



## Policies

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## Research

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Across the nation, jurisdictions are moving away from a tough-on-crime approach because it destroys budgets, is plagued with inequities and has not made us safer.

Since 2011, California has embarked on a series of criminal justice reforms that have reduced the prison population. That reductions in crime have been, at least in part, driven by these reforms is supported not only by correlative data but also by science and research that suggest a causal connection.

Read some of the research:

### Overview

At least 95% of the individuals we incarcerate in state prisons will come back to their communities. *"Confronting Confinement," Vera Institute of Justice, 2006.* <https://www.vera.org/publications/confronting-confinement>

While initial incarceration prevents crime through incapacitation, studies show that each additional sentence year causes a 4% to 7% increase in future offending that eventually outweighs the incapacitation benefit. *Michael Mueller-Smith, "The Criminal and Labor Market Impacts of Incarceration," 2015.* <https://sites.lsa.umich.edu/mgms/wp-content/uploads/sites/283/2015/09/in...>

### Cash Bail

Cash bail allows rich people to buy their freedom while poor people who pose no danger may languish in jail. *John Mathews II and Felipe Curiel, "Criminal Justice Debt Problems," American Bar Association, 2019.* [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazi...](https://www.americanbar.org/groups/crsj/publications/human_rights_magazi...)

Black and brown defendants have bail set in higher amounts than their white counterparts yet are less likely to be able to afford it. *Wendy Sawyer, "How Race Impacts Who Is Detained Pretrial," Prison Policy Initiative, 2019.* [https://www.prisonpolicy.org/blog/2019/10/09/pretrial\\_race/](https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/)

Research has shown that bail alternatives like supervised release programs have no negative impact on public safety and actually increase the rate at which defendants return to court. *Matt Barno, Deyanira Nevárez Martínez and Kirk R. Williams, "Exploring Alternatives to Cash Bail: An Evaluation of Orange County's Pretrial Assessment and Release Supervision (PARS) Program," American Journal of Criminal Justice, 2019.* <https://link.springer.com/article/10.1007/s12103-019-09506-3>

Cash bail extracts wealth from the poorest communities. *Isaac Bryan, Terry Allen, Kelly Lytle Hernandez and Margaret Dooley-Sammuli, "The Price for Freedom: Bail in the City of L.A.," Ralph J. Bunche Center for African American Studies, University of California, Los Angeles, 2017.* <https://bunchecenterdev.pre.ss.ucla.edu/wp-content/uploads/sites/112/201...>

### Death Penalty

The death penalty is racist as studies show a defendant's likelihood of receiving the death penalty correlates with the victim's race. *Ngozi Ndulue, "Enduring Injustice: The Persistence of Racial Discrimination in the U.S. Death Penalty," Death Penalty Information Center, 2020.* <https://documents.deathpenaltyinfo.org/pdf/Enduring-Injustice-Race-and-t...>

The death penalty has no public safety value as it has never been shown to be a deterrent to crime. *Michael Radelet and Traci L. Lacoock, "Do Executions Lower Homicide Rates: The Views of Leading Criminologists," Journal of Criminal Law and Criminology, 2009.* <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?articl...>

The death penalty is expensive and costs far more than life imprisonment. Research shows that California spent more than \$4 billion on the death penalty from 1978-2011 and the state's death penalty system costs approximately \$184.2 million annually. *Judge Arthur L. Alarcón and Paula M.*

Mitchell, "Costs of Capital Punishment in California: Will Voters Choose Reform this November?" *Loyola of Los Angeles Law Review*, 2012. <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=2803&context=llr>

### **Deterrence**

Excessive sentences have never been shown to deter crime. "Five Things About Deterrence," *National Institute of Justice*, 2016. <https://nij.ojp.gov/topics/articles/five-things-about-deterrence#four>

In fact, evidence suggests that prison terms actually may exacerbate recidivism. Daniel S. Nagin, Francis T. Cullen and Cheryl Lero Jonson, "Imprisonment and Reoffending," *Crime and Justice: A Review of Research*, University of Chicago Press, 2009. <https://www.journals.uchicago.edu/doi/abs/10.1086/599202>

The certainty of being caught is a far more powerful deterrent than the severity of the punishment. Daniel S. Nagin, "Deterrence in the Twenty-First Century," *Crime and Justice in America, 1975-2025*, University of Chicago Press, 2013. <https://www.journals.uchicago.edu/doi/abs/10.1086/670398>

### **Misdemeanors**

People who are not prosecuted for misdemeanors are much less likely to find themselves in a courtroom again within two years. Entanglement with the legal system itself seems to be a risk factor for future criminal prosecution. Amanda Y. Agan, Jennifer L. Doleac and Anna Harvey, "Misdemeanor Prosecution," *National Bureau of Economic Research*, March 2021, <https://www.nber.org/papers/w28600>. "Prosecuting Misdemeanors Makes Us Less Safe," *Washington Post*, April 6, 2021. <https://www.washingtonpost.com/outlook/2021/04/06/misdemeanor-prosecution-future-crime>

### **Sentence Enhancements**

Sentence enhancements have never been shown to enhance safety. They are a legacy of the failed tough-on-crime era and have proved to be a principal driver of excessive sentences and mass incarceration. Marc Mauer, "Long-Term Sentences: Time to Reconsider the Scale of Punishment," *University of Missouri, Kansas City Law Review*, 2018. <https://www.sentencingproject.org/publications/long-term-sentences-time-...>

California's Three Strikes Law and the flood of enhancements we created, such as gang enhancements, severely exacerbated racial disparities. Caitlin Sanderson, "Gang Injunctions Are Ineffective and Criminalize Youth of Color," *American Civil Liberties Union*, 2015. <https://www.aclusocal.org/en/news/gang-injunctions-are-ineffective-and-c-...>

Fully 45% of people serving life sentences under the Three Strikes Law are Black, even though Black people make up just 6% of California's total population. "Three Strikes Basics," *Stanford Law School*. <https://law.stanford.edu/three-strikes-project/three-strikes-basics/>

### **Victim Services**

The largest survey of victims of crime showed that victims overwhelmingly support rehabilitation over punishment and investments in community-based services like education, drug treatment, mental health services, after-school programs; all of which actually reduce crime. "California Crime Survivors Speak," *Crime Survivors For Safety and Justice*, 2019. <https://allianceforsafetyandjustice.org/wp-content/uploads/2019/04/20190...>

### **Youth Justice**

Research shows that children prosecuted in the adult system are more likely to reoffend than those held in the juvenile justice system. "Children Tried as Adults Face Danger, Less Chance for Rehabilitation," *Southern Poverty Law Center*, 2014. <https://www.splcenter.org/news/2014/10/30/children-tried-adults-face-dan...>

We know that brain development continues into the mid-to-late 20s. Sara B. Johnson, Robert W. Blum and Jay N. Giedd, "Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Adolescent Health Policy," *Journal of Adolescent Health*, 2009 <https://www.sciencedirect.com/science/article/abs/pii/S1054139X09002511>

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