

Criminal Record Relief



COUNTY OF SAN DIEGO
SAN DIEGO SUPERIOR COURT
OFFICE OF THE DISTRICT ATTORNEY
OFFICE OF THE PUBLIC DEFENDER

Why it Matters . . .



What's in your record?



Correcting Errors in DOJ Criminal History Records

HOW TO GET YOUR CRIMINAL HISTORY REPORT

If you have multiple convictions, we recommend getting a copy of your criminal history report from the Department of Justice (DOJ). It will show all of your cases in California and what happened to them. Cases that have been purged from court can still show up on your DOJ report. If a conviction is showing up on your DOJ report, it may be showing up on background checks. The report will not show your criminal history for other states or federal convictions.

Starting January 1, 2019, we can request the report for you at no cost to you. If you want to order the report yourself, you will need to fill out the [DOJ Record Request Form](#), get fingerprinted from a LiveScan operator (cost approx. \$13-\$25), and pay a \$23 DOJ processing fee (unless you qualify for a fee waiver). The LiveScan operator will submit your completed Record Request Form with your fingerprints and processing fee (if needed) directly to the DOJ for you. Step by step instructions are on the next page.

WHY IS IT IMPORTANT TO GET MY CRIMINAL HISTORY REPORT?

- To correct any errors, such as incomplete or incorrect information
 - To have an accurate record of your conviction history
 - To be better prepared to answer questions about your criminal history
- AND
- You will need it to clean up your record!

FREQUENTLY ASKED QUESTIONS

Can the Public Defender get the report for me?
Yes. Starting January 1, 2019, we can request the report for you at no cost to you.

If I order it myself, how long does it take to get the Report?
It can take anywhere from 2 to 8 weeks to get a copy of the report after you get your fingerprints taken. The DOJ will mail you the report.

I have a copy. Now what?
If you chose to get a copy on your own, please forward a copy to our office so we may confirm the status of your case(s) and check for accuracy. Mail, fax ((619) 338-4811) or e-mail (Fresh.Start@sdcounty.ca.gov) the report to the Fresh Start Program. Keep the original for your records.

What if there are errors in my Criminal History Report?

Once you receive your Criminal History Report from the DOJ, if you want to challenge the contents of your criminal record, you must complete the "Claim of Alleged Inaccuracy or Incompleteness" (form BCIA 8706), which will be included with your Criminal History Report.

Mail the completed form, along with a copy of your criminal history record, to the address indicated on the form. Your challenge must specifically state the basis for the claim of inaccuracy or incompleteness and include any available proof or corroboration to substantiate your claim. Our office can assist you with this process.

Need more information on requesting your Report?

The DOJ website has detailed information on how to request your report. <https://oag.ca.gov/fingerprints/security>
You may also call the DOJ: (916) 227-3838.

County of San Diego
Office of the Public Defender
430 B Street, Suite 900
San Diego, CA 92101
(619) 338-4700

Expungement (Dismissal) of Criminal Convictions

- What does it do?
- What convictions can be dismissed?
 - Infractions
 - Almost all misdemeanors (some sex offenses excluded)
 - Most felony convictions
 - Some sex offenses excluded
 - Felonies w/ probation or local prison sentences
 - If served **state** prison sentence for the case talk to a lawyer!
- Ineligible:
 - Owe any restitution (unless extraordinary circumstances)
 - On probation, mandatory supervision, PRCS, or parole
 - Pending charges or warrant out on any case
- Changes on the horizon????



Prop 47

- Reclassifying Certain Low Level Felonies to Misdemeanors
- Filing Deadline:
NOVEMBER 4, 2022

Prop 64

- Reclassifying Certain Marijuana Crimes to Misdemeanors, Infractions, or Non-crimes
- No filing deadline
 - “Automatic” Legislation

What do they do?

- When can you get relief?
 - What kind of convictions do they work on?
- Who is not eligible?
- How is San Diego doing?



