

THE IMPACT OF CHAPTER 42, STATUTES OF 1980
ON BURGLARY RATES AND SENTENCING PATTERNS

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Preliminary Findings

Chapter 42, Statutes of 1980 (SB 1236 Beverly), prohibits the courts from granting probation to persons convicted of residential burglaries, except in unusual circumstances. This measure took effect January 1, 1981, and is scheduled to lapse on January 1, 1985. Senate Bill 1331 would extend the provisions of Ch 42/80 indefinitely.

Chapter 42 also requires the Legislative Analyst to report to the Legislature on the effect that the measure has had on (1) the residential burglary rate, and (2) sentencing for residential burglars. Our analysis of Chapter 42's impact is nearing completion, and will be released next month. This paper summarizes our preliminary findings on the measure's effectiveness.

Our study relies extensively on data from the California Department of Justice, the United States Department of Justice, and the United States Census Bureau. In addition, we interviewed a number of local and state officials involved in the criminal justice system.

Criteria Used to Evaluate Chapter 42's Effectiveness

There are three distinct ways in which Chapter 42 could accomplish its primary goal: to reduce the number of residential burglaries. First, by increasing penalties, the bill could deter persons from committing burglaries. Second, by increasing the likelihood that convicted burglars would receive a prison term, Ch 42/80 could reduce residential burglaries

by keeping those prone to committing burglary in custody for longer periods of time. Obviously, while they are in custody, such persons cannot commit burglaries. Third, it is possible that imprisoning burglars will reduce their criminal activity after they are released, to the extent that (a) they develop improved skills and work habits as a result of participating in education or work programs, or (b) the severity of the experience acts as a deterrent to future criminal activity.

Problems Encountered in Determining the Measure's Impact

While it is reasonably easy to formulate criteria that should be used to gauge the bill's impact, applying these criteria is far more difficult. This is because:

- o Complete data are available for only two years--1981 and 1982--since Chapter 42/80 took effect. (Complete data for 1983 will not be available until later in 1984.)
- o Changes in burglary rates can result from factors other than policy changes, such as an increase in unemployment or a change in the age structure of the population.
- o Law enforcement policies, priorities, and operations (for example the increased use of "sting" operations) can also influence burglary rates.
- o Finally, citizen initiatives in crime control (for example, the "neighborhood watch" program) can affect the burglary rate.

As a result, we cannot expect to prove conclusively that Chapter 42 has been responsible for any change in the burglary rate.

Impact of Chapter 42 on the Burglary Rate

Both of the two sources of data on residential burglaries--the Uniform Crime Report (UCR) compiled by the California Department of Justice and the National Crime Survey conducted by the United States Census Bureau--indicate that California's burglary rate has declined since Chapter 42 became effective on January 1, 1981. UCR data indicate that the reduction has been 12.6 percent during this period, while the National Crime Survey data show a drop of 13.4 percent. Either way, it is clear that there has been a significant reduction in the rates at which homes in California are burglarized.

We cannot, however, attribute these reductions solely to the enactment of Chapter 42, for two principal reasons. First, burglary rates also have been falling in states that have not significantly increased penalties for burglary. Second, according to one of the two sources mentioned earlier, burglary rates in California have been falling since 1977, well before enactment of the measure.

Accordingly, it is not possible to draw firm conclusions about the magnitude of the measure's impact on the burglary rate in California from the data that is available.

It seems clear, however, that Chapter 42 has brought about at least some reduction in the rate at which residential burglaries are committed.

This is because as a result of the act, more burglars are being sent to and confined in prison, and thus are off the streets and out of circulation. The extent to which these stiffer penalties imposed by Chapter 42 reduce burglary rates depends on (1) how much extra time burglars are confined, (2) how many burglaries they would have committed had they been on the streets, and (3) whether the measure reduces or just postpones criminal activities. Again, the data needed to answer these questions does not exist.

Impact of Chapter 42 on Sentencing Practices

The available data indicate that Chapter 42 has increased the proportion of burglars that receive prison sentences. In 1981--the year in which the act took effect--the proportion of persons convicted of burglary in Superior Court that were sentenced to prison increased sharply. This is shown in Table 1.

Table 1

Distribution of Sentences Imposed On Adult Burglars
in Superior Court¹, 1976-1982

Sentence	Year Sentence Imposed						
	1976	1977	1978	1979	1980	1981	1982
Prison	15%	19%	22%	25%	28%	36%	41%
Probation with Jail	55	55	57	57	56	48	47
Probation	12	10	9	7	6	5	5
Jail ²	4	4	3	3	2	2	2
Other ²	14	11	10	8	7	8	6
Totals	100%	100%	100%	100%	100%	100%	100%

1. This table contains data on people who were found guilty of burglary in superior court, but who may have been initially arrested for burglary or other crimes.

2. Includes commitments to the Department of the Youth Authority and the California Rehabilitation Center, and fines.

Note: Details may not add to totals due to rounding.

Source: California Department of Justice, Criminal Justice Profile, various years.

Similarly, sentences given to adults convicted of burglary in lower court also appear to have increased, given historical trends. This is shown in Table 2.

Table 2

Distribution of Sentences Imposed on Adult Burglars in Lower Court¹, 1976-1982

Sentences	Year Sentence Imposed						
	1976	1977	1978	1979	1980	1981	1982
Probation with Jail	53%	54%	61%	61%	63%	68%	69%
Probation	24	22	18	17	17	14	13
Jail ²	21	22	20	20	19	18	17
Other ²	2	2	1	1	1	1	1
Totals	100%	100%	100%	100%	100%	100%	100%

1. Includes municipal and justice courts.

2. Includes commitments to the Department of the Youth Authority and fines.

Note: Details may not add to totals due to rounding.

Source: California Department of Justice, Criminal Justice Profile, various years.

Conclusions

In summary:

1. We cannot attribute the significant reduction in residential burglaries that has occurred in California since 1980 to Chapter 42, given the fact that other states have experienced similar reductions in the residential burglary rate without enacting stiffer burglary penalties. Other factors, such as changes in demographic and economic conditions, undoubtedly also are responsible for the drop in residential burglary rates.

2. Chapter 42 has resulted in more convicted burglars being incarcerated in prison. By putting more burglars in prison and thus taking

them off the streets, it is almost certain that the measure has had some impact on burglary rates.