



**ROOT &
REBOUND**

REENTRY ADVOCATES



R.A.P. Sheet Evaluation

Volunteer Training



Agenda

1. Introduction to Root & Rebound
2. Why your role is so vital!
3. The record clearing process.
4. How to read a RAP sheet
5. Judicial dismissal eligibility rules
6. Logistics

About Root & Rebound

ABOUT ROOT & REBOUND



Root & Rebound's mission is to support people navigating reentry and reduce the harms perpetuated by mass incarceration.

11 AREAS OF LAW & LIFE



Housing



Public Benefits



Parole & Probation



Immigration



Education



Understanding and
Cleaning Records



ID & Voting



Tribal Law



Family



Court-Ordered Debt



Employment



Ways to Get Involved

R&R RAP review support (remote, ongoing)

- Receive a RAP via email, analyze and return it within 1 week, begin again

Why Your Role is so Vital



Conviction histories are run often!



For more than 90% of jobs

For most occupational licenses

For most rental housing applications

Judicial dismissals allow clients to get stable housing, living wage jobs, rebuild their lives, and care for their families and communities

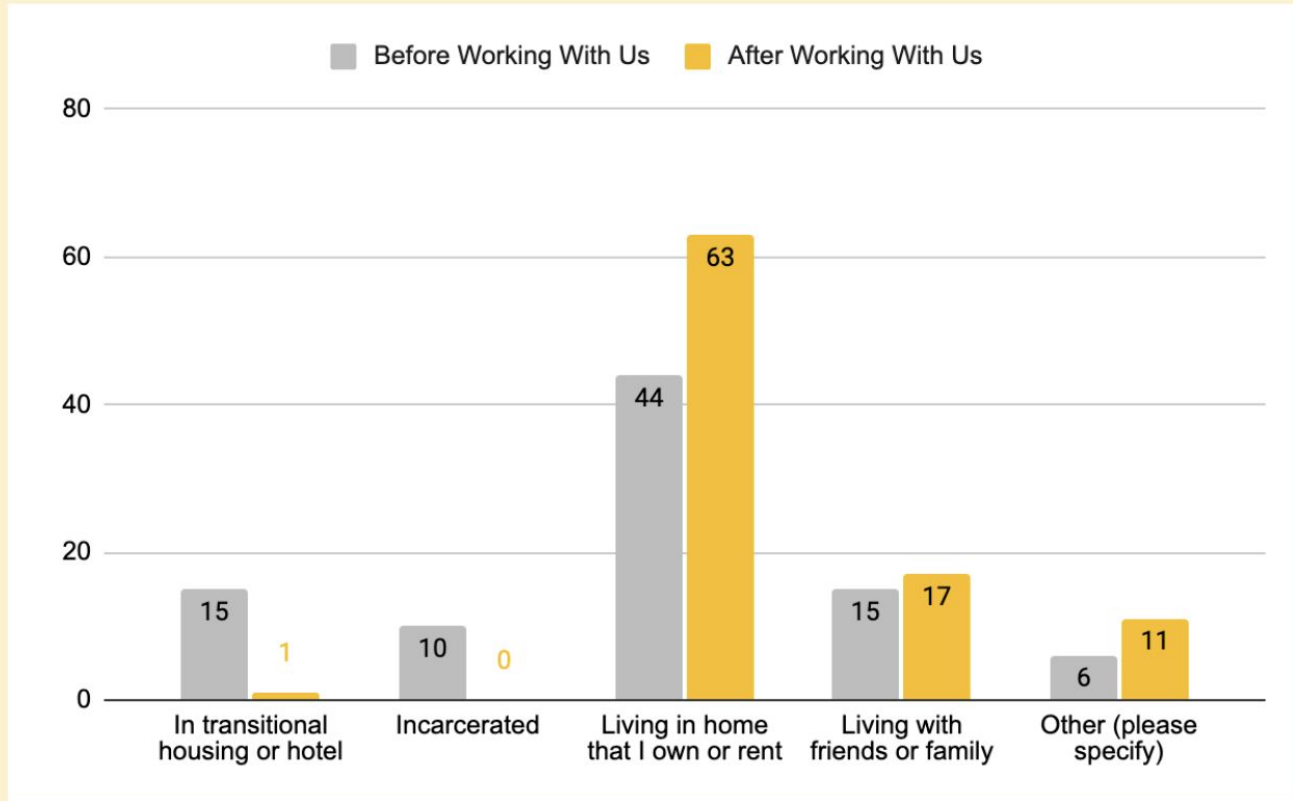
Judicially Dismissing (or “expunging”) a conviction can remove the conviction from most job and housing application reports.

