DEMOGRAPHIC ANALYSIS OF AB 1076 AUTOMATIC RECORD RELIEF CASES

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DEMOGRAPHIC ANALYSIS OF AB 1076 AUTOMATIC RECORD RELIEF CASES

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OVERVIEW OF AB 1076

In 2019, California Governor Gavin Newsom signed Assembly Bill 1076 (AB 1076) into law. This law is part of a series of legislative reforms to the criminal justice system aimed at reducing recidivism by allowing those who have successfully completed their sentence—or those who were arrested but never charged—to better reintegrate into society by reducing the negative impact of having a criminal record. AB 1076 does this by limiting who can view these records.

AB 1076 requires the California Department of Justice (DOJ) to review state summary criminal history information and identify arrest and conviction records in its statewide criminal justice databases that are eligible for automatic record relief. Arrests that are eligible for automatic record relief are defined in Penal Code section 851.93(a)(2). Convictions that are eligible for automatic record relief are set forth in Penal Code section 1203.425(a)(1)(B).

To implement automatic record relief, DOJ makes a notation next to the eligible arrest or conviction and notifies the superior court having jurisdiction of the relief granted. AB 1076 record relief is "automatic" because it does not require a party to file a petition or motion to obtain relief when the information in DOJ's electronic records indicates the record qualifies for relief. Once an eligible arrest or conviction receives automatic record relief, public access to the record is limited.

By granting automatic record relief for eligible arrests and convictions, and limiting access to those arrests and convictions, AB 1076 aims to reduce barriers for persons with criminal records in securing a job, housing and education and to help people move forward with their lives and reintegrate into society more easily. The potential benefits of automatic record relief under AB 1076 are significant.[1] For example, studies have found that granting record relief to individuals can lead to new opportunities, housing, financial stability, and personal growth.[2,3,4] Communities also benefit from lower rates of recidivism and reduced social and economic costs related to unemployment and homelessness due to criminal records relief.[5] Additionally, by removing barriers for formerly incarcerated people, AB 1076 promotes social fairness and justice, especially for marginalized communities.

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[1] While AB 1076 provides record relief to some individuals by removing certain records from showing up in certain types of background checks, it does not remove all records from all types of background searches and is not equivalent to record expungement.

[2] Leasure, P., & Martin, T. "Criminal Records and Housing: An Experimental Study." Journal of Experimental Criminology 13 (2017): 527–535.

[3] Orians, K. E. "I'll Say I'm Home, I Won't Say I'm Free: Persistent Barriers to Housing, Employment, and Financial Security for Formerly Incarcerated People in Low-Income Communities of Color." National Black Law Journal 25 (2016): 23.

[4] Weiss, E. "Housing Access for People with Criminal Records." 2016 Advocates Guide (2016): 6.

[5] Adams, E. B., Chen, E. Y., & Chapman, R. "Erasing the Mark of a Criminal Past: Ex-offenders' Expectations and Experiences with Record Clearance." Punishment & Society 19, no. 1 (2017): 23–52.

REPORT OBJECTIVES

The DOJ's Research Services Branch examined the demographics and counties of people who received automatic record relief pursuant to AB 1076 between July 1, 2022, and December 31, 2023 by demographics and counties, utilizing several methods such as descriptive analysis and Geographic Information System (GIS) mapping.[6]

This report supplements the annual report that DOJ is required to publish on its OpenJustice Web portal providing the following statistics for each county: (1) the total number of arrests granted automatic record relief pursuant to PC section 851.93, (2) the total number of convictions granted automatic record relief pursuant to PC section 1203.425, (3) the total number of convictions prohibited from automatic record relief pursuant to subdivision (b) of PC section 1203.425, and (4) the percentage of arrests for which the state summary criminal history information does not include a disposition pursuant to subdivision (b) of PC section 851.93.[7,8]

HIGHLIGHTS

Frequency of Automatic Record Relief Cases Overall
- A total of 6,861,324 individuals and 11,876,503 arrest/conviction events were granted automatic record relief under AB 1076 across California counties between July 1, 2022, and December 31, 2023. [9,10]

- The AB 1076 automatic record relief results were similar to overall arrest and conviction patterns across California counties. These demographic patterns also exhibited similar trends to the general population.

Analysis of Automatic Record Relief Cases by County
- Los Angeles County had the highest number of individuals granted automatic record relief at 2,064,743 (26.96%) and the highest number of arrest/conviction events granted automatic record relief at 2,892,404 (24.35%).

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[6] Note: While automatic record relief is granted based on cases, the primary analyses in this report focus specifically on individuals who have received relief.

[7] California Assembly Bill No. 1076, Chapter 578, 2019 Regular Session. Cal. Stat. 2019. Retrieved from https://legiscan.com/CA/text/AB1076/id/2056452

[8] For a complete overview, see the annual reports on OpenJustice: https://openjustice.doj.ca.gov/data

[9] The number of automatic record relief cases across CA counties in this report may differ from the Automatic Record Relief (ARR) Annual Statistics published on OpenJustice. This discrepancy arises because the DOJ extracted the data at different time points. Consequently, some cases may have been modified, added, or deleted between the respective data pulls.

[10] Out of this population, 2,930,051 (42.70%) received relief for all their arrest/conviction events. This means that, for those 42.70% of this population, a relief notation is recorded for all their arrest/conviction events dated from January 1973 through December 2023.

- Sierra County had the lowest number of individuals granted automatic record relief at only 898 (0.01%) and the lowest number of arrest/conviction events granted automatic record relief at 1,030 (0.01%).[11]

- Tulare County had the highest percentage of <u>individuals</u> granted automatic record relief (57.24%) out of the county's individuals with criminal backgrounds followed by Santa Cruz County (55.90%).

- Alpine (38.64%) and Santa Cruz (36.60%) Counties have the highest percentage of arrest/conviction <u>cases</u> granted automatic record relief record relief out of the total number of arrest/conviction cases.

Analysis of Automatic Record Relief Cases by Demographics

- **Gender:** Males comprised the large majority (74.34%) of the individuals who received automatic record relief.

- **Race:** The top three racial categories, Hispanics, Whites, and Blacks were granted 86.52% of automatic record relief. Of these, 39.70% were Hispanic, 35.74% were White, and 11.03% were Black.

- **Age:** In age groups broken down by decades, individuals aged 35 years and older were the largest portion of recipients of automatic record relief (85.76%). Individuals under 35 comprised a smaller portion (14.24%). Specifically, the 35-44 age group (22.19%) received the most automatic record relief out of all age groups.

- **Combined Demographics:**
  - In a cross sectional of race and age group within males, White males aged between 18 and 24 constituted the lowest percentage of automatic record relief cases (0.70%) relative to 1.28% and 1.74% for Black males and Hispanic males 18-24 years old, respectively.

  - In a cross sectional of race and age group within females, White females aged 55-64 had higher rates of automatic record relief cases (25.17%) relative to 24.64% and 18.06% for their Black and Hispanic individuals aged 55-64 years, respectively.

GLOSSARY

To ensure clarity and precision, this report defined the key terms "State Summary Criminal History Information," "Automatic Record Relief," "Arrest/Conviction Events," and "Eligible Arrests or Convictions." These definitions are as follows:

State Summary Criminal History Information

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[11] Note that counties with larger populations and high arrests/convictions (e.g., Los Angeles) had more record relief. Similarly, counties with fewer arrests/convictions (e.g., Sierra) were found to have fewer records receive relief.

The DOJ maintains state summary criminal history information. As defined by Penal Code sections 11105:

> State summary criminal history information means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person.

> State summary criminal history information does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

Automatic Record Relief

The term automatic record relief refers to DOJ's implementation of AB 1076, mandating DOJ to review state summary criminal history information to: 1) identify arrests and convictions that are eligible for relief based on the criteria described in PC sections 851.93 and 1203.425, (2) make a notation that relief has been granted next to the eligible record of arrest or conviction, and notify the superior courts with jurisdiction that relief was granted.

