

How to Read a California Department of Justice Criminal History Report (RAP Sheet)

“RAP” stands for Record of Arrests and Prosecutions. Once you receive your RAP sheet from the California Department of Justice, you are welcome to bring it to a free Speed Screening interview where the Record Clearance Project can outline the next steps in the expungement process for you.

A few things to note about RAP sheets:

- RAP sheets usually are twice as long as you might expect. That’s because they list all arrests and all convictions, meaning the same information gets listed twice.
- RAP sheets list all charges, not all convictions. Many charges are dropped.
- RAP sheets include every time people are fingerprinted, including when someone applies for a job where fingerprinting is required, like working at a school or working with the elderly.
- Most jail convictions can be dismissed. All AB 109 cases can be dismissed. Starting January 2018, many prison cases can be dismissed.

What is a RAP sheet?

In California, your RAP sheet is produced by the California Department of Justice (DOJ). Any time a person is arrested, the police send a copy of fingerprints to the DOJ. The fingerprint information is included in a RAP sheet.

A RAP sheet includes:

1. **Arrests and Detentions.** These are when someone is held as a suspect in a crime but not prosecuted.
2. **Convictions.** A conviction is a determination that someone is guilty of a crime. Convictions come after a plea or following trial.
3. **Dismissed charges** are not pursued in exchange for a plea or dismissed by a judge.
4. **Drug diversion or Deferred Entry of Judgment (DEJ)** is offered for some drug offenses. If a person successfully completes a diversion program, there is no conviction and it is as if the arrest never happened.
5. **Probation violations** are listed on a RAP sheet when someone violates the conditions of their probation.
6. Applications for **professional licenses** or jobs that require fingerprinting.

Parts of a RAP sheet

Each incident is identified by a **name** and a **date of birth**. These are listed and numbered at the top of the RAP sheet. Sometimes people have several names or dates of birth associated with them, either as a result of typographical errors or incorrect information given.

Dates on Department of Justice RAP sheets are written with the year first, then month then day. For example, 20170630 means June 30, 2017.

 Arrest date
 ARR/DET/CITE: NAM:001 DOB:19910630
 20170418 CASC SANTA CLARA
 CNT: 001 #01023456
 32 PC-ACCESSORY
 CNT:002
 484/488 PC-PETTY THEFT
 CNT: 003
 459/460 (B) PC-SECOND DEGREE BURGLARY

 Court: Nam: 001
 20170630 CASC SANTA CLARA
 CNT: 002 #CC171717
 484/488 PC-PETTY THEFT
 DISPO: DISMISSED/FOJ/PLEA TO OTHER CHARGE
 The "DISPO" says dismissed so there is no conviction.
 CNT:003
 459/460 (B) PC-SECOND DEGREE BURGLARY
 *DISPO: CONVICTED
 CONV STATUS: FELONY
 SEN: 003 YEARS PROBATION, 006 MONTHS JAIL, IMP SEN SS

 ARR/DET/CITE: NAM: 001 DOB: 19910630
 20140520 CAPD SAN JOSE
 CNT:001 #654321AER321
 23152(A) VC-DUI: ALCOHOL/DRUGS
 CNT:002
 11377(A) HS-POSSESS CONTROLLED SUBSTANCE

 COURT: NAM:001
 20140710 CASC SANTA CLARA
 CNT:001 #CC123456
 23152(A) VC-DUI: ALCOHOL/DRUGS
 CNT: 002
 23152(B)-VC DUI ALCOHOL/0.08 PERCENT

 Court: NAM: 001 DOB:19910630
 20140915 CASC SANTA CLARA
 CNT: 001 #98765432
 23152(A)-VC DUI: ALCOHOL/DRUGS
 DISPO: DISMISSED/FOJ/MOTION OF PEOPLE
 CNT: 002
 23152 (B)-VC DUI ALCOHOL/0.08
 *DISPO: CONVICTED
 CONV STATUS: MISDEMEANOR
 SEN: 003 YEARS PROBATION, 001 DAYS JAIL, FINE

Each **event** (arrest and court hearing information for each case) is separated by asterisks like this: * * * *

1. An event is organized by first listing the arrest or detention information.

Next is the county in which you were arrested. On the next line you will find a file number. This is not the CASE number for court; it usually is a booking, police or District Attorney file number.