The San Diego Experience

- Approximately **33,850** Proposition 47 petitions have been processed and reviewed to date.
- Approximately **1,470** Proposition 64 petitions have been processed and reviewed to date.

Certificates of Rehabilitation & Gubernatorial Pardons



•What does it do?

When can you get it?

What types of convictions does it work on?

Who is not eligible?





★ Sealing Adult
Arrest Records

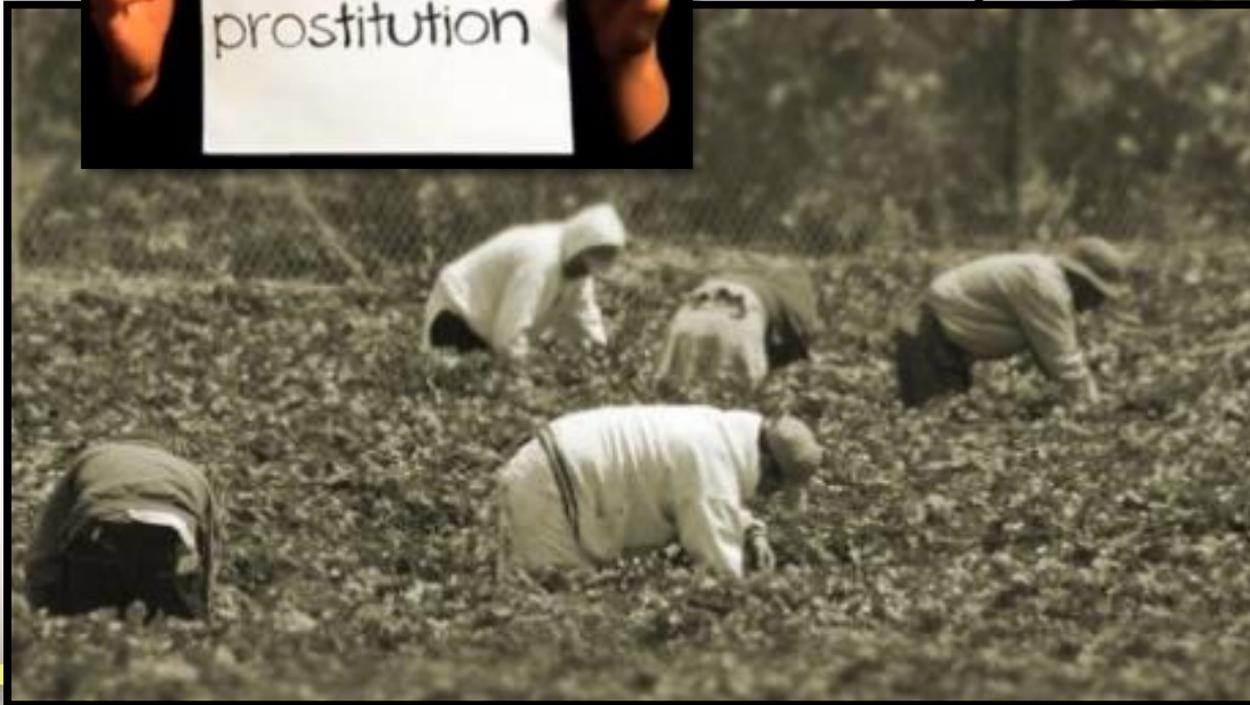
New Law!
Who Can Benefit?
The San Diego Experience



Human Trafficking Victim Conviction Relief



Who is a victim of human trafficking?



WHO IS A VICTIM OF HUMAN TRAFFICKING

What to look for?