Automatic record relief is not a dismissal, sealing or expungement of a person's criminal history record. However, the relief may limit whether the criminal history record will be disseminated by DOJ under PC section 11105(k)-(p) to employers and other agencies conducting fingerprint-based background checks for employment, licensing, or certification purposes. Thus, the benefits of automatic record relief at the state level are effectuated through the dissemination rules described in PC section 11105(k)-(p).

Additionally, when DOJ notifies the superior courts that an arrest or conviction record received relief, the courts will also limit public access to those records in their files. Thus, at the local level, the benefits of automatic record relief are effectuated through PC section 851.93(c) and PC section 1203.425(a)(3)(A), which direct courts not to disclose arrests or convictions receiving automatic record relief, except as provided in PC sections 851.93, subdivision (d) or 1203.425, subdivision (a)(4).

Arrest/Conviction Events

An Arrest/Conviction Event [12] refers to the state summary criminal history information that has been reported to the DOJ about a specific arrest or conviction, including corresponding disposition data, which may include details about the outcome of the case.

DATA REVIEW AND ANALYTIC PROCESS

The demographic/county assessment was employed using data extracted on March 31, 2024. All data were retrieved from the state summary criminal history information on the same date to ensure

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[12] Note: The terms "Arrest/Conviction" are used together throughout this report to reflect that automatic record relief has been granted at both levels.

accuracy and relevance. The extraction process pulled complete demographic details associated with individuals who have received automatic record relief under California's Penal Codes 851.93 and 1203.425 from July 1, 2022 to December 31, 2023. In this evaluation, several analytical tools were adopted to parse and categorize the data according to the required variables: county, gender, race, and age group. This allowed for the rapid sorting and aggregation of large datasets to produce the statistics presented in this report. Cases with missing or unknown records were excluded. Specifically, the number of missing entries for gender, race, and age were 50,972, 30,410, and 34,220, respectively. These missing entries did not significantly alter the total number of individuals for each demographic presented in the charts.

To address the objectives of this report, the DOJ conducted a two-phase analysis. In the first phase, the frequency of individuals and arrest/conviction events that were granted automatic record relief across every county in California were examined. This step was underpinned by a detailed review of arrest records and relief outcomes, utilizing descriptive statistics to display potential patterns. Also, Geographic Information System (GIS) mapping was employed to craft visual representations, highlighting the spatial distribution of automatic record relief records across the state. Additionally, per capita rates were calculated using GIS to better understand how automatic record relief was granted across different counties. Instead of using the total population, the DOJ focused on the population with state summary criminal history information. By basing the rates on the population with criminal records, the DOJ can more effectively compare how automatic record relief is granted in different areas, revealing important insights about the program's true impact. Additionally, to provide context for the automatic record relief cases, the DOJ provided the distribution of arrest/conviction records across all counties. For each county, the *proportion of arrest/conviction events granted relief* was measured by dividing the number of relief records granted by the total number of arrest/conviction events in that county. This approach provides a clearer and more accurate picture of how the program is being applied where it matters most.

In the second phase, the report took a deeper dive into the demographic aspects of the automatic record relief cases. The DOJ investigated the distribution of automatic record relief records among various demographic groups, including race, gender, and age. The DOJ further examined the demographic breakdown of all arrest/conviction records from January 1, 1973 to December 31, 2023. The age variable was omitted due to variations over time, as some individuals were arrested/convicted multiple times, complicating consistent age tracking. This phase was designed to uncover any disparities or emerging trends in the granting of automatic record relief, providing a better understanding of how different populations are impacted.

FINDINGS

The results showed that from July 1, 2022, through December 31, 2023, a total of 6,861,324 individuals received automatic record relief for their arrests/convictions occurring between January 1, 1973, and December 31, 2023. Below additional assessments are provided on automatic record relief cases.

Geographic Distribution of Relief Records in California

Table 1 provides the frequency of relief across counties, with Los Angeles County leading at 26.96% (2,064,743) of total individuals granted automatic record relief. This is followed by Orange (at 647,388 with 8.45%) and San Diego (565,950 with 7.39%) counties. Importantly, San Diego County recorded

nearly twice the number of arrest/conviction events granted automatic record relief (1,140,093) compared to the number of individuals granted automatic record relief.

Table 1. Distribution of Individuals and Arrest/Conviction Events Granted Relief across CA Counties: 07/01/2022-12/31/2023 [13]

County	Number of Individuals Granted Record Relief	% of All Individuals Granted Record Relief	Number of Arrest/Conviction Events Granted Record Relief	% of All Arrest/Conviction Events Granted Record Relief
Alameda	262,929	3.43%	377,859	3.18%
Alpine	1,037	0.01%	1,111	0.01%
Amador	6,307	0.08%	7,458	0.06%
Butte	62,064	0.81%	120,530	1.01%
Calaveras	8,980	0.12%	10,817	0.09%
Colusa	5,931	0.08%	7,323	0.06%
Contra Costa	146,382	1.91%	250,139	2.11%
Del Norte	8,277	0.11%	10,671	0.09%
El Dorado	32,627	0.43%	40,130	0.34%
Fresno	172,886	2.26%	260,030	2.19%
Glenn	8,044	0.11%	9,634	0.08%
Humboldt	42,738	0.56%	64,641	0.54%
Imperial	54,619	0.71%	82,070	0.69%
Inyo	6,687	0.09%	8,655	0.07%
Kern	195,157	2.55%	277,169	2.33%
Kings	38,831	0.51%	66,709	0.56%
Lake	17,947	0.23%	26,072	0.22%
Lassen	8,004	0.10%	10,993	0.09%
Los Angeles	2,064,743	26.96%	2,892,404	24.35%
Madera	54,418	0.71%	71,103	0.60%
Marin	41,832	0.55%	58,624	0.49%
Mariposa	4,611	0.06%	5,504	0.05%
Mendocino	34,252	0.45%	56,344	0.47%
Merced	58,802	0.77%	88,841	0.75%
Modoc	3,027	0.04%	4,659	0.04%
Mono	5,619	0.07%	6,502	0.05%
Monterey	114,026	1.49%	184,631	1.55%
Napa	34,191	0.45%	41,442	0.35%
Nevada	22,009	0.29%	30,228	0.25%
Orange	647,388	8.45%	955,670	8.05%

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[13] Percentages were calculated by dividing the number of granted relief cases in each county by the total number of granted relief cases statewide.

County	Number of Individuals Granted Record Relief	% of All Individuals Granted Record Relief	Number of Arrest/Conviction Events Granted Record Relief	% of All Arrest/Conviction Events Granted Record Relief
Placer	59,221	0.77%	77,371	0.65%
Plumas	6,148	0.08%	7,469	0.06%
Riverside	373,192	4.87%	592,455	4.99%
Sacramento	253,931	3.32%	420,171	3.54%
San Benito	14,156	0.18%	18,026	0.15%
San Bernardino	451,393	5.89%	713,722	6.01%
San Diego	565,950	7.39%	1,140,093	9.60%
San Francisco	122,452	1.60%	180,347	1.52%
San Joaquin	144,371	1.88%	227,653	1.92%
San Luis Obispo	76,310	1.00%	117,373	0.99%
San Mateo	118,089	1.54%	154,431	1.30%
Santa Barbara	122,267	1.60%	199,914	1.68%
Santa Clara	344,072	4.49%	569,870	4.80%
Santa Cruz	82,397	1.08%	157,714	1.33%
Shasta	46,686	0.61%	78,478	0.66%
Sierra	898	0.01%	1,030	0.01%
Siskiyou	11,311	0.15%	16,133	0.14%
Solano	81,714	1.07%	117,206	0.99%
Sonoma	119,341	1.56%	187,614	1.58%
Stanislaus	99,415	1.30%	150,601	1.27%
Sutter	24,797	0.32%	38,934	0.33%
Tehama	14,784	0.19%	21,182	0.18%
Trinity	4,606	0.06%	5,561	0.05%
Tulare	120,085	1.57%	254,374	2.14%
Tuolumne	11,902	0.16%	16,027	0.13%
Ventura	150,010	1.96%	272,916	2.30%
Yolo	52,942	0.69%	79,960	0.67%
Yuba	23,114	0.30%	31,915	0.27%
Total	7,659,919 [14]	100.00%	11,876,503	100.00%

The large numbers of automatic record relief cases in counties like Los Angeles, Orange, and San Diego should be understood in the context of their sizable populations and criminal records. While counties with larger populations naturally handle more criminal records, resulting in higher numbers of relief

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[14] The aggregate count of individuals (7,659,919) in the county data (Table 1) exceeds the total in the demographic tables (6,861,324). This discrepancy arises because some individuals have been arrested/convicted in more than one county.

cases, it is important to note that population size is not the only influencing factor. Some counties may have a greater proportion of individuals eligible for relief, which could lead to a higher number of relief cases relative to the total number of arrests/convictions in those counties.

