

Dear Reader,

We are delighted to introduce the inaugural issue of the Robert Presley Center of Crime and Justice Studies' bulletin. The Presley Bulletin is a biannual publication that will highlight research and data relevant to emerging discussions about California's criminal justice system and topics of particular interest to our region. In addition to furthering our mission by disseminating research to enhance evidence-based practices and bridge academic and applied spheres, we hope these bulletins will serve as a resource to the practitioner community and create a dialogue within our criminal justice system. As well, the Bulletin will provide updates about the Center's research projects, public resources, and upcoming events.

For those of you unfamiliar with our work, the Presley Center is named for former State Senator Robert Presley. The Presley Center was established at UCR in 1994 by the State Legislature and sited at the Riverside campus as a part of the School of Public Policy. While the Center's mission encompasses a broad criminal justice studies and research approach, the overall focus is on current and emerging justice trends and issues. Our bi-annual bulletin is part of the Center's efforts to share data and information with practitioners and policy makers on crime trends that can impact criminal justice policy.



*Sharon S. Oselin*

SHARON S. OSELIN, PH.D.  
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Director (External)

## NEWS & EVENTS

### Presley Scholarship Fund

The Presley Center is delighted to announce the creation of the Robert Presley Scholarship fund for UCR students with an interest in the criminal justice system. To make a charitable donation in support of the fund, visit: [bit.ly/presley-scholars](http://bit.ly/presley-scholars)

### New Board Members

We welcome Senator Richard D. Roth and the Honorable Emma C. Smith to the Presley Center's advisory board. Senator Roth represents the 31st district in the California State Senate and Judge Smith was appointed to a Riverside County Superior Court judgeship in 2018.

### Data & Article Compendia

The Presley Center aggregates articles, reports, and datasets on criminal justice topics that are relevant to policy makers and their departments in the Inland Southern California region and throughout the state. We are pleased to announce the data and article compendia have launched and may be accessed at [presleycenter.ucr.edu/resources](http://presleycenter.ucr.edu/resources)

Check back regularly for updates.

[presleycenter@ucr.edu](mailto:presleycenter@ucr.edu)

Arrest rates in California have declined steadily since the early 1990's and recently hit historic lows; however, there is tremendous variation in arrest rates across the United States. California had the 12th lowest reported rate in 2017 with 3,428 arrests per 100,000 residents, which represents a 58% decrease since the peak arrest rate in 1989. This downward trend is reported for both felony and misdemeanor arrests.<sup>1</sup>

There is also a great disparity in arrest rates within California, whereby counties with higher population densities typically have lower arrest rates than those with lower densities.<sup>2</sup> This pattern is reflected in our region, with 2,479 and 5,000 arrests per 100,000 residents reported in Riverside and San Bernardino counties in 2016.<sup>3</sup>

**The IMPACT of POLICIES & PROPOSITIONS**

California's plummeting arrest rate is often celebrated as evidence of a decrease in crime, which belies the crucial role of the state's recent series of criminal justice reforms passed by elected legislators and through referenda. AB 109, Proposition 36, Proposition 47, and Proposition 57 have cumulatively decreased California's reliance on incarceration, in turn contributing to the decrease in the arrest rate. For example, after Proposition 47 reclassified 33 felonies as misdemeanors, the share of misdemeanor arrests in the

**AB 109 (2011)**

*Allows non-violent, non-serious, and non-sex (N3) offenders previously supervised by the State to be supervised at the County level; N3 offenders to serve sentences in county jails, rather than state prisons*

**PROP 36 (2012)**

*Revised three strikes law to allow for life sentence only for violent felony convictions and authorized re-sentencing for offenders serving life sentences for third strike convictions that are not serious or violent*