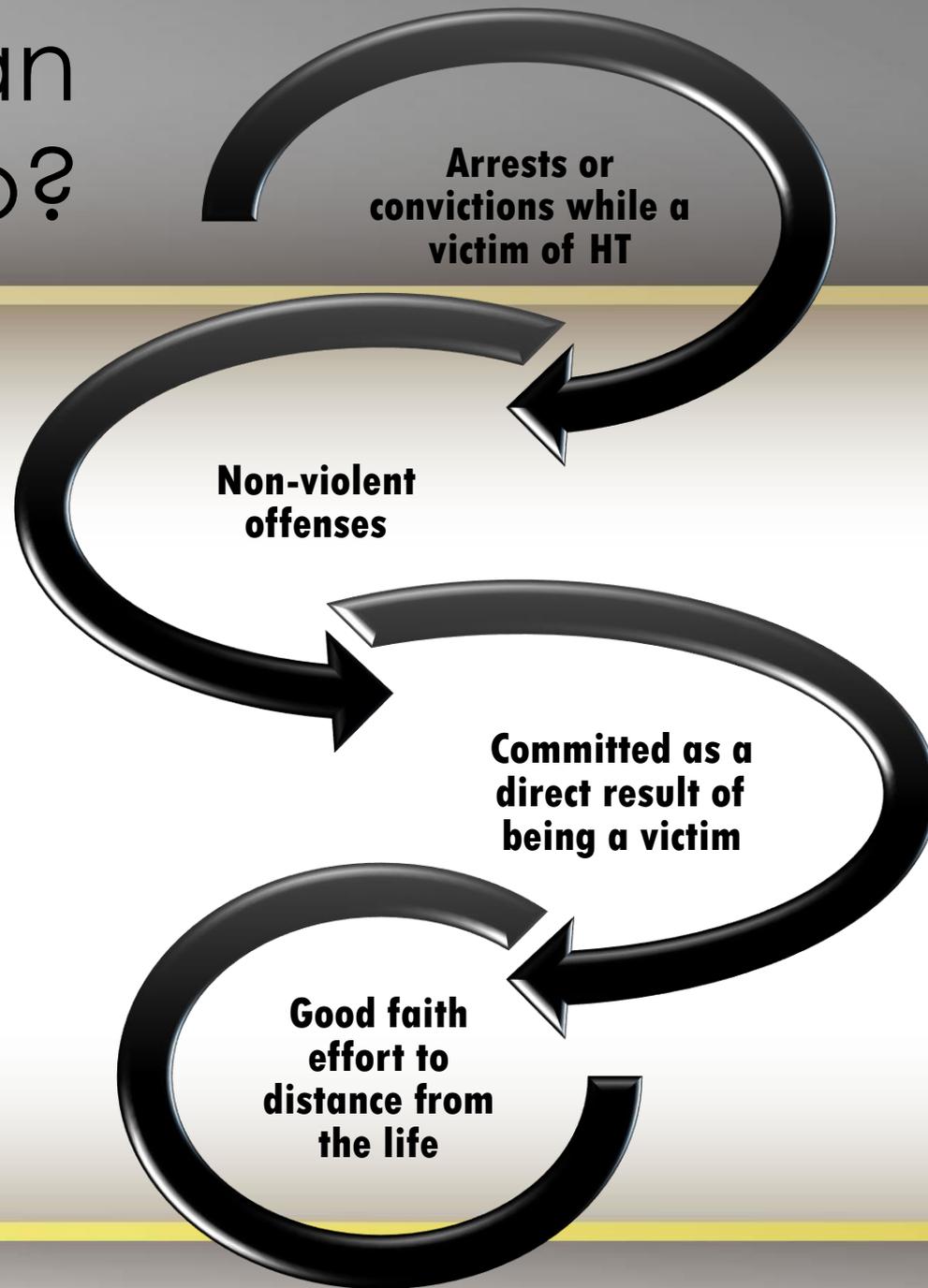
MYTH:

Victims will immediately ask for help and self identify as victims

- Runaway/foster youth/homelessness
- Substance abuse
- Exposure to domestic violence
- History of child abuse/sexual abuse
- Branding/tattoos



Who Can We Help?



RESULTS OF VACATUR: Vacatur is the formal recognition of “factual innocence.”