To explore this phenomenon in detail, this research investigated the frequency of all arrests/convictions across all CA counties from January 1973, through December 2023 (Table 2). [15] As shown in Table 2, Tulare County had the highest proportion of arrested/convicted individuals granted automatic record relief, at 57.24%, followed by Santa Cruz (55.90%) and Butte (53.64%). Other counties with large proportions were San Diego (52.25%), Santa Barbara (50.62%), and Los Angeles (49.67%). Conversely, Amador County had the lowest proportion of arrested/convicted individuals granted relief, at 27.38%, followed by San Francisco (28.72%), Del Norte (29.77%), and Sierra (30.92%).

Building on these data, the DOJ assessed the per capita distribution of automatic record relief records per 10,000 individuals and arrest/conviction events, using the total number of individuals with a criminal background as the basis. As seen in Figure 1, the largest southern counties by population (such as Los Angeles, Orange and San Diego) received numerically more automatic record relief than other counties in California. However, the county of Tulare had the highest per capita rate of automatic record relief granted to individuals. For every 10,000 individuals with a criminal background in Tulare County, 5,471 individuals received automatic record relief. This means that over half of the population with a criminal background in Tulare County has benefited from the automatic record relief program.

Figure 2 shows the geographic distribution of arrests/convictions events where automatic record relief was granted, measured per 10,000 arrest/conviction events. Between January 1, 1973 and December 31, 2023, across Alpine and Santa Cruz counties, approximately 3,500 out of every 10,000 arrest/conviction cases received automatic record relief. This means 38.64% and 36.60% of all arrest/conviction cases in Alpine and Santa Cruz, respectively, benefited from the automatic record relief program.

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[15] This report examines arrests and convictions back to 1973 because AB 1076 allows for relief of arrests or convictions that occurred on or after January 1, 1973 pursuant to PC section 851.93.

Table 2. Distribution of Arrested/Convicted Individuals and Events, with Proportions of Individuals and Events Granted Relief Across CA Counties: 01/01/1973-12/31/2023[16]

County	Number of Individuals with Arrests/ Convictions	Number of Arrest/Conviction Events	% of Arrested/Convicted Individuals Granted Relief[17]	% of Arrest/Conviction Events Granted Relief
Alameda	642,617	2,288,055	40.92%	16.51%
Alpine	2,477	2,875	41.87%	38.64%
Amador	23,032	44,234	27.38%	16.86%
Butte	115,701	401,039	53.64%	30.05%
Calaveras	25,172	54,718	35.67%	19.77%
Colusa	17,238	32,174	34.41%	22.76%
Contra Costa	368,260	1,281,077	39.75%	19.53%
Del Norte	27,806	62,477	29.77%	17.08%
El Dorado	85,751	190,827	38.05%	21.03%
Fresno	358,054	1,167,278	48.28%	22.28%
Glenn	22,250	48,168	36.15%	20.00%
Humboldt	87,748	288,312	48.71%	22.42%
Imperial	157,484	363,002	34.68%	22.61%
Inyo	16,156	36,993	41.39%	23.40%
Kern	431,829	1,518,885	45.19%	18.25%
Kings	89,821	255,290	43.23%	26.13%
Lake	43,564	124,150	41.20%	21.00%
Lassen	23,200	51,093	34.50%	21.52%
Los Angeles	4,156,683	14,093,845	49.67%	20.52%
Madera	111,124	269,674	48.97%	26.37%
Marin	110,814	249,072	37.75%	23.54%
Mariposa	12,341	25,008	37.36%	22.01%
Mendocino	71,309	226,295	48.03%	24.90%
Merced	133,319	359,981	44.11%	24.68%
Modoc	7,250	17,671	41.75%	26.37%
Mono	12,800	19,723	43.90%	32.97%
Monterey	242,648	790,569	46.99%	23.35%
Napa	82,456	208,430	41.47%	19.88%
Nevada	53,856	134,600	40.87%	22.46%
Orange	1,361,953	4,377,860	47.53%	21.83%
Placer	155,451	364,279	38.10%	21.24%
Plumas	14,405	27,789	42.68%	26.88%
Riverside	792,453	2,385,801	47.09%	24.83%

[16] The total number of arrested/convicted individuals (16,571,761) exceeds the total in the demographic table (12,476,483). This discrepancy stems from some individuals being arrested/convicted in multiple counties.

[17] Note: For each county, the proportion of arrest/conviction events granted relief was measured by dividing the number of relief records granted by the total number of arrest/conviction events from January 1, 1973 to December 31, 2023 in that county.

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Sacramento	572,144	1,899,232	44.38%	22.12%
San Benito	36,597	80,593	38.68%	22.37%
San Bernardino	1,014,021	3,428,145	44.52%	20.82%
San Diego	1,083,066	3,469,197	52.25%	32.86%
San Francisco	426,395	1,479,101	28.72%	12.19%
San Joaquin	313,879	1,125,563	46.00%	20.23%
San Luis Obispo	164,956	432,294	46.26%	27.15%
San Mateo	322,142	766,031	36.66%	20.16%
Santa Barbara	241,532	701,286	50.62%	28.51%
Santa Clara	730,697	2,296,072	47.09%	24.82%
Santa Cruz	147,388	430,867	55.90%	36.60%
Shasta	109,929	413,118	42.47%	19.00%
Sierra	2,904	4,351	30.92%	23.67%
Siskiyou	28,213	63,549	40.09%	25.39%
Solano	210,979	632,444	38.73%	18.53%
Sonoma	244,979	787,135	48.71%	23.84%
Stanislaus	235,204	802,281	42.27%	18.77%
Sutter	54,176	152,697	45.77%	25.50%
Tehama	38,148	95,761	38.75%	22.12%
Trinity	12,435	23,233	37.04%	23.94%
Tulare	209,778	817,201	57.24%	31.13%
Tuolumne	33,738	91,683	35.28%	17.48%
Ventura	307,991	1,040,501	48.71%	26.23%
Yolo	122,496	338,022	43.22%	23.66%
Yuba	50,952	121,907	45.36%	26.18%
Total	16,571,761	53,253,508	-	-

Figure 1. The County Distribution of Individuals Granted Automatic Record Relief per 10,000 Individuals with Criminal Background

