

A low-angle, blue-tinted photograph of the Alameda County Court House. The building features classical architecture with large columns and a pediment. The words "ALAMEDA COUNTY COURT HOUSE" are inscribed on the facade. The sky is visible in the background.

# Measuring the Impact of Prosecutor-Initiated Resentencing in Alameda County

UC Berkeley Law

Criminal Law & Justice Center

## About the Authors<sup>1</sup>

The Criminal Law and Justice Center at UC Berkeley School of Law (CLJC) is a hub for research, education, and advocacy. Blending a data-driven approach with zealous advocacy, CLJC offers empirical insights into the intricacies of the legal system and policy outcomes.

CLJC's Resentencing Project contracts with local county agencies, including Alameda County, to assist with resentencing review. From 2024 through early 2025, CLJC had a Memorandum of Understanding with then-DA Pamela Price's office to assist with referrals for prosecutor-initiated resentencing under § 1172.1. Our contribution resulted in meaningful resentencing for 21 individuals. Since then, the CLJC has continued to measure the impact of prosecutor-initiated resentencing in Alameda County.

## UC Berkeley Law

Criminal Law & Justice Center

The image shows a stone wall with the Berkeley Law logo. The logo consists of the words "BerkeleyLaw" in a large, white, serif font, with "UNIVERSITY OF CALIFORNIA" in a smaller, white, sans-serif font below it. The background of the entire page is a photograph of a modern building with large glass windows and a red-tiled roof, set against a blue sky with white clouds. The building is partially obscured by a stone wall in the foreground.

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# Executive Summary

This report analyzes the impact of **Prosecutor-Initiated Resentencing (PIR)** in Alameda County under California Penal Code section 1172.1, focusing on cases processed between **October 2020 and January 2025**.

This discretionary power allows District Attorneys to refer individuals back to the court for sentence reductions based on pre- and post-conviction factors, with a strong presumption favoring resentencing unless the court finds an unreasonable risk to public safety.

An analysis of 165 total resentenced cases found that PIR led to significant reductions in both years of incarceration and state costs. The key findings include:

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## Cost Reductions

- Estimated cost savings to the State of California are substantial, ranging from an **annual marginal cost saving of approximately \$42.6 million** to an **annual average cost saving of approximately \$287.4 million**, using data on annual costs from the Legislative Analyst’s Office (LAO). Marginal cost reflects the cost to incarcerate one additional person in CDCR, while average cost reflects all fixed costs (i.e. staff salaries, facility maintenance, etc.) divided across the entire prison population.



**\$42.6m**

annual marginal  
cost saving



**\$287.4m**

annual average cost  
saving

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## Time Savings

- Resentencing resulted in **2,792 years of incarceration saved** across the included cases, based on a comparison of original and new sentence lengths (assuming parole at the earliest eligibility date for indeterminate sentences).
- The average length of time served among all 165 resentenced individuals was **approximately 21.8 years** of incarceration.



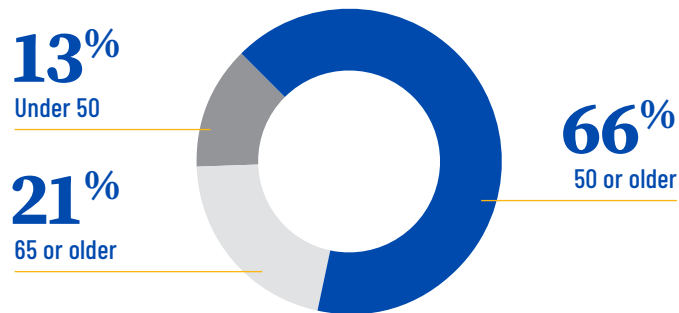
**2,792**

years of incarceration  
saved

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## Case Profiles

- The resentencing process provided relief in complex, long-term cases, including **the resentencing of 17 individuals originally given the death penalty and 33 individuals originally sentenced to Life Without Parole (LWOP)**. Research shows that individuals convicted of violent crimes, who have already served long sentences, are at a very low risk of recidivism.
- Furthermore, a significant portion of those resentenced were older adults, with **66% being 50 or older** and **21% being 65 or older**, aligning with research indicating lower recidivism risks in this demographic.



The report analyzes resentencings across two DA administrations. DA Nancy O'Malley initiated referrals in October 2020, resulting in 72 resentencings. DA Pamela Price then established a Resentencing Unit and developed comprehensive criteria for making referrals, leading to 93 resentencings. When DA Ursula Jones Dickson took office in early 2025, public court records indicate that she disbanded the Resentencing Unit, and began filing motions to withdraw DA Price's pending referrals, signaling a major policy shift.

The report concludes with recommendations, including the maintenance of a robust resentencing unit in the Alameda County DA's Office, and the reinvestment of these profound state cost savings into reentry and community-based public safety resources.

# Background and Context

California Penal Code § 1172.1 gives various law enforcement entities (California Department of Corrections, Board of Parole, Attorney General, Sheriffs, District Attorneys, and most recently Judges) the power to refer individuals who have been sentenced for a criminal conviction back to court for resentencing.

