

Los Angeles County District Attorney
SPECIAL DIRECTIVES

BACKGROUND ON LOS ANGELES COUNTY DISTRICT ATTORNEY'S SPECIAL DIRECTIVES

- **December 7, 2020: DA Gascón announced nine special directives to reform criminal prosecutions**
- **December 8, 2020: Directives went into effect**
- **Directives have resulted in more arrests and citations that do not lead to charges and prosecutions (including many misdemeanors)**
- **The following slides focus on the Directives that are having the largest impact on the City**

SD 20-07: Misdemeanor Case Management

- Charges for listed misdemeanors shall be declined or dismissed before arraignment and without conditions
 - Unless specific “exceptions” or “factors for consideration” listed in the Directive apply or a DDA seeks a deviation from this policy
 - No “exceptions” or “factors for consideration” associated with some misdemeanor charges



SD 20-07: Listed Misdemeanors

Trespass

Disturbing the Peace

Driving Without a Valid License

Driving on a Suspended License

Criminal Threats

Drugs & Paraphernalia Possession*

Minor in Possession of Alcohol*

Drinking in Public*

Under the Influence of Controlled Substance*

Public Intoxication*

Loitering

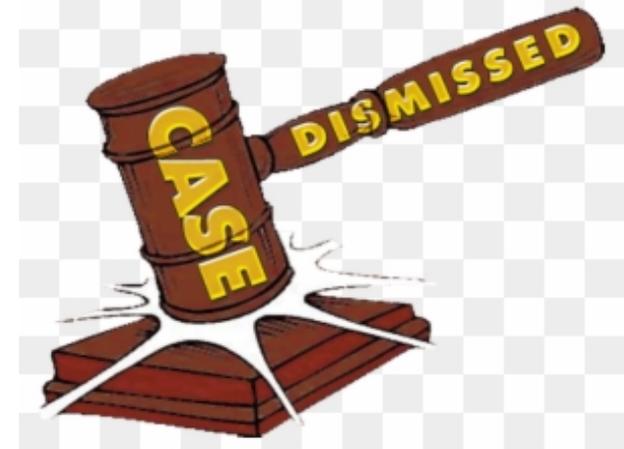
Loitering to Commit Prostitution*

Resisting Arrest

*No "exceptions" or "factors for consideration" associated with charge

SD 20-07: Steps to Follow Until Dismissal

- If the charge is not declined, the following steps must be followed until dismissal:
 - (i) Pre-arraignment diversion via an administrative hearing
 - (ii) Post-arraignment, pre-plea diversion
 - (iii) Post-arraignment, post-plea diversion



SD 20-07: Presumption of Pre-Plea Diversion

- **Pre-plea diversion presumptively granted for almost all non-listed misdemeanors**
- **Presumption of pre-plea diversion may be rebutted upon consideration of certain factors**

Limitation of SD 20-07

- Note that Municipal Code violations prosecuted by City Prosecutor are **NOT** impacted by Gascón's new misdemeanor policies

IMPORTANT

SD 20-06: Pretrial Release Policy

- Presumption to release individuals pretrial *without* cash bail or other conditions
- “Conditions of release may *only* be considered when **necessary to ensure public safety or return to court**”
- Least restrictive to most restrictive conditions
- Limited circumstances when bail and/or pretrial detention may be considered
- No cash bail for any misdemeanor, non-serious felony, or non-violent felony offense

SD 20-08 (as amended): Sentencing Enhancements/Allegations

- **Certain sentencing enhancements and/or allegations shall not be used for sentencing and must be dismissed or withdrawn**
- **Sentence enhancements, allegations, or alternative sentencing schemes allowed in some cases involving the most vulnerable victims**
- **“Extraordinary circumstances” exception**



SD 20-09: Youth Justice

- Youth accused of misdemeanors will **NOT** be prosecuted
- Filings will generally “consist of the lowest potential code section that corresponds to the alleged conduct and mandate one count per incident”
- Youth will not be sent to adult court system
- No enhancements on youth petitions
- Presumption against detention

Other Directives

- **Habeas Corpus Litigation Unit (SD 20-10)**
- **Death Penalty Policy (SD 20-11)**
- **Victim Services (SD 20-12)**
- **Conviction Integrity Unit (SD 20-13)**
- **Resentencing (SD 20-14)**



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE SPECIAL DIRECTIVES

- Special Directive 20-07, **Misdemeanor Case Management** (SD 20-07), has had the largest impact on misdemeanor filings, leading to many charges being rejected at the initial review level or dismissed once called to court.
- The Monrovia Police Department has seen an increase in current misdemeanor charges being rejected along with other departments throughout LA County.

COMPARISON OF MISDEMEANOR CHARGES FILED AND REJECTED

397

charges filed, 12/1/19 – 5/19/20

3

CHARGES REJECTED BEFORE
implementation of Special Directive 20-07

BEFORE Special Directive 20-07
was implemented, 1 in every 132
charges filed was rejected.

369

charges filed, 12/1/20 – 5/19/21

128

CHARGES REJECTED AFTER
implementation of Special Directive 20-07

AFTER Special Directive 20-07
was implemented, 1 in every 3
charges filed has been rejected.

MISDEMEANOR CHARGES DISMISSED IN COURT

As a result of Special Directive 20-07, misdemeanor charges can also be dismissed in court, which includes cases from many years prior.

After December 1, 2020,
125 “old charges” have been dismissed,
in addition to the 128 current charges.

In total, **253 misdemeanor charges**
have been rejected due to
Special Directive 20-07.

MISDEMEANOR CHARGES REJECTED

Misdemeanor Charge	Time Period December 1, 2019 thru May 19, 2020	Time Period December 1, 2020 thru May 19, 2021
Possession of Drug Paraphernalia		80
Possession of a Controlled Substance		55
Under the Influence of a Controlled Substance		10
Trespassing		21
Obstructing an Officer, Resisting Arrest, Giving False ID		14
Public Intoxication, Prowling		10
Driving without a License, Suspended License		38
Misc. Driving Infractions		25
Assault	1	
Domestic Battery	2	
Total Charges Dismissed/Rejected	3	253
Total Charges Filed by MPD	397	369

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE SPECIAL DIRECTIVES

Special Directive 20-08, **Sentencing Enhancements/Allegations** (SD 20-08), has also impacted specific felony cases involving violent crime, including:

- **Attempted Homicide**

The suspect had already served prison sentences on unrelated cases of murder and attempted murder and was an admitted gang member. Due to Special Directive 20-08, the maximum amount of time the defendant would be sentenced if convicted is eight years.

- **Homicide**

The two suspects are active gang members with criminal history. Due to Special Directive 20-08, no gang enhancement will be added on and the defendants will not have 10 additional years added to their sentence for being gang members if convicted. In addition, enhancements would have made the defendants serve at least 15 years before being eligible for parole. Moreover, a firearm allegation (enhancement) would have added a consecutive 25 years to life term for a defendant.

- **Homicide**

The three suspects are all gang members. Due to Special Directive 20-08, no gang enhancement will be added on and the potential prison time for each defendant is reduced by 15 years. Additionally, the 17-year-old suspect will not be tried as an adult and can receive a maximum sentence of eight years if convicted.