

## How Does California's Criminal Justice System Work?

In general, the criminal justice system does not respond to *all* crime because about two-thirds of all crimes are not discovered or reported to law enforcement authorities. And of those crimes reported to law enforcement officials, only about one-quarter are solved. In 1999, for example, only about 26 percent of all reported crimes were solved or "cleared" (that is, a person was charged with a crime). This figure has remained relatively stable for a number of years.

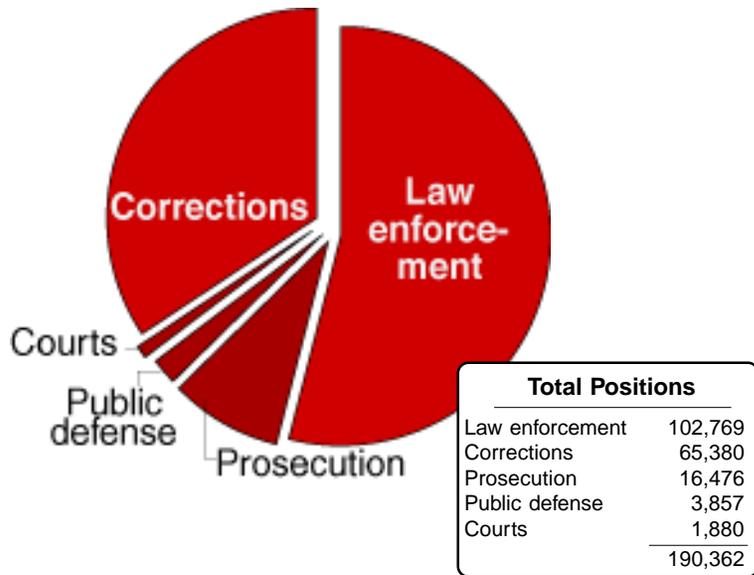
Following an arrest, a law enforcement agency may file a complaint against the individual and he or she may be prosecuted. Prosecution may result in the person being convicted. Persons who are convicted are given a fine or are sentenced to county probation, county jail, county probation with a jail term, state prison, or Youth Authority. The vast majority of convicted offenders end up on county probation and/or in jail.

Although the Legislature and Governor enact laws that define crimes and set penalties, criminal justice officials exercise a great deal of *discretion* in enforcing these laws. The greatest discretion is at the local level, when police decide whether to arrest someone for a crime, prosecutors decide whether or how to charge a person with a crime, and courts adjudicate suspected offenders.

- [Crime in California - Part 1](#)
- [Crime in California - Part 5](#)
- [CJSC Home Page](#)
- [CJSC Publications](#)
- [AG's Home Page](#)

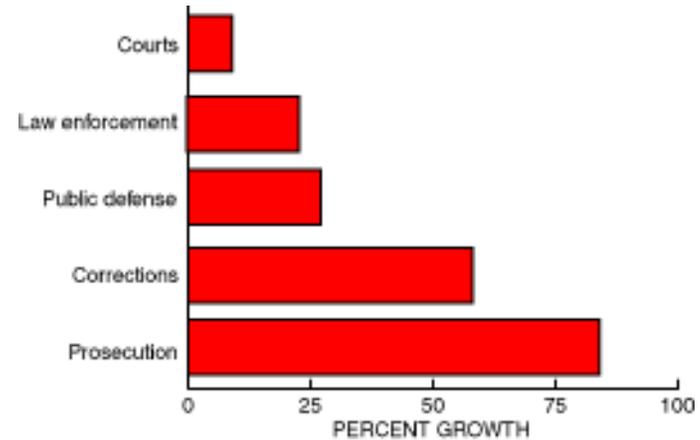
[U.S. Bureau of Justice Statistics](#)  
[FLOWCHART](#)

## Most Criminal Justice Personnel in Law Enforcement 1999



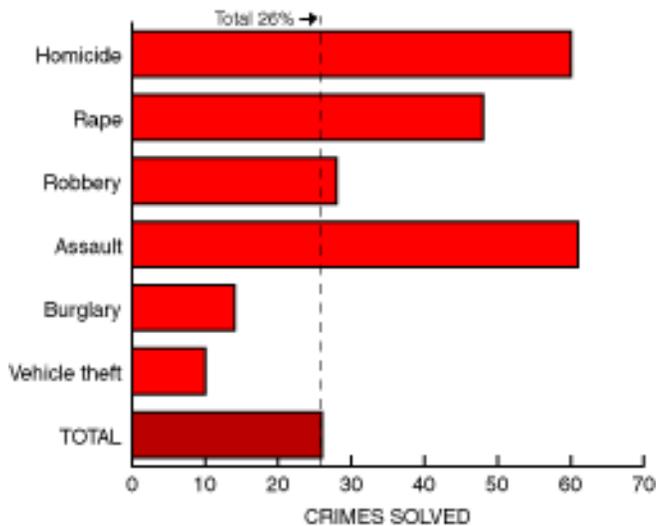
- Law enforcement personnel (police, sheriffs, CHP) make up about 54 percent of total criminal justice personnel. This proportion has declined from about 60 percent in 1989, although the total number of law enforcement personnel increased by 23 percent.
- Corrections personnel (probation, prisons, Youth Authority) make up about 34 percent of the total, up from 30 percent in 1989.

