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Who Benefits from Automatic Record Relief in California?

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The California Policy Lab generates research insights for government impact. We are an independent, nonpartisan research institute at the University of California with sites at the Berkeley and Los Angeles campuses.

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Executive Summary

An estimated eight million Californians have a criminal record and the consequences from having a record can persist even after their contact with the system is complete. A criminal record can have profound and lasting impacts on people, affecting key areas of their life such as employment, parental rights, stable housing, access to safety-net benefits, and voting.

To address these “follow-on” punishments, the California legislature has enacted the most comprehensive automatic record relief laws in the country. As a result, over 12 million records have been relieved. Under these laws, all non-convictions (arrests that do not lead to a conviction), most misdemeanor convictions, and many low-level felony convictions are eligible for automatic relief after people complete their sentences and specified waiting periods. Additionally, many people with more serious felony convictions can petition the courts to have their records relieved. California began implementing automatic record relief in July 2022, after several delays due to the COVID-19 pandemic.

In this report we use individual-level data from the California Department of Justice to estimate the number of Californians who likely benefit from these automatic record relief laws, including those that have all of their criminal records relieved and receive a “clean slate” — meaning they have no remaining criminal record. We also estimate the share who are likely to maintain a clean slate over the following five years. People with a clean slate may be the most likely to experience the societal and economic benefits of record relief. However, there are currently no initiatives to notify people of their record status, nor is there a free or simple way for people to check their status.

KEY FINDINGS

- **Almost 90% of Californians with criminal records are likely to benefit from automatic record relief.** Among Californians with a conviction between 2010 and 2021, we estimate 89% have records that are eligible for automatic record relief. This is largely because most people with conviction records have misdemeanors.
- **Misdemeanor driving under the influence (DUI) convictions are the most common records relieved.** More than 30% of records relieved were misdemeanor DUI convictions.
- **For most people, automatic record relief means a clean slate.** We estimate nearly 70% of people with a conviction between 2010–2021 are eligible to have all convictions and non-convictions automatically relieved, leaving them with no remaining criminal record.
- **Black Californians are overrepresented amongst those who are ineligible for automatic record relief.** While Black people comprise 13% of those with convictions between 2010–2021, they make up 24% of those who are ineligible for automatic record relief and are only eligible for relief through a more onerous petition-based process. As a result, Black Californians are underrepresented among individuals we estimate will receive a clean slate as a result of automatic record relief.
- **We estimate that most people who likely receive a clean slate will maintain it for at least five years after automatic record relief.** Using a subset of our data, we estimate that 72% of people who would likely receive a clean slate would not be arrested or convicted in the following five years. Less than 2% would be convicted of new offenses that are not eligible for automatic record relief.

Introduction

An estimated one in five Californians has a past arrest or conviction on their record (Rodriguez, 2016). The repercussions of a criminal record continue even after their contact with the system is complete. Employment rates for people with felony convictions are lower than the general population (Garin et al., 2022; Mueller-Smith, 2015; Looney & Turner, 2018). A criminal conviction has been found to reduce the odds that someone searches for a job (Smith & Broeme, 2020) and reduce a job seeker's chance of getting a callback or employment offer by nearly 50% (Pager et al., 2009). Criminal records — which include both convictions and arrests — can also prevent people from accessing housing, education, and public benefits (Mauer & Chesney-Lind, 2003). Criminal records also impede civic engagement, as people with felony convictions in California cannot vote. These compounding consequences of a criminal record make successful reentry more challenging and increase the likelihood of future arrests and convictions (Pager, 2008; Mauer & Chesney-Lind, 2003). Moreover, criminal records are unevenly distributed among the population. Black and Hispanic Californians are disproportionately represented amongst those with a criminal record (Shannon et al., 2017; Brame et al., 2014). These disparities are complex and often rooted in a history of slavery, segregation, and structural racism that contribute to the overrepresentation of people of color in the criminal justice system (National Academies of Sciences, 2023).

To address these problems, jurisdictions across the country have expanded initiatives to provide criminal record relief. “Relief” is a broad term that encompasses various legal processes to remove or mitigate the impact of an arrest or conviction record, including expungement, sealing, and other similar procedures. Historically, criminal record relief was only available through a petition-based process, which was complex, burdensome, and expensive, resulting in low take-up rates (Chien, 2020). A study of a petition-based expungement policy in Michigan found that only 6.5% of eligible people received relief within five years of becoming eligible (Prescott & Starr, 2020). In response to these low take-up rates, states have begun to automate the relief of eligible records. Widely referred to as “clean slate” legislation, the main principle behind these policies is that eligible arrest and conviction records should be automatically relieved after people complete their sentence and are not arrested or convicted again for a specified period. When a person has a clean slate, all their criminal records are relieved, meaning no criminal record should appear on most background checks. While the benefits to individuals are most apparent, clean slate policies can also offer broader societal advantages, as those impacted are better able to participate in employment, housing, education, and civic life. To date, [twelve states](#) have passed some form of clean slate legislation, with California having the most expansive automatic record relief laws in the country.

NOTE ON LANGUAGE AND TERMINOLOGY USED IN THIS REPORT

This report avoids using terms such as “convict” or “offender” and instead uses person-first terminology. Some of the language used comes directly from the reporting agencies and may not accurately reflect the self-identification of the individuals that the data represents. For example, the concepts of race and ethnicity are combined and — to our knowledge — the race and ethnicity data received is generally not self-reported, and instead relies on the reporting of the arresting agencies or courts. Reported sex fields often refer to sex assigned at birth and may not reflect someone’s gender identity.

California’s record relief laws

Under California’s laws, three types of records are eligible for automatic relief: arrests that do not result in convictions (non-convictions); misdemeanor convictions that do not require registration under California’s sex offender registry law; and felony convictions for non-serious, non-violent, and non-registerable offenses. These records are eligible for automatic relief after sentences are completed and specified waiting periods have passed. New arrests or convictions can extend the waiting periods for specific records, yet do not necessarily make a record ineligible for relief. There is no requirement to notify people that their records have been relieved, so it is possible that a substantial number of people are unaware that their records have been relieved.

