



CLEAN SLATE PROGRAM

KEEP THIS PAGE **FOR YOUR REFERENCE REGARDING** **CLEAN SLATE POLICIES AND PROCEDURES**

GENERAL INFORMATION and TIME-LINES: **WE OFFER THE FOLLOWING SERVICES**

EXPUNGEMENT (Penal Code § 1203.4):

We can remove a conviction from your record so that when you apply for most jobs, you can legally say that you were not convicted of that crime. To qualify, the following must be true: (1) you are not on probation or parole; (2) you are not currently charged with a crime; and (3) your conviction is from San Francisco City and County. **A simple expungement takes approximately 2-3 months.**

SEAL AND DESTROY AN ARREST RECORD (Penal Code § 851.8):

To qualify, the following must be true: (1) you were arrested in San Francisco City and County and not convicted; (2) you are factually innocent of the charges for which you were arrested; (3) no reasonable cause exists to believe that you committed the offense for which you were arrested; and (4) if more than **2 years** has expired since your arrest, you have a valid reason for not requesting to seal the arrest record earlier *and* the prosecutor is not prejudiced by the delay in time. If all four of the above conditions are true, we may be able to seal and destroy the record of your arrest. **A simple sealing and destroying of an arrest record takes approximately 6-8 months.**

CERTIFICATE OF REHABILITATION (Penal Code § 4852.01 et seq):

Convictions that resulted in a state prison sentence cannot be expunged. However, you may qualify for a certificate of rehabilitation. Once a certificate of rehabilitation is granted it is forwarded to the Governor's Office as an application for a pardon. To qualify, the following must be true: (1) you live in San Francisco City and County; and (2) it has been **7 years** since your last conviction in any county. **A simple certificate of rehabilitation takes approximately 6-8 months.**

END PROBATION (Penal Code § 1203.3):

If you are still on probation, we may be able to terminate probation and then ask for an expungement. You must have a very good reason for the early termination, such as having a job offer that depends on your not being on probation or the early termination was agreed upon at the time of your conviction. **A simple early termination of probation takes approximately 2-3 months.**

REDUCE A FELONY TO A MISDEMEANOR (Penal Code § 17b):

If you have a felony conviction and are still on probation, we can reduce the felony to a misdemeanor if this was the agreement at the time of your conviction. **A simple felony reduction takes approximately 1-2 months.**

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INSTRUCTIONS and PROCEDURES:

STEP #1 - Clearly and completely fill out the “Clean Slate Program Application” and “Clean Slate Program Financial Application.”

STEP #2 - Get a copy of your San Francisco criminal history record (“Rap Sheet”) at:

Identification Bureau
Room 475 - 4th Floor
Hall of Justice
850 Bryant Street

Monday - Friday
8 a.m. to 3 p.m.

Cost: \$5.00. If you don't have any money, show the clerk at the Public Defender's Office your “Application For A Court Appointed Attorney” and request a fee waiver form which will allow you to obtain your “Rap Sheet” for free.

By mail: Rap sheets can be obtained by mailing the \$5.00 fee (*cashier's check or money order*) to the above address along with a notarized written request for the rap sheet and copies of your state identification and social security cards.

STEP #3 - Return all three items to the reception desk at the Public Defender's Office at any time, Monday through Friday, 8 a.m. - 5 p.m. or return to the Public Defender's Office by mail to the attention of **Demarris R. Evans**. Please keep a copy of all documents you submit for your reference.

STEP #4 - You will receive an introductory letter within four weeks to let you know that we have received your application. Once we receive and review your application it generally takes another two to four weeks to receive relevant court records.

STEP #5 - Within four weeks of receiving your introductory letter you should receive initial correspondence indicating whether you need to provide additional documentation to support your petition. If you need to provide additional documentation, instructions regarding the additional documentation required will be enclosed.

STEP #6 - Once we receive all of your required supporting documentation we will draft your motion and send you an affidavit or verification form to sign. If you do not need to provide additional documentation you will simply receive an affidavit to sign in your initial correspondence. After you sign the form you need to return it to our office.

STEP #7 - Once we receive the signed affidavit or verification form from you we will file your petition and send you a letter in the mail indicating the date scheduled for a hearing on your petition. For expungement hearings on misdemeanor convictions you do not need to appear in court. For all other hearings you need to appear unless you live outside of the local area and appearing would cause you a hardship.

NOTE - If you have any questions, you can speak to **Demarris R. Evans**, the attorney in charge of the Clean Slate Program during **Drop-In appointments between 9 a.m. - 11 a.m. on Tuesdays at 555 - 7th Street and between 9 a.m. - 12 p.m. on Thursdays at 1800 Oakdale Avenue in San Francisco. She can be reached by phone at 415-553-9337.** However, due to the volume of calls received and clients participating in the program, the best way to reach her is during Tuesday or Thursday Drop-In hours.

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