

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS
AND HILDA L. SOLIS**

March 5, 2019

Leveraging Technology to Accelerate and Maximize the Resentencing of Cannabis-Related Convictions

Proposition 64 (Prop 64), which passed in November 2016 and allowed criminal records for prior cannabis convictions to be reclassified and resentenced, was partly intended to address the intergenerational harm caused to communities of color by the war on drugs. The Director of the Department of Consumer and Business Affairs' Office of Cannabis Management (OCM), in consultation with the District Attorney (DA) and the Public Defender (PD), estimated that between 60,000 to 100,000 people were eligible for reclassification or resentencing; because this estimate is based on records only going back to 1993, the actual number may be even higher. Unfortunately, the number of people who have benefited from Prop 64 resentencing in Los Angeles County (County) has remained low; as of early 2018, less than 1,000 people in the County who were eligible for relief had filed a petition.

In response, the Board of Supervisors (Board) approved a motion last year to develop a Countywide plan on cannabis resentencing (Ridley-Thomas and Solis,

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February 13, 2018), and supported Assembly Bill (AB) 1793 (Ridley-Thomas and Solis, May 22, 2018). AB 1793 established a proactive process to help accelerate resentencing efforts and lift the burden from the individual so that they would not need to navigate the legal and administrative process to file petitions one-by-one. Since then, the OCM, DA, PD, Alternate Public Defender (APD) and other County and community partners have been working collaboratively on approaches to identify clients, review cases and provide legal relief. Given the sheer number of people who stand to benefit from the relief of a prior cannabis-related conviction and the removal of the associated stigma and barriers to employment, housing, and assistance, developing a system-wide and efficient approach is key.

Recognizing that California's record clearance process is difficult to navigate and was not designed for the digital age, Code for America, a nonprofit organization that uses technology to help governments solve complex problems, developed the Clear My Record Initiative to evaluate eligibility for thousands of convictions and automatically generate the proper court form within a few minutes. In a year-long partnership, the San Francisco District Attorney's Office recently identified more than 9,300 cases that are eligible for expungement.

With the DA and OCM's leadership, the County has been exploring similar opportunities to utilize technology to maximize the impact of resentencing in a faster, innovative way. This type of expeditious, proactive, and systemically meaningful

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clearing of cannabis-related convictions is aligned with the County's broader work around reentry and second chances.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Chief Executive Officer (CEO) and request the District Attorney, in consultation with the Director of the Department of Consumer and Business Affairs' Office of Cannabis Management (OCM), to report back in writing in 60 days on:
 - a. A progress update on efforts to comply with AB 1793, including opportunities to utilize technology for resentencing purposes; and
 - b. Metrics to track and share progress of resentencing cannabis-related convictions in the Los Angeles County's (County) Prop 64 dashboard.
2. Direct the Public Defender (PD) and the Alternate Public Defender (APD), in coordination with the CEO, to report back in writing in 90 days with a plan to notify all clients and inform them of the County's cannabis resentencing efforts, and that barriers to employment, housing and more may be removed as result of AB1793.
3. Direct the CEO, in consultation with the OCM, DA, PD and APD, to report back in writing in 180 days with opportunities to apply technology and user-centered design for additional decriminalization and resentencing reforms.

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(KJ/MN)