Relief per 10,000 Individuals
- 2500 - 3000
- 3000 - 3500
- 3500 - 4000
- 4000 - 4500
- 4500 - 5000
- 5000 - 5500
- CA State Boundary
- CA County Boundaries
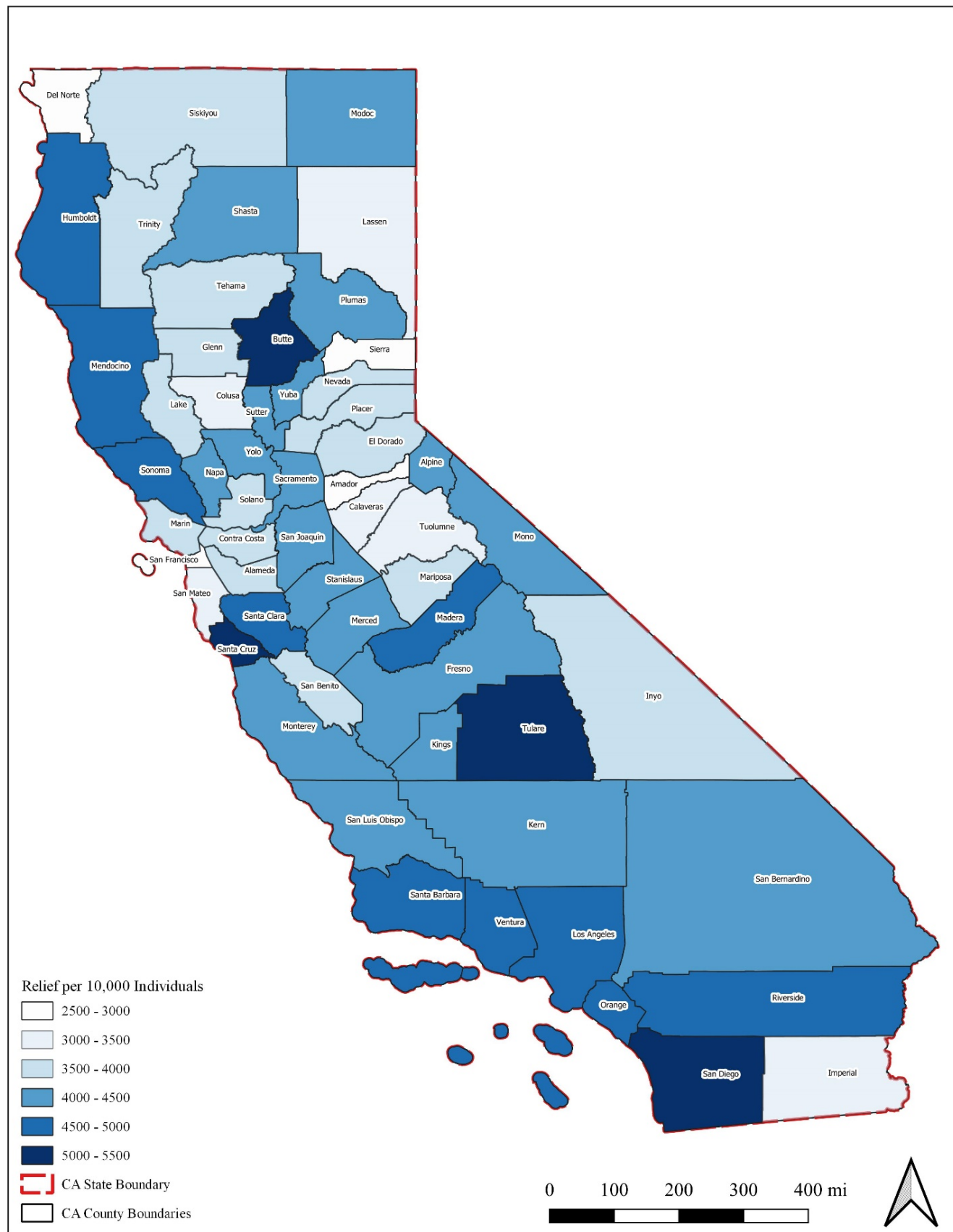
Figure 2. The County Distribution of Arrest/Conviction Events Granted Automatic Record Relief per 10,000 Arrest/Conviction Events
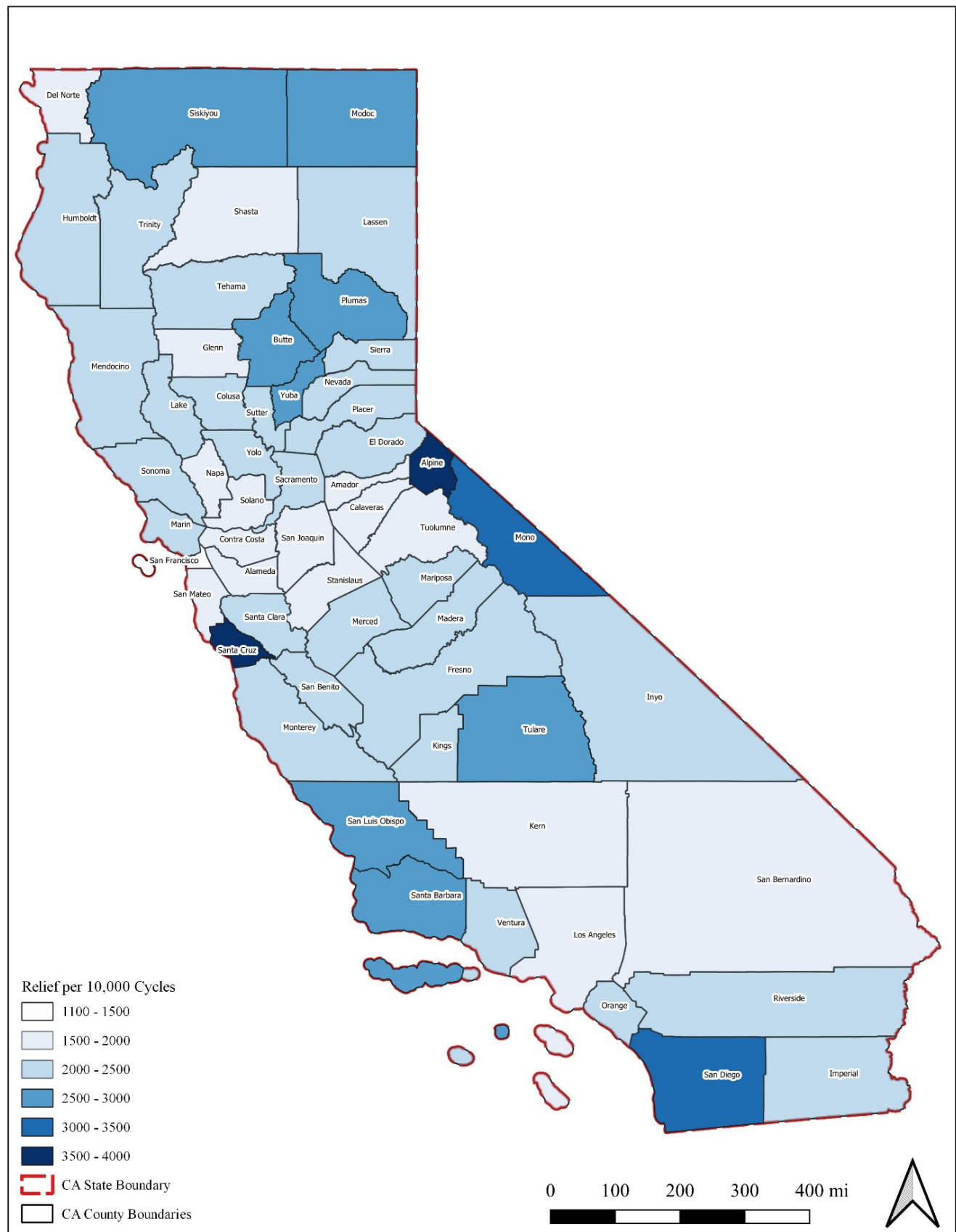
DEMOGRAPHIC ANALYSIS OF AUTOMATIC RECORD RELIEF CASES

This section provides the distribution of three demographic variables: gender, race, and age (Table 1 in Appendix A).[18] To give a clearer picture, Table 2 (Appendix A) was crafted to provide a complete breakdown of automatic record relief cases, focusing on the interactions between gender, race, and age demographics.