## Prosecution Personnel has Grown Most 1989 through 1999



- Prosecution personnel showed the largest increase (84 percent).
- Law enforcement (police, sheriffs, CHP), which is the largest portion of total criminal justice personnel, grew 23 percent.
- The state's total population increased about 18 percent between 1989 and 1999.

## Most Reported Crimes Not Solved 1999

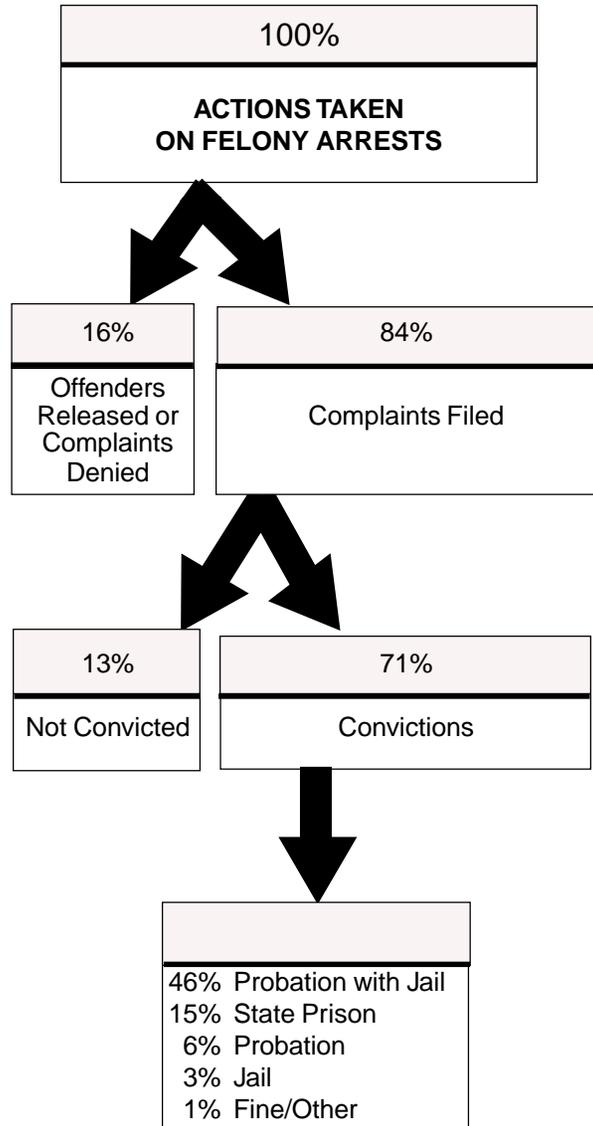


- Only about 26 percent of all reported crimes were solved in 1999. Violent crimes are solved more often than property crimes. In 1999, 61 percent of assaults and 60 percent of homicides were solved; 14 percent of burglaries and 10 percent of motor vehicle thefts were solved.
- The rate of crimes solved in recent years has been increasing, including a 16 percent rise from 1993-99.
- Generally, a crime is considered solved or “cleared” when at least one person is arrested, charged with the crime, and turned over to the court for prosecution or referred to juvenile authorities. In addition, a crime may be considered solved if authorities have ample evidence for arrest, know the location of the offender, but for some reason cannot take the offender into custody.

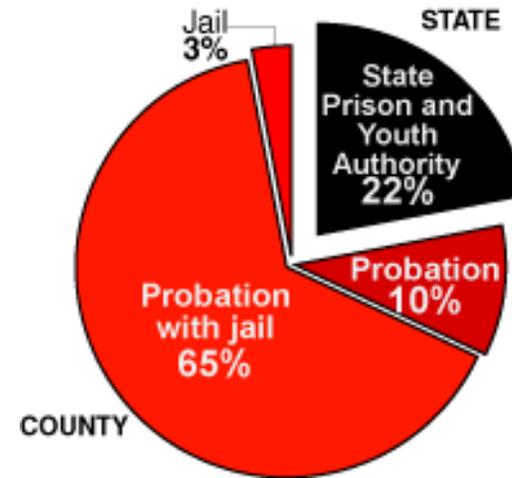
## Who Exercises Discretion in California's Criminal Justice System?

