

Seal and Destroy Arrest Record Instructions – Bakersfield, CA

There are two sets of forms you may use to petition the court to seal and destroy your arrest and related records. You may either use the Judicial Council-issued CR-409-Petition to Seal Arrest and Related Records and CR-410-Order to Seal Arrest and Related Records, or you may use the equivalent Kern County local forms. Both sets of documents will accomplish the same thing, and you do not need to fill out both. You should review both sets and determine which you want to use. Whichever forms you choose, you should be careful to fill them out as clearly and accurately as possible.

To retrieve information about your arrest that you will need to complete your petition, you may visit kern.courts.ca.gov and click the dark blue button titled Criminal Case Information. You may then search for your record using your name and birth date. If a case was never filed with the Superior Court, you may reach out to the arresting agency for information regarding the arrest – if it is just the arrest itself you are looking to seal, the court can assign you a miscellaneous case number so your petition can still be heard.

Completing your petition to seal and destroy your arrest record requires you to select a hearing date. To select your hearing date, you must follow several rules. The most important is that you give adequate notice to all parties of your hearing date. A Petition to Seal Arrest and Related Record hearing must be scheduled at least 15 calendar days from the date you serve and file your paperwork.

You may select a date more than 15 days from the date you file, but no fewer. So, for example, if you served and filed your paperwork on the 1st of the month, the hearing date you select must be set for the 16th, or later.

Felony hearings are heard Monday through Thursday. Felony hearings are always held in Department CC, and always at 8:30 AM. Fill in your hearing information accordingly. You should contact the Felony division at (661) 868-5393 to confirm your preferred hearing date is available.

Once your paperwork has been filled out completely, you must have photocopies of your paperwork served on the District Attorney and the arresting agency in your case.

The District Attorney and most law enforcement agencies have resumed accepting “Counter Service” where you can deliver photocopies of your forms and they will stamp your originals to prove to the court they received their copies. If you use this method when you serve the DA and law enforcement agency, you will not need to complete any further paperwork.

If you choose to use one of the methods laid out below, you will need to use a Proof of Service to be filled out by your server (someone other than you who is over the age of 18).

The District Attorney is accepting service by fax at (661) 868-2700, by email at bakersfieldmotions@kernDA.org, by mail at 1215 Truxtun Ave., 4th Floor Bakersfield, CA 93301, or in person.

The two most common arresting agencies are the Kern County Sheriff’s Department and Bakersfield Police Department. If you were arrested by the Kern County Sheriff’s Department, they accept service at 1350 Norris Road, Bakersfield, CA 93308. If you were arrested by the Bakersfield Police Department, they accept service by email at records@bakersfieldpd.us or by US mail at:

Bakersfield Police Department - Records
PO Box 59
Bakersfield, CA, 93302

Seal and Destroy Arrest Record Instructions – Bakersfield, CA

If you were arrested by another agency, you must contact them in order to confirm the details of how they accept service. Once your server has completed service of your Petition and your Order to the District Attorney and the arresting agency, they must complete two Proofs of Service – one for the District Attorney, and one for the arresting agency (NOTE: This is only if you do not use Counter Service and get your paperwork stamped by the DA and arresting agency).

You must then file your Petition and Order, along with your proofs of service (again: you only need these if you did not use Counter Service), with the Felony Department. You may file your pleadings with the Felony department by mail, or you may file them in the drop box at 1415 Truxtun Ave., Bakersfield, CA 93301. The Felony Department also accepts motions by fax at (661) 868-4884 or by email at wmcriminal1@kern.courts.ca.gov.

Please note that these electronic methods of filing are made available in light of the Covid-19 pandemic, and these instructions are being published in early 2022. We will make all efforts to update instructions as policies change in light of developments in court procedure, but you should certainly call the Felony Department at the number listed above if you have any questions about the current procedure for filing your documents with the Superior Court.

Finally, you will need to attend your hearing. It is important you arrive well in advance of your hearing to find parking and go through security. This process requires you to participate from start to finish, and missing your hearing will likely result in you having to restart the entire process.