Gender Distribution

Gender was recorded for 6,810,352 individuals (99.26%) who received automatic record relief. The gender information for less than one percent (50,972) of the individuals granted automatic record relief was either not recorded or unknown.[19] Figure 3 provides descriptive statistics about the gender of individuals arrested/convicted and given automatic record relief. A majority of arrests/convictions involved males, totaling 9,167,952 (73.70%). Of these, 5,062,587 individuals (74.34% of all relief) received automatic record relief. In contrast, females accounted for 3,727,380 of all arrests/convictions (26.30%), with 1,747,765 individuals (25.47%) receiving automatic record relief. While more males received relief, they appear to maintain a similar percentage of total arrests/convictions and automatic record relief. This pattern holds true for females—the percentage of females with arrests/conviction is comparable to the percentage granted automatic record relief. This suggests automatic record relief has been granted consistently with the gender distribution of individuals with arrest/conviction records.[20]
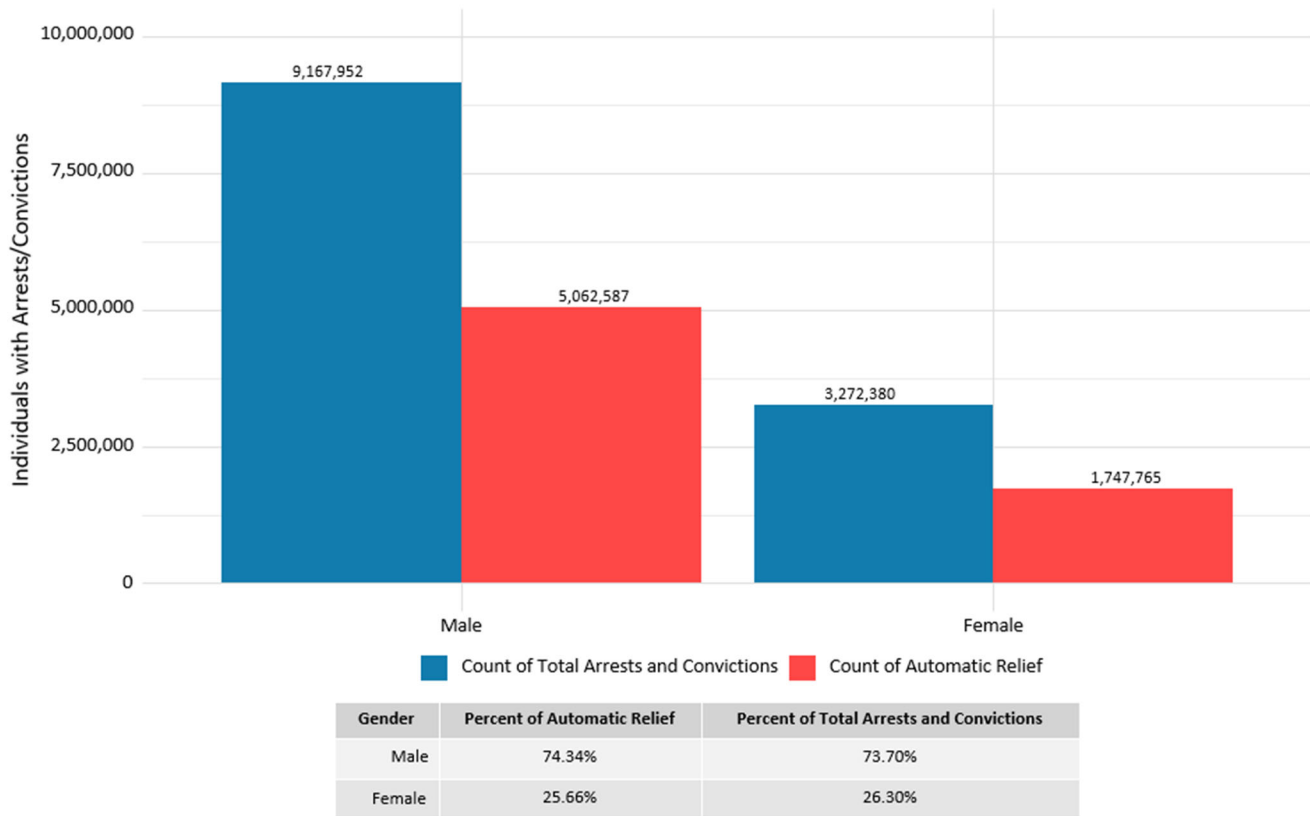
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[18] *Note*: All demographic charts include two distinct timeframes. One represents individuals who received relief from 01/07/2022 to 12/31/2023, and the other covers all arrests/convictions from January 1973 through December 2023.

[19] In this report, the DOJ examined gender as recorded by police in their reports, which is the basis for how gender is referenced later in the criminal legal process. State summary criminal history information has not yet appended gender to include non-binary categories. These cases are instead recorded as unknown and are not included in the analysis.

[20] California Department of Justice. "Arrests." OpenJustice. Accessed October 2024. https://openjustice.doj.ca.gov/exploration/crime-statistics/arrests.

Figure 3. Gender Distribution of Individuals Granted Automatic Record Relief (07/01/2022-12/31/2023) and Total Arrests/Convictions (01/01/1973-12/31/2023)

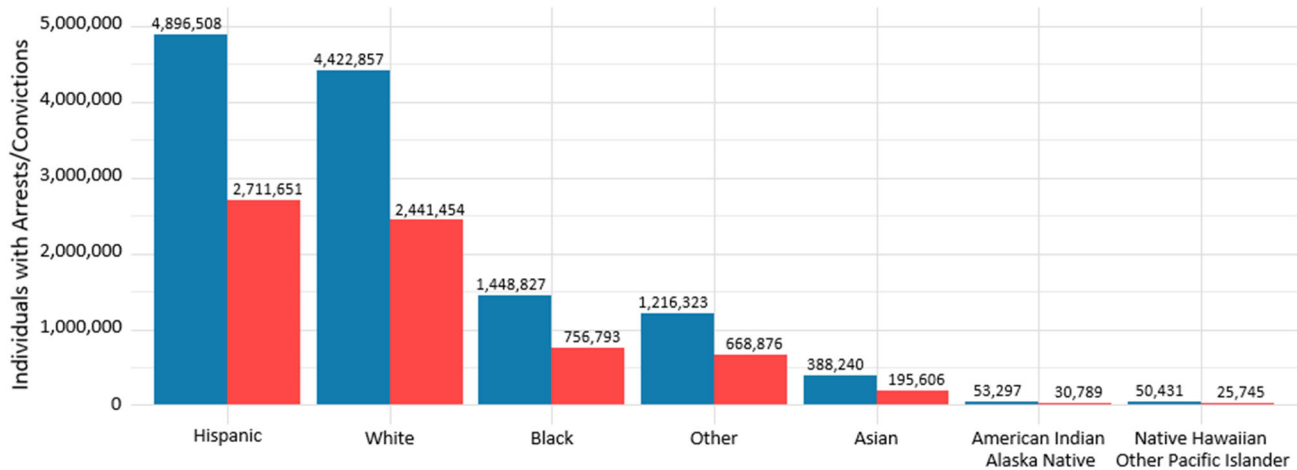| Gender	Percent of Automatic Relief	Percent of Total Arrests and Convictions
Male	74.34%	73.70%
Female	25.66%	26.30%

Racial and Ethnic Distribution

Race was recorded for 6,830,914 individuals (99.56%) who received automatic record relief while race information was unknown for less than one percent (30,410) of individuals. As observed in Figure 4, Hispanic individuals emerged as the predominant group receiving the highest percent of automatic record relief (39.70%), leading substantially in comparison to other races except White individuals. They were followed closely by White individuals (35.74%), and distantly by Black individuals (11.08%). Similar to the gender distribution, automatic record relief for race demographics aligns with overall arrest/conviction rates in California. Hispanic individuals, who account for 4,896,508 arrests/convictions (39.25% of the total), represent the largest group, followed by White individuals (4,422,857/35.45%) and then Black (1,448,827/11.61%) individuals.[21] While the other four racial groups had significantly lower rates of arrests/convictions, the rate of automatic record relief granted to these four groups remained similar to their respective arrests/conviction rates.

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[21] California Department of Justice. "Arrests." OpenJustice. Accessed October 2024. https://openjustice.doj.ca.gov/exploration/crime-statistics/arrests.

