



# IN (JUSTICE) in RIVERSIDE

## A Case for Change and Accountability

District Attorneys (DAs) wield significant influence over criminal justice proceedings. They decide whether to bring charges, what charges to bring, whether to file additional sentence enhancements, or even whether to pursue the death penalty. DAs have historically prioritized aggressive “tough-on-crime” prosecution over rehabilitative justice, contributing heavily to the skyrocketing of incarceration.

This report highlights the current policies and practices of the Riverside County District Attorney Michael Hestrin’s office and makes recommendations for urgent reforms and structural changes. The full report outlines available information on the Riverside DA’s recent practices and calls on the office to initiate targeted reforms to reduce incarceration, criminalization, and racial disparities. The main findings and recommendations are summarized below.

### Charging Practices & Racial Disparities

Data provided by the Riverside DA reveals that 57.1 percent of the 455,992 charges filed between 2017 and 2020 were for low-level offenses that should have been declined to charge or diverted. Despite the rhetoric of the DA’s Office about targeting violent crimes, just 6.0 percent of all charges filed across this period were for serious or violent offenses. Between one third and one half of cases filed between 2017 and 2020 should not have been criminally charged at all, because they only included these low-level offenses. In fact, the five most common charges filed in Riverside are all low-level offenses.



### Top 5 Most Common Charges, 2017–2020

Description	Charge Code	Charge Type	Recommendation	% Cases That Include This Charge
DUI	VC 23152(a)/(b)	Misdemeanor	Diversion	14.1
Possession of drug paraphernalia	HS 11364	Misdemeanor	Decline to charge	10.2
Driving with suspended license	VC 14601	Misdemeanor	Decline to charge	9.9
Possession of meth	HS 11377	Misdemeanor	Decline to charge	8.7
Petty theft	PC 488, PC 484	Misdemeanor	Diversion	4.8

Close to a third of cases also received at least one sentencing enhancement, which disproportionately lengthen the sentences of people of color.

### Racial Disparities in Criminal Cases filed by Riverside DA

Race/Ethnicity	Percent of Criminal Cases	Percent of Riverside County
Asian	1.0%	7.2%
Black	13.9%	7.3%
Latinx	48.8%	50.0%
Indigenous	0.4%	2.0%
Pacific Islander	3.4%	0.4%
White	32.3%	34.1%

In order to reduce criminalization and racial disparities, the Riverside DA's Office should:

- Institute the ACLU of Northern California's decline to charge and pre-file diversion lists, which would reduce the DA's caseload by one third;
- Institute a policy to presumptively charge wobblers as misdemeanors;
- End the use of sentencing enhancements; and
- End the use of the death penalty and immediately end legal efforts to reinstate executions in California.

## Diversion

Only 4.2 percent of adult cases filed between 2017 and 2020 were referred to diversion programs, despite the fact that 16.6 percent of all cases should have been automatically diverted. Another 16.8 percent of cases should have been entirely dropped, because they only included ACLU of Northern California's "decline to charge" offenses that are so low-level that formal diversion may worsen outcomes.



## Total Number of People Referred to Diversion or Alternate Courts, 2017–2020

Year	Felony Cases Referred	Misdemeanor Cases Referred	Total Cases Referred	Percent of Total Cases Referred
2017	330	1,860	2,190	4.0
2018	108	372	480	0.9
2019	1,579	2,186	3,765	7.2
2020	975	1,240	2,215	4.8
<b>Total</b>	<b>2,992</b>	<b>5,658</b>	<b>8,650</b>	<b>4.2</b>

In addition to automatically diverting charges on the ACLU of Northern California's diversion list and not filing extremely low-level offenses on the decline to charge list, the Riverside DA's Office should:

- Move delivery of all diversion programs to nonprofit community-based organizations and restrict the DA and Probation Department's role to referrals and oversight;
- Transparently and collaboratively develop evidence-based criteria for all diversion programs to expand diversion without widening the net of system involvement; and
- Track diversion referrals and completion by primary offense and by race for diversion access and outcome analysis.



## Police Accountability

Of the 60 people killed by law enforcement since the current DA took office in 2015, the office has criminally charged only one law enforcement officer, after initially clearing them of any wrongdoing.

In order to hold law enforcement accountable for their actions, the Riverside DA's Office should:

- Support the creation of an independent office—outside of the DA, Sheriff, local police departments, or other county actors—to investigate and hold law enforcement officers accountable for their illegal conduct; and
- Pledge to never accept law enforcement campaign contributions for future campaigns in order to reduce the possibility of a conflict of interest if prosecuting law enforcement officers.