A judicially dismissed conviction will still appear for certain jobs, licenses and law enforcement:

- Child & Elder Care certification
- Future convictions / arrests
- Section 8 housing
- (others)

In each of these cases, a dismissed conviction can still be seen, but it is viewed as less serious than a conviction that has not been judicially dismissed.

Housing Status



Clients tended to move towards more secure housing situations, such as living in a home that they own or rent or living with family.



The Record Cleaning Process

1- Trained team members meet with the client to discuss his/her/their goals.

2- Client gets a copy of their conviction history.

3-



4- Trained team members explain what they are eligible to dismiss and the overall process.

5- The client will complete a declaration & send us evidence of rehabilitation for discretionary dismissals

6- Trained team members will:

- review the declaration, confirm everything with the client
- File and serve the paperwork
- Coach the client on next steps

7- Client will (most of the time) appear in court for the dismissal hearing pro se / pro per.

8- Trained team members will continue to work with the client on their underlying issue -- if applicable.

What is a RAP sheet?

Short Answer: Bad News

Record of Arrest and Prosecution

- Includes: all convictions, arrests, each time a person is fingerprinted, warrants.
- Two sections:
 - First is records connected to finger prints,
 - Second is connected to name & DOB search

Let's Read a R.A.P. sheet together

Please Open:

- Annotated RAP sheet
- Blank Record Summary Chart

Overview of RAP Evaluation

1. Summarize the RAP sheet (*first 8 columns; if using RAP summary chart*)
2. Evaluate each conviction for **all** potential remedies (*last two columns*)
 - a. *Determine dismissal remedies for the case*
 - b. *Determine the reduction remedies for the case*
 - c. *Determine when eligible for dismissal / reduction*
 - d. *Determine whether it is discretionary, automatic, or mandatory.*
3. Provide supervisor the analysis for review and feedback.
4. Begin again!

Step 1: Completing Identity info

1. Download an empty RAP sheet summary form & fill in identity info
 - a. Complete the top information with your name, the date, and the client's name(s) and DOB(s).
 - b. Note if anything is odd or the person might not be a US citizen (we will need to do an immigration screening with them).

ID Info:

CII/84125412

DOB/19730825 SEX/F RAC/WHITE

HGT/506 WGT/185 EYE/BRO HAIR/BLK POB/MEX

CTZ/MEXICO

NAM/001 Lopez, Carina

002 Lopes, Carina

003 Jackson, Carina

FBI/469841265423

DMV/ 789545

SOC/1236548

MDS/7895

OCC/ PARALEGAL

R&R RAP Summary:

Client Name (as RAP document is titled)	Vol Evaluator:
DOB:	Date Completed:
Client NAM: 1. 2. 3. 4.	Matter # R&R Reviewer:

[...]

Notes:
Case Factors:

Turns into:

Client Name (as RAP document is titled) Carina Jackson DOB: 08/25/1973	Vol Evaluator: <u> </u> [your name here] Date Completed: <u> </u> [Today]
Client NAM: 1. Lopez, Carina 2. Lopes, Carina 3. Jackson, Carina	Matter # R&R Reviewer:

Leave the orange boxes alone, they are for R&R internal use.