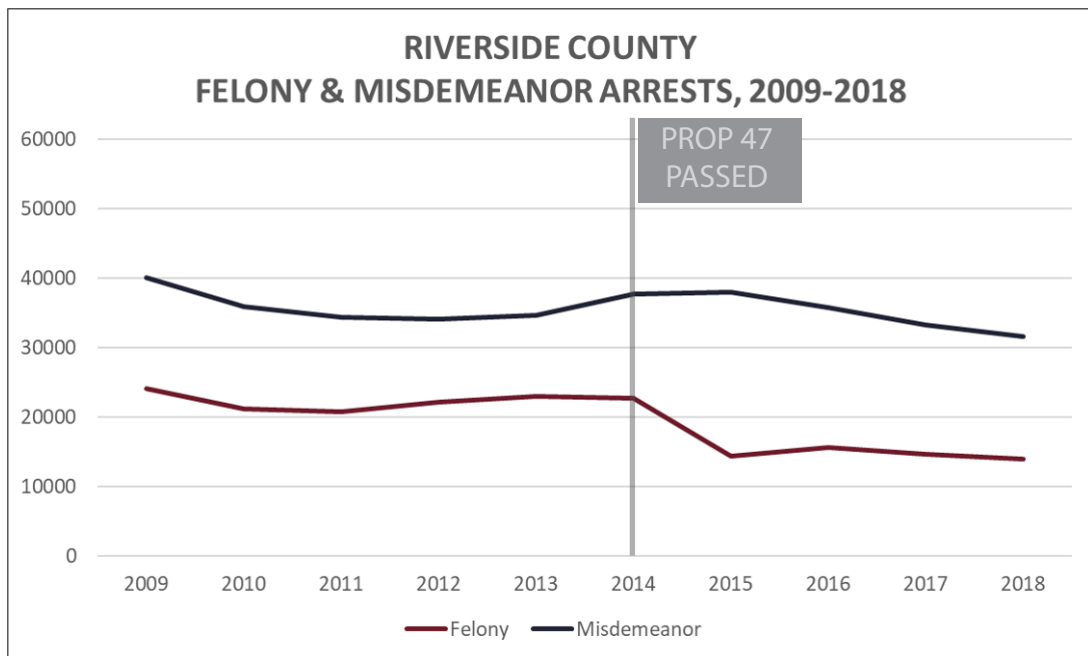
**PROP 47 (2014)**

*Reclassified 33 drug and theft felonies to misdemeanors, authorizes those serving sentences for felonies reclassified to misdemeanors to petition the courts, authorizes those who completed their sentences to petition the courts to reclassify their convictions from felonies to misdemeanors*

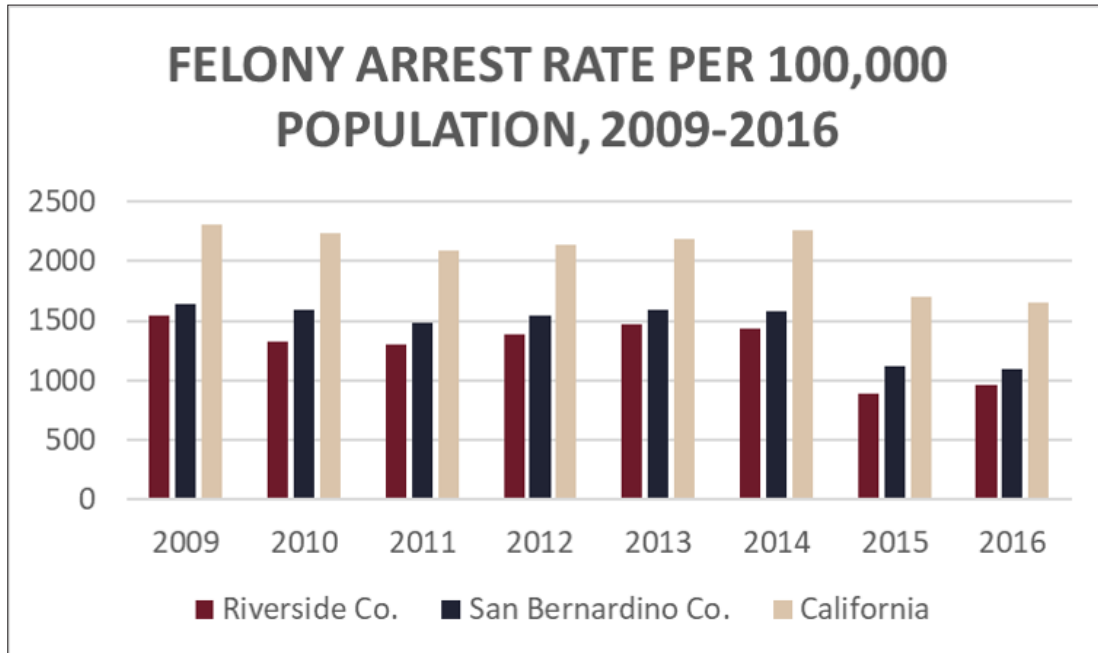
**PROP 57 (2016)**

*Incentivizes inmates to be responsible for their own rehabilitation by providing credit-earning opportunities and in-prison activities that support the transition to supervision for those with sustained good behavior*

*Arrest rates measure enforcement activity, whereas crime rates measure offenses reported to law enforcement, regardless of whether an arrest occurs.*



Source: "Arrest Rates from 2009 to 2018." Open Justice, California Department of Justice.