Misdemeanor convictions that require registration under California’s sex offender registry law and some other felony conviction records are eligible for relief, but not through an automatic process. These convictions are subject to discretionary relief by judges. The review process and the rate of granting petition-based relief likely varies by jurisdiction. Although an attorney is not required, having one can significantly improve the chances of a successful petition. Advocacy groups, such as the [Anti-Recidivism Coalition](#) and [Root and Rebound](#), help people petition the courts for discretionary relief. Currently, there is no process to track and report the number of petitions filed or their outcomes (Kuang, 2024).

Record relief in California does not mean that a person’s record completely disappears, however. Criminal records remain visible to law enforcement, the California Commission on Teaching Credentialing, school districts, county offices of education, charter schools, private schools, and state schools for the blind and deaf. A person’s right to own a firearm will not be restored upon relief if these rights have been stripped due to a conviction. See our accompanying [Record Relief Primer](#) for more details about California’s laws.

Implementation of automatic record relief

The California Department of Justice (CA DOJ) began clearing eligible records on a monthly basis in July 2022.¹ In the first two years, the CA DOJ automatically relieved nearly [12 million records](#), of which 2.84 million were convictions. Despite this being the “largest record relief carried out over such a short time period in US history,” significant gaps remain in understanding the number and demographics of people who benefit from record relief and whether they received a clean slate as a result (Kuang, 2024). Our report estimates the number of people who were likely granted a clean slate due to California’s automatic record relief policies and how many people would likely maintain a clean slate five years later.

In this study, we see all criminal records from January 1973 through December 2021, but we do not observe any changes resulting from automatic record relief, as it took effect after our data period ended. We use this information to estimate the number and type of records that would have received automatic relief if the CA DOJ had cleared all eligible records on January 1, 2022. There is likely considerable overlap between our study sample and the bulk of records that were automatically relieved when the CA DOJ began relieving records in July 2022.

Upon relief, the state’s electronic criminal history records are amended to include a note stating “relief granted” and the date of relief. CA DOJ sends the list of relieved non-convictions and convictions to the courts where the charges were brought so county courts can update their records. To our knowledge, there is no oversight to ensure relief granted by the state is reflected at the county level, and making these updates may be both technically challenging and time-intensive. Many third-party consumer reporting agencies (CRAs, aka background check providers) rely on county-level court records for criminal background checks and may inadvertently report records relieved by the CA DOJ if the record still appears at the county level. Moreover, some counties may implement parallel processes that could interpret the provisions of the legislation more broadly, resulting in more records being relieved locally than at the state level. Therefore, a state background check (known as a LiveScan) may show different results than a report from a CRA or from a local background check that uses county records.

¹ Automatic relief under AB 1076 (2019) began in July 2022, after several delays due to COVID-19. Automatic relief under SB 731 (2022) — which expanded automatic relief to all felony non-convictions and most non-serious, non-violent, non-registerable felony convictions — took effect in July 2023.

Data and Sample

To estimate who benefits under California's record relief policies, we use individual-level data from the CA DOJ's Automated Criminal History System (ACHS) data and remove all identifiers from the analysis sample. The data includes information on arrests, charges, and case resolutions; sentence duration and location; date and county of arrests and resolutions; and the person's sex, race/ethnicity, and their age at time of arrest.

Our analysis sample is a subset of the 8 million Californians with criminal records and includes all adults ages 18 and over who had any misdemeanor or felony convictions between January 1, 2010 and December 31, 2021 (N = 2.8 million). The dataset also includes all arrests and convictions for our analysis sample dating back to 1973. Our final dataset is organized at the person level and by the most severe conviction a person had during the sample period. For example, if a person had two misdemeanor convictions and a violent felony conviction during the period, their conviction records during the period will be categorized by the violent felony.

We assess a person's full non-conviction and conviction history since 2010 to determine how many would have a clean slate if CA DOJ had implemented automatic record relief on January 1, 2022, and what share would still have non-convictions or convictions remaining on their record. Specifically, we apply the criteria outlined in the law to all convictions in the analysis sample to determine whether records are eligible for automatic relief. We also assess convictions prior to 2010 to determine if people have an older conviction that makes them ineligible for automatic relief, but eligible for petition-based relief (serious felony, violent felony, or misdemeanor that requires registration under California's sex offender law) or ineligible for any relief (felony that requires registration under California's sex offender law).

Because our dataset does not include information about who received automatic or petition-based relief, we derive our estimates from an interpretation of relief policies and the application of these criteria to the available data. Refer to [Table A-1](#) for a detailed outline of our methodology.

We then characterize people by estimated relief status:

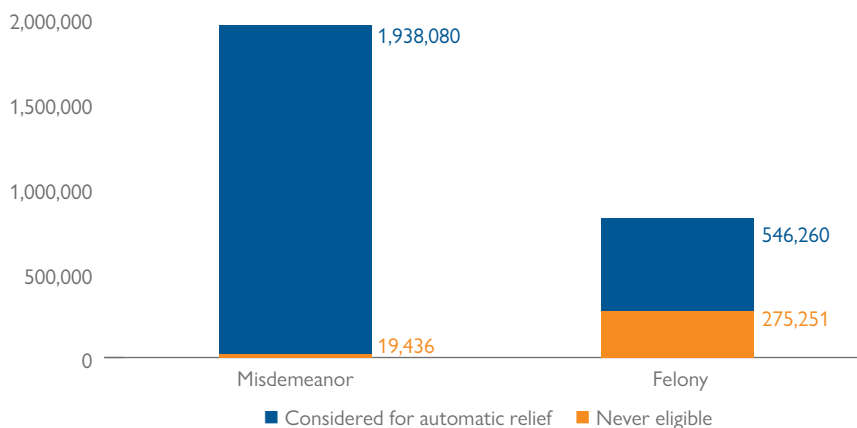
- **Clean slate through automatic relief:** All convictions and any non-convictions are eligible for automatic relief, and all waiting periods have completed as of December 31, 2021.
- **Automatic relief pending:** All convictions and non-convictions are eligible for automatic relief, but people in this group are still serving a sentence, or they have not completed their waiting period after their sentence as of December 31, 2021.
- **Not eligible for automatic relief:** People who have one or more records that are not eligible for automatic relief. They may be eligible for petition-based relief if they have a conviction for a serious felony, violent felony, or misdemeanor that requires registration under California's sex offender law. Or they may have records that are not eligible for any relief because they have a felony conviction that requires registration under California's sex offender law.

