

California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief/CIO 	INFORMATION BULLETIN	
<i>Subject:</i> Assembly Bill (AB) 1076 Criminal Records: Automatic Relief	<i>No.</i> 22-05-CJIS <i>Date:</i> 07-29-2022	<i>Contact for information:</i> CJDE@doj.ca.gov

TO: ALL PRESIDING JUDGES AND COURT EXECUTIVE OFFICERS

Pursuant to AB 1076 (Stats. 2019, ch. 578, Penal Code (PC) Sec. 851.93 and 1203.425) commencing July 1, 2022 the Department of Justice (DOJ) shall, on a monthly basis, review the records in the statewide criminal justice databases and identify persons who are eligible for automatic relief under the statute, meaning eligible to have their arrest records, or their criminal conviction records, withheld from disclosure without requiring a petition or motion. The DOJ is required to update the state summary criminal history information to document the automatic relief granted, and electronically notify the superior court having jurisdiction over the criminal case on a monthly basis of all cases for which relief was granted. The DOJ and superior courts are prohibited from disclosing cases where relief has been granted, with exceptions.

AB 1076 authorizes the prosecuting attorney or probation department, no later than 90 calendar days before the date of a person's eligibility for relief, to file a petition to prohibit the DOJ from granting automatic relief for criminal conviction records as described above. If the court grants that petition, the court notifies the DOJ that automatic relief in that case is prohibited, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.

Additionally, the DOJ is required to annually publish statistics regarding relief granted pursuant to AB 1076. Courts are required, at the time of sentencing, to advise each defendant of their right to automatic conviction relief under AB 1076.

In order to comply with the AB 1076 mandate, the DOJ is developing a technology solution that will programmatically identify, evaluate, and grant relief for eligible state summary criminal history information records. The DOJ will provide electronic notification of cases for which relief was granted to the superior court having jurisdiction over the criminal case via the DOJ's Criminal Justice Data Exchange (CJDE) application.

In reviewing the current list of superior courts that have access to the CJDE application, the DOJ has determined that many courts are not set up for CJDE access.

Benefits of DOJ's CJDE

The DOJ created the CJDE application to improve the completeness and quality of data in the state summary criminal history information repository by providing a higher quality, more timely, and targeted information exchange between criminal justice agencies and the DOJ. CJDE provides the following:

- Superior court access to view and download the “cases for which a complaint was filed in that jurisdiction and for which relief was granted” pursuant to AB 1076 (PC 851.93 and 1203.425).
- County Open Arrest Reports are available through the CJDE. The goal is to assist agencies in identifying missing dispositions for arrests within their county and facilitate disposition reporting to the DOJ to close open arrests and decrease the statewide disposition gap.
- Agencies reporting disposition data electronically to the DOJ have the ability to view submissions, processing status, and error information in an easily identifiable format via the CJDE. Access to this information provides criminal justice agencies with the ability to recognize commonly reported errors and decrease the overall number of errors submitted to the DOJ.
- Agencies reporting detention admission and release data electronically to the DOJ have the ability to view submissions, processing status, and error information in an easily identifiable format via the CJDE. Access to this information provides criminal justice agencies with the ability to recognize commonly reported errors and decrease the overall number of errors submitted to the DOJ.
- The CJDE allows authorized users the ability to upload a file rather than physically mailing or faxing documents to the DOJ.
- The CJDE allows authorized Law Enforcement and District Attorney Agency users to submit arrest level dispositions via an online web form, which replaces paper form submissions.
- Auditing functionality is also available in the CJDE. The Audit Tab allows authorized users the ability to audit the CJDE activity (e.g. Dispositions, Open Arrest Reports, Audit, Custody and File Upload) made by other users within their agency.

Responsibility of Superior Courts

To ensure that superior courts receive timely notification of relief granted under AB 1076 and that the DOJ is able to comply with its obligations under AB 1076, superior courts must take immediate steps to:

- 1) Provide the DOJ with e-mail addresses that DOJ will use to send the courts a monthly electronic notification regarding cases within their jurisdiction that were granted automatic relief under AB 1076 and how to access the list of cases. Please submit your e-mail addresses to ElectronicDispositionReporting@doj.ca.gov.
- 2) Review and follow the CJDE Policies, Practices, and Procedures for agency access and use of the CJDE application. These documents are available on the Criminal Justice Data Exchange page under the Criminal History Reporting section on the California Law Enforcement Web (CLEW).
- 3) Identify a CJDE Agency Administrator.

- 4) Complete the CJDE Agency Agreements. These documents are available on the Criminal Justice Data Exchange page under the Criminal History Reporting section on the California Law Enforcement Web (CLEW).
 - a. CJDE Agency Head Agreement
 - b. CJDE Agency Administrator Agreement
 - c. CJDE Supplemental Agreement

Superior courts must submit completed agreements to the DOJ by **October 1, 2022**, to ensure they can be processed in a timely manner.

Upon receipt of the CJDE agreements, the DOJ will contact the Agency Head or authorized designee by phone to verify the Agency Administrator's access roles and information. After confirmation, the Agency Administrator(s) will be provided account access and additional information to assist in their role via e-mail. The Agency Administrator(s) will be responsible for establishing and managing user accounts for their agency's users, and ensuring continued compliance with the CJDE Policies, Practices, and Procedures.

The DOJ is here to assist and ready to help. All CJDE Agency Agreements and AB 1076 downloadable case file specifications are available on the California Law Enforcement Web (CLEW).

Please contact us at CJDE@doj.ca.gov if you have any questions.

Sincerely,



JOE DOMINIC, Chief/CIO
California Justice Information Services Division

For ROB BONTA
Attorney General