Sealing & destruction of all records

- DOJ
- Court Records
- \$\$\$\$\$\$
- Fingerprints/booking records
- Police/arrest records
- Probation records/CDCR/Parole
- DNA



**San Diego County
District Attorney
Conviction Review
Unit**



San Diego County District Attorney

[The DA's Office ▾](#)[Prosecution Links ▾](#)[Preventing Crime ▾](#)[Helping Victims ▾](#)[Newsroom & Videos](#)

George "Woody" Clarke Conviction Review Unit

MISSION STATEMENT

The prosecutor's role in the criminal justice system is to vigorously and ethically prosecute those who violate the law and to protect the innocent. To that end, prosecutors have a duty to seek the truth before, during, and after conviction.

Continuing the San Diego County District Attorney's Office tradition of assuring post-conviction justice, the Conviction Review Unit examines post-conviction claims of innocence where credible and verifiable evidence of innocence exists or new technologies exist to test or retest remaining evidence.

The Conviction Review Unit is committed to the highest standard of professional integrity, expeditious and thorough review of post-conviction cases, prevention of wrongful convictions, and working collaboratively with all criminal justice partners, including those who seek the exoneration of the wrongfully convicted.

"Injustice anywhere is a threat to justice everywhere."

- Martin Luther King, Jr.
Letter from a Birmingham Jail
1963

Application Requirements

In order for the Conviction Review Unit to conduct a preliminary review of a conviction, defendants making a claim of innocence must meet the following prerequisites:

- a. The conviction must have occurred in San Diego County Superior Court;
- b. Applicant must still be in custody, serving time on the sentence for which he/she was convicted;
- c. The conviction must be for a violent and/or serious felony as defined by Penal Code sections [667.5 \(c\)](#) and [1192.7 \(c\)\(1\)-\(42\)](#) (e.g. murder, rape, robbery, etc.).
- d. The application for review must be based on credible and verifiable evidence of innocence; and
- e. Applicant agrees to fully cooperate with the District Attorney's Office, which includes providing disclosure of all relevant information during the review process.

The Conviction Review Unit will not consider requests for resentencing.

Information Needed

Applicants or their representative must complete the form below in order to make a conviction review request (you may use additional pages if needed):

- ▶ [Conviction Review Application Form](#)

You may alternatively use this fillable PDF, save it to your pc and and send it as an attachment in an email.

- ▶ [Fillable Conviction Review Application Form](#)

*This may require you to get the latest version of Adobe Reader from <https://get.adobe.com/reader/>

San Diego County District Attorney's Office
Conviction Review Unit
PO Box 121011 • San Diego, CA • 92112-1011
Fax (619) 531-3428
CRU@sdcca.org

FRESH START

Comprehensive Criminal Record Relief

Expungement/ Dismissal of Criminal Convictions



Fresh Start Program

Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

Prop. 47: Felony Conviction Relief



Fresh Start Program

Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

DNA Database Expungement



Fresh Start Program

Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

Human Trafficking Victim Vacatur Relief



Fresh Start Program

Comprehensive Criminal Record Relief

COUNTY OF SAN DIEGO
OFFICE OF THE PUBLIC
DEFENDER

Who can benefit from Fresh Start?

San Diego County Cases

Free Service

For Anyone

Anywhere





San Diego County Public Defender Office

The San Diego County Public Defender Office was established in 1988 by a county resolution and has since evolved into one of the finest in the nation. In 2009, the County of San Diego consolidated indigent defense services (Primary Public Defender, Alternate Public Defender, Office of Assigned Counsel, Juvenile Delinquency & Multiple Conflict Office) into one office. There are office locations throughout the county. We provide quality legal assistance to individuals charged with a crime in state court who are financially unable to retain private counsel. Mental health and juvenile court matters are handled by special units within the office. Our office proudly reflects the diversity and high level of commitment necessary for our mission.

Randy Mize

Public Defender of San Diego County



Select Language ▾

Powered by [Google Translate](#)

Popular Services

Arrested?