Next comes a list of charges, also called “counts” (CNT). There is a section of the law listed and a code (group of laws) listed. The section is listed before the Code. For example, “484 PC” refers to section 484 of the California Penal Code.

Many encounters with law enforcement do not result in convictions. Often the DA will realize that he or she cannot prove that the person accused committed the offense(s) charged. In those cases, there are arrests or detentions only and no resulting convictions. It is difficult to remove arrests from a RAP sheet. However, the law limits who can see arrests that did not lead to convictions and what effect they have.

2. When the DA decides to proceed with a case, it goes to **court**. The portion of the RAP sheet after the arrest or detention information shows what happened in court. Each **action** (cycle) within a fingerprinting event is separated by dashes, like this: ----
Cycles do not necessarily involve fingerprinting, but are connected by law enforcement booking numbers or court case numbers.

You will see the letters “DISPO”; this shows what happened to each charge in court. Under “DISPO” if a person plead guilty or was found guilty at trial, you will see, the word “Convicted” after the count or charge. Usually the sentence is listed as well, showing jail or prison, probation, fines and fees.

Frequently, some of the charges are dropped, usually in exchange for a plea bargain. (A plea is an agreement where a person agrees to a lesser charge to avoid going to trial). If a charge is dismissed, the RAP sheet will note “DISMISSED” after “DISPO.”

Usually the RAP sheet will note the reason or section of the Penal Code that authorized its dismissal.

“FOJ” means “in furtherance of justice.” Notes referring to PC 1203.4, PC 1203.4a, and PC 1203.41 all mean the case was dismissed based on those laws. Similarly, if a felony was reduced, a note on the RAP sheet will show the law that permitted the reduction, often PC 17b.

What does it mean to have a case or conviction dismissed?

Convictions are dismissed by case number. Each county writes its case numbers differently. In Santa Clara County, a case number might look like CC1234567. Felonies in Santa Clara County often don’t have a letter, such as 123456.

One case may have several “counts” (“charges”). Once a case is dismissed, all counts are dismissed. For example, if one case has three felony counts, a person has one felony case. If it’s dismissed, then the felony is dismissed.

Dismissed convictions show up on RAP sheets. However, those who can see RAP sheets or find out about dismissed convictions are restricted. For example, Labor Code 432.7(a) provides that most California employers cannot ask about or consider dismissed convictions in making employment decisions.

What if my RAP sheet is wrong?

You can ask the Department of Justice to correct your RAP sheet. It helps to send them documents showing the error. Keep a copy yourself! The Department of Justice will check with the County where the conviction took place, and correct the record based on what it learns.

Key

AKA = Also Known As **CONV** = Conviction **COR** = Certificate of Rehabilitation

DEJ = Deferred Entry of Judgment **DISM** = Dismissed **FEL RED** = Felony Reduction

FTA = Failure to Appear

IMP SENT SUSP –A judge can hold off from either imposing or executing the punishment as long as the defendant fulfills the condition of the suspension.

MISD = Misdemeanor

NOLO CONTENDERE = When you plead “no contest”, you are not technically admitting guilt but are still allowing the court to determine your punishment.

OR = Released on Own Recognizance **P NC** = Plead No Contest **PROS-REJ** = Prosecution rejected

17b = felony is a wobbler, eligible for reduction to a misdemeanor by petition

Prop 47 = felony may be / must be reduced to a misdemeanor

Prop 64 = provides for retroactive relief for prior marijuana-related convictions per HS 11361.8(e)-(k).

When “PRISON” does not mean “PRISON”

Be aware that many entries for Santa Clara County convictions after October 2011 that list a “PRISON” sentence are in fact **realignment sentences** pursuant to Penal Code section 1170(h). AB 109 (the bill that re-designated many prior prison cases to be served in county jail) changed many former state prison cases into sentences to be served in county jail.

AB 109 / realignment convictions are ALL eligible to be dismissed. True prison cases (where the sentence was to state prison, such as San Quentin or Folsom) require a Certificate of Rehabilitation (COR). Ask for the Record Clearance Project’s fact sheet on CORs.