

**Interfaith Coalition for Justice in our Jails  
January 7, 2024**

**Questions & Answers about the work of the  
Office of the Alameda County District Attorney\***

**The District Attorney is elected by voters countywide and serves the entire County, including 14 cities and 6 unincorporated areas.** In her work Alameda County's DA Pamela Price interfaces with other justice officials, both elected (the sheriff and judges) and appointed (the county's public defender and chief probation officer). Members of the Board of Supervisors, who are elected, control the DA's budget.

**Has the DA eliminated cash bail?** Neither Alameda County nor the DA has eliminated cash bail. A person who is arrested and brought to jail is guaranteed a court hearing (arraignment) within 2 working days. Between booking and arraignment, the person might be released with or without supervision, held in jail, or released on bail. The county's uniform schedule of bail for misdemeanors and felonies specifies whether the arresting offense qualifies for bail, and in what amount. Also prior to arraignment, a deputy D.A. for charging reviews the case and decides what formal charges, if any, to bring against the individual.

In arraignment court, the Superior Court judge may reconsider the bail question in light of the announced formal charge(s), along with arguments brought forward by the prosecuting DA and defense attorney (public defender or private attorney). For a person pleading not guilty, weeks or months may elapse before the case is decided by trial or a guilty plea. Whether the person remains in jail during this time or is released with or without bail, is decided by the judge, consistent with the charges and the uniform schedule of bail.

**After the arresting police officer books someone into jail, how does the DA decide whom to prosecute?** Every district attorney and deputy district attorney in California is only allowed to charge or prosecute a case where they believe they can prove guilt beyond a reasonable doubt based on admissible evidence. In certain complex cases, the DA consults with her team, evaluates the case based on the evidence and the law, and advises her team as appropriate regarding the charge that is most consistent with the crime and related evidence.

**How is the work of the DA's office shared and does the DA herself review every case for charging?** The Alameda County's DA's office has 35 charging deputies in seven different locations who review and charge cases based on information from the arresting officer and the evidence available. The charging deputies are responsible for reviewing and charging of cases. The DA herself consults on relatively few cases. The DA's office has charged more than 60 people with murder in 2023.

**Does the DA's Office offer plea deals to alleged offenders? Does this affect whether or not they go to jail?** Primarily to keep the judicial system moving, the DA's office offers plea bargains in most cases. The number and type of plea bargains that happen every day since DA Price took office in January are not substantially different from the plea bargains that were offered under her predecessor or routinely approved by the Courts. Throughout the country, the vast majority of cases are settled through plea-bargaining; a very small percentage of cases actually go to trial. There's nothing unusual about Alameda County on this issue.

**Are gun or other enhancements charged by the DA's Office?** On a case-by-case basis after review and approval by supervisors, the charging deputies often add gun or other enhancements onto charges.

**What about adding special circumstances?** DA Price has adopted a policy that does not allow the special enhancement of life without the possibility of parole to be added onto a regular charge.

**What are potential sentences for murder and possession of a ghost gun?** Under California law, which prosecutors and the Superior Court must follow, the sentence for murder is 25 years to life and the sentence for use of a ghost gun (or any gun) in the commission of a crime ranges from 2-25 years.

**What kind of experience do members of the DA's staff have?** The DA's office has many prosecutors who have been there for numerous years. The prosecutors who head the five major branch offices, including the Wiley Manuel Courthouse, the East County Hall of Justice, the Family Justice Center, the Fremont Hall of Justice and the Consumer Justice Bureau have an average of 28 years of work experience.

**Does the DA meet with crime victims and their families?** DA Price can meet with crime victim's families but does not have the capacity to meet with all crime victims. She has highly qualified staff who work with victims on a daily basis. The DA's office served more than 12,000 victims in the first 10 months of DA Price's administration. Marsy's Law, which mandates certain rights and privileges for victims, does not include a requirement or right that the victim has to meet personally with the DA.

**What role does the DA have in reviewing and potentially releasing dangerous juveniles?** The DA's office does not decide which children under the age of 18 are released or whether other steps will be taken to incarcerate them. That decision is handled initially by the Alameda County Probation Dept. and ultimately by a Superior Court judge. Juvenile cases are confidential by law. Juvenile diversion programs are administered by the Alameda County Probation Dept.

**Who is responsible for jail conditions?** The Sheriff, not the DA, is in charge of the jail and conditions.

**Where does restorative justice fit in the current DA's efforts to deal with potentially dangerous or other offenders?** The DA's office does not currently offer a restorative justice option to victims although a project is being developed. The restorative justice program that will eventually be offered to victims will focus on the harm that they have suffered, what can be done to expedite their healing and improve the criminal justice system's response to their needs.

\* Much of the information in this document was provided through the Office of the District Attorney from its *What is Fact Vs. Fiction* study. With special thanks to ICJJ colleagues Brian Bloom, Myna Schwartz, Richard Speigman, and Merle Lustig for their research and clarification of some of the issues.