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# Rap Sheets

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## What Is A “Rap Sheet”?

If you have ever been arrested in California and fingerprinted, you have a California rap sheet. A “rap sheet” is a record of your arrest and conviction history in California. Rap sheets are maintained by the Division of Criminal Justice Services (DOJ) in Sacramento. Each time you are arrested and fingerprinted, the police department sends a report of the arrest to DOJ. If you have been arrested before, DOJ adds the new information to your computer file; if not, a file is created for you.

DOJ keeps track of arrests in California only: cases from other states and federal cases will not appear on your California rap sheet. The FBI keeps a complete list of your arrests in all states, and your DOJ file will have a notation of your FBI computer code number.

The state and local courts send information to DOJ as well. After your case is over, the court contacts DOJ to report the outcome of the case. This information is also known as the “disposition” of the case. There are many possible dispositions which could appear on your rap sheet. Some common dispositions include “NOT CONVICTED,” “DISMISSED,” “ACQUITTED,” and “CONVICTED.”<sup>1</sup> A conviction is generally a **guilty plea or a court’s finding of guilt**

for a “crime” or an “offense.” Criminal convictions are determined by both the disposition of the case and the classification of the offense (infraction, felony, or misdemeanor). For example, if you receive a deferred entry of judgment based upon your guilty plea and successfully complete probation, your guilty plea will not be considered a conviction.

You can have a conviction even though you never served time in jail. If you received probation, paid a fine, did community service, or received a conditional sentence (see p. 3), you had a conviction. The disposition entry on your rap sheet will contain information about the type of offense you were convicted of. The following **types of offenses** may appear on your rap sheet:

**1. Infraction:** A noncriminal case for which the penalty may consist of a fine, but not imprisonment. Most infractions are traffic-related, but some common non-traffic infractions include a first conviction for loitering in a transit facility and a first conviction for trespass. If you were convicted of an infraction, you were not convicted of a crime, but you were convicted of an offense.<sup>2</sup>

**2. Misdemeanor:** A lesser criminal offense that may result in a fine and a maximum of six months imprisonment in state prison or county jail, unless a particular statute specifies a different punish-

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<sup>1</sup> CAL. PENAL CODE § 13125 (2001).

<sup>2</sup> CAL. PENAL CODE §§ 19.6, 602.8, 1462 (2001); CAL. PUB. UTIL. CODE § 120451 (2001); *People v. Sava*, 190 Cal.App. 3d 935, 939 (1987).

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ment. Common misdemeanors include possession of small amounts of marijuana, disorderly conduct, and misdemeanor assault. Conviction of a misdemeanor offense is considered conviction of a crime.<sup>3</sup>

**3. Felony:** A serious criminal offense punishable by imprisonment in the state prison for more than six months (although you may not serve any time in jail or prison) or death. Some common felony charges are possession with intent to sell controlled substances, burglary, robbery, arson, carjacking, felony driving under the influence with bodily injury to another person, and felony assault. Conviction of a felony is considered conviction of a crime.<sup>4</sup>

**4. “Wobbler”:** A “wobbler” is a criminal offense that can be classified as either a misdemeanor or a felony, thus it “wobbles” between these two categories of offenses. Common wobblers include driving under the influence, battery with serious bodily injury, petty theft, simple grand theft, and receiving stolen property. Conviction of a wobbler is considered conviction of a crime.<sup>5</sup>

Following are other **special dispositions** that may appear on your rap sheet:

**1. Deferred Entry of Judgment:** If you are charged with certain drug offenses and meet certain criteria, such as no prior convictions for offenses involving controlled substances and the offense charged

does not involve violence, you may be eligible, with the agreement of the prosecutor, for a deferred entry of judgment. If you plead guilty and waive the right to a speedy trial, the court defers judgment and sentences you to probation or treatment. If you successfully complete probation or treatment, your guilty plea will not be a conviction.<sup>6</sup>

**2. Vacating or Setting Aside a Guilty Plea or Verdict:** The court may “set aside” or vacate a guilty plea or verdict after a successful appeal, upon fulfillment of all probation conditions, or whenever justice requires. This procedure enables you to apply for a Certificate of Rehabilitation, pardon, and expungement. However, your guilty plea or verdict is still considered a conviction, and must be disclosed on applications for public employment, public office, or occupational licensure.<sup>7</sup>

**3. Pre-plea Drug Diversion:** The criminal proceedings are adjourned while you participate in a program involving counseling, drug testing, education, and possibly other conditions. Your criminal charges are dismissed upon successful completion of the program. However, if the court finds any one of the following, your charges will be reinstated:

- unsatisfactory performance in the program;
- lack of benefit gained from the program; or
- continued criminal activity.

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<sup>3</sup> CAL. PENAL CODE §§ 19, 647, 1462, 23152 (2001); CAL. HEALTH & SAFETY CODE § 11357 (2001).

<sup>4</sup> CAL. CONST. art. 6, § 10 (2001); CAL. PENAL CODE §§ 17, 241, 12021.1 (2001); CAL. HEALTH & SAFETY CODE § 11351 (2001); CAL. VEH. CODE § 23153 (2001).

<sup>5</sup> CAL. PENAL CODE §§ 243, 489, 490, 496, 666, 23152 (2001); CAL. VEH. CODE § 2001(a).

<sup>6</sup> CAL. PENAL CODE §§ 1000, 1000.1 (2001).

<sup>7</sup> CAL. PENAL CODE § 1203.4 (2001).

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If your criminal charges are reinstated, this disposition may result in a conviction. However, if you successfully complete a pre-plea drug diversion program and your charges are dismissed, it is as if you were never arrested. Therefore, you may indicate that you were not arrested or granted diversion, except in applications for law enforcement jobs.<sup>8</sup>

**4. Conditional Sentence:** If you satisfy certain conditions, such as attending an alcohol or drug treatment program, you will be discharged and you will not be required to serve time in jail. Your guilty plea or verdict is still considered a conviction, and must be revealed on job applications and in employment interviews.<sup>9</sup>

Another entry that may appear on your rap sheet is a “bench warrant.” If you fail to appear on your assigned court date and a bench warrant is issued for your arrest, the court tells DOJ. The warrant is added to your record and will appear on your rap sheet.

Remember: You will still have a DOJ record even if your case was dismissed, or if you were convicted but served no time in jail.

## Who Can See Your DOJ Rap Sheet

Five categories of people and agencies are allowed to see a copy of your rap sheet:

- **Criminal justice and law enforcement agencies**

Police departments, courts, prosecutors and defense attorneys, parole and probation departments, and corrections officials have the right to review your rap sheet, including juvenile ward of the court adjudications, “expunged” cases, and, in some cases, “sealed” information (see pp. 12-27 for information about expunging and sealing records).

- **Private and public employers**

Most employers do not have the right to see your rap sheet. But California law does allow some groups of employers to get a copy of your rap sheet when they are considering whether to hire you. Any employer who fingerprints you as part of the hiring process will probably send your fingerprints to DOJ to obtain your rap sheet.

Here is a partial list of employers in California who are allowed to send for your rap sheet:

- Nuclear power plants and public utilities;<sup>10</sup>
- Certain positions with supervision over minors;<sup>11</sup>
- Security organizations;<sup>12</sup>
- Financial institutions, such as banks and brokerage houses;<sup>13</sup>
- Child day care facilities;<sup>14</sup> and
- Private schools.<sup>15</sup>

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<sup>8</sup> CAL. PENAL CODE §§ 1000.4-1000.5 (2001).

<sup>9</sup> CAL. PENAL CODE §§ 1000.4-1000.5 (2001).

<sup>10</sup> CAL. PENAL CODE §§ 11105(c)(1) and 13300(b) (2001).

<sup>11</sup> CAL. PENAL CODE § 11105.3 (2001).

<sup>12</sup> CAL. PENAL CODE § 11105.4 (2001).

<sup>13</sup> CAL. FIN. CODE § 777.5 (2001).

<sup>14</sup> CAL. HEALTH & SAFETY CODE § 1596.871 (2001).

<sup>15</sup> CAL. EDUC. CODE § 44237 (2001).

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Most public employers can request a copy of your rap sheet. These employers include local, state, and federal government agencies, such as police and fire departments, the California Department of Corrections, your local board of education, and the United States Postal Service, among many others.<sup>16</sup>

- **Occupational licensing agencies**

Hundreds of jobs (including barber, real estate broker, doctor, nurse, and taxi driver) require a state or municipal license. Often, the agency that issues an occupational license requires applicants to show that they possess “good moral character” before a license will be granted. For a few licenses, there are laws that bar ex-offenders from even applying. For this reason, some occupational licensing agencies will check your DOJ file when you apply for a license.<sup>17</sup>

- **Bonding agencies**

A bond is a kind of insurance policy that an employer takes out on an individual employee to protect the employer in case that employee steals from the employer or from its customers. The agencies that issue bonds can get your rap sheet when deciding whether to bond you.<sup>18</sup>

- **You**

You have the right to see your own rap sheet. The process for reviewing your rap sheet is explained on pp. 5-8.

## Why You Should Review Your Rap Sheet

There are three good reasons for obtaining a copy of your rap sheet:

### 1. You can check for mistakes.

Rap sheets are often incomplete and contain mistakes that can make it harder to get a job if they are seen by an employer. You can correct errors before this happens if you review your record first.