Upon receiving a referral, the convicting court has discretion to recall and resentence the individual, within legal parameters:

*There is a strong presumption favoring resentencing that can only be overcome if the court finds an unreasonable risk of danger to public safety.*

- Credit must be given for time served.**
- The new sentence cannot be longer than the original sentence.**
- Pre- and post-conviction factors should be considered.**
  - Pre-conviction factors include, but are not limited to: a history of psychological, physical, or childhood trauma; a history of intimate partner violence prior to or at the time of the commission of the offense; and youth at the time of the commission of the offense.
  - Post-conviction factors include, but are not limited to: the disciplinary record and record of rehabilitation while incarcerated; evidence reflecting that age, time served, or diminished physical condition have reduced the defendant's risk for future violence; and evidence reflecting that circumstances have changed since the original sentencing so that continued incarceration is no longer in the interest of justice.
- There is a strong presumption favoring resentencing that can only be overcome if the court finds an unreasonable risk of danger to public safety.**

Additionally, the following procedures apply in § 1172.1 recall and resentencing proceedings:

- Counsel must be appointed.**
- A status conference must be set in 30 days.**
- Resentencing can occur without a hearing if both parties stipulate to a new sentence.**
- Resentencing cannot be denied without a hearing.**
- Resentencing denials are appealable.**
- Victims have a right to be notified and heard in any resentencing proceeding.**

## History of Discretionary Resentencing Laws in California

### 2018

CDCR begins sending referrals

While California courts and CDCR have had some version of their current resentencing referral powers since the late 1960s, these powers were rarely used. In fact, CDCR only started sending referrals in June 2018.<sup>2</sup> This is the same year that Governor Brown signed into law two important amendments expanding the possibilities for discretionary resentencing.

### 2019–23

414 people released or had sentences reduced

AB 2942 gave District Attorneys the power to refer someone back to court for resentencing, and was the first prosecutor-initiated resentencing bill in the nation.<sup>3</sup> AB 1812 provided CDCR with specific funding to make resentencing referrals. Between January 2019 and January 2023, 414 people were released or had their sentence reduced as a result of CDCR-initiated resentencing alone. Estimated incarceration cost reductions from CDCR-initiated resentencing range from \$32.8 million to \$232 million.<sup>4</sup>

### 2021

Governor Newsom signs AB 1540 into law

However, as many courts started seeing resentencing referrals for the first time, many recommendation letters were ignored, summarily denied, or ruled on without a clear understanding of required procedures.<sup>5</sup> Because of this widespread confusion, advocates began working to clarify the law. Their efforts culminated in 2021, when Governor Newsom signed AB 1540 into law. In passing AB 1540, the Legislature emphasized the heavy fiscal burden and social costs to Californians of inordinately long sentences where shorter prison terms achieve accountability, punishment, and public safety goals.<sup>6</sup>

AB 1540's revisions to the resentencing provision of the California Penal Code substantially increased meaningful resentencing opportunities and sought to ensure consistency across state courts handling these referrals. The revisions (1) indicated that no conviction should be automatically excluded from resentencing; (2) explicitly encouraged courts to consider mitigating circumstances that no longer justified incarceration; and (3) created clear procedural rights for people being referred for resentencing, including the right to a speedy hearing, the right to counsel, the right to appeal, and a presumption in favor of resentencing.<sup>7</sup> AB 1540 also gave referral power to the Attorney General in cases that their office originally prosecuted.

### 2022

Legislature passes AB 200

Shortly thereafter, the Legislature passed AB 200, which made clear that DAs have authority to resentence individuals who were imprisoned for life or sentenced to death.<sup>8</sup>

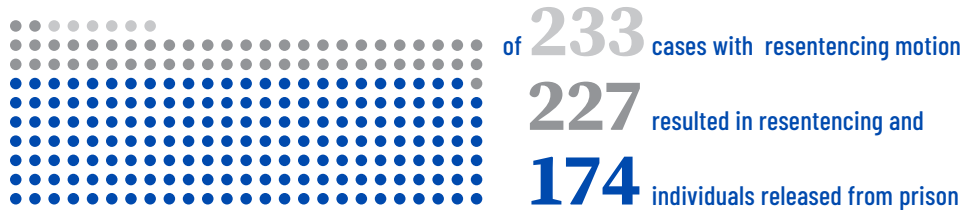
## Prosecutor-Initiated Resentencing

### 2021–22

Budget earmarks \$18 million to create the California County Resentencing Pilot Program

Following the passage of AB 2942, which went into effect on January 1, 2019, a growing number of District Attorneys started using their referral powers. The Governor's 2021-2022 Budget earmarked \$18 million over three years to create the California County Resentencing Pilot Program in nine counties<sup>9</sup> to establish policies and criteria for making referrals.<sup>10</sup>

RAND, a nonprofit research organization, was selected by the California State Legislature to independently evaluate the pilot program. Earlier this year, RAND released its findings from the three years of the program. Each of the nine counties studied developed its own eligibility criteria for resentencing consideration, focusing on factors such as age, conviction offense, and length of sentence. After finalizing these criteria, the counties collectively referred 240 cases to the courts for resentencing. Of the 233 cases for which courts had ruled on a resentencing motion, 227 resulted in resentencing, and 174 of those individuals have since been released from prison.<sup>11</sup>



The RAND report emphasized that prosecutor-initiated resentencing fills a gap in sentencing policies by focusing on crimes against persons, and recommended standardization of eligibility criteria and additional training for DA staff.