People who receive a clean slate through automatic record relief will lose that status, either temporarily or permanently, if they are arrested or convicted again. Additionally, acquiring a new criminal record will likely blunt the benefits of previous relief. We analyze a subset of our sample in order to estimate the share of people that would have received a clean slate and would have maintained it for the next five years. Specifically, we partition the analysis sample to include people with a conviction between 2010–2015, and estimate clean-slate status if automatic record relief had taken effect on January 1, 2016. We then look at the trajectories of these people to see what share had a new record and — of that group — what share had a new conviction that would make them ineligible for subsequent automatic record relief. This exercise assumes that receiving a clean slate does not change individual behavior or any future arrests or convictions, which may be accurate, if people are unaware of their clean-slate status. However, if automatic record relief does influence behavior, particularly for those who have their full criminal record relieved, this analysis may overestimate subsequent contact rates.

People with Convictions in California

Approximately 2.8 million people were convicted in one or more criminal cases in California between 2010 and 2021. Nearly two million people had a misdemeanor as their most serious record (70%), whereas approximately 800,000 people were convicted of a felony (30%) (Figure 1). Within each offense category, we disaggregate records based on the severity of the offense: those that are eligible for automatic record relief (blue) and those that are ineligible for automatic relief (orange). The nearly 2.5 million people with records that are eligible for automatic relief after completing their sentences and specified waiting periods include those with misdemeanor convictions that do not require registration under California’s sex offender registry law (70%) and non-serious, non-violent, non-registerable felony convictions (20%) (Table 1).

FIGURE 1: Number of people with misdemeanor and felony convictions that are eligible and ineligible for automatic relief in California, 2010–2021



People with misdemeanor convictions will generally be eligible for automatic relief after completing probation or one year after the completion of a sentence to incarceration. People convicted of a non-serious and non-violent felony are eligible for automatic relief. However, if their sentence includes incarceration or if their probation is revoked then the relief is not granted until four years after completing their sentence.

Eleven percent of the sample has one or more records during the period that are not eligible for automatic record relief (Table 1). Most of this group (87%) has a conviction for a serious felony, violent felony, or misdemeanor that requires registration under California’s sex offender law, and so they would need to petition the court of sentencing to relieve their record. However, prior research suggests that petition and grant rates will be low. Just over one percent of the sample — or approximately 40,000 people — was convicted of a felony requiring registration under California’s sex offender registry law and, therefore, these records will never be eligible for automatic or petition-based relief.

TABLE 1: Types of convictions and eligibility for record relief, 2010–2021

	# OF PEOPLE	% OF PEOPLE
Total people with convictions	2,779,027	100
Record eligible for automatic record relief	2,484,340	89.4
Misdemeanor	1,938,080	69.7
Non-serious, non-violent, non-registerable felonies	546,260	19.7
Record eligible for petition-based relief	255,014	9.2
Misdemeanor requiring registration	19,436	0.7
Serious or violent felony	235,578	8.5
Record ineligible for any relief ^a	39,673	1.4

a) Felony convictions that require registration per California's sex offender registry law.

Most people convicted during this period are Hispanic (45%) or White (33%) (Table 2).² The median age at last conviction is just over 33 years, with approximately one-quarter of the sample being under 26 at that conviction. Additionally, one-quarter of the sample is female. The majority of people with convictions (60%) were sentenced to jail and probation for their most serious conviction during the period. Many people in the sample also have multiple records: the median number of convictions is two, and the median number of non-convictions is four.

Demographic and case characteristics vary considerably by automatic record relief eligibility groups, which will likely be reflected in differences in clean-slate status. Black people are overrepresented among those with records only eligible for relief through a petition, relative to the overall sample (24% compared to 13%). Additionally, Black people comprise a smaller share of those with only a misdemeanor record (10%), which are the fastest to receive relief. Hispanic people comprise a larger share of those ineligible for any relief (51% of people with a registerable felony are Hispanic, compared to 45% of all people convicted). White people comprise a larger share of those with records eligible for automatic relief (33% of misdemeanors and 36% of felonies) compared to those that are ineligible for automatic relief (28% of petition-based and 29% of never eligible). American Indian/Alaska Native and Pacific Islander people comprise approximately half of a percent of each category. Women make up a much larger share of those with records eligible for automatic relief relative to ineligible records: for example, 28% of people with eligible misdemeanors are female, compared to 15% of people only eligible for petition-based relief, and 2% of people ineligible for any relief.

² Due to limitations in the data collection, race and ethnicity are combined in the dataset for this report. Moreover, the race/ethnicity classification reflects what is reported to CA DOJ by local law enforcement agencies, which may not align with self-reported race and ethnicity. As a result, the categories presented may not fully capture the diversity of racial and ethnic identities of the individuals in the sample.

TABLE 2: Demographics and case characteristics of people with convictions (2010–2021)

	People convicted 2010–2021	RECORD ELIGIBLE FOR AUTOMATIC RECORD RELIEF		RECORD INELIGIBLE FOR AUTOMATIC RECORD RELIEF	
		Misdemeanor	Felony	Petition-based only ^a	Ineligible for any relief
Total (N)	2,779,027	1,938,080	546,260	255,014	39,673
Race and Ethnicity ^b					
American Indian/Alaska Native	0.5	0.4	0.6	0.6	0.5
Asian	3.2	3.5	2.8	2.1	2.9
Black	13.0	10.2	18.0	23.8	14.1
Hispanic	44.8	46.0	41.2	43.1	51.1
Another race ^c	5.6	7.0	2.5	2.4	2.2
Pacific Islander	0.5	0.5	0.4	0.5	0.5
White	32.5	32.6	35.6	27.6	28.8
Sex					
Female	25.0	27.8	21.7	14.7	2.1
Age					
Age at last conviction (median)	33.4	32.8	35.8	33.0	35.8
% under 26 at last conviction	24.2	27.8	21.7	26.6	20.0
Sentence location for most serious record ^d					
Any prison	11.7	-	26.8	54.2	67.1
Jail only (no probation)	10.0	8.2	17.4	9.2	2.8
Jail & probation ^e	59.7	67.0	49.4	32.9	28.3
Probation only	18.5	24.7	6.3	2.5	1.8
Criminal records (1973–2021)					
Convictions (median)	2	1	4	4	2
Felony convictions (median)	0	0	2	2	1
Non-convictions (median)	4	3	12	12	4
Felony non-convictions (median)	1	0	6	6	3