These Criminal Justice Officials . . .	Who Are Subject to the Control of . . .	Must Often Decide Whether or not or how to . . .
Police/Sheriffs	Cities/Counties	<ul style="list-style-type: none"> <li>• Enforce laws</li> <li>• Investigate crimes</li> <li>• Search people, premises</li> <li>• Arrest or detain people</li> <li>• Supervise offenders in local correctional facilities (primarily county sheriffs)</li> </ul>
District Attorneys (prosecutors)	Counties	<ul style="list-style-type: none"> <li>• File charges</li> <li>• Reduce, modify, or drop charges</li> <li>• Prosecute</li> </ul>
Judges	State	<ul style="list-style-type: none"> <li>• Set bail or conditions for release</li> <li>• Accept pleas</li> <li>• Determine delinquency for juveniles</li> <li>• Dismiss charges</li> <li>• Impose sentences</li> <li>• Revoke probation</li> </ul>
Probation Officials	Counties or Judges	<ul style="list-style-type: none"> <li>• Recommend sentences to judges</li> <li>• Supervise offenders released to probation in the community</li> <li>• Supervise offenders (especially juveniles) in probation camps and ranches</li> <li>• Recommend probation revocation to judges</li> </ul>
Correctional Officials	State	<ul style="list-style-type: none"> <li>• Assign offenders to type of correctional facility</li> <li>• Supervise prisoners</li> <li>• Award privileges, punish for disciplinary infractions</li> </ul>
Parole Officials	State	<ul style="list-style-type: none"> <li>• Determine conditions of parole</li> <li>• Supervise parolees released to the community</li> <li>• Revoke parole and return offenders to prison</li> </ul>

### What Happened to Adult Felony Arrests In 1999?

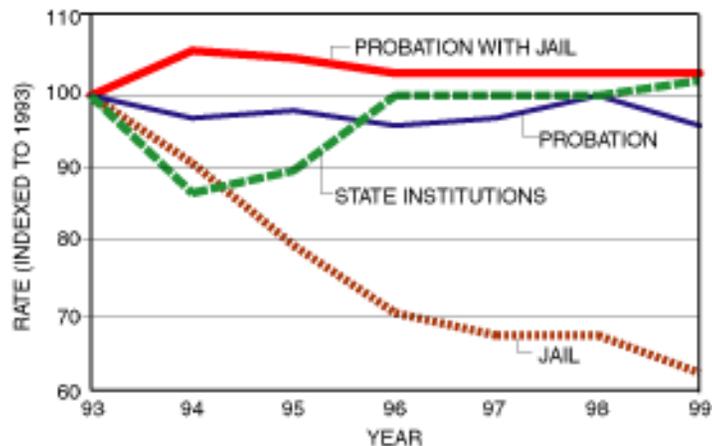


### Vast Majority of Convicted Felons Supervised by Counties 1999



- About 78 percent of convicted felons are housed and/or supervised by counties.
- Only 22 percent of all convicted felons are sentenced to the Department of Corrections or the Department of the Youth Authority.

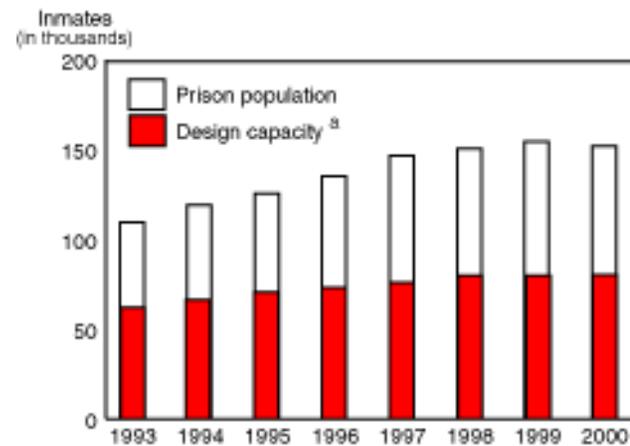
## Type of Sentencing Received by Felons Has Stabilized<sup>a</sup>



<sup>a</sup>Rates per 100,000 population, indexed to 1993.

- Since 1993, the type of sentencing showed little variation in each category except jail sentences, which have been declining.
- The proportion of felons sentenced to state institutions ranged from 18 to 22 percent of the total.
- The majority of felons received probation with jail sentences.

