



# REMOVING BARRIERS TO REENTRY

**Cuyahoga County Office of Reentry**

# Our Mission



The Cuyahoga County Office of Reentry's Mission is to remove the stigma and social burdens that challenge returning citizens by launching and sustaining a reentry movement that provides the full range of comprehensive services, support, and opportunities needed for successful reintegration.

# Contact Information



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# Funded Services



## Reentry Services

- North Star Recovery Resource Center
- Adult Transitions Model (Pre-Entry / Reentry)
- Second Chance Reentry Legal Clinic at CWRU
- Achieve Staffing
- Exodus Planner ([www.exodusplanner.com](http://www.exodusplanner.com))
- Aspire Cleveland
- Post-Incarceration Trauma (Pre-Entry / Reentry)

## Pre-Entry Services

- Cuyahoga County Veteran's Court

# Presentation Outline

1. **Background Checks & Criminal Records**
2. **Criminal Record Sealing: Effects and Eligibility**
3. **Criminal Record Expungement: Effects and Eligibility**
4. **CQEs: What it is and How to Apply**
5. **CQEs: Effects and Limitations**

**Note:** This information only applies to ADULT criminal records in Ohio.

# CRIMINAL RECORDS & BACKGROUND CHECKS



# What Appears on Background Checks?

Background Check	Non-Convictions	Convictions	Penalties	Expunged Offenses	Locations Covered by the Check
Conviction Record Transcript for single county		X	X		Only that county
Clerk of Courts Website	X	X	X		Only that county
Commercial Background Check Company	X – 7 years	X	X		Statewide or Nationwide
Bureau of Criminal Identification and Investigations WebCheck (“BCI Check”)	X	X	X	Depending on the employer	Statewide
FBI Background Checks	X	X	X	Always	Nationwide

**Source:** Ohio Justice & Policy Center. (March 2011). “Understanding and Sealing Criminal Records in Ohio.” Web: <https://lasclv.org/wp-content/uploads/2011/05/Understanding-and-Sealing-Criminal-Records-in-Ohio.pdf>

**Using Record  
Sealing,  
Expungement  
and CQEs to  
Remove  
Barriers**



A close-up photograph of a person's hands in handcuffs. The person is wearing a light blue sweater. The hands are positioned in the center of the frame, with the handcuffs visible. A semi-transparent white rectangular box is overlaid on the image, containing the text. The background is a blurred indoor setting.

# **RECORD SEALING: WHAT IS IT?**

# Record Sealing: Learn the Rules

Court records are stored away in a separate place that are inaccessible to the public.

Record sealing  $\neq$  Record Expungement.

Most people cannot view the record.

# What Can Always Be Sealed?

- **Arrests**
- **Acquittals**
- **Case Dismissals**
- **Misdemeanors (\*some exceptions)**
- **No Bills**
- **Non-Convictions**
  - *(Except for: Cases where the individual pled guilty to one of the crimes in the same case)*

# Criminal Record Sealing: Ineligible Offenses – R.C. 2953.32

- Any offense can be sealed **EXCEPT**:
  - *Convictions with a mandatory prison term*
  - *Felony 1 or Felony 2 offenses/convictions*
  - *Traffic offenses (but they are not counted as criminal offenses)*
  - *Most violent and sexually-oriented offenses*
  - *Misdemeanor Domestic Violence*
  - *Certain sex offenses*
  - *DUI, Hit-and-Run, Street Racing, Leaving the Scene of an Accident, etc.*
  - *Any felony or first-degree misdemeanor involving a minor (**except** non-payment of child support)*

Note: Non-eligible offenders can still have NON-CONVICTIONS and NON-TRAFFIC minor misdemeanors sealed.

