

Alameda County Dismissal Expungements - Frequently Asked Questions

What is “dismissal expungement” in California? Expungement in California refers to a dismissal of the conviction ONLY; therefore the arrest, prosecution, and conviction records remain in the file and are public records; however there is a notation added that the conviction has been dismissed.

Who is eligible for a mandatory “dismissal expungement” (dismissal of the conviction)? You are eligible for mandatory expungement if:

- You were convicted of a misdemeanor or felony and given probation, a fine, time in county jail and/or no sentence (NOT sentenced to state prison, NOT a “paper commitment” to state prison);
- You were NOT convicted of an infraction or a serious sex offense (Penal Code Sections 286, 288, 288a, 288.5, 289, or felony 261.5);
- You successfully fulfilled the terms of probation for the entire time (NO new arrests leading to convictions during probation term and all fines, fees and restitution paid off).
- You are NOT currently charged with, or on probation for, another offense.

What does a “dismissal expungement” do?

- Depending upon the charge, you can answer “no” on job applications that ask if you have any convictions
- An “expungement” can help with job licensing and certification
- An “expungement” can help with housing applications
- If you were ineligible for federal student loans because of drug convictions, you would be eligible after an “expungement”

What does a “dismissal expungement” NOT do?

- If you catch another criminal charge, your expunged record still counts as a prior and,
- If your expunged record was a “strike” it still could count as a strike
- If you could not possess a firearm because of record, you still cannot
- If you had to register as a sex offender, you still have to register despite an expungement
- If your driver’s license was suspended, it is still suspended, despite the expungement

What is a conviction?

- Guilty plea
- Finding of guilt by a judge or jury after a trial
- Conditional discharge
- Any time served

What is *not* a conviction?

- Nolle pros
- Stricken off with leave to reinstate (SOL)
- Not guilty
- FNPC – no probable cause found
- Supervision

Is there a cost for assistance? All services provided at the Criminal Records Summit are free. However, the county may charge for filing petitions for dismissal, sealing, and certificates of rehabilitation. These fees can be waived if you are financially eligible. If you are not eligible for a waiver, the fees are usually charged after you have filed (as a reimbursement to the court).

How can I get a copy of my record?

CALIFORNIA - California Department of Justice (DOJ): Request a Record Review Packet, an Application for fee waiver and a fingerprint card, if you want to reduce the cost for ordering (otherwise you will be sent a Livescan (digital) fingerprint form, which costs you \$25-75 to process). To waive the fee, you will need to get ink fingerprints at a local print/passport photo shop, police station, etc.). **CALL AHEAD TO FIND OUT THE COST AND ELIGIBILITY.** For DOJ forms, call (916) 227-3849 or (916) 322-2209. You will need to leave a message requesting an application packet. Or write to:

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

- **ALAMEDA COUNTY**- For Alameda County records only (if you know you do not have any arrests or convictions outside the county), you may obtain a copy of your rap sheet from the following places:
 - Alameda County Sheriff's Department
There is a twenty-five dollar (\$25) fee; you must appear in person; you will be fingerprinted and your identify verified. The process takes about an hour.
15001 Foothill Boulevard
San Leandro, CA 94578-1092
Phone: (510) 667-3190
 - Your parole officer (if on formal probation or parole, or recently released)
 - Your former defense lawyer (if conviction was within the last several years)
 - You can request information about your conviction or record from the Criminal Court Clerk's Office of the Alameda County Superior Court; however, you cannot obtain your rap sheet from the court.

- **NATIONWIDE** - U.S. Department of Justice; **there is an \$18 fee (that can be waived).**
Federal Bureau of Investigation
1000 Custer Hollow Road
Clarksburg, WV 26306

Your letter to the FBI should state that you are requesting your criminal history or "rap sheet" under the Freedom of Information Act. Include your name, address, date of birth, place of birth, and a complete set of fingerprints. If you can pay the \$18 fee for your FBI record, 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.

What should I bring to the Summit for an attorney consultation? If possible, bring your state or county "rap sheet."

If I can't make the Summit, is there someone to talk to about my record?

The East Bay Community Law Center, Decriminalization of Poverty Project –
3130 Shattuck Ave, Berkeley, CA 94705; Phone: (510) 548-4040; Web: www.ebclc.org

For convictions or information outside California: Legal Action Center, 153 Waverly Place, New York, NY 10014; Phone: (212) 243-1313; Web: <http://www.lac.org/>