## Prosecutor-Initiated Resentencing in Alameda County

Although not part of the California County Resentencing Pilot Program, the Alameda County District Attorney’s Office began making resentencing referrals in October 2020 under the leadership of DA Nancy O’Malley. While we were unable to identify any written policies or criteria for making referrals from O’Malley’s administration, the data provided by the current administration shows that 72 individuals were resentenced upon referral during O’Malley’s tenure.

After O’Malley opted not to run for re-election in 2022, Pamela Price was elected and sworn in to office in January 2023. Under Price’s leadership, an official Resentencing Unit was created to “evaluate cases of incarcerated individuals whose sentences may be inconsistent with current law, emerging research, and/or [internal office] politics.” Price’s office developed written policies identifying priority categories for resentencing. They included:

- People who were minors at the time of the commitment offense and were sentenced as adults;
- People who were sentenced to LWOP, with a greater priority on pre-1990 cases;<sup>12</sup>
- People who were sentenced under California’s third strikes law;<sup>13</sup> and
- Women who had served more than half of their sentence.<sup>14</sup>

**2023**

Pamela Price sworn into office

In deciding to initiate a request for resentencing, prosecutors were instructed to consider the range of pre- and post-conviction factors outlined in § 1172.1 (described above), and any other changes or legislative amendments to sentencing laws since the time of the offense.<sup>15</sup>

## 2024

Price launches special review of death penalty convictions; voters recall Price

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In 2024, after U.S. District Court Judge Vince Chhabria mandated that Price’s office review all of the county’s death penalty convictions for prosecutorial misconduct, Price launched a special review of these cases.<sup>16</sup> She ultimately recommended resentencing in 30 cases, and 17 of these individuals were successfully resentenced according to the data provided by the current administration. Under DA Price, 93 individuals were resentenced, bringing the county’s total to 165.

## 2025

Supervisors appoint Ursula Jones Dickson as DA; Dickson disbands Resentencing Unit

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In November 2024, voters recalled Price, and the Alameda County Board of Supervisors appointed Ursula Jones Dickson to take over as DA in January 2025. Dickson previously worked as an Assistant District Attorney in the office for nearly 15 years (February 1999 to December 2013) and most recently had been sitting as an Alameda Superior Court Judge. At the time that she took office, at least 11 of Price’s resentencing petitions in death penalty cases were still pending.<sup>17</sup> According to public court records and interviews with former staffers, Dickson disbanded the Resentencing Unit and began filing motions to withdraw Price’s resentencing recommendations less than two months into her tenure, including for at least some of the remaining death-sentenced individuals.

# Methodology

On January 27, 2025, CLJC submitted a Public Records Act request to the Alameda County District Attorney’s office, seeking data on cases successfully resentenced upon DA referral.

The DA’s office returned a spreadsheet on these cases indicating the docket number, defendant’s date of birth, date of conviction, conviction offense, conviction type (trial or plea), original sentence, new sentence, and date of resentencing. The defendant’s race was not included in the data, and gender was indicated only for some female defendants.

The first resentencing included in the data occurred on August 26, 2019, and the final resentencing on January 23, 2025. The original spreadsheet included 167 entries, two of which were identified as duplicates, leaving a total of 165 cases.



We then entered the data into a tool developed by the Office of the State Public Defender (OSPD) to calculate the cost and time savings associated with resentencing. The tool uses three different metrics to estimate three variations of cost savings, including both marginal and average cost savings. Marginal costs are costs associated with incarcerating one more person in CDCR, while average costs reflect all fixed costs, such as staff salaries and facility maintenance, divided across the entire prison population.<sup>18</sup>

First, the tool estimates cost savings based on CDCR’s annual marginal cost to incarcerate a person in California, which is \$8,295.<sup>19</sup> This figure represents a low-end estimate, and contrasts with the tool’s second metric, the Legislative Analyst Office’s (LAO) annual marginal cost to incarcerate a person in California, which was \$19,725 at the time the 2024-25 budget was enacted.<sup>20</sup> Lastly, the tool estimates cost reductions based on LAO’s annual average cost to incarcerate a person in California, which was \$133,110 at the time the 2024-25 budget was enacted.<sup>21</sup>



The annual marginal cost is lower than the annual average cost because it generally only includes funding budgeted directly based on the size of the prison population, such as funding for food, clothing, and particular types of staffing.<sup>22</sup> It generally excludes funding that changes only when facilities are activated or deactivated, such as security spending, which is largely driven by the number and types of facilities that CDCR has activated rather than the number of people held in those facilities.<sup>23</sup> The annual marginal cost is used to estimate the fiscal effects of changes in CDCR's population that do not result in the activation or deactivation of specific facilities.<sup>24</sup>

Our reported cost savings are based on the LAO's annual marginal cost and annual average cost to incarcerate a person in California, given the neutral position of the LAO.

