



# San Francisco Prop 64 Toolkit

Dear Colleague,

Thank you for your interest in the San Francisco **Prop 64 Toolkit**. On January 31, 2018, I announced that the San Francisco District Attorney's Office would proactively provide conviction relief, with existing resources, to thousands of individuals with marijuana convictions, dating as far back as 1975. I took this step to level the playing field for those convicted before marijuana legalization, by reducing barriers to housing and employment. A 2017 study of East Bay Community Law Center's clients showed that record clearance increased an individual's average earnings by 33%.

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 to date, 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.

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. To address this challenge, my office is partnering with **Code for America**, a 501(c)3 non-profit organization using principles and practices of the digital age to transform the way government delivers services to those most impacted by the criminal justice system.

Code for America's new approach automatically and securely determines eligibility for record clearance under state law; and, automatically generates a completed and signed motion that may be electronically filed.

Enclosed, please find details and materials on the measures San Francisco has taken to proactively and automatically clear eligible records under Proposition 64, including:

1. Steps to Automating Prop 64 Relief
2. Misdemeanor Motion Template
3. Draft Felony Motion Template
4. Code for America – Clear My Record (Automatic) Application Information

Sincerely,

George Gascón  
District Attorney, City and County of San Francisco

## **San Francisco's Steps to Automating Prop 64 Relief**

1. Request data for Prop 64 eligible convictions from Superior Court case management system, with the following data parameters:

Stand-alone convictions for

Misdemeanors: HS 11357 (a), (b) and (c)

Felonies: HS 11357(a), 11358, 11359, 11360

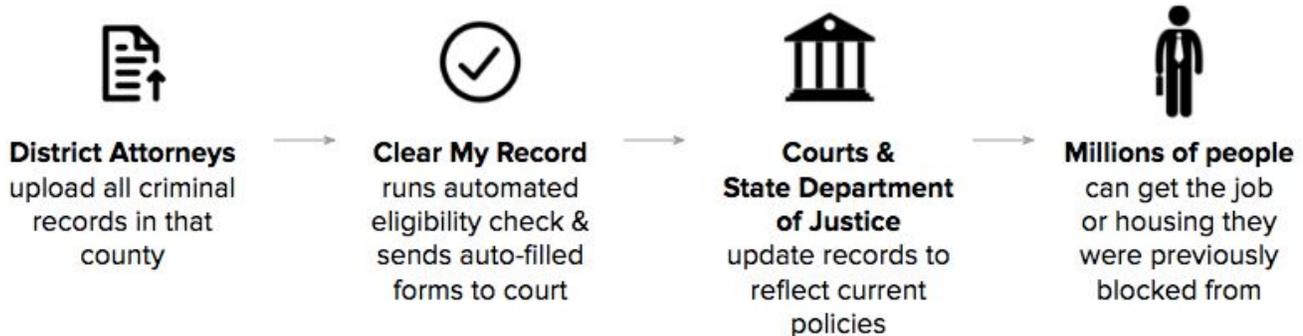
2. Pull all RAP sheets for persons with eligible felony convictions, export as pdfs, and store securely.
3. Draft misdemeanor and felony motion templates in collaboration with the Superior Court (see Appendix A).
4. Develop filing process with Superior Court.
  - a. We are currently exploring electronic filing opportunities
5. Determine felony criminal history eligibility and relief policy.
6. Utilize Code for America Clear My Record application (see Appendix B):
  - a. Automatically populate misdemeanor motions (pdfs), and
  - b. Automatically & securely review RAP sheets for eligibility and populate petitions (pdfs) for eligible persons
7. Once approved by attorneys, electronically sign, and file motions with the Superior Court.



## Clear My Record (Automatic)

Clear My Record (Automatic) is a tool built to help the government provide affirmative record clearance services, removing barriers to employment, housing, health, and education. The tool is designed to be used by District Attorney offices, in close partnership with the relevant state agency and courts.

The core technology of Clear My Record (Automatic) reads a criminal record, then maps the data to determine eligibility for record remediation relief under the applicable statute, and completes the relevant forms to be filed with the court. The tool equips the government with the ability to affirmatively clear thousands of records in less time and at a much lower cost.



## Our Vision

Our vision for Clear My Record (Automatic) is to help the government automatically clear all eligible criminal records. In leveraging technology and user-centered design, we work with government to fundamentally rethink the process of record clearance to be more effective and efficient. The tool equips the government with the ability to implement reforms aimed at alleviating the collateral consequences of a criminal record. Our work will establish a blueprint for automatic record clearance of all eligible criminal records in California and across the country at a cost-savings to the government, while providing a fresh start to millions.

## How Clear My Record Works

- District Attorney uploads bulk RAP sheets into the Clear My Record tool.
- Tool parses the RAP sheet data and automatically runs an eligibility check.
- Once eligibility is determined, the tool extracts the relevant data from the RAP sheet, populates the appropriate court form, and produces the forms in PDF format, along with a comprehensive process list.
- District Attorney downloads the completed motions and files with the court.

## Pilot Project (Launched May 2018)

We will pilot this technology in 3 to 5 counties in California, partnering with district attorneys and starting with the record clearance or reduction remedies available under Proposition 64 (marijuana legalization). Our goal is to help clear 250,000 eligible convictions by 2019.