- a) Combines people with a serious or violent felony and those with a PC 290 misdemeanor as their principal conviction. See [Appendix A-2](#) for these two groups disaggregated.
- b) Due to limitations in the data collection, race and ethnicity are combined in the dataset for this report. Moreover, the race/ethnicity classification reflects what is reported to CA DOJ by local law enforcement agencies, which may not align with self-reported race and ethnicity. As a result, the categories presented may not fully capture the diversity of racial and ethnic identities of the individuals in the sample.
- c) Includes people that are identified as multiracial, other race, or for whom the race/ethnicity is listed as unknown.
- d) Columns may not add up to 100% because some people did not receive a sentence to incarceration or probation. Common other sentences include fines and restitution.
- e) Likely represents sentences in which jail is a “condition” of probation.

Although age at last conviction is fairly stable across groups, people convicted of offenses that are only eligible for relief through petition are younger (median age is 33) than those convicted of felonies eligible for automatic relief or those convicted of felonies that make them ineligible for any relief (median age is 36).

For most people with an eligible misdemeanor, this is their only conviction, but they have a median of three non-convictions. People with eligible felonies or felonies that are only eligible through petition, however, frequently have multiple convictions on their record. For both these groups, the median number of convictions is four and the median number of non-convictions is 12.

Who is Receiving and Maintaining a Clean Slate?

It is likely that automatic record relief will be most salient for people who have a clean slate — no remaining criminal record — following relief. People in this group may be more likely to change their behavior as a result of the relief, applying for jobs they might otherwise have avoided, seeking federal housing support, or pursuing higher education. For people who have remaining records, the effect of partial relief on subsequent behavior may be muted. When we think about who might benefit most from automatic record relief, clean-slate status is important.

It is also true that a person's record — and their clean-slate status — can change over time. People who have their complete record relieved at one point in time may have a new arrest or conviction that affects their ability to fully benefit from that earlier relief, either temporarily or permanently. Below, we estimate the number of individuals who would have been granted a clean slate through automatic relief at a specific point in time, and then estimate whether they maintained their clean slate moving forward.

Critical to any discussion of the benefits of record relief is the issue of notification. If people are not aware that their criminal records have been relieved, or that they have no remaining criminal record, they may be less likely to reap the benefits of that relief or change their behavior. In the absence of a notification process, the benefits of automatic record relief policies are unlikely to be fully realized at the individual or societal levels.

First, we estimate the clean-slate status for individuals in our sample if automatic record relief took effect on January 1, 2022. Our estimates show that 69% of the nearly 2.8 million people that were convicted between 2010–2021 would have received a clean slate through automatic relief on that day ([Table 3](#)). Of those that did not receive a clean slate, we estimate 14% would have been eligible after completing their sentences and waiting periods, and 17% have a record that made them ineligible for a clean slate through automatic record relief. Most people ineligible for automatic relief had an ineligible conviction during the analysis period. However, 7% (or nearly 175,000 people) would have received relief or had relief pending for a 2010–2021 conviction, but had ineligible convictions prior to 2010 that would remain on their record.

TABLE 3: **Estimated clean-slate status through automatic record relief on January 1, 2022**

MOST SERIOUS RECORD (2010–2021)	# OF PEOPLE	% CLEAN SLATE LIKELY RECEIVED	% AUTOMATIC RELIEF PENDING	% RECORD(S) INELIGIBLE FOR AUTOMATIC RELIEF
Total people with convictions	2,779,027	68.9	14.2	16.9
Record eligible for automatic record relief	2,484,340	77.1	15.9	7.0
Misdemeanor	1,938,080	86.8	8.9	4.3
Non-serious, non-violent, non-registerable felonies	546,260	42.6	40.8	16.6
Ineligible for automatic relief	294,687	0.0	0.0	100.0

Clean-slate status differs by the severity of the eligible records. Of all people with records eligible for automatic relief, 77% likely would have received a clean slate. The rate is highest amongst those with only a misdemeanor conviction during the period: we estimate 87% would have received a clean slate on January 1, 2022. This makes sense, as people are eligible immediately after successfully completing probation or after serving their sentence and completing a one-year waiting period. Approximately 9% of people with a misdemeanor conviction were either still serving a sentence or had a pending waiting period in January 2022. Four percent have a conviction for serious felony, violent felony, or an offense that requires registration under California’s sex offender law prior to 2010, which makes them ineligible for a clean slate through automatic relief.

Less than half (43%) of those convicted of a non-serious, non-violent, and non-registerable felony, however, would have received a clean slate on January 1, 2022. Many (41%) were either still serving their sentence or had a pending waiting period for their conviction, or were arrested on a new charge whose waiting period had yet to complete. This is largely mechanical, as the time to relief is longer for this group: people are eligible after successfully completing probation, but will have an additional four-year waiting period added if they have a probation violation or if they are sentenced to a term of incarceration.

Receipt of a clean slate is not evenly distributed across groups. Women make up a larger share of those who would have received a clean slate (29%) and a smaller share of those with a remaining record (13%). While most racial/ethnic groups are proportionately represented amongst those likely to receive a clean slate, Black people are not. Although they make up 13% of people with convictions, Black people account for 10% of those likely to have received a clean slate. This discrepancy is largely because a higher share (24%) of people who are ineligible for automatic record relief are Black, compared to all people with convictions in this period (13%). From a policy perspective, this is important because a larger portion of Black people with convictions will need to navigate the burdensome petition process to clear their records, a process demonstrated to have low take-up rates.

Additionally, those who likely received a clean slate or who could have a clean slate pending the conclusion of waiting periods are generally younger than those who have a remaining record (median age of 33, compared to 37). More than one quarter of those who likely received a clean slate were under 26 at their last conviction. Younger people may benefit more from automatic record relief, because they are at an earlier stage in their education, career, and family life.