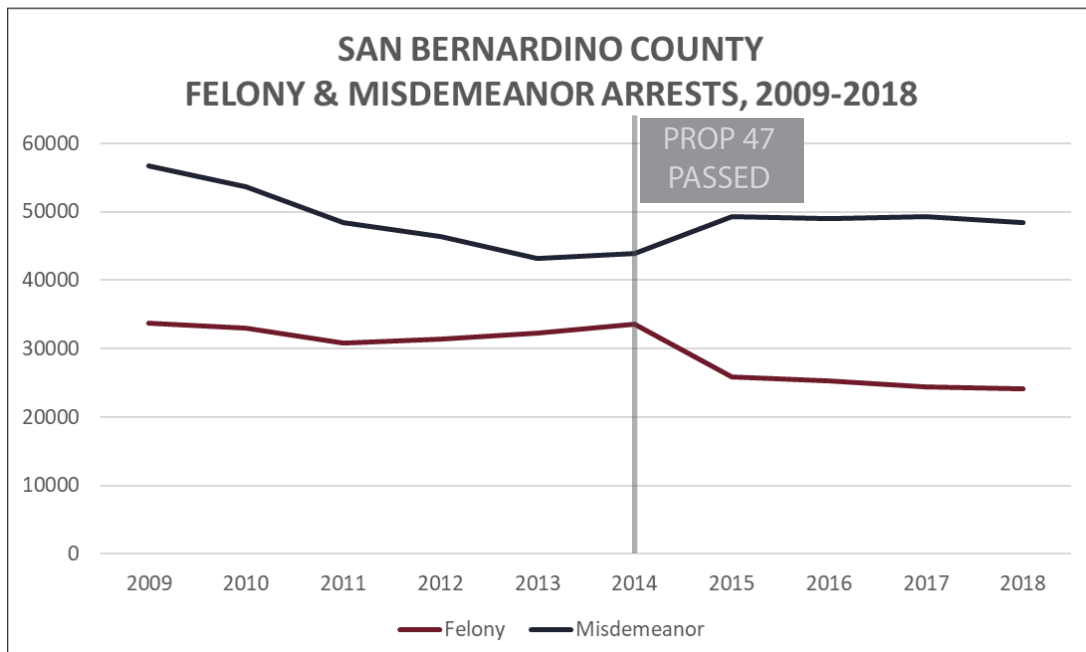
Source: "California Sentencing History." Center on Juvenile and Criminal Justice.

state predictably increased from 66% in 2014 to 74% in 2015.<sup>4</sup> However, it is of note that Riverside County’s felony and misdemeanor arrest rates have both declined since 2014, whereas San Bernardino County parallels the state’s post-Prop 47 trend with a decrease in felony and increase in misdemeanor arrests.<sup>5</sup>