For example, if you were adjudicated a ward of the court when you were a juvenile (less than eighteen years of age), information concerning this adjudication can often be sealed (see pp. 20-22 for more information regarding “sealing”). Once sealed, this information is confidential and should not be sent to an employer. Sometimes, as a result of a mistake, the ward of the court order still appears on the rap sheet after sealing. Information that should be confidential would then be sent to any employer who is authorized to see your record. If you notice the mistake ahead of time, you can make sure your juvenile ward of the court records remain confidential.

### 2. You may not remember everything.

California law only permits employers to ask job applicants about some aspects of their criminal history. If you do not answer truthfully and completely and the employer finds out, you can be denied a job or fired. Because arrests and convictions may have occurred many years ago,

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<sup>16</sup> CAL. PENAL CODE §§ 11105, 13300 (2001); CAL. EDUC. CODE § 44332.6 (2001).

<sup>17</sup> CAL. PENAL CODE §§ 11105, 13300 (2001).

<sup>18</sup> CAL. PENAL CODE §11105.6 (2001).

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you may not remember all the charges and the courts where you were tried, or even the charge you were convicted of. Therefore, it is important to review the specific details of your criminal history so that you can fill out job applications accurately.

Also, court proceedings can be very confusing, and you may not fully understand the outcome of a case. For example, a person may plead guilty to misdemeanor charges and receive a conditional sentence, meaning that he or she does not have to pay a fine or serve time in jail. Even though there was no penalty, this is a conviction of a criminal offense that must be reported if a job application asks about criminal convictions. If you review your record before filling out a job application, you will be able to list your convictions accurately and not give misleading or false answers.

### **3. You can prepare for a job interview.**

While there are limitations on who can see your rap sheet, many employers and licensing agencies have legal access to your rap sheet, and other employers may obtain it unlawfully. Still others may ask you to list your criminal convictions. If you know exactly what your record reveals before you apply for a job or license, you'll have the opportunity to think about the best way to talk about your convictions with the job interviewer.

For example, your record may report a conviction for a drug-related charge. An employer who sees this charge on your

rap sheet might assume that you are currently a drug abuser. If you look at your record before your interview, you can be prepared to talk about this issue. You might then decide to present the employer with a letter from your drug treatment program as proof of your rehabilitation and recovery.

## **How To Get A Copy Of Your Rap Sheet**

You are entitled to obtain a copy of your California rap sheet from DOJ.<sup>19</sup> To do so, request a form called “Application to Obtain Copy of State Summary Criminal History Record” from the following address:

California Department of Justice  
P.O. Box 903417  
Sacramento, CA 94203-4170  
Attn: Record Review Unit  
(916) 227-3835

Return the completed form to DOJ with a copy of your fingerprints, which can be obtained from any law enforcement agency, and a money order, certified check, or personal check drawn on a California bank in the amount of \$25 payable to the “California Department of Justice.” DOJ may waive the application fee for persons with “financial hardship” or inmates upon completion of a form and proof of inability to pay, such as a public assistance or MediCal card. You should receive a copy of your criminal record within six to twelve weeks.

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<sup>19</sup> CAL. PENAL CODE § 11105(b)(11) (2001).

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To obtain a copy of your rap sheet from the FBI, write to:

U.S. Department of Justice  
Federal Bureau of Investigation  
1000 Custer Hollow Road  
Clarksburg, WV 26306

Your letter to the FBI should state that you are requesting your rap sheet under the Freedom of Information Act. Include your name, address, date of birth, place of birth, and a complete set of fingerprints. The FBI charges a fee of \$18 for your FBI record, so you must enclose a certified check or money order payable to the “U.S. Treasurer.” The fee will be waived if you send a notarized letter explaining that you cannot pay the fee.

**Warning:** If you think that there may be an outstanding warrant for your arrest, you should clear it up before you contact DOJ. To clear up an open warrant, contact an attorney or call your local public defender.

• **Other options**

There are a couple of other ways you may be able to see and/or get a copy of your rap sheet. First, when you are arraigned for a criminal case, your lawyer is given a copy of your rap sheet. If you did not have a lawyer, the copy should have been given to you. This copy will remain in your lawyer’s file and you can ask to see it. If you were represented by a Legal Aid Society attorney or public defender, you may be able see your rap sheet by calling the office that represented you. Second, if you are currently on parole or probation,

or were recently released, your parole or probation officer may have a copy of your rap sheet and may be willing to show it to you.

## How To Read Your Rap Sheet

Your rap sheet is divided into five vertical columns (see p. 8 for a sample rap sheet):

1. The left column contains the date of your arrest.
2. The second column lists the arresting agency.
3. Your name appears in the third column.
4. The fourth column contains the charge(s) on which you were arraigned. The charges will be summarized by a phrase (for example, “NARC CONT SUB FOR SALE,” which means “narcotic controlled substance for sale”). This column also lists the corresponding citation in the California Penal Code (in this example, PC 220.21) and sometimes the category of the offense (felony, misdemeanor, or violation). The number of counts is included, along with the notation “ATTEMPTED” if the offense was not completed.
5. The fifth column on the right is the most important section of your file. It is supposed to indicate the correct outcome or disposition of your charges. A complete disposition entry contains the date your case was heard, the name

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of the court, the index or docket number under which your case is filed, and the outcome of your case in court (for example, guilty plea entered, convicted after a trial, or acquitted). If you were convicted, the disposition column should also report the type of sentence or fine you received. If you were issued a Certificate of Rehabilitation (see p. 30) that would be indicated here.

The sample rap sheet on p. 8 is annotated to help you find the above information, as well as other information you may need.

## What To Look For On Your Rap Sheet

The first thing you should do when you review your rap sheet is check it carefully for mistakes. Rap sheets may have one or more mistakes. The simplest explanation for this is that your case was handled by a number of different agencies: the arresting agency; the prosecutor's office; the court; the correctional facility; the probation or parole department; and DOJ. There are plenty of opportunities for part of your file to get lost or for someone to make an error at some stage of the process.

Here are some common mistakes:

- **Incomplete entries**

Rap sheets often report arrests without stating the final disposition. When this happens, your rap sheet will say "no disposition reported" because no one informed DOJ about what happened to the

case. An omission like this can be damaging because people who see your record might assume you were found guilty of the original arrest charges, when you may have been acquitted or convicted of less serious charges. Or people might assume that the charges are still outstanding and there is an open warrant for your arrest.

- **Incorrect entries**

Any computer system is subject to human error. For example, a rap sheet could report that an individual was convicted of Burglary (section 461 of the California Penal Code) when, in fact, s/he had been arrested for and pled guilty to Assembly for the Purpose of Disturbing the Peace (section 416 of the Penal Code). A simple error made while typing in the penal code number could result in a terrible mistake. Check your rap sheet carefully to make sure that, as far as you can tell, all of the information is correct.

- **Double entries**

Sometimes, information about one arrest will get split into two or more separate entries on your rap sheet. This mistake makes your criminal record look longer and more serious than it really is.

- **Cases that can be expunged, sealed, or purged, but are not**

Cases that can be expunged or sealed under California law are not altered or erased automatically. However, some cases that can be purged should be purged automatically. For a full discussion of expungement, sealing, and purging see pp. 12-27.

## Sample DOJ Rap Sheet

The following CII record, NUMBER 99 000 015, IS FOR OFFICIAL USE ONLY

ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
8-9-82 <b>1</b>	PD LOS ANGELES <b>2</b> 388555t, 89894371	DOE, JOHN	489PC-GRAND THEFT 8-10-82 <b>3</b>	9-15-82, #31134000 <b>4</b> , 489 PC, FELS, CONV, 36MOS PROB, 365 DS JL5-31-84, #3249604, 17(b)(3), 1203.4, DISM,FURTH OF JUST <b>5</b> 10-14-84, #A395487, CERT OF REHABILITATION <b>6</b>
10-21-86	PD WALNUT CREEK	DOE, JOHN	459PC-BURG	12-28-86, #52149801602(L) PC, MISD CONV, 24 MOS PROB, 30 DS JL <b>7</b> 2-21-88, #223019821203.4, DISM, FURTH OF JUST
1-19-87	SO LOS ANGELES 2000000	DOE, JOHN	1135 & S-POSS NARC CONT SUB FOR SALE  496PC-REC STOL PROP	3-20-87 <b>9</b> , #A-400000, 11350H...S, 496PC, FELS, <b>10</b> CONV <b>11</b> , 36MOS PROB,180DS JL 8-16-87,PROB REV, SENT 1YR 4MOS ST PRIS <b>8</b>

## Key To Sample DOJ Rap Sheet

This sample rap sheet contains information on 4 arrests.

- 1) Arrest date
- 2) Arresting agency
- 3) Arrest charges, including a description of each charge and its criminal code number
- 4) Index or docket number
- 5) The "DISM, FURTH OF JUST" notation indicates that DOJ has expunged the entry
- 6) Whether a Certificate of Rehabilitation has been issued and details
- 7) Corrections date, including parole and probation information
- 8) Sentence
- 9) Date of disposition
- 10) Offense convicted of
- 11) Disposition of case

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## Arrests That Happened When You Were A Youth

In California, a person less than eighteen years old (a “minor” or a “juvenile”) is not criminally responsible for his or her conduct except in the two situations below. Persons under age eighteen who engage in conduct that would otherwise result in criminal prosecution are processed in the Juvenile Court. Those who are found to have violated the law are adjudicated a ward of the juvenile court. A person eighteen years of age or older, on the other hand, is considered an adult under the Penal Code, and may be tried and convicted of criminal charges.<sup>20</sup>

## Adult Prosecution Of Juveniles

Juveniles may be transferred to criminal court in two instances. First, any minor sixteen years of age or older who is found an unfit subject for the juvenile court may be transferred for criminal prosecution. In addition, individuals fourteen years of age or older who have committed murder or a violent sexual offense are required to be prosecuted as adults in criminal court.<sup>21</sup> Regardless of whether your case was heard in Juvenile Court or Criminal Court, the records are forwarded to DOJ and are stored in the DOJ computer. Therefore, they will appear on your DOJ rap sheet, unless the case is sealed. The difference lies in the fact that juvenile ward of the court adjudications can likely be sealed, whereas criminal court convictions can only be expunged.

