

California's Criminal Justice System

Second Edition

Edited by
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&
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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 120,000 people incarcerated in state prisons and 81,000 in county jails each year,¹ a significant proportion of tax dollars are used to “keep people safe” from crime. Indeed, the state budget indicates that over 13 billion dollars are spent on criminal justice and court programs each year.² Furthermore, the criminal justice system in California employs more than 210,000 individuals³—the majority of whom (117,000) work in law enforcement. In fact, California has more cops than any other state in the country.⁴

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 an attempt to reduce the number of Californian’s ensnarled in punitive policies, voters passed Proposition 36 in 2000 to divert first-time drug offenders to treatment and revised the three strikes law (also Proposition 36) in 2012 to limit third strikes to felonies. In addition, California has some of the stiffest gang enhancements in the nation as well as the largest death row population in the

1. http://www.ppic.org/main/publication_show.asp?i=1061 and <http://www.cdcr.ca.gov/Reports/docs/CDCR-2012-Annual-Report.pdf>.

2. <http://www.lao.ca.gov/Publications/Detail/2687>.

3. http://www.cdcr.ca.gov/News/docs/2011_Annual_Report_FINAL.pdf and <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/candd/cd12/cd12.pdf>.

4. http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/77tabledatadecpdf/table_77_full_time_law_enforcement_employess_by_state_2012.xls.

nation. While California's criminal justice system has been a leader in implementing "tough on crime" philosophies, they have taken their toll on the Golden State. Indeed, recent court decisions have begun a course of deincarceration that may dramatically alter how the California criminal (and juvenile) justice systems operate in the near future.

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. It includes a discussion of the different data sources for crime rates and provides information regarding the extent of crime in California.

Chapter Two acquaints readers with the demographics of crime in California. Specifically, the first section examines the over-representation of racial and ethnic minorities in California's criminal justice system. The second section describes women's involvement in crime and the criminal justice system. Finally, the chapter concludes with a discussion of immigration and how immigrants are uniquely involved in California's criminal justice system.

The third chapter focuses on lawmaking practices in California. Beginning with a discussion of our federal and state constitutions, 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 29 different legal codes that make up the laws of the criminal justice system in California. These legal codes include 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 police departments, to the differing roles and responsibilities of county sheriffs, up to the state-wide jurisdiction of the California Highway Patrol and the California Attorney General's Office. Finally, the section concludes with a discussion of the current issues in policing such as ethics, the use of force, and how technology is used 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, and 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. It describes criminal justice realignment and details some of the intended and unintended effects of this new policy. 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.

Chapter Eight 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 ex-

ecutions 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 ninth chapter focuses on the system of juvenile justice in California. This section begins with a brief history of juvenile justice and the implications of various policies on the state juvenile population at different points in history. It describes juvenile crime, why juveniles commit crime, the juvenile court process, and juvenile corrections. It also chronicles the events that led to the adoption of distinctly adult policies as well as describes the newest policies that are intended to reduce the number of juveniles in state institutions. It concludes with a discussion of California's use of evidence-based programs in juvenile justice.

The tenth 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.

The eleventh chapter introduces readers to important crime policies from a California perspective. The chapter starts with an introduction to gun policy in California and explains how our policies differ from federal policies. The second part of this chapter details the extent of drug crimes in California then describes California drug policies, compares them to federal drug laws, and puts them into context with the rest of the United States. The final section of this chapter describes a wide variety of sex crime laws in California.

Chapter Twelve highlights the issues of victim's 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 of restorative justice practices within the state. Finally, it examines available 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.

New in the second edition

- Two completely new chapters on crime policies and the demographics of crime in California.
- Updated information and statistics in every chapter.
- Reorganized chapters that more accurately correspond to classroom lectures. Specifically, constitutional issues are now contained within the direct democracy chapter and realignment is contained within the corrections chapter.
- New material in many chapters, including: new policies in Chapter Three; discussions of ethics and education in Chapter Five; a discussion of risk factors, a status check of California's use of evidence-based programs for juveniles, and new statistics throughout Chapter Nine; and a new section on restorative justice in Chapter Twelve.

