



# SAN DIEGO COUNTY PUBLIC DEFENDER

## FRESH START PROGRAM

### REQUEST FOR ASSISTANCE

All requests must be in writing. Please fill out both pages of this form as completely as possible. All information will be kept confidential. Once you submit this form, we will contact you to discuss your Fresh Start options.

			Date:
<b>Personal Information</b>			
Last Name	First Name	Middle Name	
Other Names Used			
Birth Date & Birth Place	Social Security # (if available)	Driver's License/Cal ID # (if available)	
<b>Contact Information</b>			
Best Phone Number	Alternate Phone Number	E-mail Address	
Street Address (mailing address)	City	State	Zip Code

<b>Case Information</b>	
(Fill in as much information as you can, but do not be discouraged if you do not know the answers. We will assist you in figuring out your record. Attach an additional sheet if necessary.)	
<b>Do you have a copy of your criminal history report from the Department of Justice?</b> (mark "yes" or "no" below)	
<b>YES</b> (Please submit it with this form)	<b>NO</b> (Please see "Getting a Copy of your Criminal History Report" Guide included with this packet)

Case Number	Crime Type (for example drug possession, domestic violence, theft)	Case Type (mark response)	Sentence (mark response)
		Felony    Misdemeanor Infraction    Don't Know	Probation    Local Prison State Prison    Don't Know
		Felony    Misdemeanor Infraction    Don't Know	Probation    Local Prison State Prison    Don't Know
		Felony    Misdemeanor Infraction    Don't Know	Probation    Local Prison State Prison    Don't Know
		Felony    Misdemeanor Infraction    Don't Know	Probation    Local Prison State Prison    Don't Know
		Felony    Misdemeanor Infraction    Don't Know	Probation    Local Prison State Prison    Don't Know

Additional Information	Yes	No	I don't know
Are you currently on informal probation, formal probation, post release community supervision, mandatory supervision, or parole on any case in San Diego or any other county?			
Do you have any new charges pending against you in San Diego or any other county?			

I would like help with:			
(Check all that may apply. Do not be concerned if you do not know what to ask for. We will review your record and advise you of your options. For more information visit <a href="http://www.sandiegocounty.gov/content/sdc/public_defender.html">http://www.sandiegocounty.gov/content/sdc/public_defender.html</a> .)			
Expungement/Dismissal of a Conviction		Gang Documentation Relief	
Reducing a Felony to a Misdemeanor		Conviction Relief for Victims of Human Trafficking	
Early Termination of Probation		Correcting Errors in my DOJ (criminal history) report	
Certificate of Rehabilitation		Sealing an Adult Arrest Record (an arrest that never resulted in a prosecution & where you were innocent)	
Prop. 47 (reducing certain felony convictions to misdemeanors)		Getting my DNA out of the DNA Data Base	
Prop. 64 (reducing/dismissing certain marijuana offense convictions)		Dismissal Petition for Successful PC1000 Participants with Immigration Consequences	
I'm not sure/Other (please write in your request):			

**RETURN COMPLETED FORM TO:**

Fresh Start Program  
Office of the Public Defender  
450 B Street, Suite 900  
San Diego, CA 92101

Fax: (619) 338-4811 (Attn: Fresh Start Program)

E-mail: [Fresh.Start@sdcounty.ca.gov](mailto:Fresh.Start@sdcounty.ca.gov)

# HOW TO GET YOUR CRIMINAL HISTORY REPORT

If you have multiple convictions, we recommend getting a copy of your criminal history report from the Department of Justice (DOJ). It will show all of your cases in California and what happened to them. Cases that have been purged from court can still show up on your DOJ report. If a conviction is showing up on your DOJ report, it may be showing up on background checks. The report will not show your criminal history for other states or federal convictions.

To get the report you will need to fill out the [DOJ Record Request Form](#), get fingerprinted from a LiveScan operator (cost approx. \$15-\$25), and pay a \$25 DOJ processing fee (unless you qualify for a fee waiver). The LiveScan operator will submit your completed Record Request Form with your fingerprints and processing fee (if needed) directly to the DOJ for you. Step by step instructions are on the next page.

## WHY IS IT IMPORTANT TO GET MY CRIMINAL HISTORY REPORT?

- *To correct any errors, such as incomplete or incorrect information*
- *To have an accurate record of your conviction history*
- *To be better prepared to answer questions about your criminal history*

AND

- *You will need it to clean up your record!*

## FREQUENTLY ASKED QUESTIONS

### *Can the Public Defender get the report for me?*

No. The DOJ requires you request your own report.