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<sup>20</sup> CAL. WELF. & INST. CODE §§ 203, 604, 731 (2001); CAL. CODE REGS. tit. 2 § 7287.4 (2001).

<sup>21</sup> CAL. WELF. & INST. CODE §§ 602, 707, 707.1 (2001); CAL. CODE REGS. tit. 2 § 7287.4 (2001).

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# Cleaning Up Your Rap Sheet

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## How To Correct Mistakes

DOJ will correct most mistakes on your rap sheet if you explain the mistakes and provide proof that your rap sheet is incorrect. Most mistakes can be fixed easily, without the help of an attorney. But the process takes some time, so start as early as you can.

If you think there is an error on your rap sheet, you must take the following steps:

**1. Get an abstract of the judgment** for the case from the court where the case was heard. An abstract is an official court record of the case that contains the docket number, arrest charges, disposition (dismissal, acquittal, or conviction), and disposition date. The abstract should have the correct information. If you disagree with the information, you will need a lawyer to look into it. (See Example on p. 11.) The abstract of the judgment is official **only** if the seal of the court is pressed into the paper so that you can feel it if you run your finger over it.

- Contact the court clerk in the court where your case was heard. Most non-traffic infractions, misdemeanors, and felonies are heard by the county superior courts. The second column of your rap sheet will indicate the county in which you were arrested. The superior court in that county will most likely have heard your case. The quickest way to get the abstract is to go to the clerk's office in

person. If you are incarcerated or cannot get to the court, you can write to the clerk's office, but it may take several months for you to receive abstracts of the judgments in your cases. (See *Model Letter #1, Letter to court requesting a certified copy of an abstract* on p. 13. See also Appendix #6 for a list of addresses of the major courts in California.)

- Whether you write or go in person, give the court clerk your name, any aliases you may have used, the date of your arrest, and the docket number of your case. This information should be on your rap sheet. If you cannot provide a docket number or arrest date, your name and the approximate date that the case was heard will probably be enough. The fee is \$7 for the abstracts and \$6 for the seal, so the total charge will be \$13. The court may waive the fee if you were represented by a Legal Aid Society attorney or public defender, if you are incarcerated, or if you are on public assistance. Take identification when you go to the court to obtain records.

**2. Send the original copy of the abstract and a completed "Claim of Alleged Inaccuracy or Incompleteness" form to DOJ.** You will receive a Claim of Alleged Inaccuracy or Incompleteness form along with your rap sheet from DOJ. This form is used to explain to DOJ why you think there is a mistake on your rap sheet and to request that DOJ correct the mistake. If you do not have this form, a



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letter to DOJ will be sufficient to challenge the accuracy of the information on your rap sheet. (See *Model Letter #2, Letter to DOJ challenging a rap sheet information and asking for corrections* on p. 14.)

- Whether you fill out the Claim of Alleged Inaccuracy or Incompleteness form or write DOJ a letter, you should explain when and where you saw a copy of your criminal record. To speed up your request, refer to your “CII” or California identification number, if you know it. Carefully explain what part of the record you think is wrong and how you think the record should be corrected. Remember to be as clear as possible when describing what you want to have changed on your rap sheet.

- You must document your challenge by attaching an abstract of the judgment to prove that the correction you are requesting should be made. If there is more than one mistake on your rap sheet, be sure to provide a separate abstract for each entry you want corrected. It may be necessary to send other documentation to DOJ, such as a court order demonstrating that a case has been sealed. Be certain that all documents sent to DOJ are either originals or certified copies. If you think you will need a copy of the abstract in the future, you should photocopy it before you mail the original to DOJ. DOJ will not return the original abstract to you and cannot send you a copy at a later date.

- Your record should be corrected within sixty days after you send the letter. DOJ will notify you by letter that your record has been corrected. If you want to make

sure that your record has been corrected, you will have to request another copy of your rap sheet from DOJ.

- If DOJ’s investigation reveals the information on the rap sheet is correct, and refuses to change the entry, you must contact the “contributing agency” (such as local law enforcement officers, clerks of court, and corrections officials). At this point, DOJ will accept requests for corrections only from the original contributing agency. Once the agency notifies DOJ of an error, its staff will initiate an audit and coordinate corrections or modifications directly with the contributing agency. The time necessary to complete this process varies. (See *Model Letter #3, Letter to contributing agency challenging rap sheet information and asking for corrections*, p. 15.)

## **Expunging, Sealing, And Purging Cases**

There are three processes for cleaning up your California rap sheet: expunging, sealing, and purging. You can have cases erased from your record if they are “sealed” or “purged,” but not if they are “expunged.” The process that applies to your case(s) depends on the nature of the charges and whether they resulted in a conviction, as discussed in the next section.

### **Expungement**

Expungement (also known as having a case “set aside and dismissed”) is a limited remedy that does not erase a case from your record, but rather results in a

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**Model Letter #1**  
**Letter to court requesting a certified copy of an abstract**

(Date)

(Court)  
(Address)

Dear Sir/Madam:

Please send me a certified copy of an abstract of the judgment for the following case. I was the defendant in this matter.

ARREST DATE \_\_\_\_\_

ARREST CHARGES \_\_\_\_\_

DOCKET/INDICTMENT # \_\_\_\_\_

NAME/ALIASES \_\_\_\_\_

Thank you for your attention.

Sincerely,

(Your name)

(Your Address)

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**Model Letter #2**  
**Letter to DOJ challenging rap sheet information and asking for corrections**

(Date)

California Department of Justice  
P.O. Box 903417  
Sacramento, CA 94203-4170  
Attn: Record Review Unit

Re: DOJ record of (Your name)  
CII #\_\_\_\_\_

Dear Sir/Madam:

On (date), I reviewed a copy of my rap sheet with a DOJ representative in Sacramento. I noticed an error on my record and am writing to address the correction that should be made. I am enclosing certified copies of the following to confirm the correct information: 1) an abstract of the judgment; and 2) the sealing order.

My challenge is as follows:

My rap sheet reports that I was convicted of (offense) on (date of conviction). In fact, I was (describe disposition of case), as documented by the attached abstract with docket number \_\_\_\_\_. In addition, please see the attached order demonstrating this record has been sealed. Please correct my record as soon as possible.

Please inform me of the changes you have made to my rap sheet. Thank you for your attention.

Sincerely,

(Your name)  
(Your address)

**Model Letter #3**  
**Letter to contributing agency challenging rap sheet**  
**information and asking for corrections**

(Date)

(Law enforcement agency)  
(Address)

Re: DOJ record of (Your name)  
CII #\_\_\_\_\_

Dear Sir/Madam:

On (date), I reviewed a copy of my rap sheet with a DOJ representative in Sacramento. I noticed an error on my record and am writing to identify the correction that should be made. I am enclosing a certified copy of an abstract of the judgment for clarification. Please forward information to the Department of Justice to correct the following error:

Information pertaining to my (date) arrest is split into two separate entries on my rap sheet. Please consolidate the arrest and corrections information into one entry. See attached abstract with docket number \_\_\_\_\_.

Please inform me once you have forwarded the required information to the Department of Justice. Thank you for your attention.

Sincerely,

(Your name)  
(Your address)

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notation to your rap sheet indicating that the conviction has been “dismissed [in] furtherance of justice (DISM, FURTH OF JUST).” California law allows the courts and DOJ to expunge most adult misdemeanor and many felony convictions and most convictions of a juvenile following criminal prosecution. These records cannot be sealed.<sup>22</sup> Expungement is still helpful, however, because it allows you to say “no” on most employment applications that ask whether you have been convicted, and it enables you to apply for a Certificate of Rehabilitation and a pardon (see p. 28).

## Sealing

Having a case sealed means that criminal history record information is removed from the version of the rap sheet that is sent to employers and others. Cases that can be sealed are those that did not lead to conviction and juvenile ward of the court orders.<sup>23</sup> However, you should understand that even though sealed records are physically destroyed in most circumstances, your sealed records will still remain in a confidential file in the DOJ computer. Only in limited circumstances can sealed information be released (see p. 20).

## Purging

A record that is purged cannot be released under any circumstance. Cases that can be purged are limited to certain marijuana arrests and convictions.<sup>24</sup> Prior to July 2000, you could petition to purge your entire DOJ record if you had all misde-

meanor convictions and at least 10 years had passed since your last conviction. Through purging, DOJ would destroy all criminal history record information on your rap sheet. However, beginning in July 2000, DOJ decided to discontinue this practice and only purge certain marijuana arrest and conviction records from rap sheets. When a case is purged, all criminal history record information is removed from the version of the rap sheet that will be sent to employers and others. All records (fingerprints, photographs, court records, etc.) are destroyed, and no records are retained. This information is summarized in the following chart.

## Cases That Can Be Expunged

Information about many adult misdemeanor and felony convictions and juvenile convictions following adult criminal trials can be expunged.