# Short List of Prohibited Offenses

- Abduction\*
- Aggravated Arson\*
- Aggravated Assault\*
- Aggravated robbery or burglary\*
- Extortion\*
- Arson\*
- Gross sexual imposition\*
- Murder or Aggravated Murder
- Voluntary Manslaughter\*
- Inciting to violence+
- Trafficking in Persons\*
- Aggravated Riot\*
- Felonious Assault\*
- Sexual Battery
- Aggravated assault
- Assault+
- Permitting child Abuse\*
- Aggravated menacing\*
- Terrorism\*
- Improperly discharging firearm\*
- Patient Abuse or Neglect\*
- Robbery\*
- Endangering children\*
- Kidnapping\*
- Rape\*

\*If felony or first-degree misdemeanor

+ If a felony, but not a misdemeanor

# Short List of Prohibited Offenses

- Unlawful sexual contact with a minor
- Rape
- Sexual battery
- Sexual imposition
- Voyeurism
- Public indecency
- Pandering sexually oriented material to a minor
- Loitering to engage in solicitation
- Illegal use of a minor in nudity-oriented material or performance
- Gross sexual imposition
- And others

# Criminal Record Sealing: Eligibility Basics

- Can have an unlimited number of “Minor misdemeanors,” acquittals, dismissed charges or “no bills”
- Can have unlimited number of minor traffic violations (e.g., parking tickets and some other driving offenses but not DUI, street racing, hit-and-run, etc.)
- Non-convictions do not count and can be sealed
- No currently pending criminal proceedings including **WARRANTS**
- No prohibited offenses for convictions
- Must have completed probation or parole and paid all court fines, fees and restitution before you apply
- Waiting period satisfied

# Effective Date of New Law Changes

**April 12, 2021**



# Criminal Record Sealing: Convictions

## **1<sup>st</sup> PATHWAY: Unlimited Misdemeanors, Unlimited 4<sup>th</sup> and 5<sup>th</sup> degree felonies**

- *Unlimited F4 and F5 convictions*
- *Unlimited misdemeanors*
- *No F1, F2, F3 convictions*
- *No offenses of violence*
- *No felony sex convictions*

# Criminal Record Sealing: Convictions

## 2<sup>nd</sup> PATHWAY: Rule of Four

- *ZERO or ONE third-degree felony and up to FOUR misdemeanors; or*
- *TWO third-degree felonies and TWO misdemeanor convictions*
- Prohibited Offenses:
  - *Most offenses of violence*
  - *Most sex offenses*
  - *Child-victim offenses*
  - *Sentences with a mandatory prison sentence*
  - *Some traffic offenses, like DUI, street racing, odometer rollback etc.*

# Criminal Record Sealing: When to File?

- Dismissal or Acquittal – Immediately
- No Bill – 2 years
- Misdemeanors – 1 year
- Fourth- and Fifth-Degree Felonies – 1 year
- Third-Degree Felony – 3 years

# Criminal Record Sealing: When to File?

- No pending criminal cases (including warrants)
- Completion of all parole and probation requirements
- Payment of all fines, fees and restitution
- Satisfied the waiting period (see previous slide)

# Criminal Record Sealing: Where to File?

- File your record sealing application:
  - *In each court where you have a criminal conviction*
  - *With the Clerk of Courts with each court(s)*
- Pay the \$50 filing fee (various from each county)
  - *If you cannot afford the fee, file a poverty affidavit to seal the conviction*
- No **fee** for:
  - *Acquittals*
  - *No Bills*
  - *Dismissed Cases*

# What Does a Sealed Record Mean?

- Can answer “**no**” to questions about having a criminal record
- Documents are kept in a separate file and is unavailable to the public
- Sealed record still available to:
  - *Police, BCI, government officials and agencies*
  - *Certain employers: Law enforcements, jobs with children, the elderly or in healthcare*

The image features a light teal background with two dark blue L-shaped brackets. One bracket is positioned in the top-left corner, and the other is in the bottom-right corner. Centered between these brackets is the text "RECORD EXPUNGEMENT" in a bold, dark blue, sans-serif font.

