

NAACP

GLOUCESTER, VA

EXPUNGEMENT PROGRAM



You were charged with a crime and you lived with the stress, uncertainty, and fear that comes with criminal charges. Now that your case has ended without a conviction, you want to put the whole matter behind you. You don't want future employers, landlords, or nosy neighbors to find out about it and judge you unfairly. Your reputation matters and Virginia law allows you to protect it with an expungement in some circumstances.

- What is expungement?
- Why should someone get his or her record expunged?
- What Does It Take to Have an Arrest or Charge Expunged?
- When May a Conviction be Expunged?
- How Does the Expungement Process Begin?

NAACP

GLOUCESTER, VA

EXPUNGEMENT PROGRAM



What is Expungement?

Expungement is the legal process of removing all records concerning an arrest and criminal charges from public access after the charges against you are dismissed. The court does not destroy the records, but the public can no longer access them without a court order. However, expungement does not happen automatically. Instead, you must petition the court and have your request for expungement granted. If your expungement efforts are successful, then all records held by the Virginia Criminal Information Network, National Crime Information Center, and other agencies holding records of your charges or arrest will be removed from public access. NEXT

NAACP

GLOUCESTER, VA

EXPUNGEMENT PROGRAM

WHY SHOULD SOMEONE GET HIS OR HER RECORD EXPUNGED?

A criminal record can limit your ability to move forward positively and constructively with your life. In addition, criminal records have always been available to the general public, but with the arrival of the internet, it is now easier than ever to conduct a background check on nearly anyone. The internet allows prospective employers and others to see anyone's criminal record in mere seconds.

Once your expungement is approved:

- Information about the expunged charges and arrest will not show up in Virginia or federal background checks.
- You have the right to act as if the arrest or charges never happened. That means that you do not need to disclose the information to employers, educational institutions, or others once the expungement order is entered.



EXPUNGEMENT PROGRAM



What Does It Take to Have an Arrest or Charge Expunged?

An arrest or a criminal charge in Virginia may be expunged if:

- **You were prosecuted for a crime and you were found not guilty at trial.**
- **A charge against you was “nolle prossed” or otherwise dismissed under certain circumstances.**
- **Someone else used your name or ID and was charged with a crime under your name or ID without your knowledge or consent.**



GLOUCESTER, VA

EXPUNGEMENT PROGRAM



When May a Conviction be Expunged?

A record for a criminal conviction in Virginia may be expunged in only two circumstances:

- A conviction record may be expunged when the person who was convicted did not commit the crime and receives an absolute pardon. Absolute pardons are granted only when the Governor is persuaded someone was wrongly convicted and is in fact innocent.**
- In some cases, if you received a misdemeanor conviction in Virginia when you were a juvenile, the record may be expunged after you have reached the age of 19 and after five years have passed since the date of the last hearing.**

NAACP

GLOUCESTER, VA

EXPUNGEMENT PROGRAM



How Does the Expungement Process Begin?

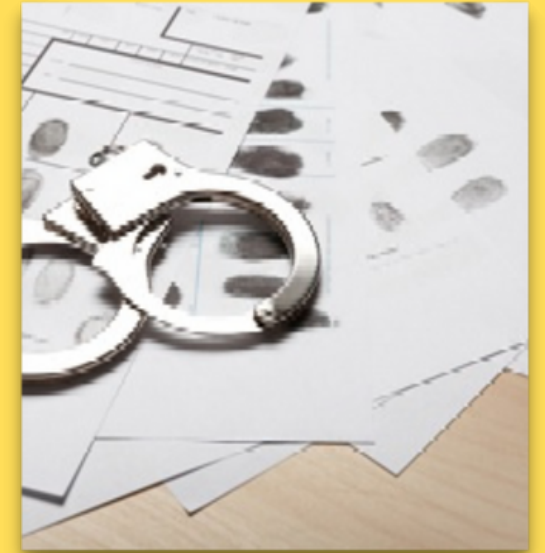
You must file a petition requesting the expungement. Here are the steps you should take:

PETITION FOR EXPUNGEMENT (vacourts.gov)

NAACP

GLOUCESTER, VA

EXPUNGEMENT PROGRAM



Be aware . . .

. . . that your records are not expunged simply because you weren't convicted of a crime. A copy of the petition for expungement also must be sent to the prosecutor who handled your case.

That prosecutor may choose to contest your petition for expungement at an expungement hearing, so you must be represented by a Virginia expungement attorney who is familiar with the expungement process and ready to counter any arguments against granting your expungement.

The court may deny an expungement if you were charged with a felony. In such cases, a record will only be expunged if you and your attorney can demonstrate that publicly maintaining your record is causing a "manifest injustice". If you are seeking expungement of a misdemeanor record, however, the Commonwealth may have to show good cause on why the expungement should not be granted.

NAACP

GLOUCESTER, VA

EXPUNGEMENT PROGRAM



How Can the NAACP Help?

Although we cannot provide any legal advise or provide an attorney to assist with this process, we can assist you with securing the necessary documents and filling out the required forms. In addition, an attorney referral or other forms of legal aid may be possible.

For assistance, please send an email to, gloucesternaacp@gmail.com