You may **not** petition for expungement:

- if you have any outstanding fees or restitution related to your conviction;
- if you are currently charged with, or expect to be charged with, any other criminal or serious traffic offense; or
- when/if you were convicted of:
  - failing to obey a police officer;
  - certain sex offenses;
  - a non-wobbler felony without probation as part of the sentence (see p. 19); or
  - an infraction.<sup>25</sup>

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<sup>22</sup> CAL. PENAL CODE §§ 17(b)(3), 1203.3, 1203.4-4(a) (2001).

<sup>23</sup> CAL. PENAL CODE § 851.8 (2001); CAL. WELF. & INST. CODE § 781 (2001).

<sup>24</sup> CAL. HEALTH & SAFETY CODE § 11361.5 (2001).

<sup>25</sup> CAL. PENAL CODE § 1203.4 (2001); CAL. VEH. CODE § 2800 (2001).

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## Who Gets To See Expunged Cases

Anyone who has access to your rap sheet gets to see expunged cases, since expungement does not erase the conviction from your rap sheet. Under California law, once a case is expunged you are no longer required to disclose these convictions on job applications and in interviews, except on the following types of applications:

- law enforcement;<sup>26</sup>
- health care facilities where the position requires patient contact or access to medication (for certain types of convictions);<sup>27</sup>
- financial institutions;<sup>28</sup>
- public employment;
- public office; and
- occupational licenses.<sup>29</sup>

However, because the criminal history record information will still appear on

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## Summary Of Processes For Cleaning Up Your California Rap Sheet

	<b>Expungement</b>	<b>Sealing</b>	<b>Purging</b>
<b>Eligible Cases</b>	<ol style="list-style-type: none"><li>1. Most adult misdemeanor and felony convictions</li><li>2. Most convictions of a juvenile following criminal prosecution</li></ol>	Adult arrests that did not lead to conviction and Juvenile ward of the court orders	Certain marijuana arrests and convictions
<b>Effect</b>	<ol style="list-style-type: none"><li>1. A notation is added to your rap sheet indicating that the conviction has been “dismissed [in] furtherance of justice (DISM, FURTH OF JUST).”</li><li>2. Record remains on your rap sheet and the DOJ computer.</li></ol>	Criminal history record information is removed from the version of the rap sheet that is sent to employers and others. Sealed records are physically destroyed under most circumstances, but they remain in a confidential file on the DOJ computer.	Criminal history record information is removed from the version of the rap sheet that is sent to employers and others. All records are destroyed, and no records are retained, even on the DOJ computer.

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<sup>26</sup> CAL. LAB. CODE § 432.7 (2001).

<sup>27</sup> CAL. LAB. CODE § 432.7 (2001).

<sup>28</sup> 12 U.S.C.A. § 1829 (2001).

<sup>29</sup> CAL. PENAL CODE §1203.4 (2001).

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your rap sheet, it may be wise to disclose the conviction to employers who have access to your rap sheet (see “Who Can See Your DOJ Rap Sheet,” p. 3). The United States Immigration and Naturalization Service also has access to expunged cases.<sup>30</sup>

## How To Expunge Your Records

The application process depends upon the type of offense you were convicted of.

### Misdemeanor Convictions

If you were convicted of a misdemeanor, the process depends upon your probation status.<sup>31</sup>

- If you have **successfully completed probation**, you may apply directly for expungement and no hearing is required.
- If you are **currently on probation**, you may petition for expungement, but a hearing in court is required.
- If **probation is not a part of your sentence**, you must wait one year from the completion of your sentence to apply for expungement.

### Felony Convictions

If you were convicted of a felony, the expungement procedure will differ depending upon whether you were convicted of a “wobbler.” To determine whether you were convicted of a wobbler, find the reference to the penal code section on your rap sheet. Call your local

public defender’s office or Legal Aid and ask an attorney if that particular crime is a wobbler.

- **Non-wobbler felony convictions:** file a petition to expunge a felony.
- **Wobbler felony convictions:** file a petition to both reduce the offense to a misdemeanor and have the conviction expunged.

The legal papers you will file are called expungement petitions. (See Appendices #1-3 for sample expungement petitions.) Since each court has its own expungement procedure, you will have to call or write to the court clerk to find out what you must do. (See also Appendix #6 for a list of the addresses of major courts in California.) Ask the court for the required forms to have a case expunged.

Here is a summary of the steps you will usually have to follow to expunge your records:

1. **Call the court clerk** and ask what the procedure is for getting a case expunged in that court.
2. **Prepare an expungement petition** for every case you wish to have expunged. Make five photocopies of the petition and order. The original goes to the court clerk, two copies go to the law enforcement agency that arrested you (they will forward one to DOJ), one copy goes to your probation or parole officer (if you are on probation or parole), one copy is

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<sup>30</sup> Immigration and Nationality Act, 8 U.S.C.A. § 1101 *et seq.* (2001).

<sup>31</sup> CAL. PENAL CODE §§ 1203.3, 1203.4-.4(a) (2001).

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for the district attorney (see below), and one copy is for your records.

**3. Take the original and one copy of the expungement petition to the district attorney's (DA's) office.** The law requires the court to wait until the DA has had at least fifteen days' notice of your request to have a case expunged, in case the DA would like to object. In some small courts, the court clerk will notify the DA, while in others you will have to do so yourself. Be sure to ask the court clerk whether you need to contact the DA. The DA will probably have an office either in or near the court. Give the DA's office both the copy intended for it and the original. Ask the DA's office to stamp or otherwise mark the original "Received," so the court clerk will know you gave the DA a copy.

**4. Take the original copy of the expungement petition to the court clerk.** What happens then depends upon the type of case you are trying to get expunged, and upon the court and how busy it is. Some courts will require you to appear before a judge who will decide whether to approve the expungement petition. Usually, the court appearance is a formality, and you do not have to be represented by a lawyer. If you feel unsure about going to court alone, ask your local Legal Aid or public defender's office for help. If your expungement petition is approved, the court will send an order to DOJ to add the notation to your record that your conviction has been set aside and dismissed.

## Cases That Can Be Sealed

Arrests that did not lead to conviction and juvenile ward of the court orders can be sealed. Arrest records for infractions are the only type of "arrest-only" record that cannot be sealed.<sup>32</sup> You are not eligible to have your juvenile record sealed if:

- you were convicted of certain violent or sex offenses;
- your case was transferred from the juvenile court and you were convicted in an adult criminal court; or
- you were convicted of a felony or misdemeanor of moral turpitude (crimes that violate "accepted moral standards").<sup>33</sup>

## Who Gets To See Sealed Cases

Sealed information for arrests that did not lead to conviction or juvenile ward of the court orders remains available in three situations:

- **Certain employers** such as law enforcement and health care facilities (if the position requires access to patients or medication) may inquire about sealed information.<sup>34</sup>
- The **Department of Motor Vehicles** has access to sealed juvenile records to determine insurance rates.<sup>35</sup>
- Other agencies may inquire about sealed juvenile records under the "**three strikes**" law if you were found a ward of the juvenile court when you were sixteen years of age or older for a felony or other serious offense and are later charged with a felony.<sup>36</sup>

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<sup>32</sup> CAL. PENAL CODE § 851.8 (2001).

<sup>33</sup> CAL. WELF. & INST. CODE § 781 (2001); BLACK'S LAW DICTIONARY 1008-09 (6<sup>th</sup> ed. 1990).

<sup>34</sup> CAL. LAB. CODE § 432.7 (2001).

<sup>35</sup> CAL. WELF. & INST. CODE § 781 (2001).

<sup>36</sup> CAL. PENAL CODE § 667(d)(3) (2001).

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## How To Seal Your Records

### Arrests that did not lead to conviction

The procedure for sealing these records differs depending upon whether an accusatory instrument, usually called an “indictment,” has been filed. For arrests occurring on or after January 1, 1981, you must usually petition to have your records sealed within two years of the arrest date. The court may extend this time limit if you have a good reason for delay.<sup>37</sup>

Here is a summary of the steps you usually have to take to seal the records of an arrest that did not lead to conviction:

**1. Contact the proper entity** and ask what the procedure is for getting an “arrest-only” case sealed:

- **If an indictment has not yet been filed**, contact the law enforcement agency that arrested you.
- **If an indictment has been filed**, contact the court that dismissed the indictment.

**2. Prepare a petition to “seal and destroy” arrest records** for every case you wish to have sealed. (See *Model Letter #4, Cover letter to send to the court or law enforcement agency with a sealing petition.*) Make three copies of the petition and order. The original goes to either the court clerk or the law enforcement agency, one copy goes to DOJ, one copy goes to the district attorney’s office (see below), and one copy is for your records.

**3. Take the original and one copy to the district attorney’s (DA’s) office.** The law requires the court to wait until the DA has had at least ten days’ notice of your request to have a case sealed, in case the DA would like to object. In some small courts, the court clerk will do this for you, while in others you will have to notify the DA yourself. Be sure to ask the court clerk whether you need to contact the DA. The DA will probably have an office either in or near the court. Give the DA’s office both the copy intended for it and the original. Ask the DA’s office to stamp or otherwise mark the original “Received,” so the court clerk will know you gave the DA a copy.

