



## LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE MEDIA RELATIONS DIVISION

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Sept. 9, 2013

### **District Attorney Jackie Lacey Responds to Report on State's Three Strikes Resentencing Law**

District Attorney Jackie Lacey said today that her office has completed evaluations of approximately 40 percent of the 1,078 cases filed in Los Angeles County under Proposition 36, California's recently revised Three Strikes Law.

The office's Third Strike Resentencing Unit has taken the lead in resentencing 260 inmates, as of Aug. 29, 2013. Forty (40) more inmates are awaiting resentencing in Los Angeles County. In addition, the District Attorney's office has opposed resentencing in 170 cases.

"Proposition 36 did not open the prison doors to every inmate eligible for resentencing under California's revised Three Strikes Law," Lacey said. "Voters intentionally placed a high burden on prosecutors to protect public safety by conducting exhaustive reviews of each inmate's criminal record to determine if he or she is, in fact, suitable for release back into our communities. These are difficult decisions that have lasting effect on the quality of life in Los Angeles County."

Lacey asked the public to measure her office's commitment to Proposition 36 by the total number of cases evaluated – not the number of inmates resentenced. "The law is very clear: It does not require resentencing," the District Attorney said. "It requires a thorough evaluation of the inmate's criminal history and incarceration record to determine if he or she *poses an unreasonable risk of danger to public safety.*"

"These are career criminals with multiple convictions over their lifetimes. In determining suitability for resentencing, I have directed my staff to dig deep into each inmate's criminal history and incarceration record," Lacey said. "We review extensive prison, police and court records. Most are old. Some must be subpoenaed from other states and counties. We also contact crime victims, as required under Marsy's Law."

(more)

“An inmate who appears suitable for release based on his or her current offense may have a history of violence while incarcerated. Another may have been convicted of a nonviolent offense, but trial transcripts may show that the jury hung on a more serious and violent offense. At that time, prosecutors did not retry the defendant on the more serious crime because he or she had been sentenced to life in prison under the old Three Strikes Law.”

Shortly after being sworn into office on Dec. 3, 2012, Lacey created the Third Strike Resentencing Unit to address this new caseload. It currently is comprised of five full-time deputy district attorneys and one part-time deputy district attorney, paralegals and law clerks.

“We hand-picked a group of hard-working and dedicated attorneys to handle these difficult and extremely time-consuming cases,” Lacey said. “Before the first order was issued by the court, my prosecutors began identifying inmates whose suitability for resentencing was undeniable. They worked with defense attorneys and visited prisons to quickly assess who should be resentenced immediately. They also participated in developing the procedure currently being used by the Los Angeles County Superior Court to evaluate these cases.”

The District Attorney’s Office did not receive any additional resources to adjudicate these new cases. Nor is there a statutory deadline for completing their review. (The law states only that inmates must file resentencing motions within two years of the law’s enactment.)

“We have allocated the appropriate amount of available resources to these cases,” Lacey said, who added that the office will continue to monitor the caseload and add resources as appropriate.”

Los Angeles County has a long-standing policy against seeking a third strike for nonviolent or non-serious crimes, which is consistent with the revisions enacted under Proposition 36. As a result, most of its resentencing cases are more than 12 years old.

The District Attorney’s Office became a statewide leader in late 2000, when the office issued a policy to ensure that California’s Three Strikes Law was fairly and justly implemented in Los Angeles County. The policy became a model for Proposition 36, which was drafted with the assistance of the Los Angeles County District Attorney’s Office.

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#### **About the Los Angeles County District Attorney’s Office**

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to seeking justice for victims of crime and enhancing public safety. Annually, the [Los Angeles County District Attorney’s Office](#) prosecutes more than 60,000 felonies and 140,000 misdemeanor crimes.