### *How long does it take to get the Report?*

It can take anywhere from 2 to 8 weeks to get a copy of your DOJ Criminal History Report after you get your fingerprints taken. The DOJ will mail you the report.

### *I have a copy. Now what?*

If you chose to get a copy, please forward a copy to our office so we may confirm the status of your case(s) and check for accuracy. Mail, fax ((619) 338-4811) or e-mail ([Fresh.Start@sdcountry.ca.gov](mailto:Fresh.Start@sdcountry.ca.gov)) the report to the Fresh Start Program. Keep the original for your records.

### *What if there are errors in my Criminal History Report?*

Once you receive your Criminal History Report from the DOJ, if you want to challenge the contents of your criminal record, you must complete the "Claim of Alleged Inaccuracy or Incompleteness" (form BCIA 8706), which will be included with your Criminal History Report.

Mail the completed form, along with a copy of your criminal history record, to the address indicated on the form. Your challenge must specifically state the basis for the claim of inaccuracy or incompleteness and include any available proof or corroboration to substantiate your claim. **Our office can assist you with this process.**

County of San Diego  
Office of the Public Defender  
450 B Street, Suite 900  
San Diego, CA 92101  
(619) 338-4700

***IF YOU QUALIFY FOR A DOJ PROCESSING FEE WAIVER FOLLOW THESE STEPS***

There is a \$25 DOJ processing fee but this fee can be waived if you can provide one of the following (i.e. Proof of Government Assistance or Indigence):

- Copy of Medi-Cal or Food Stamps card
- Copy of Grant Letter from SSI or Social Security
- Copy of Grant Letter from Unemployment, Disability, or CalWorks

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<b>STEP 1</b>	Request the fee waiver by <b>mailing or faxing</b> the following <b>two documents to the DOJ:</b> (1) Signed Application & Declaration for Waiver of Fee for Obtaining Criminal History Record ( <a href="#">ATTACHED TO THIS PACKET</a> ) (2) Proof of Government Assistance or Indigence (see list above)
REQUEST DOJ FEE WAIVER	Mail or Fax both documents to DOJ: Fax to <b>(916) 227-1964 - OR -</b> Mail to: <b>California Department of Justice (DOJ), Record Review Unit, P. O. Box 903417, Sacramento, CA 94203-4170</b>  <i>If you do not receive a response from the DOJ in about 2 weeks, call <b>916.227.3835</b> to inquire about the status of your request.</i>
<b>STEP 2</b>	If the DOJ approves your fee waiver, they will mail the <b>pre-printed DOJ Record Request Form</b> to YOU – it will have a pre-printed Billing Code.  Fill out all of your personal information under Applicant Information
DOJ APPROVES THE FEE WAIVER	<input type="checkbox"/> You will give the original to the LiveScan Operator <input type="checkbox"/> Make a copy for your records
<b>STEP 3</b>	Find a LiveScan Operator near you. Click <a href="#">here</a> for a list of LiveScan Operators in San Diego County. Call first to confirm their hours and the types of payments accepted. Fees vary from \$15-\$25 so it is a good idea to shop around.
GET FINGERPRINTS FROM LIVESCAN OPERATOR	Bring the following with you to the LiveScan Operator: <input type="checkbox"/> Completed pre-printed DOJ Record Request Form the DOJ mailed back to you. This waives the \$25 DOJ processing fee. <input type="checkbox"/> Valid Photo ID (expired IDs will NOT be accepted) <input type="checkbox"/> LiveScan Fee (this fee varies by operator)  The LiveScan operator will submit your request form and fingerprints to the DOJ for you.

