

California's Criminal Justice System

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Second Edition

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Series Note

Carolina Academic Press' state-specific criminal justice series fills a gap in the field of criminal justice education. One drawback with many current introduction to criminal justice texts is that they pertain to the essentially non-existent "American" criminal justice system and ignore the local landscape. Each state has its unique legislature, executive branch, law enforcement system, court and appellate review system, state supreme court, correctional system, and juvenile justice apparatus. Since many criminal justice students embark upon careers in their home states, they are better served by being exposed to their own states' criminal justice systems. Texts in this series are designed to be used as primary texts or as supplements to more general introductory criminal justice texts.

Preface

While each region in the United States is faced with its own unique issues relating to criminal justice, the policies and practices in California are perhaps some of the most dominant and dramatic applications of criminal justice policy in the United States. California represents one of the largest and most expensive criminal justice systems in the nation, and possibly the world. With over 135,000 people incarcerated each year,¹ a significant proportion of tax dollars are used to “keep people safe” from crime. Indeed, the state budget indicates that over thirteen billion dollars are spent on criminal justice and court programs each year.² Furthermore, with 461 separate law enforcement agencies employing over 120,000 employees (two-thirds of whom are sworn officers), California has more cops than any other state in the country.³

Given the recent economic downturn of the twenty-first century, the commitment to criminal justice issues is a significant one. California’s Three Strikes law, perhaps one of the most well known applications of a habitual offender law in the United States, has led to dramatic increases in the state inmate population. California’s drug laws have also played a significant role in the massive growth of the state prison population over the past three decades. In addition, we have the largest death row population in the nation (despite the fact that executions are rarely carried out in comparison to other pro-death regions). Indeed, these examples demonstrate that “tough on crime” philosophies are alive and well in the Golden State. Yet, we are beginning a course of decarceration that may dramatically alter how the California criminal (and juvenile) justice systems operate in the near future.

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1. http://www.cdcr.ca.gov/News/docs/2011_Annual_Report_Final.pdf.
 2. http://www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/1_cj_spending.aspx?catid=3.
 3. http://www2.fbi.gov/ucr/cius2009/data/table_77.html.

The purpose of this book is to introduce students to issues of criminal justice from a California perspective and describe how our past procedures have evolved into our current practices. The topics in this book reflect the structure, policies, and implications of the criminal justice system in California. In addition, we highlight some of the unique trends and examples of criminal justice that are at the heart of the state's criminal justice system. Historically, California has been at the center of many of the developments in criminal justice practices. Indeed, a review of the issues facing California can serve as an example for the nation as they confront issues and policies for criminal justice administrations.

Organization and Contents of the Book

The book is divided into thirteen sections, with each section focusing on a different subject related to the criminal justice system in California. Each section begins with an introduction to the issues and summarizes the basic themes related to the topic area and includes a discussion of the critical issues facing California's criminal justice system in the twenty-first century.

The first chapter provides an understanding of the nature of crime in California. This section begins with a discussion of the different data sources for crime rates and provides information regarding the extent of crime in California.

The second chapter focuses on the California constitution. Beginning with a discussion of the history of the constitutional process of lawmaking, this section highlights the formal and informal features of the constitution and concludes with a conversation on issues that impact the criminal justice system.

The third chapter focuses on lawmaking practices in California. This section highlights how laws related to criminal justice issues are created as part of the legislative process. In particular, California has an unusual direct democracy model that has direct, and substantial, implications for the criminal justice system.

Chapter four focuses on the twenty-nine different legal codes that make up the laws of the criminal justice system in California. For example, the Penal Code, which highlights the definitions of criminal activities (for example, what distinguishes the charge of second-degree murder from the charge of manslaughter) as well as the punishments proscribed under the law. This chapter also highlights other legal codes that have an impact on criminal justice operations, such as the welfare and institutions code.

Chapter five introduces the institution of policing in California. The section begins with a discussion of the history of law enforcement in California and

the significant contributions that our state agencies have made on the practice of policing both within the state and nationwide. The section then turns to a discussion of the organization of law enforcement, beginning with municipal and city districts, to the differing roles and responsibilities of the county sheriff divisions, up to the state-wide jurisdiction of the California Highway Patrol. Finally, the section concludes with a discussion on the current issues in policing such as the use of technology as a tool to fight crime.

The sixth chapter focuses on the structure and functions of the California courts system. Beginning with a discussion of the organization of the courts by jurisdiction and general duties (Superior Court, Appellate Court and the California State Supreme Court), this section continues with an introduction to the different actors within the courts system, ranging from the judges, prosecutors and defense attorneys to juries. The section concludes with a discussion the use of specialty courts and reforms to the court system.

The seventh chapter highlights correctional practices in California's criminal justice system. This section begins with a discussion of regional correctional systems, such as county jails, and the use of community corrections, such as probation, which allow offenders to remain in their communities while under the surveillance of criminal justice agents. The chapter then turns to a review of the California state prison system and how these facilities manage one of the largest prison populations in the nation. The chapter concludes with a discussion of recent legal challenges to the state correctional facility and their impact on the delivery of programs and services to the incarcerated population.

The eighth chapter focuses on the issue of realignment as the new "hot button" issue for California's criminal justice system. As a result of the U.S. Supreme Court's decision in *Brown v. Plata* (2011), California's penal institutions as well as our system of parole are facing significant changes. This chapter highlights the process of realignment and reports on the challenges that face the state in incorporating these practices.

Chapter nine highlights the application of the death penalty in California. Beginning with a discussion on the history of capital punishment, this chapter outlines the current practices related to the death penalty in the state. While California has the largest death row population, the number of modern-day executions is few. This chapter examines the practice of death and highlights why we carry out so few death sentences. The section concludes with a discussion of current issues related to the death penalty, such as the fiscal concerns of maintaining the death penalty and legal challenges to the execution process here in the state.

The tenth chapter focuses on the system of juvenile justice in the state of California. This section begins with a brief history of juvenile justice. It de-

scribes how juvenile offenders are processed in court and chronicles the events that led to the adoption of distinctly adult policies. The chapter explains juvenile corrections, and distinguishes between the different types of youth facilities, from county-run institutions to state facilities. The section concludes with a discussion of how recent changes to the Division of Juvenile Justice have impacted the delivery of services for youthful offenders.

The eleventh chapter discusses the role of gangs in California. The chapter begins with a historical review on the emergence of the different gangs in California, both in the community as well as within the state's penitentiary system. The chapter then turns to a discussion on the prevention, intervention and rehabilitation of gang members and highlights some of the unique programs and practices used by communities and the criminal justice system to address issues of gang violence.

Chapter twelve highlights the issues of victims' rights and victim services in the state of California. The chapter begins with a discussion on the evolution of the victims' rights movement. The chapter then turns to a discussion on the needs and resources for victims, through the use of examples such as rape crisis organizations and domestic violence shelters.

Chapter thirteen concludes the book with a discussion of employment trends in criminal justice. Here, students will learn about the requirements for jobs in policing, courts, and corrections and how to apply for these positions. In addition, students will learn about the average salaries for these jobs (and how they compare to similar positions throughout the United States) as well as the projected growth for these fields.

As you can see, this book provides a unique insight to the functions and issues of California's criminal justice system. Each section presents a critical component of the system and its presence within the state. As you will soon learn, California's criminal justice system is a pervasive force within the state and plays a significant role for the residents of the state and the United States as a whole.