California Criminal Justice Timeline 1822–1969¹

1822	End of Spanish Rule in California. Mexican control begins.
1836	1 st vigilance committee formed in “Pueblo de Los Angeles.”
1846	1 st jury summoned by Walter Colton, 1 st American <i>alcalde</i> , in Monterey.
1848	Gold discovered at Sutter’s Mill. Treaty of Guadalupe Hidalgo signed — Mexico cedes California to U.S.
1849	San Francisco Police Department 1 st in state, Sacramento & San Jose PDs also formed. 1 st CA constitution ratified. 1 st state election (H. Burnett elected 1 st Governor, Edward J.C. Kewen elected 1 st attorney general, C.S. Hastings elected 1 st Chief Justice of State Supreme Court).
1850	California granted statehood and admitted as 31 st state. 20 sheriff’s departments formed. 1 st county election held in San Francisco.
1851	1 st state prison, a ship named “Waban” opens. New CA law makes robbery & grand larceny punishable by imprisonment or death. 1 st San Francisco Vigilance Committee formed.
1852	1 st prison built on land, San Quentin, is founded.
1853	Legislature approves formation of California Rangers to track down Joaquin Murrieta.
1859	San Francisco Industrial School, the 1 st house of refuge for juveniles in California, opened.
1872	Penal code becomes law.
1874	Construction begins on Folsom prison. When it opened in 1880 it was one of the first maximum security prisons in the nation.
1879	California constitution of 1879 approved. State Board of Prison Directors established. Private prison industries abolished.
1884	Wells Fargo created its own investigative division (313 stagecoach robberies in prior 14 yrs.).
1891	1 st state-run juvenile institution opened in Whittier. State assumes responsibility for executions.
1893	1 st parole law enacted.
1903	Law enables counties to establish juvenile courts. 1 st probation programs in the state.
1905	CA State Bureau of Criminal Identification created to maintain records on wanted persons and in custody.
1909	Law requires counties to maintain separate juvenile detention facilities.

1. All adapted, with permission, from the California Department of Justice, Criminal Justice Statistics Center’s “California’s Criminal Justice Time Line 1822–2000” which can be found at: <http://oag.ca.gov/sites/all/files/pdfs/cjsc/glance/tl4pg.pdf>.

California Criminal Justice Timeline 1822–1969 (*continued*)

1910	Alice Stebbins Wells becomes the 1 st police woman (with arrest powers) in CA & USA.
1911	Law provides that no intoxicated person shall drive.
1914	Los Angeles County creates Office of the Public Defender — 1 st of its kind in U.S. Walton J. Wood becomes 1 st public defender. U.S. Congress passed Harrison Act.
1916	August Vollmer develops 1 st formal, academic law enforcement program at UC Berkley.
1917	California adopts indeterminate sentencing system.
1920	Volstead Act (Prohibition) takes effect.
1926	1 st female judge, Georgia P. Bullock, elected to Los Angeles Municipal Court.
1927	Division of Narcotic Enforcement created as part of State Board of Pharmacy.
1929	California Highway Patrol created.
1930	Bureau of Criminal Identification & Information (CII) created & begins collecting data. State Teachers College at San Jose (now SJSU) is 1 st in nation to offer an A.A. degree in police training.
1931	CA becomes 1 st state to establish statewide reporting system to provide crime data. Act regulating sale, possession, transportation of machine guns approved. CA legislature establishes Board of Prison Terms and Paroles.
1933	21 st Amendment to U.S. Constitution repeals Volstead Act (Prohibition).
1935	Comprehensive Motor Vehicle Act distinguishes between drunk driving causing injury or death and all other types; also increases penalties for recidivism.
1938	1 st lethal gas execution carried out in California.
1941	California Youth Authority created; 1 st woman executed in San Quentin's gas chamber.
1942	Last official hanging occurs in California.
1944	Prison Reorganization Act restructures CA's penal system. State Departments of Justice and Corrections created.
1945	Bureau of Criminal Statistics (now Criminal Justice Statistics Center) formed to collect criminal justice data.
1959	CA established state-wide standards for police officers & created 1 st POST in nation.
1965	California establishes victims' compensation fund, 1 st in nation to do so.
1969	California Legislature enacts "Use a gun, go to prison" statute.