People with misdemeanor convictions, including a large share with DUIs, are more likely to receive a clean slate following automatic relief than people with felony convictions. While the category of misdemeanor “other” is 50% of all convictions, 65% of people that received a clean slate were convicted of this offense category. The misdemeanor “other” category is largely made up of convictions for driving-related offenses, including DUIs and driving without a license. Only 13% of people that received a clean slate had a felony conviction during the period (compared to 30% of the full sample) and felony drug charges were the most common (5%). There is a greater share of felony convictions during the sample period among people with a clean slate pending or no clean slate (58% and 79%, respectively). Felony property offenses are the most common for people with a clean slate pending (22%), whereas felony person charges are the most common for people with no clean slate (51%). More than 20% of those that did not receive a clean slate only had misdemeanor convictions during the sample period, with misdemeanor other (12%) and misdemeanor person (4%) being the most common. Most in this group had a conviction prior to 2010 that makes them ineligible for a clean slate through automatic relief.

For people estimated to receive a clean slate, on average, the last arrest or conviction that was relieved was more than six years ago. The years that this group remained record-free may be longer than expected, as all arrests and convictions were lower during the last year and a half of the sample period (April 2020–December 2021) which was during the COVID-19 pandemic. On average, for people who did not receive a clean slate, a shorter amount of time has passed since their most recent record. For those with a record pending relief, their most recent conviction or arrest occurred within the last year, compared to over three years for those who are not eligible.

TABLE 4: Demographics by estimated clean-slate status (record status as of January 1, 2022)

CHARACTERISTICS	TOTAL SAMPLE	% CLEAN SLATE LIKELY RECEIVED	% CLEAN SLATE PENDING	% REMAINING RECORD/ NO CLEAN SLATE
Total (N)	2,779,027	1,914,969	395,222	468,836
Race and Ethnicity ^a				
American Indian/Alaska Native	0.5	0.4	0.6	0.7
Asian	3.2	3.7	2.3	2.1
Black	13.0	9.8	15.3	24.3
Hispanic	44.8	45.5	46.2	41.0
Another race ^b	5.6	7.1	2.4	2.0
Pacific Islander	0.5	0.5	0.5	0.4
White	32.5	33.1	32.7	29.6
Sex				
Female	25.0	28.7	22.1	12.5
Age				
Age at last conviction (median)	33.4	32.7	32.8	37.1
% under 26 at last conviction	24.2	26.2	22.6	17.3
Principal conviction (2010–2021)				
Felony person	10.8	1.4	8.9	50.9
Felony property	8.7	3.9	21.8	17.2
Felony drug	6.4	4.6	15.3	6.3
Felony other	4.4	2.8	12.1	4.7
Misdemeanor person	9.2	10.0	11.2	4.4
Misdemeanor property	6.3	7.5	5.2	1.9
Misdemeanor drug	4.4	4.9	4.3	2.6
Misdemeanor other ^c	49.8	64.9	21.4	12.0
Median years since last record (as of January 1, 2022)				
Most recent non-conviction or conviction	5.3	6.7	0.9	3.4

a) Due to limitations in the data collection, race and ethnicity are combined in the dataset for this report. Moreover, the race/ethnicity classification reflects what is reported to CA DOJ by local law enforcement agencies, which may not align with self-reported race and ethnicity. As a result, the categories presented may not fully capture the diversity of racial and ethnic identities of the individuals in the sample.

b) People that are identified as multiracial, other race, or for whom the race/ethnicity is listed as unknown.

c) "Misdemeanor other" predominantly refers to offenses related to DUI or driving with a suspended license.

What Share of People would Maintain a Clean Slate following Automatic Record Relief?

To answer this question, we create a smaller sample to estimate the share of people that would have received a clean slate if California's automatic relief laws took effect on Jan 1, 2016. We find approximately 70% of people with convictions between 2010-2015 would have received a clean slate. We check to see if individuals in this group had subsequent arrests or convictions between 2016-2020 to estimate the share that is likely to have a new record within five years after their (simulated) receipt of a clean slate (Table 5). We find that over 70% of people would have maintained a clean slate for the full five years. While 28% had a new record, less than 2% were convicted of a new offense that would have made them ineligible for automatic relief in the future.

Of course, this group of people did not actually receive automatic record relief in January 2016. If relief, particularly relief that resulted in a clean slate, would have changed their future behavior, these reinvolverment estimates are likely an overestimate of what we might expect following the implementation of automatic relief in 2022. However, given that people were not notified of their new record status following relief when it did occur, we may expect similar reinvolverment rates. If so, most of the 1.9 million people that we estimate would have received a clean slate in 2021 would maintain their clean slate five years after receipt.

TABLE 5: Estimated share of people who would have received a clean slate in 2015 that would have maintained their clean-slate status for an additional five years, 2016–2020

ESTIMATED STATUS	
Clean slate maintained	72.1%
Clean slate not maintained due to new record	27.9%
New non-conviction eligible for automatic relief only	11.8%
New conviction eligible for automatic relief	14.7%
New conviction ineligible for automatic relief	1.5%
N	1,376,225

Clean-Slate Status at the County-Level

County variation in the share of people who receive a clean slate following automatic relief may reflect differences in crime rates, local criminal justice policies, or a combination of both. Understanding these county-level differences is important, as counties are responsible for updating their records after the CA DOJ clears the record at the state level. Counties may vary in their capacity to update local records due to factors like staffing and technology. As a result, discrepancies may arise between state and local records. This is particularly important because the private background check companies used by employers, landlords, volunteer organizations, and lenders, often rely on local court records.

The estimated share of people with convictions between 2010–2021 who likely received a clean slate ranges from 51% to 86% across counties ([Table A-3](#)), with smaller counties showing the highest shares. In Los Angeles County, around 70% of people with convictions (over 500,000 people) likely would have received a clean slate on January 1, 2022.

Additionally, judges have discretion to grant clean-slate relief to approximately 400,000 people who are eligible only through petitions. This discretion, combined with varying court capacities to handle these additional cases, could lead to differences in criminal record relief rates based on the county of conviction. The share of people eligible only through petition-based relief ranges from 6% to 28% of convictions, and tends to vary inversely with the share eligible for a clean slate. The number of people that could petition the courts for relief varies by county, with fewer than 500 in most of California’s smaller counties and nearly 115,000 people in Los Angeles County.