**4. Take the original copy of the sealing petition papers to the law enforcement agency or court clerk.** What happens next depends upon whether an indictment has been filed:

- **If an indictment has not yet been filed**, a hearing is generally not required. Your records will be sealed for three years from the date of arrest, and will then be destroyed, if you are determined to be “factually innocent.” You can request an appeal if your petition is denied.
- **If an indictment has been filed**, a hearing is required, and a judge will decide whether to approve the sealing petition. Usually, the court appearance is a formality, and you do not have to be represented by a lawyer. If you feel unsure about going to court alone, ask your local Legal Aid or public

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<sup>37</sup> CAL. PENAL CODE § 851.8 (2001)

defender's office for help. If you are determined to be "factually innocent," the court will send an order to DOJ to remove the records from your rap sheet. The records (fingerprints, photographs, court records, etc.) will then be destroyed three years later. You can request an appeal if your petition is denied.

## Juvenile ward of the court orders

You may petition to have these juvenile records sealed five years after the disposition of the case, or upon reaching age eighteen (whichever comes first).

Here is a summary of the steps you will usually have to take to seal your juvenile ward of the court records:

**1. Call the juvenile court clerk and request a "Petition to Seal Juvenile Records."** Ask what the procedure is for getting juvenile records sealed in that court.

**2. Prepare a petition to "seal juvenile records"** for every case you wish to have sealed.

**3. Return the original completed form to the court clerk's office.** A hearing date will be set after your form is processed. Your appearance in court is not required in most cases. However, you may want to attend the hearing and be ready to explain why your record should be sealed in case the probation department objects to your petition. Usually, the hearing is a formality, and you do not

have to be represented by a lawyer. If you feel unsure about going to court alone, ask your local Legal Aid or public defender's office for help. If your sealing petition is approved, the court will send an order to DOJ to remove the records from your rap sheet. Most records will be destroyed five years after being sealed.

Remember, however, a copy of sealed records remains in the DOJ computer indefinitely.

## Cases That Can Be Purged

Certain minor marijuana offenses can be purged. If you were arrested for or convicted of the following offenses after January 1, 1976, your records are purged (destroyed automatically) two years after the arrest or conviction (except juvenile records are retained until you reach age eighteen):

- possession of "not more than 28.5 grams of marijuana";<sup>38</sup> or
- unauthorized transportation, sale, or giving away (including attempt) of "not more than 28.5 grams of marijuana."<sup>39</sup>

If you were arrested for or convicted of the offenses listed below before January 1, 1976, you may also have your records purged. However, you must apply to have these records purged because they will not be purged automatically:

- possession of "not more than 28.5 grams of marijuana";<sup>40</sup>
- unlawful possession of marijuana paraphernalia;<sup>41</sup>

<sup>38</sup> CAL. HEALTH & SAFETY CODE §§ 11357, 11361.5 (2001).

<sup>39</sup> CAL. HEALTH & SAFETY CODE §§ 11360-11361.5 (2001).

<sup>40</sup> CAL. HEALTH & SAFETY CODE §§ 11357, 11361.5 (2001).

<sup>41</sup> CAL. HEALTH & SAFETY CODE §§ 11361.5, 11364 (2001).

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**Model Letter #4**

**Cover letter to send to the court or law enforcement agency with a sealing petition**

(Your name)  
(Your address)

(Date)

**Certified Mail**

Clerk of the Court  
(Court)  
(Address)

Dear Sir/Madam:

Enclosed you will find a petition to seal and destroy the records of my arrest on (date), pursuant to Section 851.8 of the Penal Code. This case was dismissed in (name of court) on (date of dismissal) under docket number \_\_\_\_\_.

Please process my sealing petition accordingly. I can not deliver this motion in person or make an appearance in court because I am incarcerated.

Please notify me of the outcome of this motion.

Thank you.

Sincerely,

(Your name)

cc: District Attorney's Office  
(Name of County)

- 
- unlawful presence in a place where marijuana is being used;<sup>42</sup> or
  - unlawfully being under the influence of marijuana.<sup>43</sup>

### **Who Gets To See Purged Cases**

No one can see a purged case. Once a case is purged, all references to the purged information are removed from your rap sheet, and all records are destroyed. Because no records are retained anywhere, purged information cannot be released under any circumstances.

### **How To Purge Your Records**

Take the following steps to get your pre-1976 marijuana records purged:

**1. Complete an “Application to Destroy Arrest/Conviction Records” form** (see Appendix #5).

**2. Submit the completed form and \$37.50 fee to DOJ** (see address below). Money orders, certified checks, and cashier’s checks made payable to the “Department of Justice” will be accepted as payment.

California Department of Justice  
Bureau of Criminal Identification and Information  
P.O. Box 903417  
Sacramento, CA 94203-4170

**3. You may be required to submit a fingerprint** if DOJ cannot identify you based upon the information on your application. To enable processing of your application, DOJ gives you the option of voluntarily submitting a fingerprint (see Appendix #5).

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<sup>42</sup> CAL. HEALTH & SAFETY CODE §§ 11361.5, 11365 (2001).

<sup>43</sup> CAL. HEALTH & SAFETY CODE §§ 11361.5, 11550 (2001).

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# Expunging, Sealing, And Purging Q's And A's

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## What If I Am Incarcerated And Cannot Appear In Court?

A court that requires people to appear in person to make an expungement or sealing petition will usually waive that requirement if you are incarcerated. You can mail your petition to the court clerk and enclose a letter explaining your situation. (See *Model Letter #4, Cover letter to send to court or a law enforcement agency with sealing petition* on p. 22). Also tell the clerk that you have mailed a copy of the petition forms to the district attorney. It is a good idea to mail your petition papers by certified mail, return receipt requested, to make sure that your request does not get lost. This same cover letter may be used for an expungement petition or an application to purge records. Remember, however, you are probably not eligible for expungement if you are being charged with another serious criminal or traffic offense (see p. 20).

## How Long Does It Take To Expunge, Seal, Or Purge The Records Of A Case?

Do not expect immediate results if you are trying to expunge or seal entries on

your rap sheet. The criminal justice system in California is one of the largest and busiest in the country. For this reason, it will probably take at least three months to expunge or seal your records. If you are going to be fingerprinted for a job, start “cleaning up” your record far in advance.

DOJ generally processes a request to have a marijuana record purged within two months.

## How Do I Know That My Case Has Been Expunged, Sealed, Or Purged?

The easiest way to check whether your records have been expunged, sealed, or purged by DOJ is to request a second copy of your rap sheet.

Remember: When you request your DOJ record, you should see expunged entries, but not sealed or purged entries. Expunged information will appear on the rap sheet sent to you, employers, and anyone else who is authorized by law to receive a copy of your criminal history. However, sealed and purged information will not appear on rap sheets sent to anyone – not even you.

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You will know that your cases have been officially expunged if you see a “DISM, FURTH OF JUST” notation in the fourth column under your conviction information. You will know that your cases have been successfully sealed or purged if they no longer appear on your rap sheet. However, if you thought you had sealed an arrest and it still appears on your rap sheet, this may have occurred if the arrest has more than one docket number. Each docket number must be sealed separately. Otherwise, part of the arrest record will remain unsealed and will show up on your rap sheet.

### **What Can I Do If A Case That I Know Was Expunged, Sealed, Or Purged Is Not Changed On My Rap Sheet?**

If your case was expunged or sealed, you should contact the court clerk’s office and ask the clerk to send a second sealing order to DOJ. To make sure that all the paperwork was done properly, wait at least six months, then request another copy of your record and look for either the “DISM, FURTH OF JUST” notation (if your case was expunged), or the deletion of your record (if your case was sealed).

If your case was purged, contact DOJ and advise them that the purged record(s) still appear on your rap sheet. Again, wait at least two months for your record to be corrected before requesting another copy to check for the deletion of the purged record.

### **How Do I Seal A Case On My FBI Rap Sheet?**

When DOJ seals an arrest record, it notifies the FBI that the arrest should be purged from the FBI file. Once again, the only way to be sure that the FBI record is cleaned up is to send for another copy of it.

The FBI does not purge records of sealed state offenses on its own. It responds to whatever DOJ tells it. If a case that is sealed on your DOJ rap sheet shows up on your FBI rap sheet, or if there is an error you want to correct, contact DOJ and ask to speak to the DOJ/FBI liaison.

### **Do I Have To Disclose Information About My Expunged, Sealed, Or Purged Records To A Prospective Employer?**

You do not have to disclose information about expunged, sealed, or purged records to most employers. However, you are required by law to reveal your entire criminal history in applications for law enforcement employment. Health care facilities may also ask about certain expunged and sealed records. For example, if the position requires access to patients, the facility may inquire regarding certain sex crimes. If the position requires access to medication, the facility may inquire regarding certain drug offenses.<sup>44</sup>

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<sup>44</sup> CAL. PENAL CODE § 290 (2001); CAL. HEALTH & SAFETY CODE § 11590 (2001).

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Expunged records must also be revealed in applications for public office, public employment, and occupational licenses.<sup>45</sup> Remember, although you are not required to disclose expunged convictions to other employers, you should consider telling those employers who have access to your rap sheet, because they appear on your rap

sheet even after they have been expunged (with the “DISM, FURTH OF JUST” notation).

(For additional employment information, refer to “Completing Employment Applications” on p. 32.)

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<sup>45</sup> CAL. PENAL CODE § 1203.4 (2001).

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# Certificates Of Rehabilitation And Pardons

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## Certificates Of Rehabilitation

Employers can learn about your misdemeanor and felony convictions, but you can lessen the impact of these convictions by applying for a certificate of rehabilitation.<sup>46</sup> This certificate can help when you are looking for work or applying for an occupational license. If you have a certificate of rehabilitation, the employer or licensing agency may assume, based on the certificate, that you are “rehabilitated.”