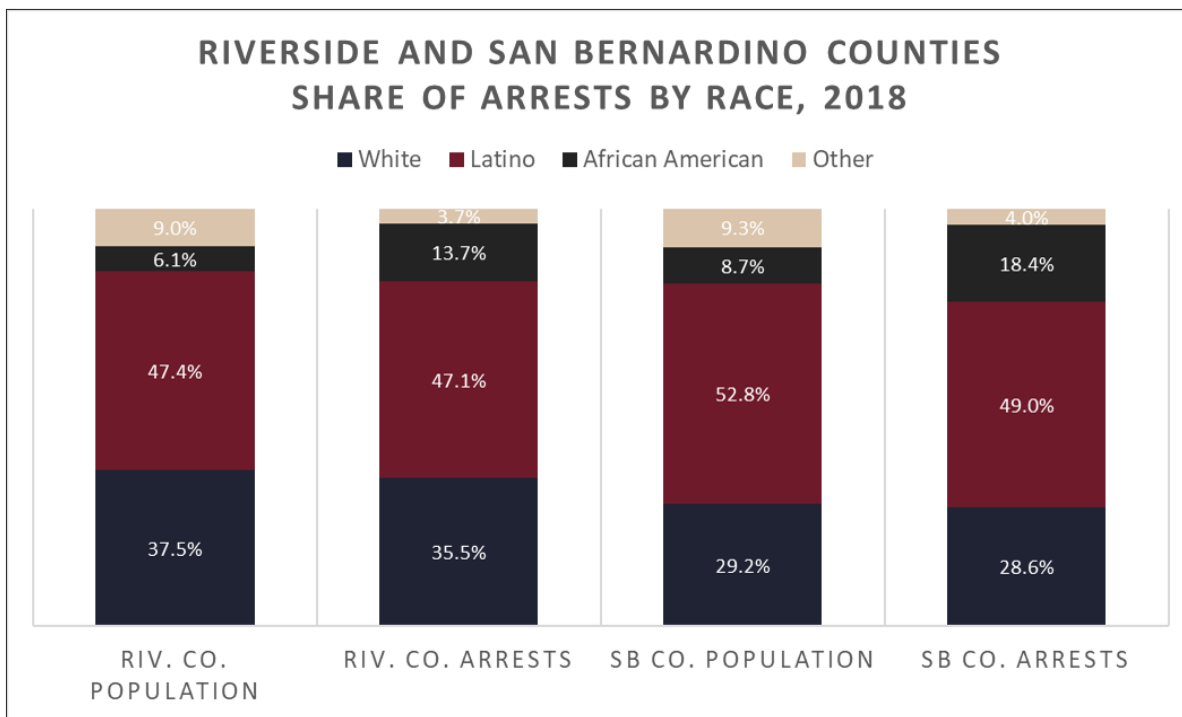
**WHO is ARRESTED in OUR REGION?**

**RACE:** Racial disparities in arrests are less pronounced than in the late 1980’s, but per-

sist. Across the state, the largest drop is among African Americans from ~23,000 arrests per 100,000 people in 1989 to ~12,000 arrest in 2016; a decrease of ~11,000 arrests per 100,000. For the same period, the arrest rates for Latinos and whites dropped by ~6,700 and ~3,100 arrests respectively.<sup>6</sup> That said, African Americans are still significantly overrepresented among those arrested in California, Riverside, and San Bernardino counties relative to their share of the population.<sup>7</sup>



Source: "Arrest Rates from 2009 to 2018." Open Justice, California Department of Justice.



Source: "Arrest Rates from 2009 to 2018." Open Justice, California Department of Justice; U.S. Census Bureau.

In 2015 California’s legislature passed the *Racial and Identity Profiling Act (RIPA)* in an attempt to eliminate racial profiling, improve diversity, and sensitivity in law enforcement by mandating law enforcement agencies collect perceived demographic data during all public policing stops.<sup>8</sup> A review of 50 years’ of arrest studies conducted across the United States found people of color are 30% more likely than whites to be arrested by virtue of their race when other factors for which there is available data (e.g. the crime for which the suspect is being arrested) are held constant.<sup>9</sup> There are different explanations for this outcome, where some studies attribute it to institutional or latent racial biases in arrests while others point to race-neutral factors – like the socioeconomic status of the suspect, the environmental context of the alleged crime, or other legal factors – as driving racially disparate outcomes. Significant data gaps and incongruities in reporting requirements make it difficult to make a claim about the independent effect of race on the likelihood of arrest with certainty, but RIPA takes an important step in requiring all California’s law enforcement agencies to collect data that will allow us to unpack the impact of race on propensity for arrest in the coming years. Moreover, additional analyses using the most current data are needed to uncover the various causes of differential arrest rates with better accuracy.

### PRACTITIONER PERSPECTIVES

“The recent decline in arrests is directly related to drastic changes in the criminal justice system. Most significantly, Proposition 47, labeled the “Safe Neighborhoods and Schools Act” reduced all drug possession crimes and non-violent thefts with value of less than \$950 from felonies to misdemeanors. This effectively results in no consequences for these crimes, especially in Riverside County where there isn’t jail space to hold misdemeanant offenders. Additionally, those suffering from drug addiction who were previously motivated to enter rehabilitation programs in lieu of prosecution are no longer enrolling because there is no real incentive to rehabilitate. There is likewise no incentive for line level law enforcement to take the time to arrest these low-level offenders in our turnstile justice system.”

-Mike Hestrin,  
Riverside County  
District Attorney

“I know this will sound strange and unsophisticated, but I just don’t know why there has been a decline in arrest rates. And, I don’t think anyone else knows either.”