Help clear 250,000 eligible convictions by 2019



Partner with 3 to 5 counties in California



Create a blueprint for automatic record clearance

## Interested in learning more?

Contact Evonne M. Silva, Senior Program Director at [evonne@codeforamerica.org](mailto:evonne@codeforamerica.org)

<p><b>GEORGE GASCÓN, CA SB #182345</b>                  District Attorney, City and County of San Francisco                  _____, CA SB # _____                  Assistant District Attorney                  850 Bryant Street, Room 322                  San Francisco, California 94103                  Telephone: (415) 553-1751</p>	<p><i>For Court Use Only</i></p>
<p>PEOPLE OF THE STATE OF CALIFORNIA                  v.                  Defendant: _____</p>	
<p><b>PETITION/APPLICATION AND ORDER (Health &amp; Safety Code, §11361.8)</b>  <input type="checkbox"/> FOR RESENTENCING OR DISMISSAL (H&amp;S § 11361.8(b))  <input type="checkbox"/> FOR REDESIGNATION OR DISMISSAL/SEALING (H&amp;S § 11361.8(f))</p>	<p>CASE NUMBER(s):  <b>SCN:</b> _____  <b>MCN:</b> _____</p>

**1. CONVICTION INFORMATION**

Petitioner/Applicant, the defendant in the above-entitled criminal action, was convicted of the following Health & Safety Code section which has been reclassified under Proposition 64:

- 11357 – Possession of Marijuana
- 11358 – Cultivation of Marijuana
- 11359 – Possession of Marijuana for Sale
- 11360 – Transportation, Distribution, or Importation of Marijuana
- Other Health and Safety Code Section: \_\_\_\_\_

**2. PROSECUTING ATTORNEY’S REQUESTS TO RECALL/RESENTENCE, REDESIGNATE, OR DISMISS AND SEAL CONVICTION.**

- The District Attorney finds that defendant is eligible for relief and now requests the court to recall and resentence, redesignate, or dismiss and seal the conviction pursuant to Health & Safety Code § 11361.8.

Executed on: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Assistant District Attorney

**3. ORDER TO RECALL/RESENTENCE, REDESIGNATE, OR DISMISS AND SEAL CONVICTION.**

- The Court finds that defendant is eligible for relief and **GRANTS** the petition. The court hereby recalls and resentences, redesignates, or dismisses the designated crime(s) in accordance with the following orders:
  - The following crime(s), \_\_\_\_\_, is/are **RESENTENCED** or **REDESIGNATED** as:
    - Misdemeanor(s)
    - Infraction(s).
  - The court **DISMISSES** the following crime(s), \_\_\_\_\_, for the reason that the conviction is now legally invalid.
  - Other: \_\_\_\_\_

**REGISTRATION**

- The defendant is relieved from the requirement to register as a narcotics offender under H&S § 11590, to the extent it was required by the conviction that has been resentenced, redesignated, or dismissed by this order.

**SEALING OF CONVICTION**

- The court’s record of conviction is ordered sealed. No access to the information shall be permitted without court order. (H&S § 11361.8(f)).

Executed on: \_\_\_\_\_  
 \_\_\_\_\_  
 Judge of the Superior Court

**Superior Court of California, County of San Francisco**

	Court Use Only
PEOPLE OF THE STATE OF CALIFORNIA v. Defendant:	
<b>MOTION FOR RELIEF AND ORDER (Health &amp; Safety Code, §11361.8)</b> <input type="checkbox"/> <b>FOR DISMISSAL AND SEALING</b> (H&S § 11361.8(b))	
	<b>SCN:</b> <b>Court No.:</b>

**CONVICTION INFORMATION:**

The defendant in the above-entitled criminal action, was convicted of an INFRACTION or MISDEMEANOR offense of the following Health & Safety Code section which has been reclassified under Proposition 64.

- 11357(a) – Possession of Concentrated Cannabis
- 11357(b) – Possession of Marijuana
- 11357(c) – Possession of Marijuana
- 11359 – Possession of Marijuana for Sale
- 11360(b) – Give Away or Transport Marijuana
- Other Charges following Health & Safety Code (not listed above): \_\_\_\_\_

**PROSECUTING ATTORNEY REQUEST FOR DISMISSAL AND SEALING:**

- Defendant has completed his/her sentence in the above captioned case. Defendant is entitled to dismissal relief pursuant to Health & Safety Code § 11361.8(e) since the conviction is now legally invalid.
- People further request that this arrest and record of conviction be sealed pursuant to Health and Safety Code 11361.8(f).

Executed on: \_\_\_\_\_  
Signature of Assistant District Attorney

**ORDER**

- The court denies the motion.
- The court grants the motion.
- The court dismisses the case because it is legally invalid pursuant to Health & Safety Code § 11361.8(f).
- Defendant is relieved from the requirement to register as a narcotics offender under Health and Safety Code section 11590 if based upon this conviction.
- Defendant's record of arrest and conviction is ordered sealed. No access to the information shall be permitted without court order. (Health and Safety Code 11361.8(f))

Executed on: \_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**CLERK'S CERTIFICATE**



The foregoing document, consisting of \_\_\_\_\_ page(s), is a full, true and correct copy of the  original  copy on file in this office.

Date: \_\_\_\_\_

Clerk of the Superior Court

By \_\_\_\_\_