The tool estimates time savings by comparing the original and new sentence lengths following resentencing. For individuals originally sentenced to LWOP, remaining average life expectancy is used instead. To enable consistent measurement for indeterminate sentences (e.g., 15-to-life), the tool assumes parole would have occurred at the earliest eligibility date. As a result, cases where the new determinate term exceeds that base term (e.g., 15-to-life converted to 19 years determinate) are excluded from totals. Cases where a death sentence was reduced to LWOP are also excluded, as these shifts are not quantifiable.

# Findings

As explained in the Methodology section, cases where the new determinate term exceeds the base term of an indeterminate sentence (e.g., 15-to-life converted to 19 years determinate) and cases where a death sentence was reduced to LWOP are excluded from the calculations.<sup>25</sup> Out of 165 total cases provided in the data, we were able to analyze cost and time savings based on 137 cases.

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## *Prosecutor Initiated Resentencing in Alameda County Resulted in Significant Cost Savings to the State*

Using the LAO's annual **marginal cost** to incarcerate a person in California, prosecutor-initiated resentencing in Alameda County pursuant to Penal Code § 1172.1 resulted in **savings of approximately \$42,584,000**.

Using the LAO's annual **average cost** to incarcerate a person in California, prosecutor-initiated resentencing in Alameda County pursuant to Penal Code § 1172.1 resulted in **savings of approximately \$287,370,000**.

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## *Prosecutor Initiated Resentencing in Alameda County Resulted in Thousands of Years of Incarceration Saved*

As explained in the Methodology section, the tool estimates time savings by comparing the original and new sentence lengths following resentencing. To enable consistent measurement for indeterminate sentences, the tool assumes parole would have occurred at the earliest eligibility date.

Prosecutor-initiated resentencing in Alameda County pursuant to Penal Code § 1172.1 resulted in **2,792 years of incarceration saved**.

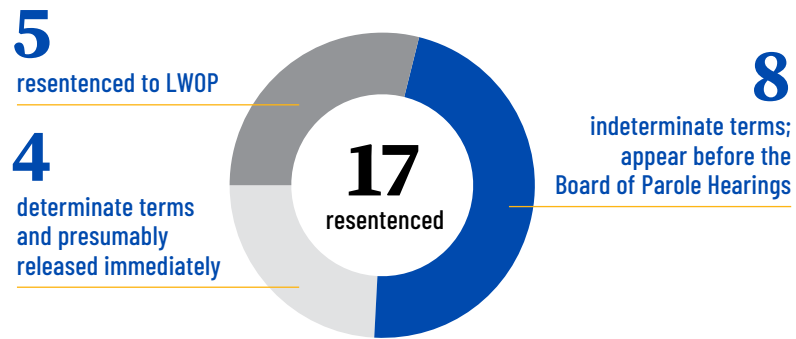
The individual who served the longest amount of time (as measured from date of conviction to date of resentencing) was incarcerated for approximately 49.4 years prior to resentencing. The individual who served the shortest amount of time was incarcerated for approximately 3.6 years prior to resentencing.<sup>26</sup>

The average length of time served among all 165 resentenced individuals was approximately 21.8 years in prison prior to resentencing.

## Resentencing Demographics

17 individuals who were originally condemned to the death sentence were resentenced.

- 5 death-sentenced individuals were resentenced to LWOP.
- Of the remaining 12 death-sentenced individuals, 8 were resentenced to indeterminate terms and will appear before the Board of Parole Hearings.<sup>27</sup> 4 were resentenced to determinate terms and presumably released immediately.

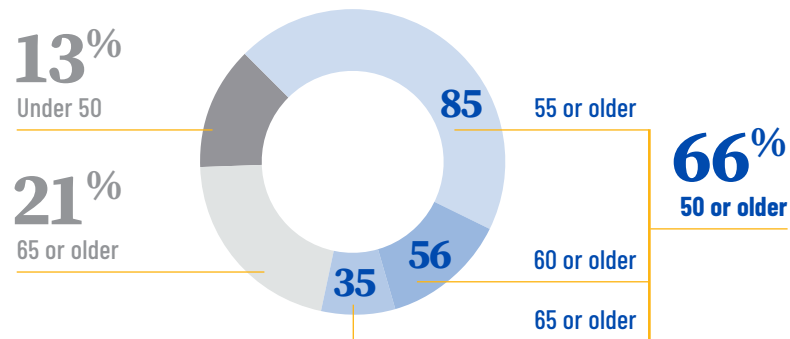


33 individuals who were originally sentenced to LWOP were resentenced.

- 26 of these individuals were resentenced to indeterminate terms. 10 of these individuals have since been released, and the remaining 16 will have the opportunity to appear before the Board of Parole Hearings.
- 7 of these individuals were resentenced to determinate terms and presumably released immediately.

