

Dispositions by Race and Ethnicity

Current findings and historical trends

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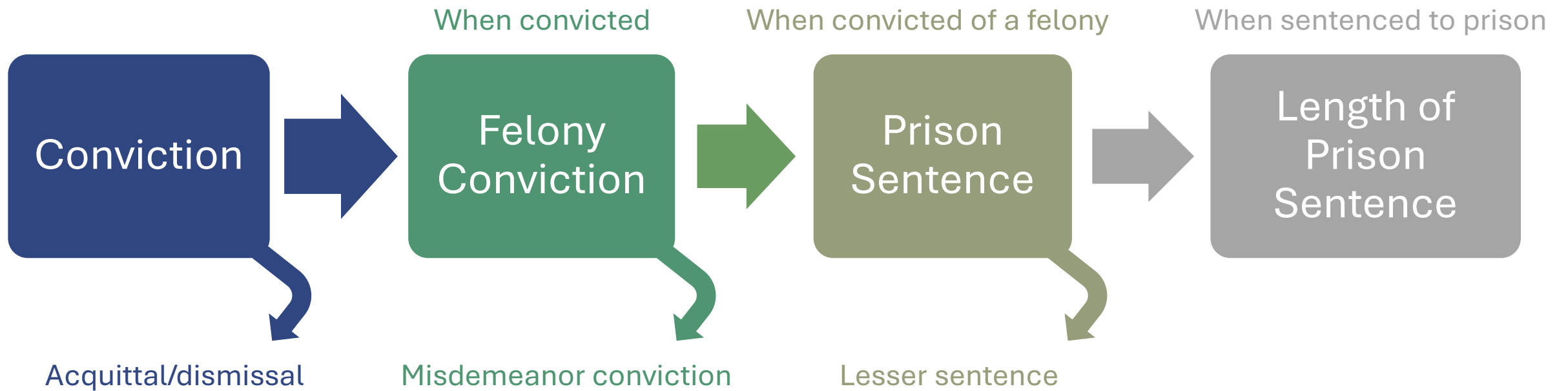
Presentation to the Judicial Council November 15, 2024



Background

- Penal Code section 1170.45 directs Judicial Council to report on disposition of criminal cases according to defendants' race and ethnicity.
- Judicial Council staff submitted reports since 2001.

Outcomes studied



Findings from current report

Relative to similarly-situated White defendants:

- **Conviction likelihood:**

- Hispanic defendants 2.2% more likely
- Black defendants 1.4% less likely

- **Felony v. misdemeanor:**

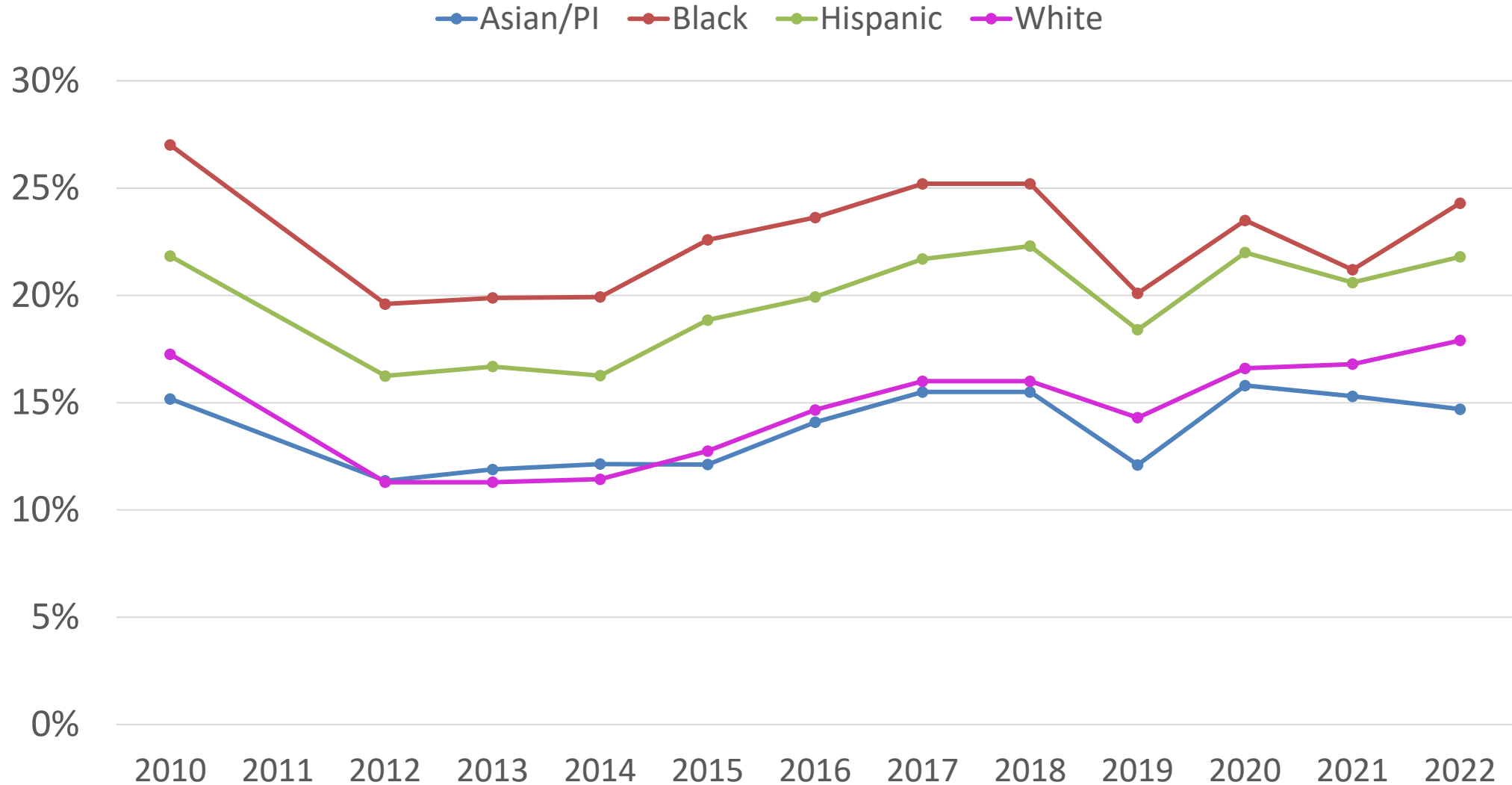
- Hispanic defendants 0.5% more likely to receive felony
- Black and Asian/PI defendants 0.8% and 0.1% less likely to receive felony

