

# An Overview of Criminal Prosecutions

## Palos Verdes Estates Neighborhood Watch 2022 Annual Meeting



**Alva Lin**  
**Assistant Head Deputy**  
**Compton Branch Office**



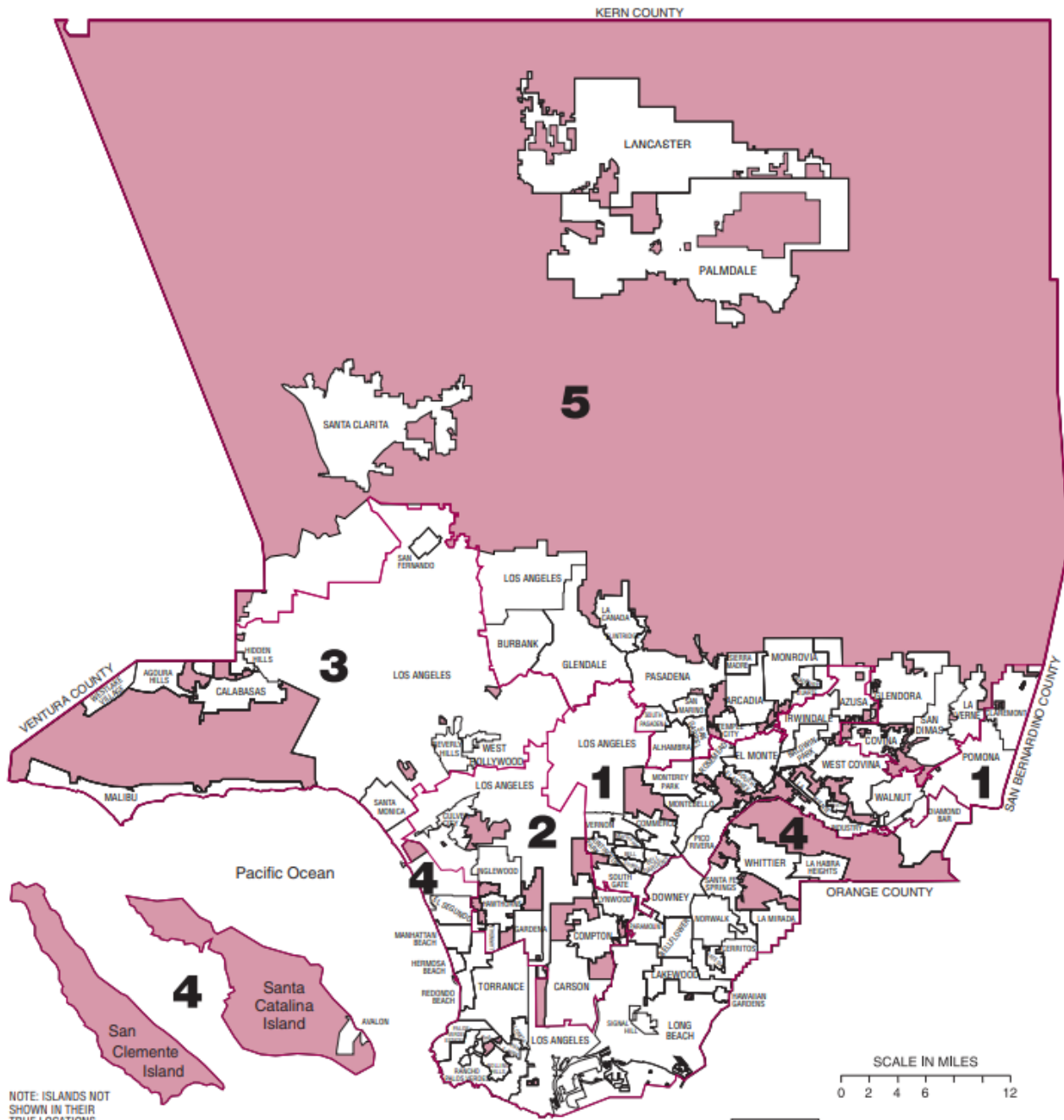
# County of Los Angeles

Most populous county in US

- 4,083 sq. miles
- 9.86 million residents

88 incorporated cities

County BOS – \$38.5 billion budget



NOTE: ISLANDS NOT SHOWN IN THEIR TRUE LOCATIONS

REV. 12/11 TA

- INCORPORATED AREAS
- UNINCORPORATED AREAS
- SUPERVISORIAL DISTRICT BOUNDARIES

4,084 SQUARE MILES

# LADA's Office



Largest local  
prosecuting  
agency in U.S.