109 individuals (66%) were 50 or older at the time they were resentenced.

- 85 (52%) were 55 or older at the time of their resentencing;
- 56 (34%) were 60 or older at the time of their resentencing;
- 35 individuals (21%) were 65 or older at the time of their resentencing;



Almost every individual who was resentenced had been convicted of a serious and violent felony.<sup>28</sup>

- 98 individuals were initially convicted of first or second degree murder under PC 187.
- 53 individuals were initially convicted of robbery under PC 211.
- Other convictions included: assault with a deadly weapon under PC 245 (19); burglary under PC 459 (18); manslaughter under PC 192 (9).

## Public Safety Impacts

The prosecutor-initiated resentencing process itself incentivizes rehabilitation as section 1172.1 directs both prosecutors and the courts to consider post-conviction factors, including an individual’s disciplinary record and record of rehabilitation. Many cases are initially referred for resentencing by prosecutors due to exceptional conduct and programming in prison, while having a recent rule violation, parole denial, or lack of demonstrated program participation are all reasons for declining to refer a case.

Early evaluations of prosecutor-initiated resentencing and the resulting recidivism rates support this reasoning. Former Los Angeles County District Attorney George Gascón initiated resentencing for 300 people, of which only 4 had reoffended at the time that Gascón was running for reelection in late 2024.<sup>29</sup> Similarly, a recent study of prosecutor-initiated resentencing in North Carolina found that only 1 of 64 people resentenced had returned to prison after their release.<sup>30</sup>

While we requested information on recidivism rates for the 165 individuals resentenced pursuant to prosecutor-initiated resentencing in Alameda County, the response we received indicated that the current administration does not make this data publicly available. Nonetheless, based on the demographics outlined above, recidivism rates for this group are likely to be extremely low.

For instance, research demonstrates that age is a significant predictor of re-offending: for people ages 50-65 years old, arrest rates drop to just over two percent, and for those over 65, the rate is almost zero percent.<sup>31</sup>

Additionally, extensive state-level data shows that individuals convicted of violent crimes are at low risk of re-offending.<sup>32</sup> For example, analysis of New York prison release data found that recidivism rates for people previously convicted of murder or non-negligent manslaughter were less than half that of the general population released from prison during the three years following their release.<sup>33</sup> For people previously convicted of murder specifically, “Of 368 convicted murderers granted parole in New York between 1999 and 2003, six [people], or 1.6% percent were returned to prison within three years for a new felony conviction—none of them a violent offense.”<sup>34</sup>

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Similarly, in Michigan, people paroled between 2007 and 2010 with convictions for second-degree murder, manslaughter, or a sex offense were about two-thirds less likely to be reimprisoned for a new crime within three years as the total paroled population, according to a 2014 study by researchers at the Citizens Alliance on Prisons and Public Spending. Over 99% of these individuals had not been re-imprisoned for a similar offense within the three-year study period.<sup>35</sup>

Finally, a recent report from the California Policy Lab examines recidivism rates for individuals who have been resentenced and released from CDCR via five of the most prominent resentencing policies enacted in California between 2012 and 2022.<sup>36</sup> Those are: Proposition 36 (non-violent third strike resentencing); Proposition 47 (resentencing for select drug and property offenses); CDCR-initiated resentencing (due to exceptional conduct or changes in sentencing law); felony murder reform (resentencing under SB 1437); and SB 483 (enhancement resentencing).

**5 policies that contributed to the release of approximately 9,500 people**

1. Proposition 36
2. Proposition 47
3. CDCR-initiated resentencing
4. Felony murder reform
5. SB 483

The researchers found that, together, these five policies contributed to the release of approximately 9,500 people. Specifically, they found that people resentenced and released after serving long sentences (a median of 12-16 years) had extremely low recidivism rates. Among those resentenced under Prop 36, CDCR-initiated resentencing, or felony murder reform, just 3% to 8% were convicted of any new offense within one year. Fewer than one percent (less than five people) released through CDCR-initiated resentencing or felony murder reform were convicted of a serious or violent felony in that time.

As mentioned above, the average length of time served among all 165 resentenced individuals was approximately 21.8 years prior to resentencing, indicating a low risk of recidivism based solely on length of incarceration. That risk is lowered even further when taking into account the age and convictions of this group of people.

## Personal Experiences<sup>37</sup>

### *BP, back home since November 21, 2024<sup>38</sup>*

After being resentenced by the Alameda County District Attorney, BP paroled back to Sacramento County. Released with only three days' notice, he had minimal time to prepare and left prison with just \$200 gate money on a debit card, a pair of shorts, and a t-shirt.<sup>39</sup> Despite these challenges, he found immediate stability through strong family support. The quick release prevented him from starting important processes like obtaining his birth certificate or connecting with rehabilitation services beforehand, other than what he had independently worked to set up from inside prison, forcing him to navigate these systems after his release.