Policy Implications and Conclusion

Since the implementation of California's automatic record relief policies in July 2022, nearly 12 million records have been relieved by the California Department of Justice. In this policy report, we estimate and describe the number and demographics of people that likely benefited from automatic record relief, the share that had all their records relieved and thus had a "clean slate," and the share that maintained a clean slate five years later. We find that almost 90% of Californians with a criminal conviction between 2010 and 2021 benefited from automatic relief and 69% of people likely had all their records relieved automatically, leading to a clean slate. Moreover, we estimate that nearly three-fourths of people that receive a clean slate will maintain it for at least five years after automatic record relief. Less than 2% will be convicted of new offenses that are not eligible for automatic record relief.

The benefits of automatic relief are not distributed equally across the population. Black Californians are overrepresented amongst those who are ineligible for automatic relief: they comprise 13% of people with convictions during this time period, and 24% of those who have an ineligible record. Therefore, a smaller share of Black Californians are likely to receive a clean slate following automatic record relief.

In future work, we plan to assess the causal impacts of automatic record relief on future justice system involvement. In other words, does having a record automatically relieved have an impact on whether a person is arrested or convicted for a new crime after the original relief was granted? This future research will look at people with misdemeanor DUI convictions separately, as they constitute the largest share of those who we estimate benefit from automatic record relief (30%) and we may expect the impact of a criminal record for this group to be different than for people granted relief for one or more felony convictions.

The reach of California's automatic record relief laws is substantial, and there is enormous potential for a large number of Californians to benefit from having their records cleared and seeing the benefits that brings in terms of employment and housing opportunities, civic engagement, or access to safety-net programs. Automating record relief is a necessary first step to lessening the burden of a criminal record for people who have completed their sentences. But automatic relief alone may not suffice if our societal goals are to meaningfully improve outcomes for individuals and communities. Without proactive notification, people may be less likely to experience the benefits mentioned above. In addition, if they do not know their record has been relieved, then it is possible they will be less likely to "protect" that clean record and may be arrested or convicted again.

At minimum, steps should be taken to improve communication about record relief at the state, local, and individual levels. To ensure automatic record relief has the biggest impact on the lives of those who are supposed to benefit, we recommend the following:

At the individual level: prioritize notification of relief and the ability to observe one’s criminal record in an easy and free way. If clean-slate status is intended to meaningfully impact individual opportunities, behavior, and decision-making, people need to know that their records have been relieved. Currently, no formal notification process is in place. To learn about their record status, individuals must pay for a LiveScan or private background check.

California should invest in public awareness campaigns and support community organizations to ensure that people are informed about automatic record relief. Many counties — such as [San Luis Obispo](#) — are already doing this, by advertising and supporting free clinics to expunge felony records and seal arrests. The state should also explore secure methods to notify people after record relief without risking unintended disclosure. Additionally, California should work towards creating an easy, secure, and free system for people to check their criminal record status, ensuring it is accessible in multiple languages to serve the state’s diverse population.

At the local level: improve coordination with the state and standardize processes. While it is a significant victory that nearly 12 million records were relieved at the state level, counties need a system that allows them to update their records in real time in order for individuals to fully benefit from relief. As petition-based relief begins, a streamlined system must also be in place to quickly communicate local decisions to the California Department of Justice (CA DOJ). This will help ensure that state LiveScans accurately reflect records that have been relieved.

At the state level: increase transparency and invest in enforcement. Currently, there is a lack of clarity surrounding the implementation of record relief, making it challenging for people — and the advocates who support them — to understand if and when their records may be eligible for relief. In absence of direct notification, the CA DOJ should publish their processes and eligibility criteria for relieving records. Given that legislative guidelines could be interpreted differently and data limitations may affect how relief is applied, greater transparency would help people better determine when their records would be eligible.

Not all private background check companies use reliable sources for their reports nor do they always remove records that have been relieved, thus the incidents of error are high (Roberts, 2015). Moreover, the burden seems to fall on individuals to make sure their records are updated at the local level and with private background check companies. The state should create a system to monitor and enforce the accuracy of these records, possibly through audits or fines for non-compliance.

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Appendices

Appendix A-1: Interpreting and applying California’s automatic record relief eligibility rules

We cannot precisely determine eligibility for automatic record relief. [Table A-1](#) describes the limitations and assumptions we apply for each category. We are conservative with our assumptions, which may result in an underestimate of the number of people that would have received automatic relief on January 1, 2022. Some overarching limitations and assumptions include:

- **Infractions:** The ACHS data does not include complete information on infractions (such as minor traffic violations and jaywalking). Therefore, we limit our sample to people with misdemeanor and felony convictions.
- **Release from incarceration:** We can only observe the original sentence length and cannot observe when a person was released from prison or jail. We take a conservative approach and assume people sentenced to incarceration served two-thirds of the longest sentence on their conviction. We begin the relevant waiting periods at this estimated date.
- **Probation revocations and end date:** Similarly, we cannot observe the end of a person’s probation. We assume that everyone serves the full probation term, unless there is a revocation. We also cannot observe revocations and instead assume a person had probation revoked if they had a new felony arrest during their probation term.
- **Serious felonies, violent felonies, and offenses that require registration under California’s sex offender registry law:** We rely on the statutory codes to construct these categories, as the ACHS does not identify them.

TABLE A-1: Interpreting and applying California’s automatic record relief eligibility rules

CATEGORY	SUB-CATEGORY	ELIGIBILITY	TEXT FROM APPLICABLE LAW	LIMITATIONS/ASSUMPTIONS
Misdemeanor PC § 1203.425	Not granted probation	Automatic relief after one year from completion of sentence	(l) The conviction occurred on or after January 1, 1973, and (ib) The defendant was convicted of an infraction or misdemeanor, was not granted probation, and, based upon the disposition date and the term specified in the department’s records, the defendant appears to have completed their sentence, and at least one calendar year has elapsed since the date of judgment.	We cannot observe the date a sentence ended, only the original sentence length. We apply a conservative estimate and assume people sentenced to incarceration served two-thirds of the longest sentence on the conviction. People convicted for misdemeanors that receive a non-incarceration or non-supervision sentence (such as a fine) will be eligible within one year of the conviction date.
	Granted probation & successfully completed	Automatic relief after probation completed	(l) The conviction occurred on or after January 1, 1973, and (ia) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department’s records, appears to have completed their term of probation without revocation.	We assume a person served the full probation term and estimate the end date using the longest probation sentence on the conviction. We cannot observe revocations and instead assume a person successfully completed if they were not arrested for a new felony while on probation.
	Granted probation and had probation revoked	Automatic relief if ultimately successfully completed probation and one year has completed since the end of probation	There is not a direct legislative section here — we assume if there is a revocation then the waiting period of one year — as defined in section (ib) applies.	We cannot observe revocations and instead assume a person successfully completed if they were not arrested for a new felony during their probation term. We assume automatic relief after one year has elapsed since the original probation end date. If the new felony arrest (which we use as our revocation proxy) results in a conviction, we still count the original misdemeanor conviction as automatically relieved once eligible. This person may or may not have a clean slate, depending on the intervening felony conviction.

