

Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio

www.communitylegalaid.org

[I don't qualify for se](#)

I don't qualify for sealing my record. What are my options?

If you don't qualify to seal your criminal record, there are still some options for you outside of sealing your record. The links below will help you get all the information you need, even if you don't qualify for record sealing.

Step 2: Click on the section that is most important to you or read through all the information below.

[I don't have a criminal conviction, but can I seal my arrest record or charges brought against me?](#)

[What is a clemency \(or a "pardon"\)?](#)

[What is a Certificate for Qualification of Employment \(CQE\)?](#)

I don't have a criminal conviction, but can I seal my arrest record or charges brought against me?

Even if you were never convicted of a crime, being arrested or charged with one can still show up on your record. Even if the case was dismissed, or if you were found "not guilty," or if you were simply arrested without being charged with anything -- all of these things can show up in a criminal record search.

All of these may be able to be sealed, and there is special paperwork you'll need to file to seal

these types of records that is different from if you were trying to seal a conviction. It's best to talk to any attorney to see what your options are and then decide what path is right for you.

You will have to file paperwork in the court where your record came from, which means if you have records in different courts, you'll have to file with each court. The rules and paperwork can be different from court to court. If you have questions about what paperwork you need to file, you can either speak with an attorney or contact your local Clerk of Courts to see what they require.

What is clemency (or a “pardon”)?

Clemency -- formally called “executive clemency” -- is a full and absolute pardon for your crimes by the governor of your state. It is forgiveness by the governor for a crime you committed. This is one option if you don't qualify to have your record sealed, but it is rare and difficult to get.

Once you've been pardoned, you can't be punished any further for that crime. However, it doesn't mean you are any more likely to be able to seal your criminal record.

To apply for clemency, the main requirement is that the crime must have happened a long time ago. It also helps if you can prove that you have been rehabilitated, as well as have the support of the community, parole board, and a lawyer. You also have to show that you need the pardon, have made amends, and have turned your life around.

In early 2020, the Ohio governor's office announced a new “expedited” pardon project. You can learn more about it here: <https://www.ohioexpeditedpardon.org/>.

What is a Certificate of Qualification for Employment?

A Certificate of Qualification for Employment (CQE) is a document that is given by the court to someone who has been convicted of a crime. It is a good option for someone who doesn't qualify to have their record sealed or expunged, but who wants to get a job or occupational license, if your criminal record is standing in the way.

A CQE could also help someone who has their record sealed, but wants to become a nurse or teacher, or enter another field with direct contact with vulnerable populations.

A CQE takes liability away from the employer when they hire a former offender. This means they can't be sued for hiring you, no matter what happens. It also is proof for your employer that you have finished your sentence, paid all your fines and fees, and haven't committed any other crime since finishing your sentence.

There are a few requirements to qualify for a CQE:

- You have to show that your conviction is preventing you from work
- You have to prove that you need the CQE to get a job and help you live a law abiding life
- You have to show that granting you the CQE won't cause "unreasonable risk to public safety"
- You have to have been convicted of or pled guilty to a misdemeanor or felony in Ohio
- You have to have completed all the terms of your sentence, including jail time, probation, paying any fines/fees you owe, and completing your waiting period

While this certificate cannot force an employer to hire a former offender, it can help offer peace of mind to an employer and help you prove your case as to why you should be considered for a job. You can learn more about CQEs and how to apply [here](#).