His reintegration has been marked by determination and proactive engagement with available resources. Through a parole program connection to Center for Employment Opportunity, he secured a CalTrans job doing highway litter abatement. He earns \$1,200 monthly working three days a week due to physical disabilities. He has pursued additional certifications, including OSHA training and forklift operation, enrolled in Sacramento State's 8-week Reintegration Academy, and connected with the Department of Rehabilitation for education funding and mobility support. He credits prison mental health groups with preparing him most for release, helping him understand underlying issues from childhood. BP admitted that prior to prison he had "never really held an honest job" and is now learning basic life skills like managing taxes and paperwork.

BP described the prosecutor-initiated resentencing process as "lifting the spirits of hope" after being denied parole. He believes the process worked well, but wishes it had moved faster (he wrote the DA requesting such relief nearly two years prior to being resentenced), and emphasized that while prosecutor-initiated resentencing is positive, "incarcerated people have to put in the work too." He wants prosecutors to understand that most incarcerated people "have good hearts, but made mistakes" and that they shouldn't be prejudged based only on their past mistakes. BP advocates for expanding the pool of eligible individuals and believes people can "show them better than they can tell them" who they truly are.

*BP described the prosecutor-initiated resentencing process as "lifting the spirits of hope" after being denied parole.*

*“rehabilitation means returning to a state of habilitation that some people never had to begin with.”*

## ***RL, back home since January 24, 2025***

RL’s path to resentencing took three years from his initial application to the DA’s office before being recommended and approved. Upon resentencing, he was released quickly, but CDCR’s reentry coordination was minimal—a caseworker met with him just five days before release to offer housing, substance abuse treatment, and anger management classes. Having a strong family support system, RL declined transitional housing and chose to go home, where his family was “waiting with open arms.” This decision was particularly meaningful as he had full custody of his now 12-year-old daughter before incarceration, and she had been living with her mother during his time away. However, CDCR failed to enroll him in Medi-Cal, and post-release parole support proved inadequate. He was told resources had “dried up,” directed to a parole meeting a month after release, and when asking for job assistance, was simply told to “sign up for BOSS”<sup>40</sup> with no warm handoff or meaningful guidance.

The resentencing hearing itself was emotionally powerful for RL. Seeing the face of one of his victims on the monitor struck him deeply, confronting him with the pain he had caused to the point where he almost couldn’t look. Yet he also felt validated when the judge recognized his rehabilitation in front of his family, proving to them that his transformation was genuine. Five months out, RL was working as a peer case manager for a community non-profit, where he assists other formerly incarcerated individuals with family reunification resources—turning his experience into meaningful support for others. His biggest reentry challenge has been balancing being present for his children while facing the financial pressure of supporting them, requiring patience with himself and the process as he rebuilds his life step by step.

RL believes prosecutor-initiated resentencing is creating important incentives inside prisons, with people becoming more involved in self-help programming because they now recognize that rehabilitation offers a genuine possibility of going home. He wants District Attorneys to understand that incarcerated people are “normal human beings—fathers, uncles, aunts, brothers” with complex histories behind their actions. Many were groomed to believe violence was their only response or means of survival. As RL eloquently states, “rehabilitation means returning to a state of habilitation that some people never had to begin with.” While he acknowledges that not everyone is ready to come home, he advocates for individual consideration and understanding, emphasizing that when people yearn to understand and see the bigger picture, real insight and transformation become possible.

## Victim Impacts

This report does not measure the victim impact of prosecutor-initiated resentencing. However, § 1172.1 mandates that victims be notified of resentencing proceedings, and have the right to appear at those proceedings. Public court filings and records show that many victims choose to write impact letters and/or make statements at resentencing proceedings, with varying degrees of support/opposition for resentencing the defendant.

DA Dickson has claimed that “many of the victim’s families were not engaged or notified about resentencing efforts during the prior administration.”<sup>41</sup> In a declaration filed in a death penalty resentencing case, DA Price defended her office’s outreach to victims:

*“We set up and publicized a victim hotline. We had a contract with Broken By Violence, who held weekly meetings for survivors. We also looked at the records of services that the victims received and made sure to notify them if they were eligible for more therapeutic sessions or other services. We engaged Mend Collaborative, a restorative justice organization, to assist victims. Of course, some of the victims were unhappy. Some victims are always unhappy, and DA’s settle cases every day even when the victims are opposed.”<sup>42</sup>*

# Recommendations

Our analysis shows that prosecutor-initiated resentencing in Alameda County has had a significant impact, both in terms of cost savings to the state and years of incarceration reduced. We recommend that the Alameda County District Attorney's office continue to use their discretionary power to refer cases for resentencing where continued incarceration is no longer in the interest of justice, including those cases affected by racial disparities in sentencing.

Specifically, we recommend that the DA's office:

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## *Robust Resentencing Unit*

Re-establish a robust Resentencing Unit with sufficient attorney, victim services, investigative, and paralegal support to thoroughly review cases, gather records, and make public safety evaluations.

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## *Outside entities*

Contract with outside entities, including law schools, for additional support and resources in reviewing cases while maintaining the ultimate discretion to recommend a particular case for resentencing.