continued

TABLE A-1: Interpreting and applying California’s automatic record relief eligibility rules (continued)

CATEGORY	SUB-CATEGORY	ELIGIBILITY	TEXT FROM APPLICABLE LAW	LIMITATIONS/ASSUMPTIONS
Non-serious, non-violent, non-registerable felony PC § 1203.425	Not granted probation	Convicted on/after January 1, 2005. Eligible after they have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction and during which the defendant was not convicted of a new felony offense	(II) The conviction occurred on or after January 1, 2005 , the defendant was convicted of a felony other than one for which the defendant completed probation without revocation , and based upon the disposition date and the sentence specified in the department’s records, appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of four years has elapsed since the date on which the defendant completed probation or supervision for that conviction and during which the defendant was not convicted of a new felony offense . This sub clause does not apply to a conviction of a serious felony defined in subdivision (c) of Section 1192.7, a violent felony as defined in Section 667.5, or a felony offense requiring registration pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.	<p>We cannot observe the date a sentence ended, only the original sentence length. We apply a conservative estimate and assume people sentenced to incarceration served two-thirds of the longest sentence in their case.</p> <p>If a person is convicted of a new felony during the four-year waiting period, we revise eligibility based on the severity of the intervening offense. If the intervening offense is:</p> <ul style="list-style-type: none"> • Eligible for automatic relief, assume original conviction will be relieved after another four years has elapsed & the intervening conviction is eligible. • Eligible for petition-based relief, assume the original conviction will no longer be eligible for automatic relief, but will be eligible for petition-based relief. • A PC 290 offense, assume original conviction is not eligible for automatic relief or discretionary relief.
	Granted probation & successfully completed	Automatic relief upon successful completion of probation	(I) The conviction occurred on or after January 1, 1973, and (ia) The defendant was sentenced to probation and, based upon the disposition date and the term of probation specified in the department’s records, appears to have completed their term of probation without revocation .	<p>Estimate probation end date using the longest probation sentence on the conviction.</p> <p>We cannot observe revocations and instead assume a person successfully completed if they were not arrested for a new felony during their probation term.</p>
	Granted probation and had probation revoked	Automatic relief after a revocation is available after they ultimately successfully complete probation and four years have elapsed since the end of probation, during which time they were not convicted of a new felony offense	Assume this is the same section (II) as those not-granted probation, as it covers any felony other than one for which the defendant completed probation with revocation .	<p>We cannot observe revocations and instead assume a person successfully completed if they were not arrested for a new felony during their probation term.</p> <p>See “Not granted probation” limitations/assumptions for CPL’s interpretation of eligibility for automatic relief if a person is convicted of a new felony during the waiting period.</p>

continued

TABLE A-1: Interpreting and applying California’s automatic record relief eligibility rules (continued)

CATEGORY	SUB-CATEGORY	ELIGIBILITY	TEXT FROM APPLICABLE LAW	LIMITATIONS/ASSUMPTIONS
<p>Serious or violent felony</p> <p>PC § 1203.41</p>	<p>Eligible for discretionary relief</p>	<p>Courts have discretion to grant relief for all non-registerable felonies after sentence is completed and specified waiting periods are met:</p> <p>After one year for Mandatory Supervision/ Probation sentences (1170(h)(5)(B))</p> <p>After two years for jail sentences (1170(h)(5)(A))</p> <p>After two years for prison sentences</p> <p>Must also have completed parole or probation, and not be currently serving a sentence of facing charges</p>	<p>(a) If a defendant is convicted of a felony, the court, in its discretion and in the interests of justice, may order the following relief, subject to the conditions of subdivision (b):</p> <p>(2) The relief available under this section may be granted only after the lapse of one year following the defendant’s completion of the sentence, if the sentence was imposed pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, or after the lapse of two years following the defendant’s completion of the sentence, if the sentence was imposed pursuant to subparagraph (A) of paragraph (5) of subdivision (h) of Section 1170 or if the defendant was sentenced to the state prison</p> <p>(3) The relief available under this section may be granted only if the defendant is not on parole or under supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, and is not serving a sentence for, on probation for, or charged with the commission of any offense.</p> <p>(c) This section applies to any conviction specified in subdivision (a) that occurred before, on, or after January 1, 2021.</p>	<p>Convictions are not identified in the ACHS as serious or violent, so we construct our own categorization using the statutory codes. This method is not precise; when possible, we use conservative assumptions. Some examples include:</p> <ul style="list-style-type: none"> The ACHS data does not consistently record the degree of a Burglary offense. We have imputed degree using the sentence value, but are unable to determine if Burglary is first or second degree. We assume it is first degree (and thus serious and ineligible for automatic relief) if we cannot determine the actual degree. Certain offense enhancements can elevate felonies to serious or violent, however we cannot consistently observe enhancements in the ACHS and therefore may be overestimating certain felonies that are eligible for automatic relief. <p>There are a small number of serious or violent felonies that are sentenced to probation, but since we cannot observe whether probation was revoked, we assume these cases are only eligible for petition-based relief.</p>
<p>Felonies that require registration under PC 290</p>	<p>Not eligible for any relief</p>	<p>N/A</p>	<p>SEC. 5. Section 1203.41 of the Penal Code is amended to read: 1203.41.</p> <p>(6) If the defendant seeks relief under this section for a felony that resulted in a sentence to the state prison, the relief available under this section may only be granted if that felony did not result in a requirement to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.</p>	<p>The ACHS does not specify if a conviction required registration per PC 290. CPL has constructed a list of registerable felonies used to identify convictions that are ineligible.</p>

TABLE A-2: Demographics and case characteristics of people with only eligible for petition-based relief (2010–2021)