## Statutory Bars to Employment

Individuals who have convictions are prohibited from holding particular jobs in California. These laws are called “statutory bars” to employment or occupational licenses. If you get a certificate of rehabilitation, most bars will no longer apply to you.<sup>47</sup> This means that instead of automatically being disqualified for a particular job or license because of your conviction(s), you will have the right to be considered for the position on an individual basis. However, some bars will still apply unless you obtain both a certificate and a pardon.

There is no complete list of the jobs that convicted individuals are barred from, but law enforcement jobs (police and court officers), notary public positions, and public offices have statutory bars. Statutory bars usually apply to convictions for sex or drug offenses, or serious or violent felonies, but people with certain misdemeanor convictions are also barred. For example, private elementary and high schools are prohibited from hiring unlicensed individuals with a serious or violent felony conviction for positions having contact with students.<sup>48</sup>

In addition, California law prohibits individuals with specific convictions from holding certain licenses:

- temporary and permanent public school teaching credentials;<sup>49</sup>
- home health care;<sup>50</sup>
- immediate health care;<sup>51</sup> and
- nursing for the developmentally disabled.<sup>52</sup>

The state will also deny licensure to specific entities if they hire individuals convicted of certain crimes, unless the entity is granted an exemption, as is the case with:

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<sup>46</sup> CAL. PENAL CODE §§ 4852 *et seq.* (2001).

<sup>47</sup> CAL. LABOR CODE § 26 (2001).

<sup>48</sup> CAL. EDUC. CODE § 44237 (2001).

<sup>49</sup> CAL. EDUC. CODE §§ 44332.6, 44346 (2001).

<sup>50</sup> CAL. HEALTH & SAFETY CODE § 1736.5 (2001).

<sup>51</sup> CAL. HEALTH & SAFETY CODE § 1265.5 (2001).

<sup>52</sup> CAL. HEALTH & SAFETY CODE § 1265.5 (2001).

- pharmacies;<sup>53</sup>
- residential elderly care facilities;<sup>54</sup> and
- child day care centers.<sup>55</sup>

Because many rules exist, you should investigate whether the particular job you want has a statutory bar. One way to do this is to contact the Attorney General and ask whether there is a felony or statutory bar for certain kinds of convictions (see contact information below). Or, you may contact the licensing agency directly and ask about statutory bars.

State of California  
Office of the Attorney General  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

### Effect of a Certificate

A certificate of rehabilitation is a court order declaring an individual “rehabilitated.” However, a certificate does not completely protect you from being denied a job or license because of your criminal record. A certificate of rehabilitation does not erase the record of your conviction. You still must list your convictions on job applications, if asked. And an employer will still see your convictions if he or she asks for your rap sheet when you apply for a job. Although an employer must take your certificate into account in deciding whether to hire you, an employer or licensing agency is still allowed to refuse to hire or license you. For the positions discussed above, a certificate will remove the statutory bars to most of the jobs.

However, both a certificate and a pardon are required for both temporary and permanent teaching credentials. Neither a certificate nor a pardon will remove statutory bars to law enforcement jobs, notary public positions, and public offices.

### Who Can Apply

You may apply for a Certificate of Rehabilitation if you fall into one of the following two categories:

1. you have been convicted of a felony; or
2. you were convicted of a misdemeanor sex offense under Section 290 of the California Penal Code.

In addition, you must satisfy three other criteria:

1. you were convicted and/or incarcerated in California;
2. your conviction has been expunged; and
3. you have lived in California for five years.

You are **ineligible** for a certificate if you have been incarcerated for any reason since your release or expungement of your conviction. If you have been convicted of certain sex offenses, you also may not apply.

### When You Can Apply

You are not eligible to apply for a Certificate of Rehabilitation until your period of rehabilitation has elapsed. This period

<sup>53</sup> CAL. HEALTH & SAFETY CODE § 11106 (2001).

<sup>54</sup> CAL. HEALTH & SAFETY CODE § 1569.17 (2001).

<sup>55</sup> CAL. HEALTH & SAFETY CODE § 1596.871 (2001).

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consists of your five years of California residence and an additional waiting period (which varies based upon your conviction). If you were convicted of any offense that carries a life sentence, you must wait four additional years (for a total of nine). You must add two extra years for any other offense that does not carry a life sentence (for a total of seven). In addition, if a hearing is held to determine whether a certificate should be granted in your case, the court may designate a further waiting period. This period begins to run after your release from incarceration, or probation or parole. This waiting period is mandatory; no exceptions are made. You may apply while still on probation or parole, as long as your term is not specified as “mandatory life parole.”

## How To Apply For A Certificate Of Rehabilitation

Here is a summary of the steps you usually have to take to obtain a Certificate of Rehabilitation:

- 1. Call (or write) the Superior Court clerk** of the county in which you currently reside and ask for an application for a Certificate of Rehabilitation and Pardon (see Appendix #6). In some counties, this process is handled by the public defender’s office. In such case, you will have to obtain the required forms there.
- 2. Prepare an application for Certificate of Rehabilitation and Pardon** for each conviction. If you are seeking a

certificate for employment purposes, be certain to include that information in your petition. Make four copies of the petition and notice. The original goes to the court clerk, one copy is for the district attorney in your county of residence, one copy is for the district attorney in the county where you were convicted, one copy is for the Governor, and one copy is for your records.

- 3. Take the original and one copy of petition papers to the district attorney’s (DA’s) office.** The law requires the court to wait until the DA has had at least thirty days’ notice of your request for a certificate, in case the DA would like to object. The DA will probably have an office either in or near the court. Give the DA’s office both the copy intended for it and the original. Ask the DA’s office to stamp or otherwise mark the original “Received,” so the court clerk will know that you gave the DA a copy.

- 4. Take the original copy of the petition papers to the court clerk.** After your petition is filed, you may be investigated by the DA, who will then provide a report to the judge. A hearing is required to determine whether you are rehabilitated. Usually, the court appearance is a formality, and you do not have to be represented by a lawyer. If you feel unsure about going to court alone, ask your local Legal Aid or public defender’s office for help. If your petition is granted, the court will send a certified copy of the Certificate of Rehabilitation to the Governor, which will then serve as your application for a pardon.

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**Model Letter #5**  
**Letter requesting an application for a**  
**Certificate of Rehabilitation**

(Your address)

(Date)

(Court)  
(Address)

Dear Sir/Madam:

Please forward to me the forms required to apply for a Certificate of Rehabilitation. I have been convicted of one felony, and my period of rehabilitation has passed.

Thank you for your attention.

Sincerely,

(Your name)

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## Pardons

A pardon (also known as executive clemency) restores the rights that are lost upon a criminal conviction, such as the right to vote, serve on a jury, or run for public office. In California, pardons are rarely granted and are issued only after a rigorous investigation. You must ordinarily wait at least ten years after your release from incarceration, probation, or parole to apply, and have engaged in no criminal activity during that time. Three common reasons for seeking a pardon are:

1. For out-of-state individuals to bypass the residency requirement for a Certificate of Rehabilitation;
2. For individuals who are otherwise ineligible to apply for a certificate (because of the nature of their conviction, for example, a misdemeanor or certain sex offenses) to obtain evidence of rehabilitation; or
3. To lift a specific statutory bar to employment that requires both a certificate and a pardon.

If you fall into any of these categories or have unusually good grounds, you may apply for executive clemency by writing to the Governor at the following address:

Governor's Office  
State Capitol  
Attention: Legal Affairs Secretary  
Sacramento, CA 95814

## Grounds for Getting a Pardon

You must show that since your release, you have lived “an honest and upright life,” have “conducted yourself with sobriety and industry,” and that you “exhibit a good moral character” and “conform to and obey the laws of the land.”<sup>56</sup> It will help your application if you include information such as: participation in community organizations; volunteer work; child care; elder parent care; or membership in religious organizations.

## Review Process

The Legal Affairs staff will review your letter, and, if you are allowed to continue, will send you forms to complete the application process. After you have returned the completed forms, the Board of Prison Terms will conduct an investigation. Following the investigation, the Executive Board will determine whether your case should progress to the Governor. If you have been convicted of more than one felony in separate trials, the California Supreme Court must also approve your application. (Board of Prison Terms: How to Apply for a Pardon (April 27, 2001), *available at* [http://www.bpt.ca.gov/pardon\\_txt.html](http://www.bpt.ca.gov/pardon_txt.html).)

Obtaining a pardon is a long and seldom successful process. If you are eligible for a certificate, you are well advised to focus first on obtaining a Certificate of Rehabilitation, and then a pardon, rather than pursuing an almost fruitless attempt to obtain a pardon only.

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<sup>56</sup> CAL. PENAL CODE § 4852.05 (2001).

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# Completing Employment Applications

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**“I’ve received my rap sheet, reviewed it, and made corrections. I still do not know what to put on employment applications!”**

## What Must I Disclose About My Criminal Record?

Most California employers are not entitled to ask you about your entire criminal history. You are not required to disclose the following types of information to most employers:

- arrests that did not lead to conviction or for which a pretrial diversion program (a disposition before trial in which the court orders the individual to meet certain conditions, for example, participation in an educational, work, or treatment program, as part of probation instead of incarceration) was successfully completed; or
- sealed, expunged, or purged conviction records.<sup>57</sup>

### Exceptions

The most sweeping exception to these rules is when you apply for a **law enforcement job**. In this field, you are required to list all arrests, including those

that did not result in a conviction, as well as traffic summonses.