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## *Criteria for resentencing*

Develop criteria for resentencing, prioritizing broad categories of cases for review such as people who were sentenced to LWOP; people who were minors or young adults at the time of the commitment offense; people who are currently 65 or older. Prioritizing broad categories of cases for review increases the likelihood of identifying individuals who no longer pose a risk to public safety and may be recommended for resentencing.

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## *Recidivism rates*

Track recidivism rates for individuals who are successfully resentenced, and use the data to inform the types of cases that are prioritized for review going forward.

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## *Engage with victims*

Engage with victims early and often throughout the resentencing process, and offer healing resources outside of the traditional criminal punishment system such as continued partnership with Mend Collaborative.

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## *Reinvest cost savings*

Work with state and local government to reinvest cost savings from resentencing into reentry programs and community resources designed to prevent incarceration, thereby increasing public safety in the county.

## Conclusion

In preparing this report, we hope to demonstrate that prosecutor-initiated resentencing in Alameda County promotes public safety, impacts those individuals whose sentences are no longer in the interest of justice and provides them with an opportunity to reenter and positively contribute to society, and meaningfully reduces costs to the State of California. In following the recommendations we've outlined here, the Alameda County District Attorney's office can continue to achieve positive outcomes in a thoughtful and informed way.

## Acknowledgements

CLJC would like to thank the Alameda District Attorney for providing the data for this report; the Office of the State Public Defender for providing the measurement tool and expert consultation on the data analysis; the Alameda DA Accountability Table for their valued partnership and collaboration; UC Berkeley School of Law for supporting this important work; and last but certainly not least the impacted individuals who were willing to share their stories and experiences.

# Endnotes

- 1 This report was prepared by CLJC Staff Attorney Lecturer, Andrea Crider, and Legal Intern, Lindsay Newfeld, a second-year student at UC Berkeley School of Law.
- 2 Ella Baker Center, Back to Court: A Resentencing Guide for Penal Code § 1172.1 and New Sentence Enhancement Laws in California, 42 (August 2022) <https://ellabakercenter.org/wp-content/uploads/2022/08/EBC-Back-to-Court-2.0-Aug-2022-FULL-compressed.pdf>
- 3 In addition to California, five states – Illinois, Minnesota, Oregon, Washington, and Utah – have enacted prosecutor-initiated resentencing laws. Sara Cohbra and Becky Feldman, The Second Look Movement: An Assessment of the Nation’s Sentence Review Laws (The Sentencing Project, August 27, 2025) <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>
- 4 OSPD Fact Sheet on Impact of CDCR Initiated Resentencing.
- 5 Ella Baker Center, supra Note 1.
- 6 Stats. 2021, c. 719, § 1, (A.B. 1540).
- 7 Roxann Matthews, Resentencing in California: Update Following the Enactment of AB 1540 (UC Davis School of Law Social Justice Law Review, February 20, 2022) <https://sjlr.law.ucdavis.edu/blog/resentencing-california-update-following-enactment-ab-1540>.
- 8 See Penal Code section 1172.1, Stats. 2022, c. 58 (A.B. 200, effective July 1, 2022).
- 9 These counties were: Los Angeles, Santa Clara, San Francisco, Riverside, Contra Costa, San Diego, Yolo, Merced, and Humboldt.
- 10 Ella Baker Center, supra Note 1.
- 11 Lois M. Davis, et al., Evaluation of the California County Resentencing Pilot Program Year 3 Findings (RAND, July 30, 2025) [https://www.rand.org/pubs/research\\_reports/RRA2116-3-v2.html](https://www.rand.org/pubs/research_reports/RRA2116-3-v2.html).
- 12 The emphasis on pre-1990 LWOP cases is presumably due to a key difference in the law: pre-1990 special circumstance law (Penal Code § 1385.1) granted judges the authority to “strike” (or set aside) special circumstances. This exercise of judicial discretion allowed a defendant to receive a life sentence instead of death or LWOP, without overturning the conviction itself. This focus was also influenced by proposed legislation, Senate Bill 94, which aimed to reform what it considered draconian LWOP sentences and recognized their potential harm to public safety by requiring a review of these specific pre-1990 cases.
- 13 See Penal Code § 667, also known as the California Third Strike Law.
- 14 By almost any measure (e.g. rates of homelessness; mental health disabilities; experiences of violence), women in prison are worse off than men, both leading up to and during incarceration. Furthermore, the underlying causes of women’s criminal behavior, including trauma, mental health disabilities, and substance abuse, show that they would often be better served in community treatment programs rather than the criminal legal system. See Aleks Kajstura and Wendy Sawyer, Women’s Mass Incarceration: The Whole Pie 2024 (Prison Policy Initiative, March 5, 2024) <https://www.prisonpolicy.org/reports/pie2024women.html>.

