

## How Can Information Be Removed?

Qualifying information may be removed from a state criminal history record by submitting a *Fingerprint Record Removal Request* form to the Crime Information Bureau. The form is available online at:

<https://doj.state.wi.us/dles/cib/cib-forms>

Any associated information maintained at the federal level will also be removed.

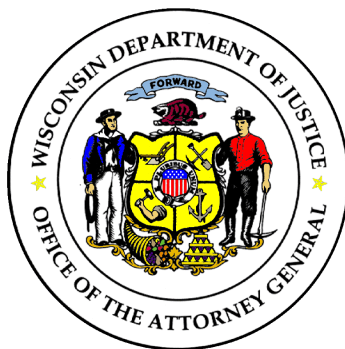
Court files may be expunged under three situations: 1) misdemeanors or certain felonies committed by a person under the age of 25 when ordered at sentencing and upon successful completion of the sentence for an offense where the maximum period of imprisonment is 6 years or less; 2) a juvenile adjudicated delinquent upon request once the juvenile reaches the age of 17; 3) if convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for a violation of s. 944.30 Wis. Stats. if the person was a victim of human trafficking for the purposes of commercial sex. Court-ordered expungement does not qualify the information for removal from the criminal history record.

Information from law enforcement or prosecutor files are not removed upon either court expungement or removal from the state record.

## Is What's On My Criminal Record Important?

Today, many employers are required to conduct criminal background checks on potential employees. Some offenses may automatically disqualify you for certain regulated occupations. Other offenses may disqualify you if they are substantially related to the position you are applying for.

Only conviction information may be considered when making these determinations. Use of arrest and conviction information for employment is regulated by Wisconsin's Fair Employment Law.



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# Criminal Records

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## Questions & Answers



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of Justice

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## Where May Criminal Records Be Found?

Records associated with arrest and conviction information are routinely maintained by the following entities:

- Arresting law enforcement agency
- Prosecuting agency
- Court having jurisdiction
- State Criminal History Repository
- Federal Criminal History Repository

## What Causes The Creation Of A Criminal Record?

**Law Enforcement Agency** - when a person is arrested, cited or confined for a violation of the law.

**Prosecuting Agency** - when copies of an arrest report are forwarded for review or prosecution. May be a municipal attorney or a district attorney.

**Court Having Jurisdiction** - when a citation or complaint is filed with the court. Courts having original jurisdiction in Wisconsin are normally municipal, tribal or circuit courts.

**State Criminal History Repository** - when an arrest fingerprint card is submitted by a law enforcement agency. Courts also report disposition information. In Wisconsin the state repository is the Wisconsin Department of Justice, Crime Information Bureau.

**Federal Criminal History Repository** - when an arrest fingerprint card is forwarded by the state criminal history repository. The federal repository is the Federal Bureau of Investigation.

## Who Can Access Criminal History Information & How?

In Wisconsin, adult criminal history information is considered public record and may be accessed by anyone making a request. Fees may be imposed to cover the costs of reproducing copies of police reports and court documents. Under certain circumstances access to police and prosecutor's files may be denied or delayed. Requests for information must be made directly to each agency from which information is requested.

Circuit court information for most Wisconsin counties is available online free of charge. Fees may be charged for copies of case information by both municipal and circuit courts and requests must be made directly to each court from which information is sought.

State adult criminal history files are also public record and available to the public. The Legislature has established fees for obtaining criminal history information based on requestor type. Requests for information may be made by mail or online for customers using a credit card or having an account.

Public access to federal criminal history information is limited to those authorized by federal law or a state statute approved by the United States Attorney General. These public requests are processed only when a fingerprint card is submitted for comparison along with the appropriate fee.

## I Was Not Convicted, Is The Arrest Information Removed From My Record?

Wisconsin law allows for the removal of arrest information from the state criminal his-

tory record only when the person arrested is not charged or all charges are dismissed by the court. This removal is not automatic and the person is required to submit a written request along with a single fingerprint used to verify identity. Any record removed at the state level for which a federal criminal history record exists is forwarded to the FBI for removal there. No information is removed unless requested by the subject of the record.

Request for removal at state repository do not require removal of any information from the law enforcement agency, prosecutor or court records.

## Is A Charge Automatically Removed From My State Record When The Offense Is Expunged By A Court?

No. Information may only be removed upon request if all charges resulted in no conviction. Courts may expunge records that do not qualify for removal from the state criminal history repository. Certain dispositions may be expunged by the court but may not be removed from the state record. The state record is noted to reflect that the court record was expunged.

## I Was Pardoned. Will The Charge Be Removed From My Record?

No. A pardon will not remove the information. The criminal history record will reflect the fact that a pardon was granted. That notation should negate use of the arrest information for a variety of purposes.