Fresh Start: Comprehensive Criminal Record Relief Program

3 Strikes FAQ



COUNTYNEWSCENTER



Halloween –Can Be Fright Night for Fido



10 Top Halloween Safety Tips for Parents

http://www.sandiegocounty.gov/content/sdc/public_defender/fresh_start.html

Fresh Start: Comprehensive Criminal Record Relief Program

A criminal record can make finding employment, obtaining housing, enrolling in and funding an education, and securing other civic opportunities very difficult. The good news is that there are options for you to move forward, even if you have made mistakes in the past. From reducing felony convictions to misdemeanors to dismissing/expunging your criminal record to getting Certificates of Rehabilitation, the County of San Diego Office of the Public Defender is pleased to help you with your Fresh Start!

Our experienced attorneys will review your criminal history and seek all appropriate methods of relief for you.

We may be able to assist you with:

- **Expungement (Dismissal) of Criminal Convictions**
- **Prop. 47 Relief (Reducing Certain Low Level Felonies to Misdemeanors)**
- **Prop. 64 Relief (Reducing Certain Marijuana Crimes)**
- Motions to Reduce Felony Convictions to Misdemeanors
- Motions for Early Termination of Probation
- **Certificates of Rehabilitation/Gubernatorial Pardons**
- **Gang Documentation Relief**
- **Human Trafficking Victim Conviction Relief**
- **DNA Database Expungement**
- Correcting Errors in Department of Justice Criminal History Records
 - [Click here for instructions on how to get your criminal history report](#)
- Dismissal Petitions for Successful PC1000 Participants with Immigration Consequences per PC1203.43
- **Sealing Adult Arrest Records for the Factually Innocent**

To request assistance, please fill out a **Fresh Start Request for Assistance** form. You may return the form through email, fax, mail, or drop off at the address below.

Sample Web Page

Proposition 47 FAQ

- ▣ [What is Proposition 47?](#)
- ▣ [What crimes can be reduced to misdemeanors?](#)
- ▣ [Who is NOT ELIGIBLE to have their cases reduced from felonies to misdemeanors under Prop. 47?](#)
- ▣ [What does a Prop. 47 petition do?](#)
- ▣ [What doesn't a Prop. 47 petition do?](#)
- ▣ [How do I get Prop. 47 relief?](#)
- ▣ [When do I need to file my Prop. 47 petition?](#)
- ▣ [How much does it cost?](#)
- ▣ [Do I need a lawyer?](#)
- ▣ [What if I want a lawyer?](#)
- ▣ [Will there be a court hearing?](#)
- ▣ [How long does it take to get a decision?](#)
- ▣ [If my case is reduced to a misdemeanor, will I still have to pay restitution?](#)
- ▣ [If my felony is reduced to a misdemeanor, can I vote?](#)
- ▣ [If my felony is reduced to a misdemeanor, what should I put on a job, school, licensing, or military application if there is a question about whether I have a felony conviction?](#)



**SAN DIEGO COUNTY PUBLIC DEFENDER
FRESH START PROGRAM
REQUEST FOR ASSISTANCE**

All requests must be in writing. Please fill out both pages of this form as completely as possible. All information will be kept confidential. Once you submit this form, we will contact you to discuss your Fresh Start options.

Date:

Personal Information

Last Name First Name Middle Name

Other Names Used

Birth Date & Birth Place Social Security # (if available) Driver's License/Cal ID # (if available)

Contact Information

Best Phone Number Alternate Phone Number E-mail Address

Street Address (mailing address) City State Zip Code

Case Information

(Fill in as much information as you can, but do not be discouraged if you do not know the answers. We will assist you in figuring out your record. Attach an additional sheet if necessary.)