# RECORD EXPUNGEMENT

# Record Expungement: Victims of Human Trafficking

- In 2012, Ohio's Safe Harbor Law opened a new expungement process for sex-trafficking victims who were compelled to commit criminal acts.
- In 2018, legislators clarified the scope of eligible records.
- Expungement is the strongest tool for removing criminal-records-based barriers
- **E**rased, **O**bliterated, **D**estroyed

# Record Expungement

1. Applicant has been convicted of prostitution, loitering to solicit, or solicitation
2. Participation in the offense was a result of having been a victim of human trafficking; but was not murder, aggravated murder or rape
3. The interests of the applicant in the expungement are not outweighed by any legitimate needs of the government to maintain those records



**CERTIFICATE OF  
QUALIFICATION FOR  
EMPLOYMENT**

# Using CQEs to Remove Barriers

**Collateral Consequences =**

**Civil Impacts of a Criminal Convictions**

**Today, the CIVICC database contains over 900 criminal-records-based barriers in Ohio law.**

**Over 600 Ohio laws limit access to employment / professional licensing.**

**Website: <https://civicc.opd.ohio.gov/>**

# What are CQEs?

## LEGAL EFFECTS of a CQE

1. Removes criminal-records-based barriers to employment
2. Converts mandatory civil impacts into a discretionary ones  
*(Removes an automatic bar on employment for certain jobs)*
  1. *Only for barriers in Ohio laws, not federal laws*
  2. *Only records in Ohio*
3. Protects employer from negligent-hiring liability
4. Decision-makers must give individualized consideration for occupational licenses and employment opportunities

A Certificate does NOT hide or erase a criminal record

# How Can the CQE Help???

Professional licensing and employment laws regulate many occupations....

barbers/cosmetologists, engineers, embalmers, waste management workers, real estate professionals, mortgage lenders, casino workers, childcare providers, contractors, security guards, and many others.

**The CQE can help you gain an occupational license into these professions.**

# **Who is *Eligible* for a CQE?**

- **People in the community**
- **Waiting periods (next slide)**
- **No limit on types or number of offenses**

# Waiting Periods for the CQE

- 1 year after the completion of a felony sentence and 6 months after of a misdemeanor sentence; OR
- Any time immediately **after the following:**
  - *Early release from prison\**
  - *Release from prison with a CAE*
  - *Applicant received neither jail nor community control*
  - *Release from jail (with recommendation from sheriff or designee)*
  - *Early termination of community control (all fines, fees, and restitution paid)*

# Limited Exclusions on Eligibility

A CQE cannot be used to obtain a **healthcare license** if a person has the following convictions:

2903.01 Aggravated murder

2903.02 Murder

2903.03 Voluntary manslaughter

2903.11 Felonious assault

2905.01 Kidnapping

2907.02 Rape

2907.03 Sexual battery

2907.05 Gross sexual imposition

2909.02 Aggravated arson

2911.01 Aggravated robbery

2911.11 Aggravated burglary

2919.123 Unlawful distribution of  
an abortion-inducing drug

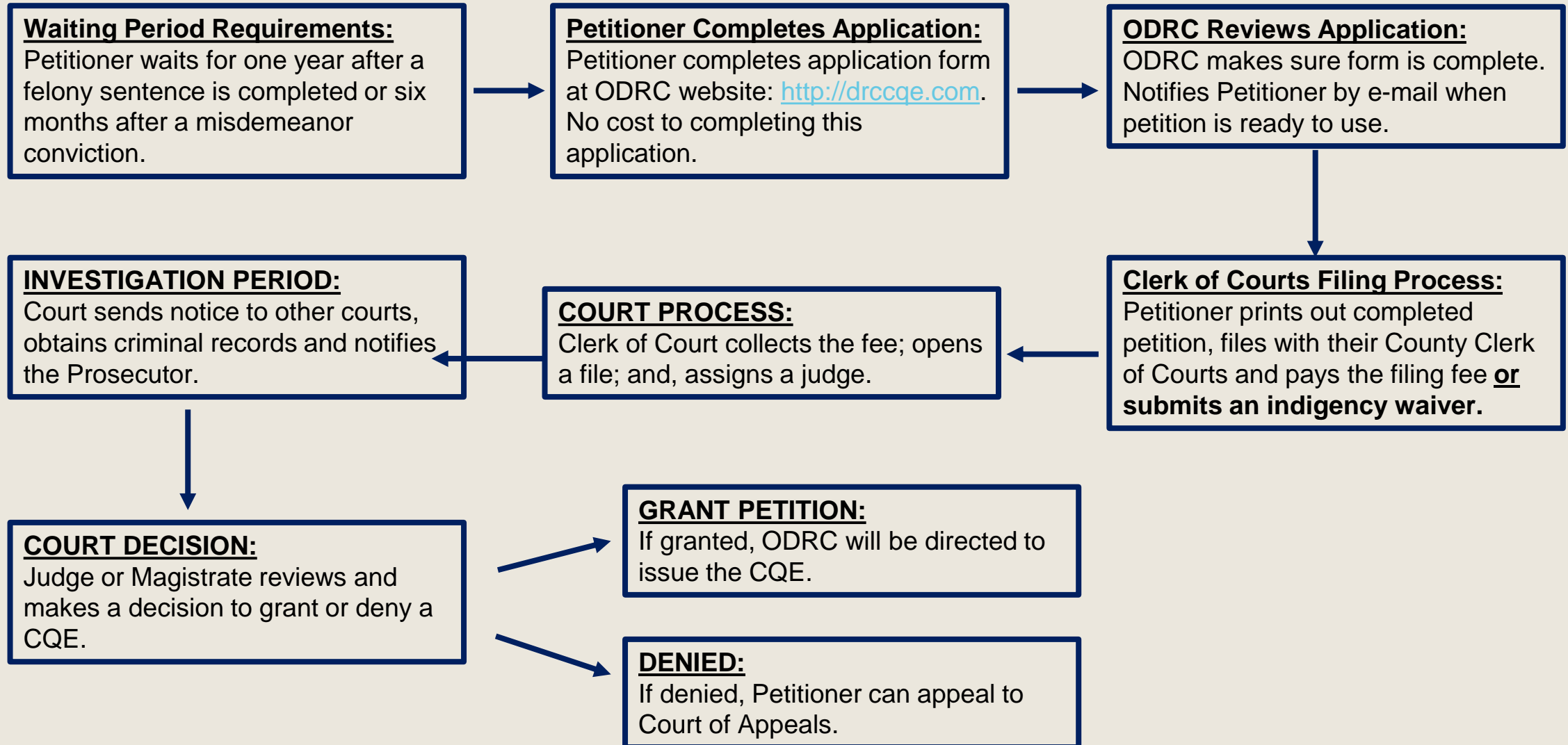
**Apply for a CQE online:**

<https://drccqe.com>

**Next:**

File the application with the County  
Clerk of Courts for \$50

# CQE Process



# Judge's Consideration

- By a **preponderance of the evidence**:
  - (a) Granting the petition will **materially assist** the individual in obtaining employment or occupational licensing.
  - (b) The individual has a **substantial need** for the certificate to live a law-abiding life.
  - (c) Granting the petition would **not pose an unreasonable risk** to the safety of the public or any individual.

# Decision Time

**When the court is done with its investigation, by law, it has 60 days to make a decision about granting the CQE.**

- If the CQE is GRANTED: You can print your Certificate from <https://drccqe.com>. You or any employer can verify the current validity of your CQE at <http://www.drc.ohio.gov/web/cqe.htm>.
- If the CQE is DENIED: You can appeal. The court may put conditions on your reapplying, such as completing certain programs or waiting longer to demonstrate your rehabilitation.



# Next Steps

- Resume
- Job Applications
- A CQE is **automatically revoked** and invalid if a felony is committed

QUESTIONS?