900 attorneys, 250  
investigators, 800  
support staff

All felony  
offenses, most  
misdemeanors

# City Prosecutors

- **Burbank**
- **Inglewood**
- **Long Beach**
- **Los Angeles**
- **Pasadena**
- **Redondo Beach**
- **Santa Monica**
- **Torrance**
- **Hawthorne**
- **Hermosa Beach**



# Office Locations

- **HOJ – Administration and Specialized Units**
- **CSFCJC – Central Operations**
- **11 Branch Offices throughout County (Adult)**
- **8 Area Offices (Adult)**
- **7 Juvenile Offices**
- **Office locations typically in the courthouse (or close by)**

# Prosecution Overview

**Crime**  **Arrest** 

**Charge Evaluation (Filing)** 

**Arraignment in Court** 

**Pre-trial/Trial/Disposition**

# Charge Evaluation

## 2.01.01 BASIC CRITERIA FOR CHARGING

A deputy may file criminal charges only if the following four requirements are satisfied:

- There is legally sufficient, admissible evidence of all of the **elements** of the crime(s) to be charged;
- There is legally sufficient, admissible evidence of the accused's **identity** as the perpetrator of the crime(s) to be charged;
- The deputy, based on a complete investigation and a thorough consideration of all pertinent facts readily available, is satisfied the evidence proves the accused is **guilty** of the crime(s) to be charged; and
- The deputy has **determined** that the admissible evidence is of such convincing force that it would **warrant conviction** of the crime(s) charged by a reasonable and objective fact finder after hearing all the evidence available to the deputy at the time of charging and after considering the most plausible, reasonably foreseeable defense(s) inherent in the prosecution's evidence.



# Misdemeanor/Felony

## CA Penal Code § 17

- Defined by punishments
- Felony
- Misdemeanor
- Wobbler (can be either)
- Infraction

# Felony Punishment



CDJR P  
This map

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Map data ©2021 Google

Men's Central Jail in Downtown Los Angeles. | Photo by FG/Bauer-Griffin/GC Images

# Misdemeanor Punishment

**“Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.”**

**- Penal Code § 17(a)**

# “Wobbler”

- **Can be punished either by state prison or by county jail**
- **Maximum confinement as a misdms = 1 year in county jail**

# Felonies - Examples



# Misdemeanor Examples



# Wobbler

- **PC § 487 – Grand Theft**
- **PC § 245(a)(1), (a)(2), (a)(4) – Assault D/W**
- **VC § 23513 – DUI with injury**
- **PC § 273.5 – DV with injury**
- **PC § 530.5 – identity theft**

# Declination Policy

- **SD 20-13 (Dec 7, 2020)**
- **Charges shall not be filed:**
  - **PC 602, 415, 422, 647(f), 647(b-e), 653.22, 148(a)**
  - **VC 12500, VC 14601.1**
  - **HS 11350, 11357, 11364, HS 11377, 11550**



# Misdemeanor Courts

- **Mostly all purpose courts**
- **30 to 60 cases on calendar/day**
- **Arraignment, pre-trial, motions trials take place in same courtroom**
- **Assigned DAs/CPs and assigned PDs/APDs**

# **Diversion Programs**

- **Successful = no conviction**
- **Pre-booking (LEA)**
- **Pre-filing (DA)**
- **Post-arraignment (DA)**
- **Post-conviction (DA)**

# Misdemeanor Case

- **Arraignment: Diversion Offer**
- **Exceptions: 273.5, 243(e), 646.9, 290 registerable, DUI**
- **Pre-trial hearing/Motions**
- **Jury Trial Readiness**
- **Jury Trial**

# Misdemeanor Terms

- **Classes – AB 541, gun safety, DV, Anger Management, Parenting**
- **Community Service/Labor**
- **Restitution**
- **Criminal PO/Stay Away**
- **Maximum 1 year probation**

# Felony Courts

- **More specialized courts**
- **Arraignment/EDP Courts**
- **Preliminary Hearing Courts**
- **Felony Calendar Courts**
- **Dedicated trial-only courts**
- **Cases move through each court**

# Felony Case

- **Early Disposition/Pre-Preliminary Hearing/Bail Hearing**
- **Preliminary Hearing**
- **Superior Court Arraignment**
- **Pre-trial Hearings/Motions**
- **Jury Trial Readiness**
- **Jury Trial**

# Felony Terms

- **Probation or Prison**
  - SD 20-08 – mandatory probation offer if probation eligible
- **Probationary terms**
  - 2 years max (some exceptions)
  - Community Service/Labor
  - Classes, programs, SAPO, restitution

# **Marsy's Law**

- **Marsy Ann Nichols, 21 yrs old**
- **USCB Student, stalked and murdered in 1983 by ex-boyfriend**
- **Defendant arrested and released on bail**
- **Nichols family not notified**
- **Became advocates for victim's rights**



# **Marsy's Law**

- **Notice of of victim's rights**
- **Charges and court dates**
- **Present at court dates**
- **Notice of release, settlement, restitution**
- **Refuse to interview or set conditions**

# Bureau of Victim's Services

- **Crisis intervention**
- **Emergency assistance**
- **Counseling referrals**
- **Case status notification**
- **Court escort and orientation**
- **Restitution assistance**

# Questions??