-Steve Harmon,  
Riverside County  
Public Defender

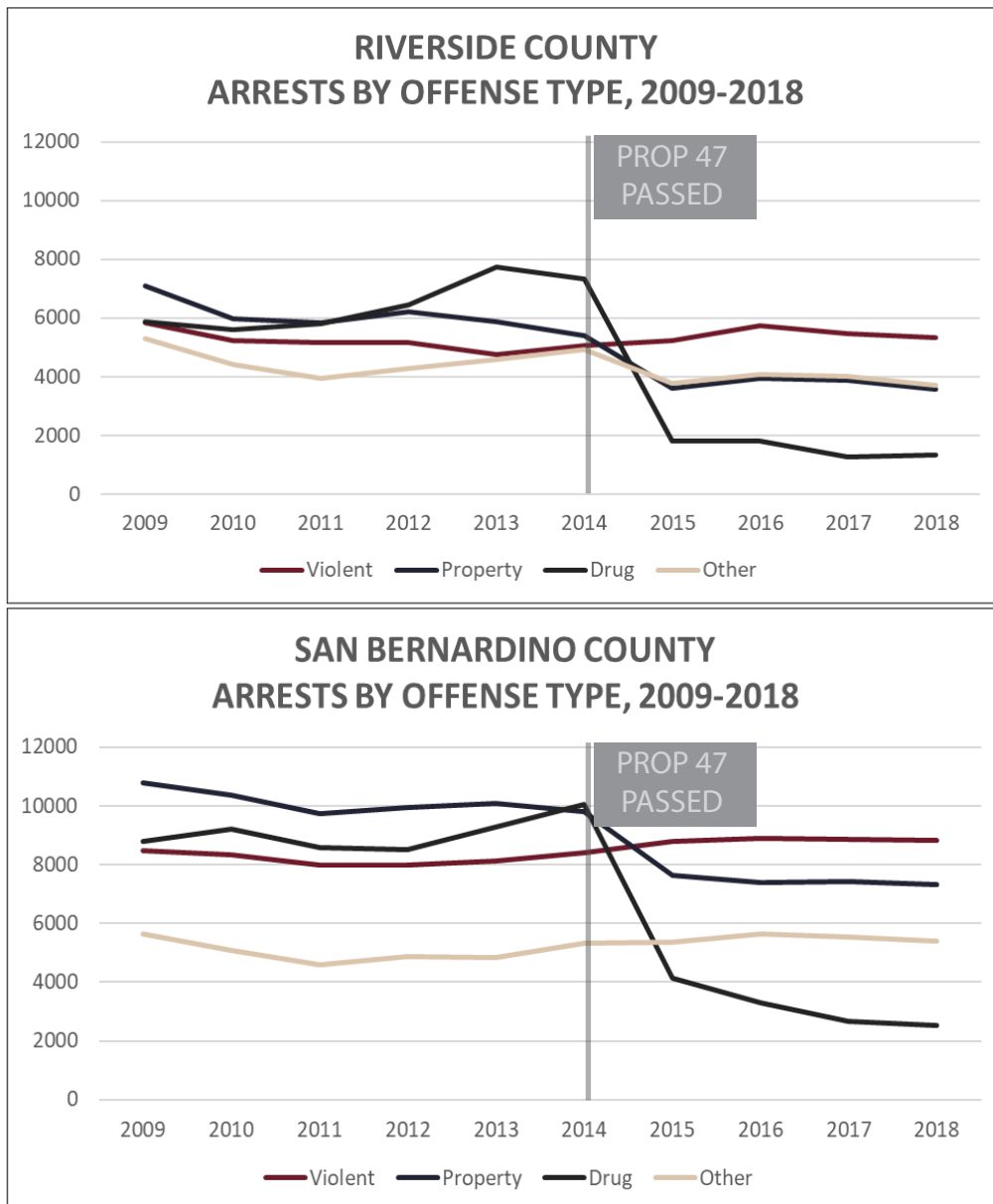
**GENDER:** While the disparity in arrest rates between the genders is well-documented, recent estimates from the Southern California Criminal Justice Association highlight the prevalence of lifetime arrest for men (43%) is more than double than what it is for women (17%) in the United States.<sup>10</sup> In 2017, 74% of arrestees in California and 78% of arrestees in Riverside and San Bernardino counties were men.<sup>11</sup>

This is particularly important given the widespread use of background checks and the importance of having a clean arrest record for employment and housing. Since nearly half of men self-report an arrest by the time they reach middle adulthood, there is evidence to suggest men

shoulder a heavy economic penalty as a result of interactions with the criminal justice system.<sup>12</sup> However, Riverside and San Bernardino counties' joint *Prison to Employment (P2E) Initiative* is a positive step in countering the deleterious effects of incarceration on employability, which may have spillover effects for those who have been arrested.

