

IS A CRIMINAL RECORD KEEPING YOU UNEMPLOYED?



Employment
Justice Center

Obtaining a copy of your criminal record

Your criminal record is a printout that shows what arrests and convictions you have. If you think you have a criminal record, you may need to check your records from the Metropolitan Police Department (MPD), D.C. Superior Court, U.S. District Court, and the FBI. To get a copy of your record, call or write to the following offices:

MPD Records Division

300 Indiana Ave., NW, Room 3055
Washington, DC 20001
Phone number: 202-727-4245

D.C. Superior Ct.

Criminal Information Center
500 Indiana Ave. Room 4001
Washington, D.C. 20001
Phone number 202-879-1373

U.S. District Court House

333 Constitution Ave. NW, Clerk's
Office
Washington, D.C. 20001
Phone number (202) 354-3120

FBI

CJIS Division – Record Request
1000 Custer Hollow Rd.
Clarkburg, WV 26306
Phone number 304-625-3878

Each office has different requirements. For more detailed information on how to get records, come to the **Workers' Rights Clinic - held every Wednesday from 6-9 p.m. at Bread for the City NW, 1525 7th St. NW (List begins at 5 p.m.), and one Monday per month from 3-6 p.m. at Bread for the City SE, 1640 Good Hope Rd. SE.**

When you have a copy of your record, look for the following:

- Incomplete entries. Example- if there is no outcome to the case.
- Incorrect entries. Example- if you see the charge is wrong.
- Double entries. Example- the same charge should not be listed twice.
- Your juvenile records should NEVER appear on your criminal record.

Some mistakes, like the mistakes noted above, can be corrected by the court clerk or by writing a letter which explains what happened. Keep a copy of the letter for yourself.

Expunging a criminal record

“Expunging” a record destroys a criminal charge and all records related to it. In rare cases, a criminal conviction can be expunged. This is generally only an option in first time drug possession cases and parental kidnapping cases. A conviction may also be expunged when a worker proves that he or she is actually innocent of the crime for which he or she was arrested, charged or convicted.

Sealing a criminal record

The effect of “sealing” a criminal record is to restrict it from public access; a record of the offense(s) will still exist and may be accessed by the court or law enforcement under certain circumstances. A worker can move to seal some criminal records, mainly misdemeanors. The rules for sealing a criminal record are complicated. For example, an arrest record for an eligible misdemeanor may only be sealed if the worker has ***no disqualifying arrests or convictions*** and **two years** have elapsed after the case terminated. The waiting period is longer to seal an arrest for offenses other than an eligible misdemeanor. Please visit the Workers' Rights Clinic if you want to find out if you are eligible to have a record sealed or for assistance sealing a record.

Were you denied a job or fired because of your criminal record?

If you are a minority and you are fired, denied a job, or denied a promotion because of your criminal record, you may be able to bring a discrimination claim against the employer. Consult an attorney for more information.

Filling out a job application

Do not give up all hope of getting a job when you see questions on an application about your criminal record! The application is the place to make yourself stand out from the other applicants. Here are some helpful hints for filling out an application:

- **Only answer what is asked.** Read all questions carefully! For example, if a question asks “Have you ever been convicted of a felony?” you can say “no” if you only have MISDEMEANORS.
- **Answer truthfully.** Saying “no” to a question about your record when the answer should be “yes” has consequences. If your employer finds out, you could be denied the job or fired later for lying on your application.
- **Don’t leave it at “yes.”** If, for example, you answer a question about your record by writing, “Yes, but I got my GED while I was incarcerated,” you show that you are educated, focused, and want to better yourself. Another suggestion is to attach a prepared, written explanation of your situation.

Note: If you are applying for a job within the D.C. government, it is against the law for the agency to ask questions about your criminal history on a job application. The employer may ask for this information after the initial application process; however, it may not exclude you from consideration based on a criminal record unless the offense(s) are relevant to the job for which you are applying.

Answering questions in an interview

If the employer likes your application, you will probably be called for an interview. You might have to talk about your criminal record in an interview. To get ready:

- **Come prepared with an explanation.** Practice makes perfect. If you think about and practice what you are going to say about your record before you go, you will be less nervous.
- **Steer the conversation toward the positive.** If the interview starts getting into details of your criminal history, you can politely tell the interviewer you would rather focus on the good things you have done.
- **Focus on your life NOW.** Your life now is what is important. Make the interviewer aware of why you want to move forward in life and how you plan to do it through working hard at a responsible job.
- **Stay relaxed to show confidence.** When you get to questions about your criminal record in an interview, try not to “freeze.” If you are comfortable answering questions, your body language will show confidence. An employer may get nervous about hiring you if you look too nervous to answer the question.

For more information about your workplace rights, come to one of EJC’s Workers’ Rights Clinics from 6:00 p.m. – 9:00 p.m. on Wednesdays at Bread for the City, NW (1525 7th Street, NW, between P and Q Streets, NW; list starts at 5 p.m.) or, from 3:00 p.m. – 6:00 p.m. on Mondays at Bread for the City, SE (1640 Good Hope Road, SE). The clinic is first come, first served; no appointment is necessary. For more information, visit the D.C. Employment Justice Center website at www.dcejc.org.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Washington, D.C. Because laws and procedures frequently change, the D.C. Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights in your situation.

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