



SAN JOSÉ STATE UNIVERSITY

RECORD CLEARANCE PROJECT

How to Read a California Criminal History Report “RAP Sheet”

What is a RAP Sheet?

“RAP” stands for Record of Arrests and Prosecutions. 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 at least twice.
- RAP sheets list all charges, not all convictions. Many charges are dropped.
- RAP sheets include every time a person is fingerprinted, including when someone applies for a job where fingerprinting is required, like working at a school or working with the elderly.

In California, most jail convictions can be dismissed. All AB 109 (“realignment”) cases can be dismissed. As of January 2018, most state prison cases can be dismissed if they would be sentenced to county jail under current law.

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 the case is dismissed, then the three felony counts are all dismissed.

Dismissed convictions show up on RAP sheets. However, few people are able to see RAP sheets. Many employers need to buy background check reports. These reports cannot include dismissed convictions. For example, Labor Code 432.7(a) provides that most California employers cannot ask about or consider dismissed convictions in making employment decisions.

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 responsible for 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 or modifications** are listed on a RAP sheet when someone violates the conditions of their probation or probation is modified in some way.
6. Fingerprinting done when people apply for **professional licenses**.

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. ALL AB 109 / realignment convictions are eligible to be dismissed.

Effective January 2018, many state prison cases that would be AB 109/ realignment cases can be dismissed because of the new Penal Code section 1203.42. People with prison cases where PC 1170(h) is not included in sentencing laws can apply for a Certificate of Rehabilitation (COR). Ask for the Record Clearance Project’s fact sheet on CORs.

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 for yourself! The Department of Justice will check with the County where the conviction took place, and correct the record based on what the county records show.

Parts of a RAP Sheet:

ARR/DET/CITE: 20170418
 CNT: 001
 32 PC-ACCESSORY

Arrest Date

NAM:001 DOB:19910630
 CASC SANTA CLARA
 #01023456

Name of county

Booking or police file number, not a case number

CNT:002
 484/488 PC-PETTY THEFT

CNT: 003
 459/460 (B) PC-SECOND DEGREE BURGLARY

COURT: 20170630
 Disposition date

NAM: 001
 CASC SANTA CLARA

CNT: 002 #CC171717
 484/488 PC-PETTY THEFT

Case number

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

Disposition. Look for "CONVICTED".

SEN: 003 YEARS PROBATION, 006 MONTHS JAIL, IMP SEN SS

ARR/DET/CITE: 20140520
 CNT:001
 23152(A) VC-DUI: ALCOHOL/DRUGS

NAM: 001
 CAPD SAN JOSE
 #654321AER321

DOB: 19910630

"CONV STATUS" states whether it's a felony, misdemeanor or infraction.

CNT:002
 11377(A) HS-POSSESS CONTROLLED SUBSTANCE

Sentencing Information

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

Each incident on a California RAP sheet is identified by a **name** and a **date of birth**. These are listed and numbered at the beginning 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.

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 of law 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.

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 dropped, 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, PC 1203.41 and PC 1203.42 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, PC 1170.18 ("Prop 47") and HS 11361.8 (e)-(f) ("Prop 64").

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).