

The Court ordered my record expunged.

Why is this arrest still on my criminal history?

Wisconsin law permits courts to expunge records in which adjudication of guilt is made. Those circumstances are limited to misdemeanors and certain felonies committed by a person under the age of 25 upon successful completion of the sentence or a juvenile upon reaching the age of 17 and making a request.

The Wisconsin criminal history repository maintained by the Wisconsin Department of Justice operates under rules set by the Wisconsin Legislature in section 165.84 of the Wisconsin Statutes. These rules state *“Any person arrested or taken into custody and subsequently released without charge, or cleared of the offense through court proceedings, shall have any fingerprint record taken in conjunction therewith returned upon request.”*

Any record of a conviction ordered to be expunged by a court cannot be removed from the Wisconsin criminal history repository because the conviction disqualifies that arrest for removal.

How can I challenge the accuracy of the information in my criminal history record?

Wisconsin has established a process for individuals to challenge the information contained in their criminal history record. Information on this process may be found at :

www.doj.state.wi.us/dles/cib/crime-information-bureau

Other Websites:

Wisconsin Circuit Courts:

<https://wcca.wicourts.gov/index.xsl>

Pardons & Executive Clemency:

<http://wilawlibrary.gov/topics/justice/crimlaw/pardons.php>

Background Checks:

<https://recordcheck.doj.wi.gov>

Copy of your FBI Record:

<https://www.fbi.gov/services/records-management/foipa/requesting-fbi-records>



Removal of Arrest Information

How can arrest information be removed from my criminal record?



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What information can be removed?

All arrest information in Wisconsin criminal history records maintained by the Wisconsin Department of Justice must be accompanied by an arrest fingerprint card.

Wisconsin law allows removal of an arrest fingerprint card when the person arrested is subsequently released without charge or cleared of the offense through court proceedings on all charges for that arrest event.

If you were arrested and 1) found to be not guilty, 2) the charges were dismissed by the court or prosecutor, or 3) no charges were filed by the prosecutor, you may qualify for removal of this arrest information from your record.

To have a fingerprint record removed, all of the above criteria must be met. Any previous criminal history records will still be maintained.

What about information at the FBI?

If the arrest information being removed from your Wisconsin criminal history record was forwarded to the FBI, the FBI will be contacted to remove the information from their record.

What can I do if I was convicted?

Information must remain in a criminal history record unless no conviction resulted. If you were convicted, the information does not qualify for removal even if the court record was expunged.

Courts do not possess the statutory authority to reopen and dismiss cases. Courts may expunge convictions in two situations:

- Misdemeanors or certain felonies committed by persons under the age of 25 when provided at sentencing and successfully completing any sentence, (s. 973.015 Wis. Stats.)
- Juvenile delinquency adjudications upon request once the subject reaches the age of 17.

If the case was not dismissed, the information must remain on your record. You may contact the Governor's office to investigate a pardon. While a pardon will not remove the arrest from your record, the disposition will show that a Governor's pardon has been issued and restore certain rights. Information on pardons may be found at <http://wilawlibrary.gov/topics/justice/crimlaw/pardons.php>

Is there a fee?

There is no fee required for removal of arrest information from your record.

Why is a fingerprint required?

All identification in the criminal history repository is based on fingerprint comparison. The fingerprint on the form you submit will be compared to the arrest fingerprints on file to make sure the information is removed from the proper record.



A fingerprint must accompany your request.

How can I remove information?

You must submit a completed form DJ-LE-250B. If you have documentation showing dismissal or no prosecution of the offenses on the arrest card, submitting copies will speed the removal process. The form may be found at:

<https://www.doj.state.wi.us/dles/cib/cib-forms> or call to request a form.

Charges/Dispositions/Sentences					
Count 1					
State / Offense	Security	Description	Offense Date	Plus	
947.01	Third B	Domestic Conduct	03-20-1997		
Charge Modifier					
State	Modified Security	Description			
948.07(1)(c)4		"Domestic Abuse" / "Child Abuse / Neglect"			
Disposition					
Case No.	Disposition	Disposition Date	Disposing Court Official	Judgment of Conviction	
1	Dismissed On Motion	03-08-1997	Esq. James R.	IN	
Count 2					
State / Offense	Security	Description	Offense Date	Plus	
947.01	Third B	Domestic Conduct			
Disposition					
Case No.	Disposition	Disposition Date	Disposing Court Official	Judgment of Conviction	
1	Dismissed On Motion	03-08-1997	Esq. James R.	IN	

Send copies of any information showing dismissal or no prosecution.