California Criminal Justice Timeline 1970–2013²

1971	Keldgord Report calls for restructuring of corrections in California, with emphasis on community-based alternatives.
1972	Death penalty ruled unconstitutional by California Supreme Court.
1974	Public vote results in reinstatement of death penalty in California.
1976	Law decriminalizes marijuana (<1oz = misdemeanor). California invokes determinate sentencing. Death penalty again ruled unconstitutional.
1977	Death penalty reinstated.
1981	Law provides mandatory minimum penalties for drunk driving convictions.
1982	California voters approve Proposition 8, the “Victims’ Bill of Rights.”
1985	CA DOJ’s Automated Fingerprint Identification System (AFIS) becomes operational (identifies Richard Ramirez as the “Night Stalker” serial killer).
1990	<i>Coleman v. Wilson</i> lawsuit filed by inmates alleging mental health violations in prisons. 1 st boot camp in California opens for juveniles in Los Angeles County. Blue Ribbon Commission recommends expanded use of punishment options, particularly community based alternatives, in response to prison overcrowding. Crime Control Act of 1990 passed by Congress prohibiting importation & manufacture of semi-automatic weapons and establishing gun-free school zones.
1991	1 st California drug court established in Alameda County.
1992	Jury acquits 4 LAPD officers in beating of Rodney King — results in 6 days of rioting, 54 deaths, 2,383 injuries, 13,000 arrests, and \$700 million in property damage.
1994	CA’s “Three strikes and You’re Out” law signed into law. President Clinton signs Violent Crime Control and Law Enforcement Act of 1994 (including 1 st Violence Against Women Act). Congress passes Brady Handgun Violence Prevention Act (CA law exceeds standards). Executions by lethal gas ruled unconstitutional by State.
1995	California State Police merge into California Highway Patrol. U.S. District Judge holds in <i>Madrid v. Gomez</i> that inadequacies in the mental and medical health care system, a pervasive pattern of excessive force against inmates, and the inclusion of seriously mentally ill inmates in security housing units at Pelican Bay State Prison violates the 8 th Amendment.
1996	California voters approve Proposition 215, “Medical Use of Marijuana” initiative. President Clinton signs “Megan’s Law.”

2. All adapted, with permission, from the California Department of Justice, Criminal Justice Statistics Center’s “California’s Criminal Justice Time Line 1822–2000” which can be found at: <http://oag.ca.gov/sites/all/files/pdfs/cjsc/glance/tl4pg.pdf>.

California Criminal Justice Timeline 1970–2013 (*continued*)

1997	Restorative Justice Program funded in Santa Clara County.
1998	CA voters passed Proposition 220, unifying municipal & superior courts in state. CA's Little Hoover Commission finds inadequate space in county jails & state prisons. CA DOJ implements Applicant LiveScan (allowing electronic submission of fingerprints and automated background checks). FBI announces the National DNA Index System (NDIS).
1999	1 st mental health courts established in California. Scandal erupts when former police officer Rafael Perez alleges widespread corruption in LAPD's CRASH Anti-Gang Unit housed at Rampart Station.
2000	USDOJ "consent decree," signed by Los Angeles mayor, calls for reforms and the appointment of a federal monitor in response to "Rampart Scandal." Voters approve Proposition 21, "Juvenile Crime Initiative," requiring more juveniles to be tried in adult court. Voters approve Proposition 36, "Substance Abuse and Crime Prevention Act of 2000," allowing certain drug offenders to receive treatment in lieu of jail. FBI creates the Internet Fraud Complaint Center to deal with new internet crimes.
2001	<i>Plata v. Davis</i> lawsuit filed by state inmates alleging constitutionally inadequate medical care in prisons.
2003	<i>Farrell v. Cate</i> lawsuit filed alleging CYA failed to deliver state-mandated rehabilitation.
2005	California Department of Corrections (CDC) became California Department of Corrections and Rehabilitation (CDCR). California Youth Authority (CYA) closed and became the Division of Juvenile Justice within the newly reorganized CDCR.
2006	President Bush signed Violence Against Women Act of 2005. Executions halted due to legal challenges surrounding lethal injection protocol.
2007	SB81 passed limiting juvenile offenders in state institutions to the most serious.
2008	California Legislature passed Marsy's Law, the Victims' Bill of Rights Act.
2009	<i>Plata & Coleman v. Schwarzenegger</i> Three Judge Panel requires prison reduction.
2011	U.S. Supreme Court rules, in <i>Brown v. Plata</i> , that overcrowded prisons violate inmates 8 th Amendment Rights. Governor Brown signs Criminal Justice Realignment legislation.
2012	Voters approve Proposition 36, changing the state's "three strikes law."
2013	LAPD no longer under the authority of a federal monitor.

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