Figure 4. Race Distribution of Individuals Granted Automatic Record Relief (07/01/2022-12/31/2023) and Total Arrests/Convictions (01/01/1973-12/31/2023)

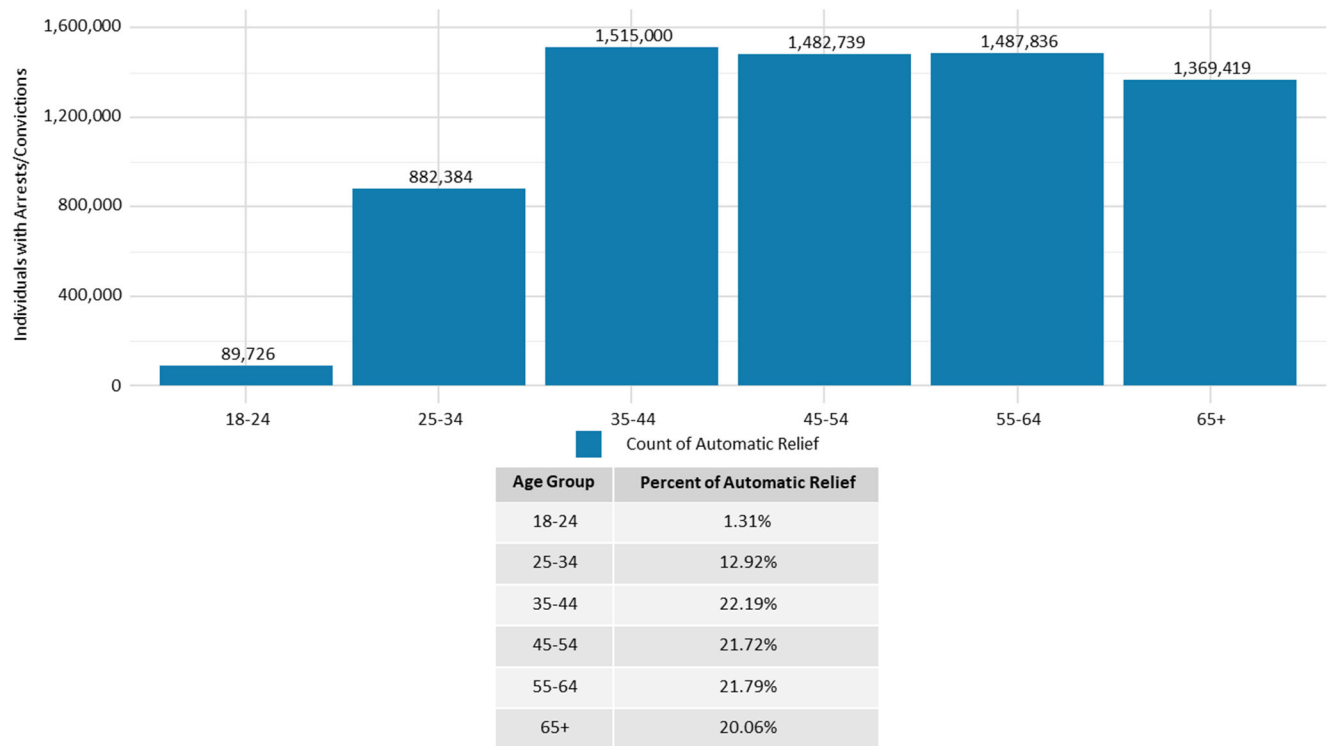| Race	Percent of Automatic Relief	Percent of Total Arrests and Convictions
Hispanic	39.70%	39.25%
White	35.74%	35.45%
Black	11.08%	11.61%
Other	9.79%	9.75%
Asian	2.86%	3.11%
American Indian/ Alaska Native	0.45%	0.43%
Native Hawaiian/ Other Pacific Islander	0.38%	0.40%

Age Distribution

Age was recorded for 6,827,104 individuals (99.50%) who received automatic record relief. The age information was not recorded for less than one percent of individuals (34,220). The distribution of automatic record relief across different age groups is detailed in Figure 5. The age group 35-44 has the highest percentage of automatic record relief recipients, with 22.19% of the cases, equating to 1,515,000 individuals [22]. Additionally, the age groups 45-54 (21.72%) and 55-64 (21.79%) represent significant demographics, with a considerable number of individuals in these age ranges also receiving automatic record relief. Age group 18-24 had the lowest percentage of individuals receiving automatic record relief with 1.31%. Overall, Figure 5 highlights the variation in automatic record relief allocation among various age brackets.

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[22] Note: The distribution of automatic record relief by age group may reflect the temporal eligibility criteria established under AB 1076, Penal Code 851.93, and Penal Code 1203.425. These statutes mandate that relief is granted only after a specified period has passed, which varies depending on the nature of the arrest or conviction. For example, arrests for misdemeanors require at least one calendar year without new criminal proceedings, while certain felonies may require up to six years.

Figure 5. Age Distribution of Individuals Granted Automatic Record Relief: 07/01/2022-12/31/2023

Age Group	Percent of Automatic Relief
18-24	1.31%
25-34	12.92%
35-44	22.19%
45-54	21.72%
55-64	21.79%
65+	20.06%

INTERSECTIONAL-ANALYSIS OF AUTOMATIC RECORD RELIEF CASES BY DEMOGRAPHICS

To gain further knowledge of automatic record relief cases, the DOJ looked at the interactions between gender, race, and age (Figures 6 and 7). The percentages and numbers in the analysis are calculated based on the intersection of these three demographic groups. Specifically, the DOJ began by dividing gender into two groups: male and female. Within each gender, the data was further stratified by race and then by age groups. For example, Figure 6 illustrates the percentage of automatic record relief granted to males across each racial group, with the data further broken down by age groups. [23]

Overall, there were four key trends that emerged. First, Native Hawaiian/Pacific Islander individuals, regardless of gender, exhibited the highest percentages of automatic record relief granted across most age groups. Second, White males and females aged 54 and under consistently received the lowest percentages automatic record relief compared to other racial categories, while White individuals aged 55 and older received higher levels of automatic record relief. Third, American Indian/Alaskan Native and Other individuals showed varied results, generally ranging from medium to high automatic record relief percentages depending on the specific age group. Fourth, individuals aged 18-24, across all races and genders, consistently exhibited the lowest percentages of automatic record relief cases.

When specifically examining race and age demographics of males, the DOJ found variance between race-age categories. Hispanic males, who accounted for the highest total record relief cases

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[23] See Appendix A: Table 2 for a chart detailing these categories.

(2,177,348), had the bulk of their relief concentrated in the 35-44 age group, reflecting 26.69% (581,135 cases) of their total, closely followed by the 45-54 group at 25.79% (561,563 cases). White males, the second-largest group with 1,740,719 total cases, displayed a different trend, with a greater proportion of relief seen in older age groups. The 65+ group accounted for 28.90% (503,140 cases), their largest share. Black males, with a total of 533,846 cases, displayed a fairly even spread of relief across age groups but stood out in the 65+ category, which accounted for the largest percentage at 27.36% (146,055 cases). Native Hawaiian/Other Pacific Islander males, while the smallest group with 18,687 total cases, had a substantial percentage of their relief granted in the 35-44 age group (27.05%, 5,054 cases) and remained consistently high in the 45-54 category (23.07%, 4,312 cases). Asian males (138,783 cases) had their highest representation in the 45-54 age group at 23.87% (33,121 cases), while American Indian/Alaska Native males (21,251 cases) saw their relief concentrated among older adults, particularly in the 65+ group (23.99%, 5,098 cases).

Among females, Hispanic females had the second-highest total cases (528,790) and the largest share in the 35-44 age group (26.32%, 139,195 cases), while White females, with the highest overall total (697,921 cases), saw their largest proportion in the 55-64 age group (25.17%, 175,701 cases). Black females (221,735 cases) showed a relatively balanced distribution, peaking at 18.67% in the 35-44 group. Native Hawaiian/Other Pacific Islander females, despite having the smallest total (6,985 cases), had the highest proportional record relief in the 35-44 (26.33%, 1,839 cases) and 45-54 (24.68%, 1,724 cases) age groups. Asian females (56,611 total cases) followed a similar trend, peaking in the 35-44 age group (25.77%, 14,589 cases). Finally, American Indian/Alaska Native females (9,477 total cases) observed their largest proportion in the 55-64 group (22.78%, 2,159 cases).

