



A Division of the New York Legal Assistance Group

**LegalHealth**  
Professional Partnership to Promote Well Being<sup>®</sup>

*This is general information, not legal advice. Patients should consult an attorney for specific guidance.*

## Obtaining a Criminal Record

It is important that patients who have interfaced with the criminal justice system have a clear understanding of how their criminal matters were resolved, especially if they are applying for jobs or applying for immigration relief or naturalization.

*If a patient thinks they might have an open warrant, it should be resolved before fingerprinting or requesting their criminal records. Seek immediate assistance from their defense attorney or the Legal Aid Society (visit their website at <http://www.legal-aid.org/en/home.aspx> or call at (212) 577-3300). Patients who may have open warrants are never advised to go to the court house or authorities without counsel, as it might result in their arrest.*

It is fairly simple to obtain one's criminal record.

### **A patient can obtain their criminal record (also known as rap sheet) in several ways:**

- Contact the Division of Criminal Justice Services (DCJS) by mail or phone: 4 Tower Place, Albany, NY 12203-3864; (800) 262-3257. If your patient cannot pay the \$60.75 fee, they can obtain a fee-waiver application packet from DCJS. Individuals receiving public assistance can qualify for a fee-waiver by sending in a photocopy of their EBT or Medicaid card. More info at <http://www.criminaljustice.ny.gov/ojis/recordreview.htm>
- Contact the Legal Action Center at (212) 243-1313 to make an appointment. LAC can get rap sheets for those who cannot afford the fee.
- If the patient might have a record in other states, go to the FBI's website (<https://www.fbi.gov/about-us/cjis/identity-history-summary-checks>) to get more information about obtaining his/her record in all states.

### **Patients should review their rap sheet carefully, as mistakes are common. If the patient sees mistakes they should:**

- Get a disposition slip for the case from the clerk of the court where the case was heard.
- Send the original copy of the disposition slip and a "Record Review and Statement of Challenge" letter to DCJS. Photocopies of the disposition slip will not suffice – it must be a signed original copy. View a sample statement of challenge on page 29 of this link: <http://lac.org/wp-content/uploads/2014/12/Your-New-York-State-Rap-Sheet-2013.pdf>
- Corrections should take a few weeks, after which DCJS will send your patient a letter and a new copy of their rap sheet, and will return the disposition slip.

### **Referrals:**

- Patients who have a criminal history and who want to file for immigration relief or naturalization should be referred to LegalHealth for assistance.
- Patients who believe they are being discriminated against in the workplace or housing because of their criminal history should be referred to the Legal Action Center.