- 15 See § 1172.1, subd. (a)(2), requiring that the court “shall apply the sentencing rules of the Judicial Council and apply any changes in law that reduce sentences or provide for judicial discretion so as to eliminate disparity of sentences and to promote uniformity of sentencing.”
- 16 Cayla Mihalovich, “New Alameda County DA change course on historic death penalty resentencing,” (Cal Matters, May 30, 2025) <https://calmatters.org/justice/2025/05/death-penalty-alameda-resentencing/>.
- 17 Darwin BondGraham, “Legal battles over tainted death penalty cases continue in Alameda County,” (Berkeleyside, October 16, 2025) <https://www.berkeleyside.org/2025/10/16/legal-battles-over-tainted-death-penalty-cases-continue-in-alameda-county>.
- 18 See Chris Mai and Ram Subramanian, “The Price of Prisons: Examining State Spending Trends, 2010-2015” at 15 (Vera Institute of Justice, May 2017) <https://vera-institute.files.svdcdn.com/production/downloads/publications/the-price-of-prisons-2015-state-spending-trends.pdf?dm=1568745781>.
- 19 Based on communication with OSPD.
- 20 Legislative Analyst’s Office, “How Much Does It Cost to Incarcerate a Person?” [https://web.archive.org/web/20250108142431/https://www.lao.ca.gov/PolicyAreas/CJ/6\\_cj\\_inmatecost](https://web.archive.org/web/20250108142431/https://www.lao.ca.gov/PolicyAreas/CJ/6_cj_inmatecost). Note that the LAO updated their average costs of incarceration in September 2025, based on the 2025-26 budget, but because the final resentencing in our data set occurred on January 23, 2025, we used the LAO’s estimations based on the 2024-25 budget.
- 21 Id.
- 22 Id.
- 23 Id.
- 24 Id.
- 25 Although cases where a death sentence was reduced to LWOP are excluded from our exact calculations, state-level studies have consistently found that the death penalty is far more expensive than a system that imposes LWOP as an alternative punishment. Individuals facing the death penalty rack up extraordinary legal costs, both during their initial trial and sentencing and in the often decades-long appeals process that follows, and almost all of these individuals cannot afford their attorney. As a result, these costs are borne by the state. Additionally, most death rows involve solitary confinement in a special facility, accruing additional staffing and maintenance costs for the state. See <https://deathpenaltyinfo.org/policy-issues/policy/costs>.
- 26 On January 1, 2022, SB 483 went into effect, which required resentencing for any individuals whose sentence included enhancements that were retroactively repealed by the bill (primarily enhancements related to prior drug convictions and prison terms). While the focus of prosecutor-initiated resentencing was lengthy sentences that no longer served the interest of justice, it was also used as a method to resolve cases under SB 483. This is likely why some individuals who were resentenced served less time than others, as their resentencing was required by law even if their case did not fall within one of the priority categories for prosecutor-initiated resentencing.
- 27 Each of these individuals was scheduled for a BPH hearing in 2025. 4 were denied parole for 3 years; 2 were denied parole for 5 years; and 2 waived their hearing.
- 28 Of the 165 people resentenced, some were convicted of more than one crime.

- 29 Hilary Blout (2025). Reimagining Roles: Prosecutor-Initiated Resentencing and the Arc of Justice. 30 Berkeley Journal of Criminal Law 233, 241.
- 30 Id.
- 31 Rebecca Silber, Alison Shames, and Kelsey Reid, “Aging Out: Using Compassionate Release to Address the Growth of Aging and Infirm Prison Populations,” at 3 (Vera Institute of Justice, December 2017). <https://vera-institute.files.svdcn.com/production/downloads/publications/Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations%E2%80%94Full-Report.pdf?dm=1568745464>.
- 32 See Ashley Nellis and Breanna Bishop, “A New Lease on Life,” (The Sentencing Project, June 30, 2021) <https://www.sentencingproject.org/reports/a-new-lease-on-life/#i-findings>.
- 33 Prescott, J. J., Pyle, B., & Starr, S. B. (2020). Understanding violent-crime recidivism. Notre Dame Law Review, 95(4), 1643-1698.
- 34 Nellis and Bishop, supra note 26.
- 35 Id.
- 36 Alissa Skog and Johanna Laco, “The Role of Second Look Policies in Reforming California’s Approach to Incarceration,” (California Policy Lab, September 2025) <https://capolicylab.org/wp-content/uploads/2025/09/Overview-Report-on-Second-Look-Policies-in-California.pdf>.
- 37 Sourced from interviews conducted by Andrea Crider, CLJC Staff Attorney, and are the perception and recollection of the individual interviewed. Claims have not been independently verified.
- 38 Names were changed for confidentiality purposes and respect for these individuals still navigating reentry. We thank them for being willing to share their stories.
- 39 Once resentenced, the clerk of the Superior Court sends the new sentence to CDCR. CDCR then has 5-7 days to process the new sentence. If a person is given credit for time served, and is not subject to any other holds or warrants, they will be released within that time.
- 40 BOSS stands for “Building Opportunities for Self Sufficiency,” and is a community non-profit that provides reentry assistance for formerly incarcerated and justice-impacted people.
- 41 BondGraham, supra note 16.
- 42 Id.

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