



COUNTY OF YOLO

Office of the County Administrator

Chad Rinde

Interim County Administrator

625 Court Street, Room 202 • Woodland, CA 95695
www.yolocounty.org

John Fout, Public Information Officer
John.Fout@yolocounty.org

FOR IMMEDIATE RELEASE
February 1, 2022

Contact: John Fout
Email: John.Fout@yolocounty.org

Yolo County Works to Grant Relief for Residents with Marijuana Convictions

(Woodland, CA) –A recent Los Angeles Times investigation found tens of thousands of Californians still have felonies, misdemeanors, and other marijuana-related convictions on their records. Yolo County has collaborated with criminal justice partners to clear more than 700 marijuana-related convictions as part of criminal justice reform project that resulted from California voters' approval of Proposition 64. With their records cleared on state and federal Department of Justice databases, residents have improved opportunities for socio-economic success.

As a result of the Times' investigation, Assemblymember Mia Bonta (D-Alameda) authored a bill that would automatically seal criminal records of qualifying marijuana-related convictions. Bonta stated, "Californians made a promise. I'm focused on making sure California keep its promise." The measure would give California courts until January 1, 2023 to update case records and send them to the California Department of Justice, which maintains the statewide criminal history database.

Proposition 64 was passed by California voters in November 2016. Proposition 64 legalized the purchase, possession, growth and use of small amounts of recreational marijuana for those 21 and older. Under the measure, those convicted of many marijuana crimes may have their punishments reduced based on the age of the person and the charge. More specifically, people convicted of specified marijuana crimes can petition the courts for dismissal of their convictions or reduction of felonies to misdemeanors and misdemeanors to infractions.

In Yolo County, the District Attorney, Public Defender, and Superior Court of Yolo County made good on California's promise where Yolo County voters passed Proposition 64 by over 60%. In 2017, Yolo County Public Defender Tracie Olson identified and addressed those cases of individuals with Proposition 64 convictions who were currently serving time in jail or prison or who were on parole related to the marijuana conviction. Also, the Public Defender's office filed petitions for relief for anyone who contacted them.

Olson stated, "For decades, these marijuana convictions adversely impacted the lives of hundreds of Yolo County residents and had a disparate impact on people of color and those with low socio-economic status. I'm pleased that we are finally able to help these people move forward with their lives."

In March 2018, Yolo County District Attorney Jeff Reisig announced plans to partner with the Public Defender to identify and expedite relief to those with Yolo County marijuana convictions affected by Proposition 64. To identify eligible individuals in Yolo, Reisig enlisted the assistance of Code for America. Code for America is a non-partisan 501(c)(3) organization founded in 2009 to narrow the gap between the public and private sectors in

their effective use of technology and design. Code for America has worked to tackle pressing local issues in innovative ways, and more recently has branched into criminal justice work.

Yolo County was the first in the state to use the “Clear My Record Application and Implementation Blueprint.” By using the technology and step by step guide, the Yolo County District Attorney’s office was able to quickly identify individuals with marijuana-related convictions and petition the court to reduce, dismiss and seal marijuana convictions still remaining on an individual’s criminal history. The District Attorney was able to identify and clear 728 marijuana-related convictions.

Reisig stated, “Marijuana convictions should no longer be a barrier to people’s ability to seek employment or housing or negatively impact their lives any further. My office and the Public Defender are dedicated to finding ways to use technology to advance smart criminal justice reform and increase efficiencies within the system.”

By moving to expunge all eligible marijuana-related convictions, Reisig went beyond the most basic relief provided by Proposition 64. The innovative approach, using the technology provided by Code for America, eliminated the need for those people previously convicted of marijuana-related convictions to file a motion and have to appear in court, thereby expediting the process.

On August 21, 2019, Samuel McAdam, who at that time was the Presiding Judge in Yolo County signed the order submitted by the District Attorney dismissing the convictions. Court Executive Officer Shawn Landry oversaw the process. “We manually prepared 729 separate cases which we sent to DOJ for sealing,” said Landry. “A fair number of these cases were more than 20 years old, and in archives.” Yolo County allocated almost \$54,000 to complete this work.

Prior to the passage of Proposition 64, the Yolo County District Attorney proactively diverted marijuana related cases out of the criminal courts into education courses, thereby allowing successful graduates to avoid penalties and a criminal conviction. Since 2009, approximately 1,265 (nearly 60%) of marijuana charges were either diverted, dismissed outright, or dismissed as part of a plea agreement involving non-marijuana related charges. As a result of this progressive past practice, the number of actual marijuana related convictions in Yolo County is projected to be significantly lower (per/capita) than many other California counties.

Current Presiding Judge Daniel Maguire applauded the teamwork of Yolo’s criminal justice partners. “Our Public Defender got the ball rolling and our District Attorney used innovation to identify eligible cases. As soon as they passed us the baton, we moved quickly to provide the necessary information to the Department of Justice to allow them to clear the records of hundreds of Yolo County residents.”

People entitled to relief as a result of Proposition 64 may contact the Public Defender’s Office at recordmitigation@yolocounty.org or the District Attorney’s office at District.Attorney@yolocounty.org.

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