charged with a felony OR listed below?

**(Drop down list of the ineligible misdemeanors)**

Yes. This arrest may be eligible for sealing under DC Code 16-803(b). Proceed to #3

No. Refer to “Non-Conviction, Eligible Misdemeanor 16- 803(a)” tab on the homepage

3) Were you arrested and charged with the crime?

I was only arrested (case was “not papered”) -

-You will have to wait at least 3 years to file a motion to seal that case from the date the case ended if you were never charged after arrest. The waiting period “clock” starts the day after the case was terminated. – Proceed to #4

I was arrested and charged with the crime (case was “papered”)-

-You will have to wait at least 4 years from the date the case ended if you were charged with the crime even if it was later dismissed and did not result in a conviction. The waiting period “clock” starts the day after the case was terminated. – Proceed to #4

4) Do you have other arrests or charges for additional offenses that did not result in a conviction that you are trying to seal on your D.C. criminal record?

Yes. You may have a longer waiting period before you are eligible to file a Motion to Seal under DC Code 16-803 (b). Proceed to #5

No. You can refer to question #3 for waiting period times. Proceed to #5

5) Do you have a conviction for an offense other than a “minor offense” in another jurisdiction (state) or D.C. that occurred **AFTER** the D.C. offense you are currently trying to have sealed?

Yes. You may be eligible to seal your D.C. non-conviction after the waiting period has expired AND after a waiting period associated with the most recent conviction has expired - (5 years “off papers” for a disqualifying misdemeanor conviction and 10 years “off papers” for a disqualifying felony conviction).

No. You may be eligible to seal after a waiting period as described in Question #3.

**Conviction, Eligible Misdemeanor/Felony BRA 803(c)**

**I was convicted for a crime.**

1. Do you have a case pending in D.C. or any other state that is not a minor offense (minor offense means a traffic offense, disorderly conduct, or an offense that is punishable by a fine only?

Yes. You are ineligible at this time. You cannot file a Motion to seal your records if there is a pending criminal case in any jurisdiction, other than cases for “minor offenses”. If you have a pending case, you must wait until the case is over. Whether you can file to seal after that case is over will depend on whether you are convicted or not and will depend on what the crime in the case is.

No. Proceed to #1

Generally, “convicted” means that you were found guilty after a trial, pled guilty, or pled nolo contendere (“no contest”) to the charges. A Youth Act sentence that was not “set aside” **IS** a conviction also. It is also a conviction if you were found not guilty by reason of insanity.

1) Were you convicted of a crime as defined above?

Yes. Proceed to #2

No. Return to homepage – this section is not applicable

2) Is the crime for which you were convicted listed below?

**(Drop down list of ineligible misdemeanors)**

Yes. You have been convicted of an ineligible misdemeanor and it is not eligible for sealing. You can NEVER seal any other conviction, including an eligible misdemeanor conviction or a felony conviction for failure to appear in court. You MAY be able to seal other arrests and/or charges on your record that did NOT result in a conviction after waiting at least 5 years from when your sentence for the ineligible misdemeanor conviction was completed. A sentence is complete when you have been unconditionally discharged from incarceration, commitment, probation, parole or supervised release – whichever is latest

No. Proceed to #3

3) Were you convicted of a felony?

Yes. Proceed to #4

No. You may have an eligible misdemeanor conviction. If this is your ONLY conviction, then it may be eligible for sealing under DC Code 16-803 (c) You will have to wait at least 8 (eight) years after you go “off papers”/complete your sentence before filing the motion to seal your record. A sentence is complete when you have been unconditionally discharged from incarceration, commitment, probation, parole or supervised release – whichever is latest. Proceed to #5

4) Were you convicted of a felony because you failed to appear in court for a felony case or misdemeanor sentencing? (Felony BRA)

Yes. If the conviction is for felony BRA (failure to appear), you have to wait at least 8 (eight) years after completing your sentence before filing to seal your record. (No other felony conviction is eligible for sealing.) A sentence is complete when you have been unconditionally discharged from incarceration, commitment, probation, parole or supervised release – whichever is latest. Proceed to #5

No. You are NOT eligible to seal the felony conviction. You have been convicted of an ineligible felony, you can NEVER seal any other conviction, including an eligible misdemeanor conviction or a felony conviction for failure to appear in court. You MAY be able to seal other arrests and/or charges on your record that did NOT result in a conviction after waiting at least 10 years from when your sentence for the felony conviction was completed. A sentence is complete when you have been unconditionally discharged from incarceration, commitment, probation, parole or supervised release – whichever is latest

5) Is this your only misdemeanor conviction on your criminal record?

Yes. You will have to wait at least 8 (eight) years after you go “off papers”/complete your sentence before filing the motion to seal your record. Proceed to #6

No. Proceed to #7

6) Do you have other arrests or charges for additional crimes that did NOT result in a conviction on your record?

Yes. You may have a longer waiting period before you are eligible to file a Motion to Seal.

No. You will have to wait at least 8 (eight) years after you go “off papers”/complete your sentence before filing the motion to seal your record.

7) Is the other misdemeanor conviction on your criminal record listed below?

**(Drop down list of ineligible misdemeanors)**

Yes. You have been convicted of an ineligible misdemeanor and it is not eligible for sealing. You can NEVER seal any other conviction, including an eligible misdemeanor conviction or a felony conviction for failure to appear in court.

No. Proceed to #8

8) Did the other misdemeanor conviction occur AFTER the conviction you are currently trying to have sealed?

Yes. You have been convicted of more than one eligible misdemeanor, you can only seal the most recent conviction after the 8 year waiting period. Convictions older than your most recent conviction can NEVER be sealed.

No. You may be eligible to seal your most recent eligible misdemeanor conviction. If this is your ONLY conviction, then it may be eligible for sealing under DC Code 16-803 (c) You will have to wait at least 8 (eight) years after you go “off papers”/complete your sentence before filing the motion to seal your record. A sentence is complete when you have been unconditionally discharged from incarceration, commitment, probation, parole or supervised release – whichever is latest.

**I was arrested, charged or convicted for possession of (1) ounce or less of marijuana?**

1. If you were arrested, charged or convicted for possession of (1) ounce or less of marijuana you may be eligible to seal that case along with other offenses within that case under the new D.C. legislation. Please contact PDS for more information.