## Prison Population Exceeds Design Capacity (1993-2000)



<sup>a</sup>Excludes community-based beds.

Source: California Department of Corrections.

- From 1979 to 1999, design bed capacity increased threefold while the institution population increased by a factor of seven. This led to an overcrowding rate of 193 percent.
- Prison population projections from 2000 to 2005 are lower than previously forecast due to lower annual growth rates.
- The slower population growth is due to a decrease or slowing of admissions from court, less parolees returned to prison for new violations and fewer parole violators returned to custody. An increase in time served also played a role in the slower growth.

## A Profile of Criminal Offenders Supervised by Counties

Type of Offender	General Characteristics
County Juvenile Probationer	<ul style="list-style-type: none"> <li>• Male, about 16 years old, equally likely to be white (non-Hispanic), black, or Hispanic</li> <li>• From urban area</li> <li>• At least one year behind in schooling</li> <li>• Committed for property or drug-related offense</li> <li>• Likely to have had two or three other contacts (questioning or arrest) with law enforcement prior to most recent arrest</li> <li>• Likely supervised at home on probation, after short stay in juvenile hall</li> <li>• After completing probation, stands a good chance of not committing a new offense as a juvenile or an adult</li> </ul>
County Adult Probationer	<ul style="list-style-type: none"> <li>• Male, about 25 years old, more likely to be black or Hispanic</li> <li>• Committed nonviolent offense, usually property or drug-related offense</li> <li>• Served a few months in jail before beginning probation, although many are placed in drug or DUI diversion programs (instead of jail) and then are placed on probation</li> <li>• Generally not supervised during probation period, except to inform probation officer of whereabouts</li> </ul>
County Jail Inmate	<ul style="list-style-type: none"> <li>• Male, 18 to 55 years old (usually 25 to 30), more likely to be black or Hispanic</li> <li>• About half awaiting trial on misdemeanor charge, such as DUI, average stay is 19 days</li> <li>• Other half sentenced to jail or jail and probation for less than one year for a misdemeanor or low-level felony</li> </ul>

Source: Federal and state reports and interviews with selected counties.

## A Profile of Criminal Offenders Supervised by the State

Type of Offender	General Characteristics
State Youth Authority Ward	<ul style="list-style-type: none"> <li>• Male, 19 years old, from Los Angeles or Bay Area, more likely to be Hispanic or black</li> <li>• 65 percent were committed for violent crime</li> <li>• Has abused alcohol and/or drugs, but not incarcerated for drug-related crime</li> <li>• Sixth-grade education level</li> <li>• Likely to be committed only once to the Youth Authority, but has been arrested between 8 and 33 times - although not charged with a crime in many cases</li> <li>• Has been previously incarcerated in county juvenile hall and/or probation camp</li> <li>• Average stay will be 34 months, followed by parole in community</li> <li>• 66 percent chance of completing parole without committing a new offense as a juvenile or adult</li> </ul>
State Prison Inmate	<ul style="list-style-type: none"> <li>• Male, 20 to 34 years old, from southern California, more likely to be black or Hispanic</li> <li>• 55 percent were committed for nonviolent offense, usually a drug or property crime</li> <li>• Has a history of drug abuse</li> <li>• Eighth-grade education level</li> <li>• In prison for 20 months for nonviolent offense; 37 months for violent offense</li> <li>• Will be supervised in community on parole for one year after discharge from prison</li> <li>• About 55 percent will return to prison for less than one year for a technical violation of parole (a violation that did not result in criminal prosecution)</li> <li>• About 13 percent will return to prison for committing a new felony offense, most likely a property offense</li> </ul>

Source: California Youth Authority and California Department of Corrections.

## Who Is In State Prison?

Offenses	Prison Population December 31, 1999		1999 Admissions to Prison	
	Inmates	Percent of Total	Inmates	Average Term (years)
<b>Violent Offenses</b>				
Murder, First Degree <sup>a</sup>	8,908	5.6	434	-
Murder, Second Degree <sup>a</sup>	9,211	5.7	561	16.4
Manslaughter	2,728	1.7	322	10.7
Vehicular Manslaughter	426	0.3	121	7.2
Robbery	16,881	10.5	2,921	10.1
Assault with Deadly Weapon	9,653	6.0	2,492	6.0
Other Assault/Battery	8,737	5.5	2,666	5.0
Rape	2,116	1.3	272	26.3
Lewd Act with Child	6,302	3.9	1,274	12.7
Oral Copulation	696	0.4	98	27.7
Sodomy	228	0.1	30	16.8
Penetration with Object	357	0.2	77	11.6
Other Sex Offenses	1,813	1.1	680	5.2
Kidnap	2,303	1.4	188	15.1
<b>Subtotals</b>	<b>70,359</b>	<b>43.9</b>	<b>12,136</b>	<b>(-)</b>
<b>Property Offenses</b>				
Burglary, First Degree	7,900	4.9	1,628	6.9
Burglary, Second Degree	6,455	4.0	2,032	3.1
Grand Theft	2,666	1.7	1,185	2.8
Petty Theft with Prior	7,204	4.5	1,910	2.8
Receiving Stolen Property	2,906	1.8	964	2.7
Vehicle Theft	4,494	2.8	1,412	2.8
Forgery/Fraud	1,870	1.2	844	2.7
Other Property	581	0.4	218	3.2
<b>Subtotals</b>	<b>34,076</b>	<b>21.3</b>	<b>10,193</b>	<b>(-)</b>