In sum, when focusing on the highest percentages of automatic record relief granted, specific patterns emerged by age group, race, and gender. Native Hawaiian/Pacific Islander males aged 18-24, 25-34, and 35-44 consistently recorded the highest automatic record relief percentages. Hispanic females aged 45-54 also showed a significant automatic record relief percentage while White males aged 55-64 and 65 and above were significant for their higher automatic record relief percentages. Additionally, Native Hawaiian/Pacific Islander females exhibited relatively high automatic record relief percentages for the 18-24 and 45-54 age groups.

Figure 6. Interaction of Race and Age Among Males Granted Automatic Record Relief [24]
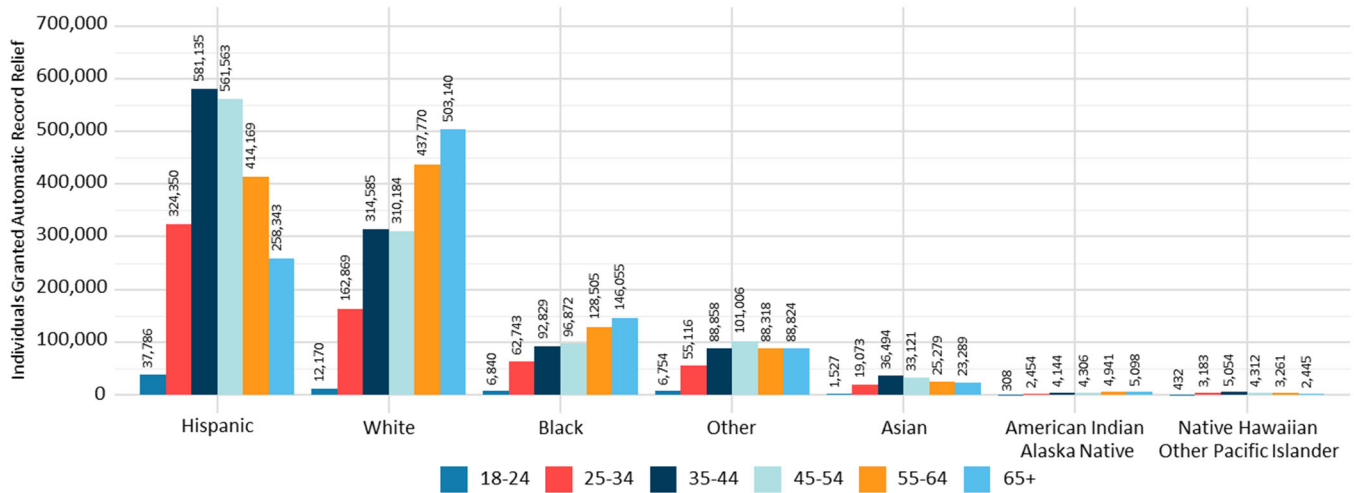
Race	18-24	25-34	35-44	45-54	55-64	65+
Hispanic	1.74%	14.90%	26.69%	25.79%	19.02%	11.87%
White	0.70%	9.36%	18.07%	17.82%	25.15%	28.90%
Black	1.28%	11.75%	17.39%	18.15%	24.07%	27.36%
Other	1.57%	12.85%	20.72%	23.55%	20.59%	20.71%
Asian	1.10%	13.74%	26.30%	23.87%	18.21%	16.78%
American Indian/Alaska Native	1.45%	11.55%	19.50%	20.26%	23.25%	23.99%
Native Hawaiian/Other Pacific Islander	2.31%	17.03%	27.05%	23.07%	17.45%	13.08%

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[24] Note: The percentages shown in the chart represent the distribution of each race group across the age groups. These percentages reflect how the total number of individuals within each racial group is distributed by age. These percentages are not indicative of the proportion of the grand total of cases but rather reflect the breakdown within each race group.

Figure 7. Interaction of Race and Age Among Females Granted Automatic Record Relief
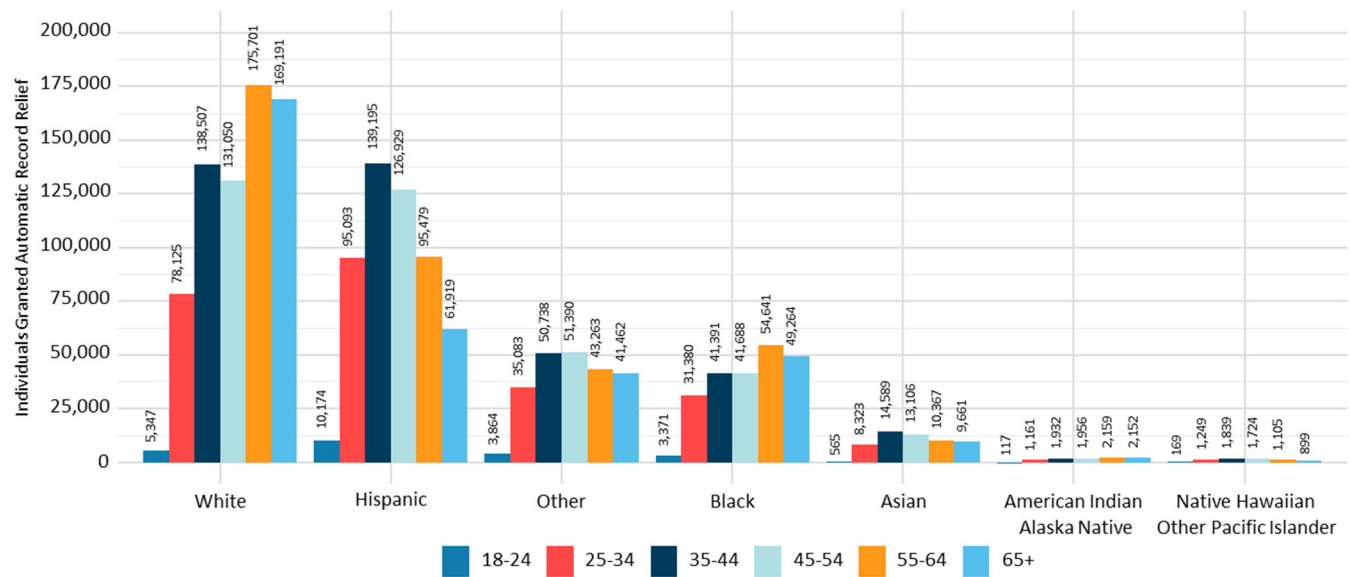
Race	18-24	25-34	35-44	45-54	55-64	65+
White	0.77%	11.19%	19.85%	18.78%	25.17%	24.24%
Hispanic	1.92%	17.98%	26.32%	24.00%	18.06%	11.71%
Other	1.71%	15.54%	22.47%	22.76%	19.16%	18.36%
Black	1.52%	14.15%	18.67%	18.80%	24.64%	22.22%
Asian	1.00%	14.70%	25.77%	23.15%	18.31%	17.07%
American Indian/Alaska Native	1.23%	12.25%	20.39%	20.64%	22.78%	22.71%
Native Hawaiian/Other Pacific Islander	2.42%	17.88%	26.33%	24.68%	15.82%	12.87%

UNPACKING RECORD RELIEF PATTERNS THROUGH THE LENS OF ARRESTS AND CONVICTIONS

The DOJ further examines the demographic distribution of all individuals arrested or convicted from January 1, 1973, to December 31, 2023, and the proportion of these individuals granted automatic record relief (Table 1 in Appendix A).[25]

Gender: Males constituted a significant share of the total arrested/convicted population, representing 73.70% (9,167,952 individuals). Among them, 55.22% received automatic record relief. This relief proportion suggests that more than half of the male individuals qualified for relief programs. Females, who comprised 26.30% (3,272,380 individuals) of the total arrests and convictions, had a slightly lower relief rate, with 53.41% of those arrested or convicted receiving relief. Despite representing a smaller share of the total arrest/conviction population, females show a comparable trend in automatic relief granted to males.

