



COBB COUNTY POLICE DEPARTMENT

140 North Marietta Parkway
Marietta, Georgia 30060-1454
(770) 499-3900 • fax: (770) 499-4195
www.police.cobbcountyga.gov

J.R. Houser *Chief of Police*

R.L. Prince *Deputy Chief of Police*

C.T. Cox *Deputy Chief of Police*

REQUEST TO EXPUNGE ARREST RECORD

There is a non-refundable processing fee of **\$25.00** payable to the **Cobb County Police Department** due when the request form is submitted.

Please be sure the arrest listed was made by the Cobb County Police Department. THERE ARE NO REFUNDS if research indicates the arrest was made by another agency (the Cobb County Sheriff's Office is ANOTHER agency). If the arrest was made by another agency, the form will be voided and filed. You will be notified by mail.

Requests processing entails a check of our records and criminal histories. Once page two of your request is completed, it will be forwarded to the prosecutor's office.

Once the form is returned to us from the prosecutor, a letter will be mailed to you at the address you gave on the form indicating that your request has been approved or denied. If the request is approved, a letter and the original form will be mailed to the Georgia Crime Information Center (GCIC). You will then need to send a \$25.00 cashier's check or money order made payable to the Georgia Bureau of Investigation to complete the process. If denied, your request will be kept on file.

There is no guarantee your request will be granted. Sections of the law explaining the Expungement Process is on the back of this form for your review. If you have questions, you may wish to consult with legal counsel. **The Cobb County Police Department CAN NOT answer** if your request will be granted or denied prior to the prosecutor's review.

After you have completed the application, leave it with the Front Counter staff. Please ensure the address is correct. The form WILL NOT be processed for the following reasons:

1. The "date of arrest" section is not complete – please put in accurate dates
2. The arresting agency is not the Cobb County Police Department.

Be sure to sign and date all of the required forms. Attorney signatures will not be accepted without documentation of power of attorney. Do not write notes or explanations of the arrest on the form. Simply complete the blanks with the information requested. If you have not received a letter from our office within two months, you may call (770) 499-3900 to check on the status of your request.

I have read and understand the terms listed above – signature required for processing.

SIGNATURE

DATE

O.C.G.A. 35-3-37(d)
Selected Sections:

(1) An individual who was:

(A) Arrested for an offense under the laws of this state but subsequent to such arrest is released by the arresting agency without such offense being referred to the prosecuting attorney for prosecution; or

(B) After such offense referred to the proper prosecuting attorney, and the prosecuting attorney dismisses the charges without seeking an indictment or filing an accusation may request the original agency in writing to expunge the records of such arrest, including any fingerprints or photographs of the individual taken in conjunction with such arrest, from the agency files. Such request shall be in such form as the center shall prescribe. Reasonable fees shall be charged by the original agency and the center for the actual costs of the purging of such records, provided that such fees shall not exceed \$50.00.

(2) Upon receipt of such written request, the agency shall provide a copy of the request to the proper prosecuting attorney. Upon receipt of a copy of the request to expunge a criminal record, the prosecuting attorney shall promptly review the request to determine if it meets the criteria for expungement set forth in paragraph (3) of this subsection. If the request meets those criteria, the prosecuting attorney shall review the records of the arrest to determine if any of the material contained therein must be preserved in order to protect the constitutional rights of an accused under *Brady v. Maryland*.

(3) An individual has the right to have his or her record of such arrest expunged, including any fingerprints or photographs of the individual taken in conjunction with such arrest, if the prosecuting attorney determines that the following criteria have been satisfied:

(A) The charge was dismissed under the conditions set forth in paragraph (1) of this subsection;

(B) No other criminal charges are pending against the individual; and

(C) The individual has not been previously convicted of the same or similar offense under the laws of this state, the United States, or any other state within the last five years, excluding any period of incarceration.

(5) It shall be the duty of the agency to notify promptly the center of any records which are expunged pursuant to this subsection. Upon receipt of notice from an agency that a record has been expunged, the center shall, within a reasonable time, restrict access to the criminal history of such person relating to such charge. Records for which access is restricted pursuant to this subsection shall be made available only to criminal justice officials upon written application for official judicial law enforcement or criminal investigative purposes.

REQUEST TO EXPUNGE ARREST RECORD

O.C.G.A. 35-3-37(d)

Money Order
Certified Check
GBI Reference #

Internal Use Only

One (1) Date of Arrest Only Per Request and
A non-refundable \$25.00 Fee

(Money Order or Certified Check payable to "Georgia Bureau of Investigation") per Request
The local agency may also require a fee up to \$25.00

SECTION ONE - APPLICANT INFORMATION

(To be completed by Applicant)

O.C.G.A. 35-3-37(d)(1) provides in part that "An individual who was: (A) Arrested for an offense under the laws of this state but subsequent to such arrest is released by the arresting agency without such offense being referred to the prosecuting attorney for prosecution; or (B) After such offense referred to the proper prosecuting attorney, and the prosecuting attorney dismisses the charges without seeking an indictment or filing an accusation may request the original agency in writing to expunge the records of such arrest..."

Name: _____

Date of Birth: _____ Race: _____ Sex: _____

Social Security Number: _____

Telephone Number: _____ Email: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____

Date of Arrest: _____

Offense(s) Arrested For: _____

Sections One and Two of this form must be completed in their entirety before request may be submitted to the Prosecuting Attorney's Office.

I request the arrest record information (Date of Arrest and associated charges) described above pertaining to me be expunged from the record(s) of the arresting agency pursuant to the provisions of O.C.G.A. 35-3-37(d).

Signature: _____ Date: _____