Step 2: Summarize RAP sheet

Summarize the RAP sheet

- a. Complete the summary of all the convictions: case #, conv date, etc.
- b. Note any violations, warrants, or arrests during probation *or* within 1 year of misdemeanor without probation under the “Notes” column.
- c. Try to put the convictions in chronological order (if they are not already in order)
- d. In “Notes”, at the bottom of the summary sheet, highlight any missing information, note any abnormalities or questions that you have.

ARR/DET/CITE: B NAM:002 DOB:1973

A 19980115 D CAPD SAN FRANCISCO

E CNT: 001 C #987656789
F 23152(A) VC-DRIVING UNDER INFLUENCE

G TOC:M
- - - -

COURT: H NAM:001

I 19980126 J CASC SAN FRANCISCO

CNT: 001 K 98CRM133322
L 23152(A) VC-DRIVING UNDER INFLUENCE TOC:M

M *DISPO: CONVICTED

N CONV STATUS: MISDEMEANOR

O SEN: 003 YEARS PROBATION, 030 DAYS JAIL

1. NAM H
2. County & court house J
3. Case # K
4. Conviction date I
5. Code & Section L
6. Off. Description L
7. F/M/I N
8. Sentence & length O

Nam#	Case #	County & Courthouse	Conv. Date	Code & Section	Off. description	F M I	Sentence type & length
1	98CRM133322	SF	1/26/1998	VC 23152 (a)	DUI	M	<u>3 years probation</u> 30 d jail

COURT: H NAM:001

I 19980126 J CASC SAN FRANCISCO

CNT: 001 K 98CRM133322

L 23152 (A) VC-DRIVING UNDER INFLUENCE TOC:M

M *DISPO: CONVICTED

N CONV STATUS: MISDEMEANOR

O SEN: 003 YEARS PROBATION, 030 DAYS JAIL

1. NAM H
2. County & court house J
3. Case # K
4. Conviction date I
5. Code & Section L
6. Off. Description L
7. F/M/I N
8. Sentence & length O

* * * *
ARR/DET/CITE: NAM:001 DOB:1973
19930830 CAPD SAN FRANCISCO

CNT: 001 #12345677889
11351 HS-POSSES W/ INTENT TO DISTRIBUTE TOC:F

- - - -

1 COURT: NAM:001
19930902 CASC SAN FRANCISCO

CNT: 001 93CR2456
11351 HS-POSSES W/ INTENT TO DISTRIBUTE TOC:F

*DISPO: CONVICTED

CONV STATUS: FELONY

SEN: 005 YEARS PROBATION, 002 YEARS PRISON SS

* * * *

What about arrests?

Arrests without court hearings are not convictions and do not need to be listed. Example:

* * * *

ARR/DET/CITE

NAM:002 DOB:1973

20011031

CAPD BERKELEY

CNT: 001

#98765567876

23540 (A) VC-DRIVING UNDER INFLUENCE

TOC:M

* * * *

What's this 1203.425 remedy?

In August of 2022, the CA DOJ began automatically dismissing some convictions under PC 1203.425. These cases are already dismissed, but the clients were not notified. Please list it, and then in the remedy note "already dismissed per 1203.425"

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COURT:                                NAM:001  
20020425                            CASC ALAMEDA  
  
