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December 18, 2020: District Attorney George Gascón Issues Amended Directive on Sentencing Enhancements

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Los Angeles County District Attorney George Gascón announced in a letter to the community today that his office would seek sentencing enhancements in hate crimes, crimes against children and the elderly and other crimes that meet certain criteria.

The new policy comes after extensive discussions with crime victims, their advocates, members of the community and career prosecutors in his office.

"Nearly all of the concerns I have heard center around my policy of ending all enhancements," District Attorney Gascón said in an email message to the community. "To be responsive to your input, I have decided to make some adjustments to my initial directives."

The amended policy addresses concerns raised by vulnerable victims – children, the elderly and groups that are targeted because of their actual or perceived race or ethnicity, nationality, religion, sexual orientation, gender or mental or physical disability.

The office, however, will continue with its policy to cease seeking gang and other sentencing enhancements, including those made available to prosecutors by California's 1994 Three Strikes Law. There are more than 100 enhancements in California's penal code.

"Over-incarceration - the practice of sending people to jails and prisons for too long - does not enhance safety. It actually hurts our safety," District Attorney Gascón said, shortly after being sworn into office on December 7. He called gang and other sentencing enhancements "a principal driver of mass incarceration."

"They are outdated, incoherent and applied unfairly," he said. "Plus, no compelling evidence exists that they improve public safety."

Research indicates that people who serve excessive sentences are more likely than those who serve proportional sentences with a rehabilitative or restorative purpose to commit crimes when they are returned to the community, creating more victims in the future.

District Attorney Gascón said these tough-on-crime policies of the past "undermine rehabilitation, exacerbate racial and other inequities in our justice system and they decimate families and communities. They also are crowding jails and prisons and exacerbating the COVID pandemic behind bars."

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