

# Arrests/Arrest Dispositions

## Data Set Overview and History

The Department of Justice (DOJ) Criminal Justice Statistics Center (CJSC) collects information on arrests and citations (from now on referred to as “arrest(s)”). The Monthly Arrest and Citation Register (MACR) data are reported monthly by law enforcement agencies (LEAs) throughout the state. Summary arrest counts are submitted to the Federal Bureau of Investigation’s (FBI), Uniform Crime Reporting Program (UCR). Arrest data provides information on felony and misdemeanor level arrests for adults and juveniles and status offenses (e.g., truancy, incorrigibility, running away, and curfew violations) for juveniles. Arrest data includes aggregated arrest counts by reporting county, age, gender, and race/ethnic group of arrestee, while the Arrest Disposition data also includes the law enforcement disposition.

## Statutory Authority

The CA DOJ has statutory authority to collect arrest data pursuant to Penal Code Sections 13010-13012 and 13020-13021.

## Data Characteristics and Known Limitations

### **CAUTION:**

*A number of factors can influence arrest counts in particular jurisdictions. The following should be considered when using statistics for comparative purposes: variations in composition of population; population density and size of the locality; stability of population with respect to residents' mobility and commuting patterns; modes of transportation; economic conditions; cultural conditions; effective strength of law enforcement agencies; policies of law enforcement and other components of the criminal justice system (i.e., prosecutorial, judicial, correctional); and citizen attitudes.*

The following limitations should be considered when analyzing, interpreting, and using arrest data:

1. An arrest occurs when a person is taken into custody because a peace officer has reason to believe the person violated the law. Not all arrests result in persons being jailed. Arrestees may be released by the arresting agency, post bail, or be released on their own recognizance to appear in court at a later date. Some are issued citations, much like traffic tickets, which direct them to appear in court at a later date.

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2. Arrests are divided into two major groups: felony and misdemeanor. A felony arrest can result in a sentence to state prison or over a year in county jail if the offender is convicted as an adult. A misdemeanor arrest can result in a sentence of up to one year in county jail, a fine, probation, restitution, or any combination of these sentences.
3. Juveniles may also be arrested for truancy, incorrigibility, running away, and violating curfew. These are referred to as “status offenses” because agency intervention is based solely on the juvenile’s status as a minor. Status offenses are acts that would not be “crimes” if committed by adults.
4. If a person is arrested for multiple offenses, the MACR selects only the most serious offense based on the severity of possible punishment.
5. The subjectivity of the classification and labeling process must be considered in the analysis of race/ethnic group data.
6. In June 2005, the DOJ stopped recording infraction offenses in the MACR system. Previously, these offenses were optional to report and classified as miscellaneous misdemeanor traffic violations.
7. In 2011, the lower limit of felony theft was raised from \$400 to \$950, contributing to the decline of felony theft arrests and the increase of misdemeanor theft arrests.
8. In 2011, some misdemeanor marijuana statutes were re-classified as infractions, leading to a significant decline in misdemeanor marijuana arrests.
9. In 2013, the FBI’s Uniform Crime Reporting Program revised the definition of “forcible rape” (the carnal knowledge of a female forcibly and against her will) to “rape” and is defined as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” The California DOJ implemented this definition change in January 2014, leading to an increase in reported rapes and a decrease in reported felony sex offenses.
10. In November 2014, California voters passed Proposition 47 which reduced numerous state statutes from felonies to misdemeanors. Caution should be used when comparing felony and misdemeanor arrest data to prior years.
11. In November 2016, California voters passed Proposition 64 which legalized the possession and use of marijuana for individuals 21 years of age and older and reduced the offense degree for numerous state statutes. Caution should be used when comparing drug offense arrests to prior years.
12. In 2016, the Federal Bureau of Investigation’s Director informed all state Statistical Analysis Centers that the FBI Uniform Crime Reporting (UCR) program would be transitioning to a

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National Incident-Based Reporting System (NIBRS) only data collection by January 1, 2021. The California DOJ embarked on a five year effort to develop and implement a new state repository, the California Incident-Based Reporting System (CIBRS), to house the new FBI statistical reporting format. The CIBRS repository is a combination of the federal NIBRS requirements with additional California specific data elements. The California DOJ began collecting data in CIBRS in 2021. However, not all California law enforcement agencies (LEAs) have transitioned.