**Financial institutions** are authorized to ask about arrests or convictions for any crime involving dishonesty, breach of trust, or money laundering, regardless of whether you participated in a pretrial diversion program.<sup>58</sup>

**Health care facilities** may also inquire about any arrest or conviction for sex offenses which require registration for positions with patient contact, or any arrest or conviction for certain drug offenses for positions with access to medication.<sup>59</sup>

## How Do I List My Convictions?

Pay attention to the questions you are asked. If the application allows you to eliminate some cases, such as those that resulted in a traffic infraction, or the employer is only interested in knowing about convictions within the past five or seven years, then disclose only the information requested.

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<sup>57</sup> CAL. CODE REGS. tit. 2 § 7287.4 (2001).

<sup>58</sup> 12 U.S.C.A. § 1829 (2001).

<sup>59</sup> CAL. LAB. CODE § 432.7 (2001).

Most employers want to know — and are entitled to know — the “disposition” (or outcome) of those cases that resulted in a felony conviction (but **not** those that did not). Be prepared to provide some basic information, such as the **arrest date,**

**disposition date, crime or offense you were convicted of, and sentence.**

As an example, turn to the sample rap sheet on p. 8. For instance, for the first entry, this is how you would list the record:

<u>Arrest Date</u>	<u>Disposition Date</u>	<u>Charge</u>	<u>Disposition</u>
8/9/82	9/15/82	489 PC Grand Theft 8-10-82	9-15-82, #31134000, FELS, CONV, 5/31/84, #3249604, 36 Mos. PROB, 365 DS JL 17(b)(3), 1203.4 PC, DISM, FURTH OF JUST Certificate of Rehabilitation

Under the charge heading, notice that we put the California Penal Code citation for the crime or offense. This number is the provision of the criminal code that defines the charge. Notice the notation that this conviction has been “dismissed [in] furtherance of justice (DISM, FURTH OF JUST),” indicating that the conviction has been expunged. Let’s assume that, for the

last case, this individual obtained an abstract verifying that on 3/20/87 he pled guilty to possession of a controlled substance and receiving known stolen property (11350 H&S (Health and Safety Code) and 496 PC (Penal Code)) and was sentenced to 36 months probation and 180 days jail. You then would have to add this case to the above list:

<u>Arrest Date</u>	<u>Disposition Date</u>	<u>Conviction</u>	<u>Sentence</u>
1/19/87	3/20/87	H & S 11350, PC 496	36 months probation and 180 days jail

Here are some questions you may see on an employment application and appropriate responses:

**Q: “Have you ever been arrested? If so, explain.”**

**A:** If you have any arrests that resulted in a conviction, answer “yes.” (Remember, a guilty plea to any offense and/or crime

is a conviction.) List all misdemeanor convictions that have not been expunged or purged, and all felony convictions that have not been expunged. In addition, list all infraction convictions. (See the top of p. 33, which explains how you should list your convictions.)

If you have arrests, but none resulted in a conviction or you successfully completed

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pretrial diversion, answer “no.” This is because it is illegal for most employers to ask about arrests that did not result in a conviction or for which pretrial diversion was successfully completed. California law permits you to answer “no” to an illegal question in this situation. (See the discussion of exceptions above.)

**REMINDER:** Even though you are not required to disclose expunged records for most jobs, they are not erased from your record. You should, therefore, consider revealing them to any employer who has access to your rap sheet (see “Who Gets To See Expunged Cases” p. 17 for more information).<sup>60</sup> Also, you are required to list expunged records in applications for public employment, public office or occupational licensure.

**Q: “Have you ever been convicted of a crime, offense, or violation of the law? If so, explain.”**

**A:** If you have any convictions, answer “yes.” List all misdemeanor convictions that have not been expunged or purged, and all felony convictions that have not been expunged. In addition, list all infraction convictions.

**Q: “Have you ever pled guilty or have been found guilty of a crime or an offense? If so, explain.”**

**A:** If you have any convictions, answer “yes.” List all misdemeanor convictions that have not been expunged or purged, and all felony convictions that have not

been expunged. In addition, list all infraction convictions.

**Q: “Have you been convicted of a crime in the past 7 years? If so, explain.”**

**A:** If you have any criminal convictions within this period, answer “yes.” List all misdemeanor convictions that have not been expunged or purged, and all felony convictions that have not been expunged, that occurred during the past seven years. (Remember, traffic infractions are “offenses,” not crimes.)

Keep in mind that you may have to explain your cases in detail at an interview, so you will need to understand the charges that you have been convicted of. This means you should review your record and be able to **briefly** explain the circumstances underlying your convictions, so that you can highlight all of your successes and accomplishments since then. Most important, you should provide evidence of rehabilitation that addresses the nature of your convictions. For example, if your convictions were drug-related, provide reference letters from a treatment provider or counselor who can confirm your successful recovery, and from a clergy, community, or family member who can say how you have changed.

**The Key To Your Success Is Preparation.**

**Good Luck!**

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<sup>60</sup> CAL. PENAL CODE § 1203.4 (2001).

# Appendices

## Appendix #1

IN THE MUNICIPAL COURT OF \_\_\_\_\_ JUDICIAL DISTRICT  
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

The People of the State of California  
 Plaintiff

DEFENDANT'S INFORMATION  
 Case Number \_\_\_\_\_  
 City \_\_\_\_\_  
 Drivers Lic # \_\_\_\_\_  
 SSN # \_\_\_\_\_  
 DOB \_\_\_\_\_  
 Defendant(s): \_\_\_\_\_  
 PETITION AND ORDER UNDER  
 P.C. 1203.4 OR P.C. 1203.4a

**PETITION**

I, the undersigned, say that I am \_\_\_\_\_ the defendant in the above-entitled criminal action, who was convicted of the misdemeanor offense of violation of Section \_\_\_\_\_ of \_\_\_\_\_ on \_\_\_\_\_ Date \_\_\_\_\_

Applicable items checked:  That probation was granted on the terms and conditions set forth in the docket of the above-entitled court, that the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and that the defendant has

fulfilled the conditions of probation for the entire period thereof  
 been discharged from probation prior to the termination of the period thereof

Probationary sentence (P.C. 1203.4)  Other sentence (P.C. 1203.4a)

That probation was not granted, that more than one year has elapsed since the date of pronouncement of judgement, that defendant has complied with the sentence of the court, that defendant is not serving a sentence for any offense nor under charge of commission of any crime, and has since said pronouncement of judgement lived an honest and upright life, and conformed to and obeyed the laws of the land.

Wherefore petitioner hereby requests that defendant be permitted to withdraw his plea of guilty, or that the verdict or finding of guilt be set aside and that a plea of not guilty be entered and that the court dismiss this action pursuant to the above Section \_\_\_\_\_ of the Penal Code.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by: \_\_\_\_\_ at \_\_\_\_\_ CA. \_\_\_\_\_  
 Petitioner

Street Address (Defendants) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**ORDER**

The Court hereby denies the above petition.

It appearing to the court from the records on file in this case, and from the foregoing petition, that the defendant herein is eligible for the relief requested.

It is hereby ordered that the plea, verdict, or finding of guilt in the above-entitled action be set aside and a plea of not guilty be entered, and that the complaint be, and is hereby dismissed. Further, if this order is granted pursuant to the provisions of 1203.4 the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency, or for contracting with the California State Lottery.

Dated: \_\_\_\_\_ 2004

DISTRIBUTION: ORIGINAL TO FILE, COPY TO DEFENDANT, COPIES TO APPOINTING AGENCY WHO WILL FORWARD ONE TO GO, COPY TO PROBATION OFFICE, CONFIDENTIAL, PROBATION

CR-49 (1/99)

**PETITION AND ORDER UNDER P.C. 1203.4 or 1203.4a**



# Appendix #3

	FILE NUMBER
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>	
THE PEOPLE OF THE STATE OF CALIFORNIA	CASE NUMBER
PLAINTIFF	<b>PETITION AND ORDER UNDER P.C. 17(b)(3) AND/OR P.C. 1203.4</b>
DEFENDANT	

I, the undersigned, say that I am the defendant in the above entitled criminal action, who was convicted of the offense of violation of Section \_\_\_\_\_ of the \_\_\_\_\_ Code, on \_\_\_\_\_. That probation was granted on the terms and conditions set forth in the docket of the above entitled Court; that the defendant is not serving a sentence for any offense, nor on probation for any offense, nor under charge of commission of any crime, and that the defendant has:

- Fulfilled the conditions of probation for the entire period thereof, or
- Been discharged from probation prior to the termination of the period thereof.

WHEREFORE, Petitioner hereby requests that the Court reduce the offense to a misdemeanor pursuant to Penal Code §17(b)(3).

WHEREFORE, Petitioner hereby requests that defendant be permitted to withdraw his/her plea of guilty, or that the verdict of finding of guilt be set aside and that a plea of not guilty be entered and that the Court dismiss this action pursuant to Penal Code §1203.4.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California. I declare under penalty of perjury that the foregoing is true and correct.

Date of Birth \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

\_\_\_\_\_  
ATTORNEY FOR THE DEFENDANT

### ORDER

It appearing to the Court from the records on file in this case, and from the foregoing Petition that the defendant herein is eligible for the relief requested.

IT IS HEREBY ORDERED that the charge of \_\_\_\_\_, be declared a misdemeanor pursuant to Penal Code §17(b)(3); and

IT IS FURTHER ORDERED that the plea, verdict, or finding of guilt in the above entitled action be set aside and vacated and a plea of not guilty be entered; and that the complaint be, and is hereby dismissed. Further, if this Order is granted pursuant to the provision of Penal Code §1203.4 the defendant is required to disclose the above conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency.

