



# Automatic Criminal Record Clearance: A Real Second Chance

**4,940** eligible felony marijuana convictions in San Francisco

**3,038** eligible misdemeanor marijuana convictions in San Francisco

**64%** of eligible marijuana convictions involve defendants of color

“...a **high-tech** approach to finding and wiping out certain felony marijuana convictions in a **pioneering** effort ...”

-SF Gate

*We want to address the wrongs that were caused by the failures of the war on drugs for many years in this country, and begin to fix the harm that was done not only to the entire nation, but specifically to communities of color.”*

- District Attorney George Gascón

On January 31, 2018, District Attorney George Gascón declared that he would proactively provide conviction relief to thousands of individuals with San Francisco marijuana convictions, dating as far back as 1975. He took this step to level the playing field for those convicted before marijuana legalization, by reducing barriers to housing and employment. DA Gascón contemplated this relief would be completed with existing resources.

This proactive marijuana conviction relief policy, the first in the nation, negates the need for those eligible to be made aware of the opportunity and retain a lawyer to file the necessary paperwork. Many of those affected lack the resources required to change their criminal record on their own. Researchers estimate that only 3% of eligible individuals in California have applied for relief under Proposition 64, which legalized the possession and recreational use of marijuana for adults.

## Leveling the Playing Field with Technology

Through a pilot program with the San Francisco District Attorney's Office, **Code for America** is creating technology that automatically clears eligible Prop 64 convictions, providing people with a real second chance. Our office is the first jurisdiction to partner with Code for America on this new approach to criminal record expungement.

Traditionally, determining eligibility for conviction relief and filing motions to expunge, dismiss, or reclassify convictions has been a manual, paper-based, and resource intensive process that requires significant time for Prosecutors' Offices to complete. For example, we estimate that just the first step of the Prop 64 felony conviction review process – pulling the RAP sheets – will take up to 400 hours, or 10 weeks of full time effort. That does not include the subsequent time required for attorneys to review the RAP sheets for eligibility and complete, approve, and file the motions with the Superior Court.

Through this partnership with Code for America, we are developing a cost-effective tool that **expedites, streamlines, and automates** the process in order to:

- Automatically and securely determine eligibility for record clearance under state law
- Automatically generate a completed and signed motion that may be electronically filed

## What is Code for America?

Code for America is using principles and practices of the digital age to transform the way government delivers services to those most impacted by the criminal justice system. The benefits of an automated criminal record clearance process include increased access to employment, housing, and student loans and a significant decrease in recidivism for those impacted by prior marijuana convictions. A 2017 study of East Bay Community Law Center's clients showed that record clearance increased an individual's average earnings by 33%.

## How Can Other Prosecutors Do the Same?

For more information or to access the San Francisco District Attorney's Prop 64 Tool Kit, please contact Maria McKee, [maria.mckee@sfgov.org](mailto:maria.mckee@sfgov.org)