**IF YOU DO NOT QUALIFY FOR A DOJ PROCESSING FEE WAIVER (or do not want to apply for one)  
FOLLOW THESE STEPS**

<p><b>STEP 1</b></p> <p>COMPLETE THE</p> <p><a href="#">DOJ Record Request Form</a></p> <p>(click for the form)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> For the Type of Application check “Record Review”</li> <li><input type="checkbox"/> For “Reason for Application” write/type “Record Review”</li> <li><input type="checkbox"/> Fill out all of your personal information under Applicant Information             <ul style="list-style-type: none"> <li>o You will give the original to the LiveScan Operator</li> <li>o Make a copy for your records</li> </ul> </li> </ul>
<p><b>STEP 2</b></p> <p>GET FINGERPRINTS FROM LIVESCAN OPERATOR</p>	<p>Find a LiveScan Operator near you. Click <a href="#">here</a> for a list of LiveScan Operators in San Diego County. Call first to confirm their hours and the types of payments accepted. Fees vary from \$15-\$25 so it is a good idea to shop around.</p> <p>Bring the following with you to the LiveScan Operator:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Completed <a href="#">DOJ Record Request Form</a></li> <li><input type="checkbox"/> Valid Photo ID (expired IDs will NOT be accepted)</li> <li><input type="checkbox"/> LiveScan Fee (this fee varies by operator)</li> <li><input type="checkbox"/> \$25 DOJ Processing Fee</li> </ul> <p>The LiveScan operator will submit your request form, fingerprints, and processing fee to the DOJ for you.</p>

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## APPLICATION FOR RECORD REVIEW PROCESSING FEE WAIVER CLAIM AND PROOF OF INDIGENCE

### APPLICANT INFORMATION

Full Name: \_\_\_\_\_

Street or Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

### PROOF OF INDIGENCE

As mandated by Penal Code section 11123, an individual may request a waiver of the record review processing fee. Any request for a fee waiver must include a claim and proof of indigence. Please check one of the three (3) following options to indicate how you are confirming your claim of indigence.

☐ I receive government assistance and have attached a copy of my documentation.  
*Examples of governmental assistance include, but are not limited to, Supplemental Security Income (SSI), California Work Opportunity and Responsibility to Kids (CalWORKs) program, unemployment benefits, or disability insurance.*

☐ I am currently incarcerated in a local, state, or federal correctional institution/facility.  
Institution/facility name: \_\_\_\_\_  
Institution/inmate number: \_\_\_\_\_

☐ I am indigent based on my annual income and the number of people in my household.

*As shown in the table below, based on the number of people in your household, if your income is at or below 138% of the annual Federal Poverty Guidelines, you may certify your status as indigent.*

Family Size	Annual Income*	Family Size	Annual Income*	Family Size	Annual Income*	If you have more than 12 people in your household, please add \$5,741 for each extra person.
1	\$16,395	5	\$39,248	9	\$62,169	
2	\$22,108	6	\$44,962	10	\$67,910	
3	\$27,821	7	\$50,688	11	\$73,651	
4	\$33,534	8	\$56,429	12	\$79,392	

\* Annual Federal Poverty Level published in the Federal Register on January 25, 2016.

Upon completion of this Application for Record Review Processing Fee Waiver Claim and Proof of Indigence, mail it to:

California Department of Justice  
Bureau of Criminal Information and Analysis  
Record Review Unit  
PO Box 903417  
Sacramento, CA 94203-4170

Forms not completely filled out cannot be processed by the DOJ and therefore an attempt will be made to return the form to the sender. If you have any questions regarding this form or the record review process, please contact the Record Review Unit via email at [recordreview@doj.ca.gov](mailto:recordreview@doj.ca.gov).

### DECLARATION

I, the undersigned, declare that I am unable to pay the fee to obtain a copy of my California state summary criminal history record without impairing my obligation to meet the common necessities of life. I declare, under the penalty of perjury, that the foregoing is true and correct.

X \_\_\_\_\_  
Signature



## APPLICATION FOR RECORD REVIEW PROCESSING FEE WAIVER CLAIM AND PROOF OF INDIGENCE

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### Privacy Notice

As Required by Civil Code § 1798.17

**Collection and Use of Personal Information.** The California Justice Information Services (CJIS) Division in the California Department of Justice collects the information requested on this form as authorized by Penal Code section 11123. The CJIS Division uses this information to process an applicant's request for waiver of fees required when an applicant desires a copy of their own state summary criminal history information. The Department of Justice's general privacy policy is available at: <http://oag.ca.gov/privacy-policy>.

**Providing Personal Information.** All the personal information requested in the form must be provided.

**Access to Your Information.** You may review the records maintained by the CJIS Division in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** In order to process an applicant's request for waiver of fees, we may need to share the information you give us with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law;

**Contact Information.** For questions about this notice or access to your records, you may contact the Record Review Unit manager by phone at (916) 227-3835, by email at [recordreview@doj.ca.gov](mailto:recordreview@doj.ca.gov), or via mail at:

California Department of Justice  
Bureau of Criminal Information and Analysis  
Record Review Unit  
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