	PETITION-BASED ONLY (TOTAL) %	SERIOUS OR VIOLENT FELONY %	REGISTERABLE MISDEMEANOR
Total (N)	255,014	235,578	19,436
Race and ethnicity ^a			
American Indian/Alaska Native	0.6	0.6	0.5
Asian	2.1	2.0	3.3
Black	23.8	24.6	13.0
Hispanic	43.1	43.0	44.9
Other race ^b	2.4	2.1	5.6
Pacific Islander	0.5	0.5	0.4
White	27.6	27.2	32.5
Sex			
Female	14.7	15.0	11.5
Age			
Age at last conviction (median)	33.0	31.7	34.2
% under 26 at last conviction	26.6	26.6	26.7
Sentence location for most serious record ^c			
Any prison	54.2	58.8	6.6
Jail only (no probation)	9.2	8.6	17.4
Jail & probation ^d	32.9	31.1	60.5
Probation only	2.5	1.4	15.5
Criminal records (1973–2021)			
Convictions (median)	4	4	2
Felony convictions (median)	2	2	0
Non-convictions (median)	12	13	5
Felony non-convictions (median)	6	7	2

a) Race and ethnicity reflect what is recorded in the data and is likely not self reported.

b) Includes people with “unknown” race/ethnicity.

c) Columns may not add up to 100% because some people did not receive a sentence to incarceration or probation. Common other sentences include fines and restitution.

d) Likely represents sentences in which jail is a “condition” of probation.

TABLE A-3 Record relief by county of last conviction

COUNTY	# OF PEOPLE	% WHO LIKELY RECEIVED CLEAN SLATE	% WITH CLEAN SLATE PENDING	REMAINING RECORD / NO CLEAN SLATE	
				% WHO WOULD NEED TO MAKE A PETITION-BASED REQUEST	% NOT ELIGIBLE
Alameda	81,942	73.3	10.7	13.5	2.4
Alpine	407	86.2	4.4	5.9	
Amador	3,668	58.3	16.1	20.9	4.6
Butte	25,517	63.8	18.2	15.4	2.6
Calaveras	3,842	73.1	13.9	10.6	2.4
Colusa	2,905	63.8	17.8	15.9	2.5
Contra Costa	43,134	71.1	13.0	13.1	2.9
Del Norte	3,659	61.1	15.9	18.9	4.0
El Dorado	14,690	73.4	12.0	12.3	2.3
Fresno	75,474	62.9	17.1	17.0	3.1
Glenn	3,114	65.6	14.9	16.8	2.8
Humboldt	16,992	72.8	15.7	9.6	1.9
Imperial	14,976	69.7	12.3	16.3	1.7
Inyo	2,920	74.6	12.4	11.3	1.7
Kern	105,413	69.3	12.7	16.0	2.1
Kings	15,981	51.3	21.2	23.3	4.2
Lake	8,640	64.4	17.1	15.9	2.5
Lassen	4,358	51.4	17.3	28.2	3.0
Los Angeles	722,607	69.8	12.5	15.9	1.8
Madera	26,278	77.8	10.7	9.6	1.9
Marin	16,495	77.0	12.4	9.3	1.3
Mariposa	2,526	72.8	11.6	13.0	2.5
Mendocino	11,084	71.1	15.5	11.3	2.1
Merced	10,846	63.0	16.4	16.4	4.2
Modoc	985	66.2	15.0	14.8	4.0
Mono	2,091	83.8	6.6	8.3	1.3

continued

TABLE A-3 Record relief by county of last conviction (continued)

COUNTY	# OF PEOPLE	% WHO LIKELY RECEIVED CLEAN SLATE	% WITH CLEAN SLATE PENDING	REMAINING RECORD / NO CLEAN SLATE	
				% WHO WOULD NEED TO MAKE A PETITION-BASED REQUEST	% NOT ELIGIBLE
Monterey	47,028	74.0	12.6	11.2	2.2
Napa	15,455	79.5	10.0	8.8	1.7
Nevada	8,188	75.1	12.6	10.3	2.0
Orange	251,456	76.4	13.6	8.6	1.4
Placer	27,212	66.8	17.3	13.6	2.3
Plumas	1,715	74.2	13.0	10.8	1.9
Riverside	165,838	66.0	14.4	17.0	2.6
Sacramento	96,716	62.3	15.0	19.5	3.2
San Benito	5,511	75.5	13.1	9.4	2.1
San Bernardino	160,652	61.3	18.5	17.7	2.5
San Diego	137,723	60.7	18.7	18.2	2.4
San Francisco	19,741	64.6	16.2	17.5	1.7
San Joaquin	57,881	63.3	16.5	17.5	2.7
San Luis Obispo	30,796	77.5	11.2	9.3	2.0
San Mateo	52,769	76.5	12.5	9.0	1.9
Santa Barbara	46,823	75.2	10.8	11.9	2.1
Santa Clara	114,588	72.5	13.3	11.2	3.0
Santa Cruz	20,638	72.9	14.3	11.0	1.8
Shasta	19,940	58.2	17.9	21.2	2.8
Sierra	322	62.1	17.7	15.8	4.3
Siskiyou	4,367	61.3	14.2	21.4	3.2
Solano	25,022	62.3	16.6	18.2	2.9
Sonoma	46,804	77.2	11.3	9.9	1.6
Stanislaus	44,729	65.4	15.2	17.3	2.0
Sutter	4,731	70.1	10.4	15.6	3.8

continued

TABLE A-3 Record relief by county of last conviction (continued)

COUNTY	# OF PEOPLE	% WHO LIKELY RECEIVED CLEAN SLATE	% WITH CLEAN SLATE PENDING	REMAINING RECORD / NO CLEAN SLATE	
				% WHO WOULD NEED TO MAKE A PETITION-BASED REQUEST	% NOT ELIGIBLE
Tehama	7,650	59.1	18.4	18.2	4.3
Trinity	1,881	68.0	15.4	14.1	2.5
Tulare	54,103	65.7	17.6	14.2	2.5
Tuolumne	7,218	65.5	16.4	15.7	2.4
Ventura	58,178	69.4	18.4	10.5	1.7
Yolo	14,429	66.2	15.7	15.7	2.5
Yuba	8,312	61.4	18.9	18.9	4.0