DATE: \_\_\_\_\_

# Appendix #4

## PETITION TO SEAL AND DESTROY ARREST RECORDS PURSUANT TO PENAL CODE SECTION 851.8

PETITIONER: Please type or print the following information.

Information relating to the arrest:

Name Last	First	Middle
Maiden or Alias Name Last	First	Middle
Street Address		Phone No. ( ) -
City, State, Zip Code		Date of Birth / /
Driver's License No.		Social Security No. (voluntary—for ID only)
Date of Arrest	Arresting Agency	Agency Number
Charge(s)		Disposition

Petitioner's Signature \_\_\_\_\_ Date \_\_\_\_\_

**TO BE COMPLETED BY LAW ENFORCEMENT AGENCY OR COURT HAVING JURISDICTION OVER THE OFFENSE**

I have verified the above information to be accurate.

Signature of Agency or Court Officer \_\_\_\_\_ Date \_\_\_\_\_  
 Agency or Court Name \_\_\_\_\_ Agency or Case No. \_\_\_\_\_  
 Petitioner's CII No. \_\_\_\_\_ FBI No. \_\_\_\_\_

Law Enforcement Agency having jurisdiction under Penal Code 851.8(a)  Petition Granted  
 Petition Denied

Signature of Agency \_\_\_\_\_ Date \_\_\_\_\_  
 Typed Name and Title \_\_\_\_\_

Court having jurisdiction under Penal Codes 851.8(b), (c), or (d)  Petition Granted  
 Petition Denied

Signature of Judge \_\_\_\_\_ Date \_\_\_\_\_  
 Typed Name \_\_\_\_\_

Waiver: Time restriction on filing is being waived under Penal Code 851.8(i).

Signature of Agency or Judge \_\_\_\_\_ Date \_\_\_\_\_  
 Typed Name and Title \_\_\_\_\_

\* Having jurisdiction in the matter, the law enforcement agency or court has determined that the above-named petitioner is factually innocent of the arrest indicated and is hereby exonerated. Hereafter, the arrest shall be deemed not to have occurred, and the petitioner may answer any questions relating to this arrest accordingly.

Copies to: Department of Justice  
 District Attorney  
 Petitioner

**IMPORTANT**  
 See reverse side for additional information pertaining to Penal Code Section 851.8

BCH 8370 (Rev. 11-99)

## Appendix #5

### Application to Destroy Arrest/Conviction Records Health & Safety Code Section 11361.5(b) - BCII 8033

Health and Safety Code Section 11361.5(b) provides for the destruction of records of convictions and arrests not followed by conviction, occurring before January 1, 1976, for violations of the following Health and Safety Code Sections or their statutory predecessors.

11357 - Possession of marijuana	11364 - Possession of paraphernalia for smoking marijuana
11365 - Visiting or being in a place where marijuana is being used	11550 - Using or being under the influence of marijuana

If you have a record of arrests or convictions for any of these offenses, occurring before January 1, 1976, you may apply to the Department of Justice to destroy such record.

**APPLICANT: Please type or print clearly**

Name (Last)	(First)	(Middle)
Maiden or Alias Name (Last)	(First)	(Middle)
Street Address		
City, State, Zip Code		
Business Phone	Date of Birth	Social Security Number (Voluntary - For ID Purposes)
Home Phone	Driver's License Number	

**ARREST INFORMATION:**

Date of Arrest	Arresting Agency

Signature \_\_\_\_\_ Date \_\_\_\_\_

Mail this application with a fee of \$37.50 (in the form of a U.S. money order, certified check, or cashier's check made payable to the Department of Justice) to:

Department of Justice  
Bureau of Criminal Identification & Information  
P.O. Box 90447  
Sacramento, CA 94203-4170

**PLEASE SEE REVERSE SIDE FOR IMPORTANT ADDITIONAL INFORMATION**

**Additional Information**

**Health & Safety Code Section 11361.5(b) states in part:**

"The Department (of Justice) may request, but not require, the applicant to include a self-administered fingerprint upon the application. If the department is unable to sufficiently identify the applicant for purposes of this subdivision without the fingerprint or without additional fingerprints, it shall so notify the applicant and shall request the applicant to submit any fingerprint which may be required to effect identification, including a complete set if necessary, or, alternatively, to abandon the application and request a refund of all or a portion of the fee submitted with the application, as provided in this section. If the applicant fails or refuses to submit fingerprints in accordance with the department's request within a reasonable time which shall be established by the department, or if the applicant requests a refund for the fee, the department shall promptly make a refund to the applicant at the address which may be specified by the applicant. However, if the department has notified the applicant that election to abandon the application will result in the forfeiture of a specified amount which is a portion of the fee, the department may retain a portion of the fee which the department determined will defray the actual costs of processing the application, provided the amount of the portion retained shall not exceed ten dollars (\$10)."

If the Department of Justice is unable to sufficiently identify you from the information you have provided on this application, you will be notified of the need to submit fingerprints within 30 days of the time you are notified. If you do not submit fingerprints within 30 days, or if you choose not to submit fingerprints and to abandon further pursuit of your application, you will be refunded \$27.80 of the application fee. The remaining \$10 will be retained by the department to defray processing costs.

Submission of a fingerprint is not required. However, inclusion of a fingerprint impression will facilitate identification and expedite processing.

Self-administered Right Index Fingerprint

**FOR DEPARTMENT OF JUSTICE USE ONLY**  
Certificate of Compliance

\_\_\_\_\_ No record was located for this application

\_\_\_\_\_ The application has been fully complied with as of this date

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Agency Notification

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

(Rev. 1/00)

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## Appendix #6

### Superior Courts of California

Superior Court of California  
County of Alameda  
George E. MacDonald Hall of Justice  
2233 Shoreline Drive, Room 103  
Alameda, CA 94501  
(510) 268-7483

Superior Court of California  
Contra Costa County Superior Court  
Pittsburg Courthouse  
45 Civic Avenue  
Pittsburg, CA 94565  
(925) 427-8173

Superior Court of California  
Court of Alpine County  
P.O. Box 518  
Markleeville CA 96120  
(530) 694-2113

Superior Court of California  
El Dorado County Superior Court  
1354 Johnson Blvd.  
South Lake Tahoe, CA 96150  
(530) 573-3075 – Criminal/Civil (Dept. 3)  
(530) 573-3044 – Criminal/Civil (Dept. 12)

Superior Court of California  
Amador County Superior Court  
108 Court Street  
Jackson, CA 95642  
(209) 223-6320

Superior Court of California  
Fresno County Superior Court  
1100 Van Ness  
Fresno, CA 93724  
(559) 488-2708

Superior Court of California  
Butte County Courthouse  
One Court Street  
Oroville, CA 95965  
(530) 538-7551

Superior Court of California  
County of Glenn  
Willows Branch – Main Conference  
526 West Sycamore Street  
(530) 934-6646



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**How to Get  
and Clean Up  
Your California  
Rap Sheet**



**LEGAL  
ACTION  
CENTER**



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This booklet was made possible through the generous support of the **Charles Stewart Mott Foundation**.

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The **Legal Action Center** is the only nonprofit law and policy organization in the United States whose sole mission is to fight discrimination against people with histories of alcohol and drug dependence, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas.

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# Foreword

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- **Do you have a criminal record?**
- **Have you ever been arrested?**
- **Do you have arrest charges that were never heard in court or dismissed, or were you acquitted of the charges?**
- **Have you recently filled out a job application and been asked the question: “Have you ever been convicted of a crime?”**

“How to Get and Clean Up Your California Rap Sheet” has been written by staff at the Legal Action Center to help you understand your criminal history record and answer questions about it. After reading this manual you will know:

- how to obtain a copy of your state rap sheet
- how to read what is on your rap sheet
- how to correct any errors that may be on your rap sheet
- whether you are eligible to and how to expunge/erase or seal portions of your criminal record
- who is entitled to see your rap sheet

There is also a section in the manual that will advise you how to answer questions on job applications that ask about your criminal history. You will be shown how to list your convictions. There is even a section on how to present yourself at a job interview. Being prepared is one of the most important steps you can take to overcome obstacles to obtaining employment.

This manual provides the most up-to-date information possible. But remember that laws and rules can change and could affect some of the advice. The agencies that have been identified in the manual should provide assistance if you need additional information.

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# Introduction

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In California, approximately 2,000,000 arrests are reported and processed annually. Records of all these arrests are on file in the computers of the Department of Justice (DOJ). If you have ever been arrested and fingerprinted for violating a state or local law in California, even if you were never found guilty of the charges, you have an arrest record on permanent file at DOJ. These records — also called “rap sheets” — cannot be destroyed or expunged.

Many criminal justice agencies (such as police departments, courts, prosecutors, correction facilities, and probation and parole offices) have the right under California law to see your rap sheet. Certain employers, licensing agencies, and others may also have access to your criminal records. If you have a rap sheet, it is important for you to review it. You should know exactly what information it contains, and you should make sure that the information it contains is accurate.

This booklet will teach you how to get a copy of your rap sheet and understand it. It will also explain what you can do to make your record appear less threatening to potential employers and anyone else who may be entitled to see it. This will help prepare you for finding a job.

Throughout this manual, the terms “rap sheet,” “record,” “criminal history record,” “criminal record,” and “DOJ record” will be used interchangeably.

The **Legal Action Center** is a non-profit, public interest organization that works with people with criminal records, people with histories of drug or alcohol dependence, and people with HIV/AIDS. The Center has helped thousands of individuals “clean up” their rap sheets.