Do you have a copy of your criminal history report from the Department of Justice? (mark "yes" or "no" below)

YES
(Please submit it with this form)

NO
(Please see "Getting a Copy of your Criminal History Report" Guide included with this packet)

Case Number	Crime Type (for example drug possession, domestic violence, theft)	Case Type (mark response)	Sentence (mark response)
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Felony Misdemeanor <input type="checkbox"/> <input type="checkbox"/> Infraction Don't Know <input type="checkbox"/>	<input type="checkbox"/> Probation Local Prison <input type="checkbox"/> <input type="checkbox"/> State Prison Don't Know <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Felony Misdemeanor <input type="checkbox"/> <input type="checkbox"/> Infraction Don't Know <input type="checkbox"/>	<input type="checkbox"/> Probation Local Prison <input type="checkbox"/> <input type="checkbox"/> State Prison Don't Know <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Felony Misdemeanor <input type="checkbox"/> <input type="checkbox"/> Infraction Don't Know <input type="checkbox"/>	<input type="checkbox"/> Probation Local Prison <input type="checkbox"/> <input type="checkbox"/> State Prison Don't Know <input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Felony Misdemeanor <input type="checkbox"/> <input type="checkbox"/> Infraction Don't Know <input type="checkbox"/>	<input type="checkbox"/> Probation Local Prison <input type="checkbox"/> <input type="checkbox"/> State Prison Don't Know <input type="checkbox"/>

Additional Information	Yes	No	I don't know
Are you currently on informal probation, formal probation, post release community supervision, mandatory supervision, or parole on any case in San Diego or any other county?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you have any new charges pending against you in San Diego or any other county?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I would like help with:

(Check all that may apply. Do not be concerned if you do not know what to ask for. We will review your record and advise you of your options. For more information visit http://www.sandiegocounty.gov/content/sdc/public_defender.html.)

<input type="checkbox"/> Expungement/Dismissal of a Conviction	<input type="checkbox"/> Gang Documentation Relief	<input type="checkbox"/>
<input type="checkbox"/> Reducing a Felony to a Misdemeanor	<input type="checkbox"/> Conviction Relief for Victims of Human Trafficking	<input type="checkbox"/>
<input type="checkbox"/> Early Termination of Probation	<input type="checkbox"/> Correcting Errors in my DOJ (criminal history) report	<input type="checkbox"/>
<input type="checkbox"/> Certificate of Rehabilitation	<input type="checkbox"/> Sealing an Adult Arrest Record (an arrest that never resulted in a prosecution & where you were innocent)	<input type="checkbox"/>
<input type="checkbox"/> Prop. 47 (reducing certain felony convictions to misdemeanors)	<input type="checkbox"/> Getting my DNA out of the DNA Data Base	<input type="checkbox"/>
<input type="checkbox"/> Prop. 64 (reducing/dismissing certain marijuana offense convictions)	<input type="checkbox"/> Dismissal Petition for Successful PC1000 Participants with Immigration Consequences	<input type="checkbox"/>

I'm not sure/Other (please write in your request):

SUBMIT

PRINT

SAVE FORM

RESET FORM

Submit button will only work if you have a default e-mail account. If submit button does not work, save form and attach to email.

RETURN COMPLETED FORM TO:

Fresh Start Program
Office of the Public Defender
450 B Street, Suite 900
San Diego, CA 92101

Fax: (619) 338-4811 (Attn: Fresh Start Program)

E-mail: Fresh.Start@sdcounty.ca.gov

How to Get Help . . .

Clear My Record

Clear My Record

Reduce or dismiss your convictions

Take the first step in just 10 minutes

[Start now →](#)



Clearing your record can help remove barriers to new jobs, housing, and educational opportunities.

Clear My Record is a free, nonprofit, service for people with a criminal record in select California counties.

 San Diego	 San Francisco	 Alameda	 Solano
 Contra Costa	 Fresno	 Santa Barbara	 Santa Clara

[See our full list of available counties](#)

<https://clearmyrecord.codeforamerica.org/>

The Honorable Maureen Hallahan

San Diego Superior Court

Kate Braner

Chief Deputy

Training & Development

San Diego County Office of
the Public Defender

Katherine.Braner@sdcounty.ca.gov

(619) 338-4804

Brent Neck

Chief Collaborative
Courts Division

San Diego County
District Attorney's Office

Brent.Neck@sdcda.org

(619) 685-6681