CNT: 001                            02CR003457  
10851 (A) VC-TAKE VEH W/O OWNER CONSENT          TOC:M  
*DISPO: CONVICTED  
CONV STATUS: MISDEMEANOR  
SEN: 001 YEAR JAIL
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-----  
COURT:  
20220801  
*DISPO: CONVICTION RELEVE GRANTED PER 1203.425
```

What if probation was revoked?

COURT: NAM:002
20041214 CASC ALAMEDA

CNT: 001 CRF300456
11360 HS-SALE/TRANSPORTATION MARIJUANA TOC:F
*DISPO: CONVICTED
CONV STATUS: FELONY
SEN: 60 MONTHS PROBATION; 24 MONTHS PRISON SS

20050531

DISPO: PROBATION REVOKED

SEN: 002 YEARS PRISON

Use the final sentence: the prison sentence, in this case.

2	CRF300456	Alameda	12/14/2004	HS 11360	<u>MJ Sales</u>	F	60 mo prob. 2 yr prison
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Court Records

- Case specific (not a comprehensive summary)
- Often available online for free (county court's website)
- More info than we need, sometimes less info than we need

Case Information

438945 | THE PEOPLE OF STATE OF CALIFORNIA V

Case Number

11-12345

File Date

12/05/2011

Court

Criminal Manager-
Hayward

Case Type

Misdemeanor/Infractions

Disposition Events

01/26/2012 Plea ▼

001	VC23152(a)-M: DRIVING UNDER THE INFLUENCE OF ALCOHOL	Not Guilty
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05/15/2012 Plea ▼

001	VC23152(a)-M: DRIVING UNDER THE INFLUENCE OF ALCOHOL	No Contest
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01/26/2012 Plea ▼

002	VC23152(b)-M: DRIVING WHILE HAVING A 0.08% OR HIGHER BLOOD ALCOHOL	Not Guilty
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Precursor to the remedies

A person is eligible for expungement when:

- Prop 64 -- for eligible cannabis convictions, anytime
- 1203.4b -- if fought fires while in prison, anytime
- **All others** -- must not have pending charges or warrants, or be on probation or parole for any case.

Evaluate the RAP

1. Determine dismissal remedies for the case
2. Determine any additional reduction remedies for the case
3. Determine when eligible for dismissal / reduction
4. Determine whether it is discretionary, automatic, or mandatory.

If they appear to be currently ineligible, note that at the bottom of the summary, under “notes,” but continue evaluating for all potential or future remedies.

Big Picture:


Any case with a probation sentence can almost always be expunged.

Misdemeanors & Infractions can almost always be expunged.

Nearly all prison cases can be expunged -- except cases that require registering on the sex offense registry.

Sex offense registry cases that cannot be expunged may be eligible for a Certificate of Rehabilitation and/or pardon.

Overview - Chart

Situation	Remedy	When eligible
Felony or Misdemeanor Sentenced to <u>probation</u> <i>can include other penalties</i>	PC 1203.4	has no open cases not on probation for any case
<u>Misdemeanor or infraction</u> sentenced to anything but NOT probation	PC 1203.4a	has no open cases not on probation for any case specific to this case: 1 year after completion of sentence for this case
Sentenced under <u>PC 1170(h) or to state prison</u>	PC 1203.41	has no open cases not on probation for any case specific to this case: if prison: 2 years after completing parole; this case did not trigger registration under PC 290
Went to prison; fought fires while in prison (not listed in the RAP, R&R will let you know if this applies)	PC 1203.4b	Anytime out of prison/jail and not facing charges (can be on probation / parole)
Cannabis Offense (listed in materials) 	Prop 64	Now
Remedy of Last Resort	Cert. of Rehab.	minimum of 7 years after completing the incarceration; must expunge everything else first.

1203.4 (probation dismissal)

Eligibility: Cannot be serving any sentence

(a) (1) When a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interest of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if they are not then serving a sentence for an offense, on probation for an offense, or charged with the commission of an offense, be permitted by the court to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if they have been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which they have been convicted [...]

How to know if the petition is Mandatory or Discretionary:

Remedy	Mandatory if: (note: if not mandatory, it will be discretionary)	Next Steps:
PC 1203.4	<ul style="list-style-type: none"> - The <i>conviction</i> is not discretionary only - Completed probation without revocation of prob. or a new case during prob. for this case. 	<ul style="list-style-type: none"> - look at "weird list" to learn if there are any reductions or oddities for the specific charges
PC 1203.4a	<ul style="list-style-type: none"> - The <i>conviction</i> is not discretionary only - Went one year without a new conviction (from time of release) for this case 	<ul style="list-style-type: none"> - look at "weird list" to learn if there are any reductions or oddities for the specific charges
PC 1203.41	<ul style="list-style-type: none"> - Always discretionary 	
PC 1203.4b	<ul style="list-style-type: none"> - Always discretionary 	-
Prop 64	<ul style="list-style-type: none"> - Mandatory (by law should be automatic, but courts have not implemented) 	<ul style="list-style-type: none"> - look at DPA P64 guide for reduction/dismissal options - pair with dismissal, if P64 doesn't dismiss
Cert. of Rehab.	<ul style="list-style-type: none"> - discretionary, but a higher bar than normal 	<ul style="list-style-type: none"> - look at felony weird list to ensure it is not one of the few cases that is not eligible for COR

Weird List = cheat sheet

See the next few slides for the explanation behind the “weird list.”

1203.4 (probation dismissal)

Why some cases are discretionary vs. mandatory

(a) (1) When a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or in any other case in which a court, in its discretion and the interest of justice, determines that a defendant should be granted the relief available under this section, the defendant shall, at any time after the termination of the period of probation, if they are not then serving a sentence for an offense, on probation for an offense, or charged with the commission of an offense, be permitted by the court to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if they have been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and except as noted below, the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which they have been convicted [...]

Weird List: Discretionary Only Cases

PC 1203.4: (c) (1) Except as provided in paragraph (2), subdivision (a) does not apply to a person who receives a notice to appear or is otherwise charged with a violation of an offense described in subdivisions (a) to (e), inclusive, of Section 12810 of the Vehicle Code.

(2) If a defendant who was convicted of a violation listed in paragraph (1) petitions the court, the court in its discretion and in the interest of justice, may order the relief provided pursuant to subdivision (a) to that defendant.

ARTICLE 3. Issuance and Renewal of Licenses [12800 - 12819] (*Article 3 enacted by Stats. 1959, Ch. 3.*)

CA Veh. Code 12810.

In determining the violation point count, the following shall apply:

- (a) A conviction of failure to stop in the event of an accident in violation of Section 20001 or 20002 shall be given a value of two points.
- (b) A conviction of a violation of Section 23152 or 23153 shall be given a value of two points.
- (c) A conviction of reckless driving shall be given a value of two points.

[...]



Other Remedies – check the “weird list”

- **17(d)** – eligible misdemeanors can be reduced to an infraction
- **17(b)** – eligible felonies can be reduced to a misdemeanor, if probation was granted and it was a felony originally.
- **Prop 47** - eligible felonies can be reduced to a misdemeanor, if the client and conviction are eligible
- **Prop 64** – eligible cannabis-related felonies can be reduced to a misdemeanor



PC 17(b): Reduction from Felony to Misdemeanor

[(a) defines a felony]

(b) When a crime is punishable, in the discretion of the court, either by imprisonment in the state prison or imprisonment in a county jail under the provisions of subdivision (h) of Section 1170, or by fine or imprisonment in the county jail, it is a misdemeanor for all purposes under the following circumstances:

(1) After a judgment imposing a punishment other than imprisonment in the state prison or imprisonment in a county jail under the provisions of subdivision (h) of Section 1170.

[...]

(3) When the court grants probation to a defendant and at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.

[...]



17(b) example language

461.

Burglary is punishable as follows:

- (a) Burglary in the first degree: by imprisonment in the state prison for two, four, or six years.
- (b) Burglary in the second degree: by imprisonment in the county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170.

Find the remedies for these two:

Nam#	Case #	County & Courthouse	Conv. Date	Code & Section	Off. description	F M I	Sentence type & length	Remedies (<u>discr</u> / <u>mand</u>)
1	93CR2456	SF	9/2/93	HS 11351	Pos. w. intent	F	5 yr prob 2 yr prison—SS	
1	98CRM133322	SF	1/26/1998	VC 23152 (a)	DUI	M	3 <u>years probation</u> 30 d jail	

Find the remedies for these two:


Nam#	Case #	County & Courthouse	Conv. Date	Code & Section	Off. description	F M I	Sentence type & length	Remedies (<u>discr</u> / <u>mand</u>)
1	93CR2456	SF	9/2/93	HS 11351	Pos. w. intent	F	5 yr <u>prob</u> 2 yr <u>prison</u> —SS	1203.4 <u>Discr</u> – new case
1	98CRM133322	SF	1/26/1998	VC 23152 (a)	DUI	M	3 <u>years probation</u> 30 d jail	1203.4 <u>Discr</u> - always



1	02TR999887	Alameda	9/30/2002	VC 23540(a)	DUI	M	1 yr jail
"	"	"	"	VC 14601.2	Driving on susp. lic	M	"

Misdemeanor with Jail sentence → 1203.4a.

Check the weird list for particular requirements or issues specific the conviction (vehicle codes are almost always discretionary)



2	CRF300456	Alameda	12/14/2004	HS 11360	<u>MJ Sales</u>	F	60 mo prob. 2 yr prison
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MJ / Marijuana might tip you off: Prop 64

Use the Drug Policy Alliance Guide on Prop 64 to see if the case can be reduced or dismissed under Prop 64.

If the case can only be reduced under Prop 64, see about dismissing it as well.

Trick case: assume the (mandatory) reduction goes through, then the client will have served prison for a misdemeanor. What remedy works for a misdemeanor with a prison term, i.e. not a probation term?


PC 1203.4a



2	06-cr-sj-f-87677	Santa Clara	6/17/2006	HS 11350	Pos. heroin	F	3 yr probation
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Felony probation case → 1203.4

Discretionary because picked up a new case in 2008 within the 3 year probation term)



3	08CF01230123	SF	7/22/2008	PC 459	Burglary, 2 nd degree	F	16 mo <u>prison</u>
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Prison Case → 1203.41 always discretionary




3	11-CR-sj-f-77677	Santa clara	11/09/2011	HS 11352	Pos. with intent to distribute her.	F	1170 (h) 3 years
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1170(h) sentencing gives it away-- what is this person eligible for? → 1203.41

1203.4b - Firefighting!

New law-- expungements for any case where the client worked in a firecamp or firehouse.

- **Can** have gone to prison (most fire camps are in the prisons)
- Does NOT need to be off of probation/parole for that case
- If client is currently on parole/probation they cannot have any violations.
- All cases are discretionary
- R&R will note that the client was in a firecamp, when sending RAP if we know that already.



3	876587	SF	5/22/2015	PC 215	Car jacking	F	2 yr prison	1203.41 (2023)
3	18CR6677	alameda	9/10/2018	HS 11378	Pos. w/ intent to sell, meth	F	2 yr prison	1203.41 (2023)

Prison case,

Only two options for prison cases: 1203.41 or 1203.4b

1203.4b (firecamp) is eligible now!

1203.41 needs two years post parole term ending (we need to talk to the client to find out when that is/was). They might not be eligible yet, but still list the remedy.

R&R Logistics, Next Steps & Questions



After you have evaluated the RAP sheet:

1. A R&R team member will review the RAP chart & give you feedback.
2. The client will be notified that the RAP was reviewed and told about their next steps and the available remedies.
3. A declaration will be completed with the client, if needed.
4. We will file & serve the petitions!



Ways to Get Involved

R&R RAP review support (remote, ongoing)

- Receive a RAP via email, analyze and return it within 1 week, begin again



Next Steps from Training

You: Sign & return the volunteer confidentiality agreement and let me know how many RAP sheets you would like to take on this week.

I: will email you with the training slides & a number of RAP sheets -- not to exceed your requested #.

You: Always welcome to email Mona or Eva with any legal or logistical questions!
MPatel@rootandrebond.org or EDeLair@rootandrebond.org



Questions?

Please put them in the chat.

Thank you!

Go forth and prosper