## Who Is In State Prison? CONTINUED

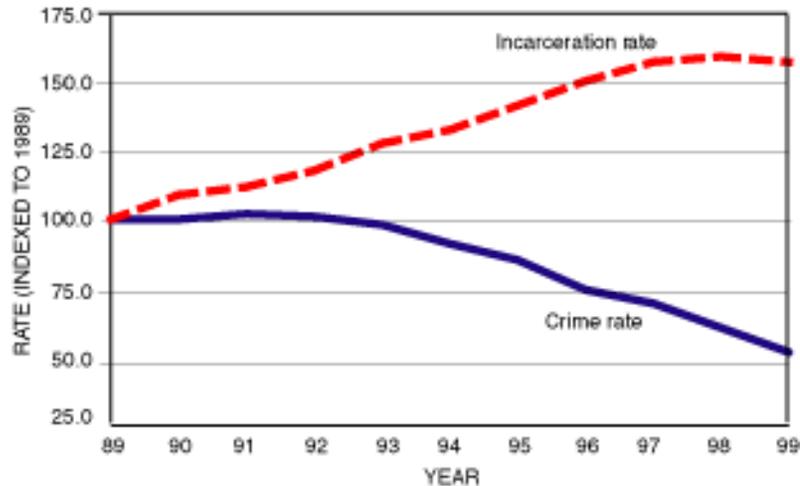
Offenses	Prison Population December 31, 1999		1999 Admissions to Prison	
	Inmates	Percent of Total	Inmates	Average Term (years)
<b>Drug Offenses</b>				
Possession	19,753	12.3	7,335	2.3
Possession for Sale	12,974	8.1	4,915	3.6
Sale	6,850	4.3	1,708	4.8
Manufacturing	2,992	1.9	1,214	4.4
Other drug	948	0.6	225	3.7
Marijuana Possession	27	-	13	1.6
Marijuana Possession for Sale	936	0.6	548	2.1
Marijuana Sale	714	0.4	295	3.0
Other marijuana	134	0.1	75	2.9
<b>Subtotals</b>	<b>45,328</b>	<b>28.3</b>	<b>16,328</b>	<b>(-)</b>
<b>Other Offenses</b>				
Escape	295	0.2	61	3.1
Driving Under the Influence	2,300	1.4	1,432	2.4
Arson	432	0.3	146	5.0
Possession of a Weapon	4,362	2.7	1,177	3.1
Other Offenses	3,108	1.9	1,446	3.5
Unknown (data unavailable)	427	0.3	17	7.7
<b>Subtotals</b>	<b>10,924</b>	<b>6.8</b>	<b>4,262</b>	<b>(-)</b>
<b>TOTALS</b>	<b>160,687</b>	<b>100.0</b>	<b>42,936</b>	<b>(-)</b>

<sup>a</sup>Sentence for Murder, First Degree is 25 to life, LWOP, or death.

Sentence for Murder, Second Degree is 15 to life.

Source: California Department of Corrections.

## Crime Rate Has Dropped While Incarceration Rates Have Risen<sup>a</sup> 1989 Through 1999



<sup>a</sup>Change in rate per 100,000 population.

- From 1989 to 1999, California's prison incarceration rate rose 58 percent, while the crime rate dropped 49 percent.
- Some researchers argue that incarcerating people for a longer period of time has an effect on the crime rate. In other words, the decrease in the crime rate is a direct result of the increase in the incarceration rate.
- Economic conditions, legislative changes affecting prison sentences, and other factors may also play a role in the reduction of crime.

■ [Crime in California - Part 1](#)

■ [Crime in California - Part 5](#)

■ [CJSC Home Page](#)

■ [CJSC Publications](#)

■ [AG's Home Page](#)

[U.S. Bureau of Justice Statistics](#)  
[FLOWCHART](#)