



IN (JUSTICE) in SACRAMENTO

A Case for Change and Accountability

The Sacramento County District Attorney’s office holds an immense amount of power within the local criminal justice system. The DA’s office continues to uphold practices that have long fueled overcriminalization and mass incarceration.

Prosecutors decide who will be detained in jail before their court date, and who will be sent to state prison. They decide what crimes to charge, and they control the plea deals offered. Prosecutors largely control who ends up behind bars. This report presents findings on the policies and practices of the Sacramento DA to improve public awareness, strengthen accountability, and offer recommendations for structural and policy reforms. The main findings and recommendations are summarized below.

Charging Decisions

The Sacramento DA filed 97,716 charges between 2017 and 2018. Although Black people represent just 11 percent of Sacramento County residents, they represent 28 percent of people criminally charged by the DA’s office.

Seventy two percent of offenses were ultimately charged as misdemeanors and 28% as felonies. More than half (63%) of all charges were for offenses that should have been diverted or declined to be charged. In comparison, just 3 percent of all charges were for serious or violent offenses.

Half of the 45,779 cases filed between 2017 and 2018 only included low-level charges. These cases should not have been criminally charged or the DA could have handled them more effectively through diversion programs or service referrals, at a fraction of the cost.

Share of Black People in Sacramento County and Charged by the Sacramento DA



5 Most Common Low-Level Charges Leading to Conviction

Charge	Recommendation	Frequency	Percent of Charges Leading to Conviction
DUI – VC 23152(b)	Diversion	8,783	23
Meth Possession – HS 11377(a)	Decline to charge	1,705	5
Driving with Suspended License – VC 14601.2(a), VC 14601.1(a)	Decline to charge	1,593	4
Driving Stolen Vehicle – VC 10851(a)	Diversion	1,513	4
Petty Theft – PC 484(a)	Diversion	1,350	4
Total			40

The Sacramento DA's office should end overly punitive charging and sentencing practices by:

- Ending the over-criminalization of low-level offenses by instituting the ACLU's decline to charge and pre-file diversion lists, which would eliminate roughly 50% of the DA's caseload;
- Advising all prosecutors to presumptively file wobbler charges as misdemeanors; and
- Ending the use of sentencing enhancements, as San Francisco DA Boudin and Los Angeles DA Gascón have done.

Diversion

According to the data provided by the DA, only 1 percent of charges led to a diversion disposition. Although their office claims that more people are diverted than appears in their dataset, it is concerning that they do not comprehensively track diversion referrals and outcomes. Furthermore, information provided about their Deferred Entry of Judgement diversion program shows that they primarily divert extremely low-level charges like drug use, truancy, and driving violations, which the DA should decline to charge. Research shows that declining to charge extremely low-level charges like these leads to a lower likelihood of future system involvement.

The DA's office should expand access to diversion by:

- Reducing exclusion criteria and expanding eligibility criteria so that more people can benefit from alternatives to incarceration;
- Expanding collaborative and community-based diversion programs or services without net-widening (increasing the number of people involved in the criminal legal system).

Probation

Roughly 21,000 adults and 1,700 youth are on probation in Sacramento County. Black people make up 31 percent of people on probation, despite representing just 11 percent of the county's population. Approximately 15% of people on probation are reincarcerated due to probation violations, including minor violations like positive drug tests.

The DA's office should improve probation outcomes by:

- Partnering with the Probation Department to avoid overly punitive surveillance and management of people on probation; and
- Reducing the maximum probation period to 18 months, as research shows that less time on probation leads to cost savings and is not associated with increased recidivism.

Resentencing and Parole

Sacramento County does not appear to have resentenced anyone through the available legal mechanisms since 2019, which allows DAs to resentence individuals serving unjustly long sentences. Their office also reported attending nearly 300 parole hearings in 2017 and 2018 but stated they did not track whether they opposed release. People in Sacramento County are granted parole at a lower rate than the state average.

The DA's office should safely expand access to early release by:

- Resentencing people whose incarceration does not serve the interest of justice and adopting priority criteria in line with Los Angeles DA Gascón's resentencing policy so more people can safely return home;
- Instituting a parole policy where the Sacramento County District Attorney only involves itself in the process to support the release of individuals.

Police Accountability

There has been at least 35 police killings in Sacramento County since DA Schubert assumed office in 2015, but her office did not file charges in a single instance. Notably, she failed to charge any of the officers involved in the killing of Stephon Clark, an unarmed Black man who was shot to death by police officers in his grandmother's backyard in 2018.

DA Schubert should better hold law enforcement accountable by:

- Supporting the creation of an entity entirely separate from the DA's office for the purpose of prosecuting cases against law enforcement officials, which will help remove conflicts of interest; and
- No longer accepting donations from police unions, thereby removing their undue influence on campaign finance.