Partnership Report

Results from Code for America’s Automatic Record Clearance Pilot with the San Francisco District Attorney’s Office

CODE for AMERICA
FEBRUARY 2019
Until we clear these records, it’s government that is effectively holding people back and impeding public safety.

— **George Gascón**, San Francisco District Attorney
Leveraging Clear My Record technology to fulfill the promise of Proposition 64

In May 2018, DA George Gascón and the San Francisco District Attorney’s Office joined Code for America in the first partnership of its kind to leverage technology and user-centered design to proactively review criminal convictions that qualify for relief under Proposition 64 (marijuana legalization). Previously, people had to petition the court on their own, but this is a time-consuming, expensive, and confusing process.

With the aid of technology, a DA’s office can dismiss or resentence convictions proactively and automatically. This requires no action on the part of the individual, and minimal government staff time and resources — and reduces barriers to employment, housing, health, and education that hundreds of thousands of Californians face.

By providing proactive and automatic record clearance services, counties can address the wrongs caused by the failed war on drugs, felt most pronouncedly in communities of color, and fulfill the promise of the reforms aimed at remedying the legacy of mass incarceration in California.

Using technology to automatically clear criminal convictions demonstrates that government has the infrastructure to deliver relief to people in faster, more dignified ways—and the San Francisco District Attorney’s Office and Code for America are leading the way.
How does Code for America’s Clear My Record technology work?

Clear My Record is technology developed by Code for America that can automatically and securely evaluate eligibility for convictions by reading and interpreting conviction data. It can determine eligibility for thousands of convictions in just a few minutes.

This alleviates the need for DA staff to go through state criminal records one by one to evaluate eligibility, a time- and labor-intensive process. Streamlining conviction data processing will also make it easier for the courts to update records.

Clean Slate Policy
Starts automated process to clear eligible convictions at specified time

Clear My Record
Runs automated eligibility check and automatically generates output

Courts & DOJ
Update records to reflect relief granted

Millions of people
can get the job or housing they were previously blocked from

About Code for America

Code for America believes government can work for the people, and by the people, in the digital age, starting with the people who need it most. We build digital services that enhance government capabilities, and we help others do the same across all levels of government. We organize thousands of volunteers across nearly 80 chapters nationwide who improve government in their local communities. Our goal: a 21st century government that effectively and equitably serves all Americans. Learn more at codeforamerica.org.
TIMELINE

San Francisco County Automatic Record Clearance

**November 2016**
Proposition 64 is passed, decriminalizing adult recreational marijuana use and providing a path to the dismissal or reduction of hundreds of thousands of past marijuana-related convictions in California.

**January 2018**
San Francisco District Attorney George Gascón is the first prosecutor in the nation to announce that his office will proactively review past marijuana-related criminal convictions, without requiring people to petition the court on their own for relief. (Statewide, less than 3% of people eligible under Proposition 64 had petitioned the court on their own.)

**March 2018**
The San Francisco DA’s Office begins proactively petitioning the court to dismiss and seal marijuana-related misdemeanor convictions.

**May 2018**
The San Francisco DA’s Office announces they will pilot Clear My Record, an automatic record clearing technology developed by Code for America, to automate and expedite the eligibility evaluation and court filing process.

**September 2018**
AB 1793 passes. This new law requires that prosecutors speedily review and proactively dismiss or reduce all eligible Proposition 64-related convictions, shifting the burden of petitioning the court from the individual to the government.

**Fall 2018**
The San Francisco DA’s Office uses Clear My Record technology to implement AB 1793, the first county in a cohort of five California counties who are setting the standard for statewide implementation of the new law as part of the Clear My Record pilot.

**Today**
The San Francisco DA’s Office recommends that all marijuana-related misdemeanor and felony convictions be dismissed and sealed, removing barriers to employment and other opportunities for thousands of people in San Francisco.
Impact of the Automatic Record Clearance Pilot

San Francisco marijuana convictions

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique individuals with a marijuana-related offense</td>
<td>7,130</td>
</tr>
<tr>
<td>Total number of Prop 64 convictions dismissed and sealed</td>
<td>8,132</td>
</tr>
<tr>
<td>Total number of Prop 64 misdemeanors dismissed and sealed</td>
<td>2,476</td>
</tr>
<tr>
<td>Total number of Prop 64 felonies dismissed and sealed</td>
<td>5,594</td>
</tr>
</tbody>
</table>

Note that there were 55 infractions and 7 convictions missing the charge level that are also being dismissed and sealed.

Race Breakdown

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black or African American</td>
<td>33%</td>
</tr>
<tr>
<td>LatinX</td>
<td>27%</td>
</tr>
<tr>
<td>White</td>
<td>36%</td>
</tr>
<tr>
<td>Other / missing</td>
<td>4%</td>
</tr>
</tbody>
</table>

1,336 People who now have no felonies on their record

729 People who now have no convictions on their record

Has my record been cleared?

To find out if your record has been cleared, or for more information about this initiative, contact the San Francisco District Attorney’s Office by phone at 415-553-1751 or by email at sfda.prop64relief@sfgov.org