**WHAT are PEOPLE ARRESTED FOR?**

Between 2009 and 2018 violent crime increased by 1.3% and property crime decreased by 6.6% in California. However, focusing only on the state trends obfuscates the tremendous variation in violent and property crime rates between California's 58 counties. For the same period, San



Source: "Arrest Rates from 2009 to 2018." Open Justice, California Department of Justice.

## PRACTITIONER PERSPECTIVES

“The issues affecting arrest rates are complex and require many pieces of the puzzle to be looked at closely to see the entire picture. However, it is clear based on the statistics as well as what we see in probation that a large part of the decline is due to investments made to build a long-term sustainable system that relies on evidence-based and balanced approaches to public safety which appropriately utilize sanctions as well as incentives and invests in a lasting rehabilitative infrastructure to address the root causes of criminality and recidivism.”

-Chief Probation Officer  
Michelle Scray Brown,  
San Bernardino County  
Probation Department

“We do not believe there has been a decrease in crime in San Bernardino County. With the passage of recent legislation (Prop 47, 57, and 64) reducing certain crimes from felonies to misdemeanors and reducing sentencing enhancements, statistics taken out of context can be misleading. From 2014-2018, the Total Part I & II Crimes reported to our Department have reduced by 24%. This overall reduction is primarily driven by, Part II Crimes reduced by 35% and Part I Property Crimes reduced by 13%. We do not believe victims of Property Crimes, especially those of theft related incidents are as inclined to report those crimes as they were prior to the five-year period mentioned. Furthermore, most drug related cases are not being pursued in the same manner as they were in the past.

More significantly, and of major concern to public safety, is the consistent and dramatic increase to Part I Violent Crimes during this five-year period, which has risen 16%. The rise has been driven by the increases in Robbery, Simple Assaults, and Rape. When we analyze the data together, we do not believe there has been an actual decrease of crimes being committed.”

-Sheriff John McMahon,  
San Bernardino County

Bernardino and Riverside counties saw a 5.3% and 1.0% increase in violent crimes and a 9% and 1.3% decrease in property crimes, respectively. Our neighbors in Los Angeles County observed an increase of 4.1% and 3.9% in violent and property crimes, whereas our neighbors in San Diego County enjoyed a decrease of 15.1% and 14.7%, respectively.<sup>13</sup>

### The IMPORTANCE of a HOLISTIC INTERPRETATION of TRENDS

California’s recent criminal justice reforms are often credited by the media, elected officials, and other public outlets as driving the overall decrease in arrest and crime rates, but this narrative overlooks evidence from our counties. If policy were solely responsible for these changes, we would expect to observe similar impacts across the state as these changes were implemented from the top-down – from the state to its localities, in equal form. Instead, in the wake of California’s criminal justice reform we see tremendous variation in arrest and crime rates, including disparate felony and misdemeanor arrest trends in San Bernardino and Riverside counties and property and violent crime rates in Los Angeles and San Diego counties.

To fully understand the trends in our region and our state, we are compelled to consider the impact of forces external to the criminal justice system – economic conditions, employment opportunities, available supportive and mental health services – and the importance of decisions made by criminal justice practitioners at the county- and local-levels. To neglect the role of the counties and environmental context is to obscure the reality of the state of our criminal justice system. ■



## TAKE AWAY POINTS

- CA's arrest rate decreased 58% since its peak in 1989; in 2016 there were 3,428 arrests per 100,000 residents
- In 2017, CA had the 12th lowest reported arrest rate in the U.S; NY and TX had the 9th and 16th, respectively
- AB 109, Prop 36, and Prop 47 contributed to CA's arrest rate decline by decreasing reliance on incarceration
- Prop 47 correlated with a decrease in felony and increase in misdemeanor arrests across CA and San Bernardino counties, but both felony and misdemeanor arrests in Riverside County decreased for the same period
- Largest decline in arrest rates between 1989 and 2016 is among African Americans; however the African American arrest rate is still disproportionately high compared to share of the population.
- The Racial and Identity Profiling Act requires all law enforcement agencies within the state to collect perceived demographic data for all stops and will allow for deeper analysis of racial disparities in arrests
- Prevalence of lifetime arrest for men (43%) is more than double than for women (17%) in the United States; given widespread background checks for employment and housing, men shoulder heavy economic penalty as result of interactions with the criminal justice system
- Innovative programming – like Riverside and San Bernardino counties' joint Prison to Employment Initiative – can help mitigate the negative economic effects of arrest and incarceration

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