The data, starting in 2021, are a combination of both the summary and incident-based reporting (IBR) formats. There is an established method for converting IBR data into summary data for comparison and trending purposes. In order to present the most comprehensive and complete picture of crime, the summary and IBR data were combined and are presented in the summary format.

### 13. Definitional differences exist between summary and IBR reporting.

- The IBR collection has built-in validations that prohibit the reporting of rape offenses where the victim and offenders' sex is the same.

- California has expanded the sex (gender) categories it collects in CIBRS to include: male, female, non-binary, and transgender. Starting in 2021, arrest numbers include transgender individuals (identifying as male) and (identifying as female) in the male and female gender categories, respectively. Arrest numbers for the non-binary gender category are not included due to the small population size.

**Definitions of Arrest Disposition Terms**

**To Other Agency** – refers to an arrest made on another law enforcement agency’s warrant, with no local charges, and the subject is being held for the other agency. (Both adults and juveniles.)

**Released** – refers to an arrest offense released under Penal Code section 849(b). The arresting agency plans no further action on the arrest offense. (Adults only.)

**Complaint Sought** – refers to an adult arrestee being turned over to the district attorney for action. (Adults only)

**Within Department** – refers to a juvenile taken into custody for committing a violation and the law enforcement agency does not make a referral to juvenile court and does not file formal charges. The juvenile, in most cases, is warned and released to the parents or guardian. (Juveniles only.)

**Juvenile Probation** – refers to juveniles arrested and referred to the probation department or juvenile court. (Juveniles only.)

**Data Elements and Values Defined**

Cell Location	Data Element	Description/Definition	Value
<b>Arrest Data</b>			
A	Year	The year in which the arrest occurred	Four digit numeric Year (YYYY)
B	Gender	The gender of the arrestee	Female Male
C	Race	The race/ethnic group of the arrestee	Black Hispanic Other White
D	Age_Group	The age group of the arrestee	Under 18 18 to 19 20 to 29 30 to 39 40 to 69 70 and over
E	County	County of reporting agency	Alpha; California County names
F	Violent	Sum of arrests for felony violent offenses (homicide, rape, robbery, assault, and kidnapping)	Numeric count
G	Property	Sum of arrests for felony property offenses (burglary; theft; motor vehicle theft; forgery, checks, and access cards; and arson)	Numeric count
H	F_Drugoff	Sum of arrests for felony drug offenses (narcotics, marijuana, dangerous drugs and other)	Numeric count
I	F_Sexoff	Sum of arrests for felony sex offenses (lewd or lascivious, unlawful sexual intercourse, and other sex law violations)	Numeric count
J	F_Allother	Sum of arrests for all other felony offenses (driving under the influence, hit-and-run, weapons, escape, bookmaking, and other)	Numeric count
K	F_Total	Sum of all felony arrests	Numeric count
L	M_Total	Sum of all misdemeanor arrests	Numeric count
M	S_Total	Sum of all arrests for status offenses	Numeric count

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C	Gender	The gender of the arrestee	Female Male
D	Race	The race/ethnic group of the arrestee	Black Hispanic Other White
E	Arrest_Disp_Code	The disposition of the law enforcement agency reporting the arrest or citation	<u>Adult/Juvenile</u> To Other Agency  <u>Adults only</u> Released Complaint Sought  <u>Juveniles only</u> Juvenile Probation Within Department
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K	F_Sexoff	Sum of arrests for felony sex offenses (lewd or lascivious, unlawful sexual intercourse, and other sex law violations)	Numeric count
L	F_Allother	Sum of arrests for all other felony offenses (driving under the influence, hit-and-run, weapons, escape, bookmaking, and other)	Numeric count
M	M_Total	Sum of all misdemeanor arrests	Numeric count
N	S_Total	Sum of all arrests for status offenses	Numeric count