Race: The racial distribution shows no distinct pattern across each group. Hispanic individuals formed the largest group, representing 39.25% (4,896,508 individuals) of arrests and convictions. Among them, 55.38% were granted relief, slightly above the overall average. White individuals accounted for 35.45% (4,422,857 individuals), with 55.20% receiving relief, a nearly identical proportion to Hispanics. Black individuals represented 11.61% (1,448,827 individuals) of the total and had a lower relief rate of 52.24%. Asian individuals, making up 3.11% (388,240 individuals), had the lowest relief proportion of 50.38%. Smaller groups such as those identified as "Other" comprised 9.75% (1,216,323 individuals), with a relief rate of 54.99%. American Indian/Alaska Native individuals, while representing only 0.43% (53,297 individuals), had the highest relief rate at 57.77%. Native Hawaiian/Other Pacific Islanders made up 0.40% (50,431 individuals), with a relief rate of 51.05%, which is slightly below average.

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[25] Note: Age-related data was not included in the demographic analysis as the age of individuals varies over time, making it difficult to provide a reliable and consistent measure for reporting purposes

CONCLUSIONS

This report provided a detailed evaluation of records granted automatic record relief to individuals with criminal history under Assembly Bill 1076. In terms of the frequency of automatic record relief cases across the California counties, the analysis demonstrates significant variation across California counties. Counties with larger urban populations, such as Los Angeles, San Diego, and Orange, reported the highest numbers of automatic record relief cases. In contrast, smaller population counties such as Sierra reported fewer automatic record relief cases which may reflect both their lower population density and different arrest and conviction dynamics.

Regarding the frequency of automatic record relief cases by demographics, this report highlighted significant differences in the distribution of automatic record relief among different racial, gender, and age groups. Demographic groups, particularly Black and Hispanic individuals showed a higher total number of automatic record relief cases. Also, individuals aged 35 plus were more likely to receive automatic record relief. Gender analysis indicated a disparity with males being the largest pool of those granted automatic record relief; despite this, males and females received proportionally similar rates of automatic record relief.

These findings on the total number/frequency of record relief cases should be interpreted in the context of the underlying demographic trends in arrests and convictions (see Table 1 in Appendix A). While larger counties may still have higher relief case numbers due to population size and demographic factors, the analysis shows that relief is being granted proportionally to the demographics of arrested/convicted population in those counties. Historically, males have had higher arrest and conviction rates compared to females and therefore males represent the highest *number* of record relief cases, but the *rate* of relief for males and females is nearly the same. Similarly, automatic record relief proportions among racial groups are nearly identical to their representation in arrest and conviction statistics. These insights provide essential context for policymakers and stakeholders when considering the impacts of Assembly Bill 1076 on different communities across California.

APPENDIX A

Table 1. Demographic Distribution of Individuals Granted Automatic Record Relief Compared to All Arrested/Convicted Individuals

	Individuals Granted Automatic Record Relief 07-01-2022 – 12-31-2023		Individuals Arrested/Convicted 01-01-1973- 12-31-2023 [26]		Proportion of Arrested /Convicted Individuals Granted Automatic Record Relief [27]
Demographics	N	%	N	%	%
Gender					
Female	1,747,765	25.66%	3,272,380	26.30%	53.41%
Male	5,062,587	74.34%	9,167,952	73.70%	55.22%
Race					
Hispanic	2,711,654	39.70%	4,896,508	39.25%	55.38%
White	2,441,455	35.74%	4,422,857	35.45%	55.20%
Black	756,795	11.08%	1,448,827	11.61%	52.24%
Other	668,876	9.79%	1,216,323	9.75%	54.99%
Asian	195,606	2.86%	388,240	3.11%	50.38%
American Indian/ Alaska Native	30,789	0.45%	53,297	0.43%	57.77%
Native Hawaiian/ Other Pacific Islander	25,745	0.38%	50,431	0.40%	51.05%
Age					
18-24	89,726	1.31%	-	-	-
25-34	882,384	12.86%	-	-	-
35-44	1,515,000	22.08%	-	-	-
45-54	1,482,739	21.61%	-	-	-
55-64	1,487,836	21.68%	-	-	-
65+	1,369,419	19.96%	-	-	-
Total	6,861,324	100%	12,476,483		

[26] The gender information for 0.15% of arrested/convicted individuals (36,157) was either not recorded or unknown.

[27] Note: Proportions for each category within the demographic variables were calculated by dividing the number of individuals granted relief in each specific category by the total number of arrested/convicted individuals in that category. For example, the proportion of males was determined by dividing the number of males granted relief by the overall total of arrested/convicted male individuals.

Table 2. Cross-Demographic Frequency of Individuals Granted Automatic Record Relief [28,29]

Demographics	18-24		25-34		35-44		45-54		55-64		65+		Total N
	N	%	N	%	N	%	N	%	N	%	N	%	
Male	65,817	1.30%	629,788	12.45%	1,123,099	22.20%	1,111,364	21.97%	1,102,243	21.79%	1,027,194	20.30%	5,059,510
Hispanic	37,786	1.74%	324,350	14.90%	581,135	26.69%	561,563	25.79%	414,169	19.02%	258,343	11.87%	2,177,348
White	12,170	0.70%	162,869	9.36%	314,585	18.07%	310,184	17.82%	437,770	25.15%	503,140	28.90%	1,740,719
Black	6,840	1.28%	62,743	11.75%	92,829	17.39%	96,872	18.15%	128,505	24.07%	146,055	27.36%	533,846
Other	6,754	1.57%	55,116	12.85%	88,858	20.72%	101,006	23.55%	88,318	20.59%	88,824	20.71%	428,876
Asian	1,527	1.10%	19,073	13.74%	36,494	26.30%	33,121	23.87%	25,279	18.21%	23,289	16.78%	138,783
Native Hawaiian/ Other Pacific Islander	432	2.31%	3,183	17.03%	5,054	27.05%	4,312	23.07%	3,261	17.45%	2,445	13.08%	18,687
American Indian/ Alaska Native	308	1.45%	2,454	11.55%	4,144	19.50%	4,306	20.26%	4,941	23.25%	5,098	23.99%	21,251
Female	23,607	1.35%	250,414	14.33%	388,191	22.22%	367,843	21.05%	382,715	21.90%	334,548	19.15%	1,747,319
Hispanic	10,174	1.92%	95,093	17.98%	139,195	26.32%	126,929	24.00%	95,479	18.06%	61,919	11.71%	528,790
White	5,347	0.77%	78,125	11.19%	138,507	19.85%	131,050	18.78%	175,701	25.17%	169,191	24.24%	697,921
Black	3,371	1.52%	31,380	14.15%	41,391	18.67%	41,688	18.80%	54,641	24.64%	49,264	22.22%	221,735
Other	3,864	1.71%	35,083	15.54%	50,738	22.47%	51,390	22.76%	43,263	19.16%	41,462	18.36%	225,800
Asian	565	1.00%	8,323	14.70%	14,589	25.77%	13,106	23.15%	10,367	18.31%	9,661	17.07%	56,611
Native Hawaiian/ Other Pacific Islander	169	2.42%	1,249	17.88%	1,839	26.33%	1,724	24.68%	1,105	15.82%	899	12.87%	6,985
American Indian/ Alaska Native	117	1.23%	1,161	12.25%	1,932	20.39%	1,956	20.64%	2,159	22.78%	2,152	22.71%	9,477

[28] Totals and subtotals in this table may differ from previous tables for demographics. In this interaction table, all missing values were excluded across demographics combined, whereas in the individual tables, missing entries were excluded separately for each demographic.

[29] Note: The DOJ calculated percentages by looking at the total number of individuals within each gender and age group; then, each racial/ethnic group is treated as its own category, and percentages are calculated relative to the total number of individuals in the corresponding gender and age group.