Findings from current report

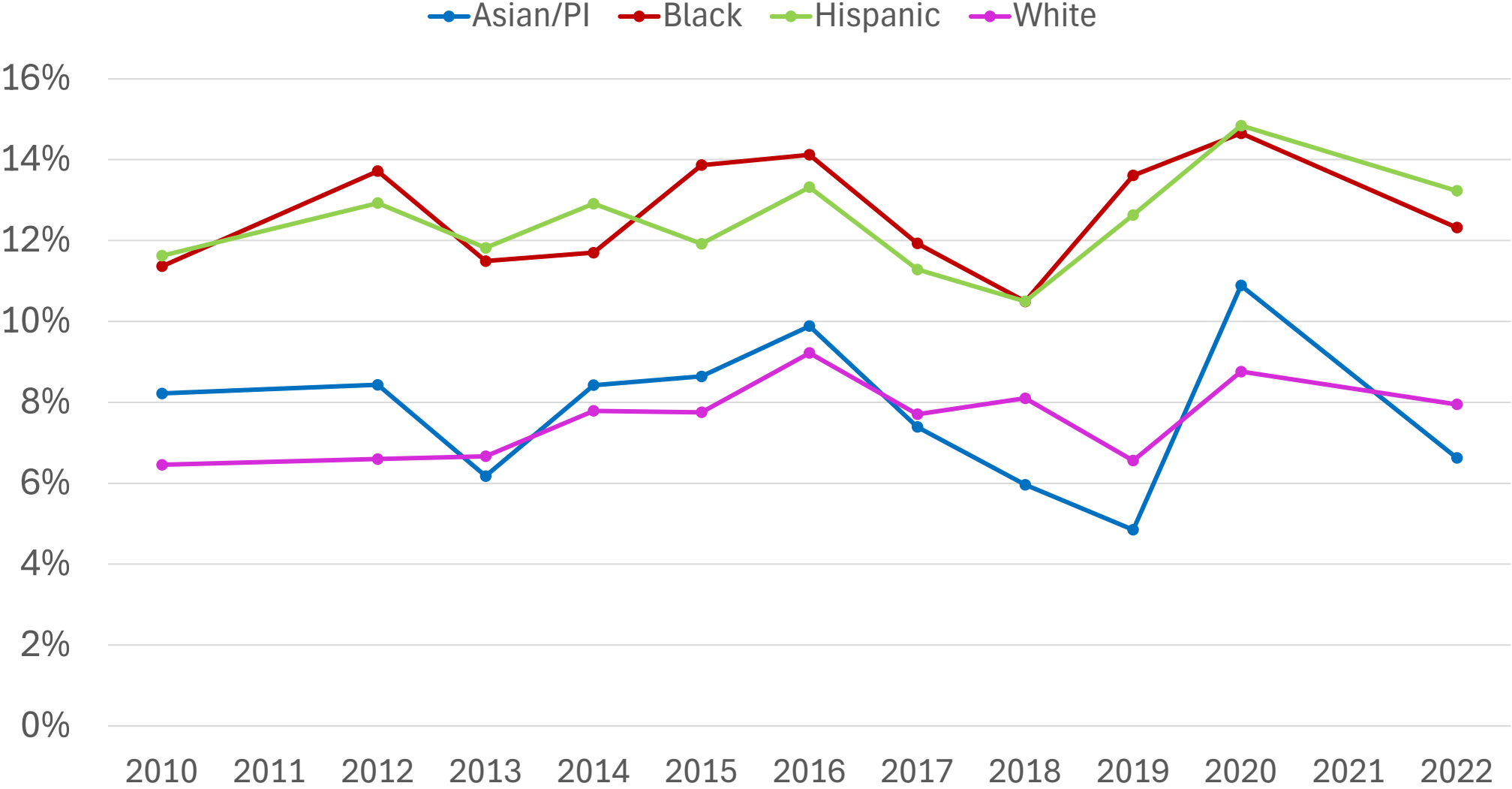
Relative to similarly-situated White defendants:

- **Prison sentence:**
 - Hispanic individuals 1.5% more likely to receive prison sentence
 - No statistically significant difference for other race/ethnic categories
- **Prison Length:**
 - No statistically significant difference

Sentenced to prison: Raw numbers



Sentenced to prison: Violent offense with no prior criminal history



Accounting for differences

Criminal history

- Number of prior convictions by offense type and level
- Amount of time previously incarcerated in prison and jail
- Most serious prior conviction offense severity
- Time since most recent conviction
- Whether defendant was on probation at time of arrest

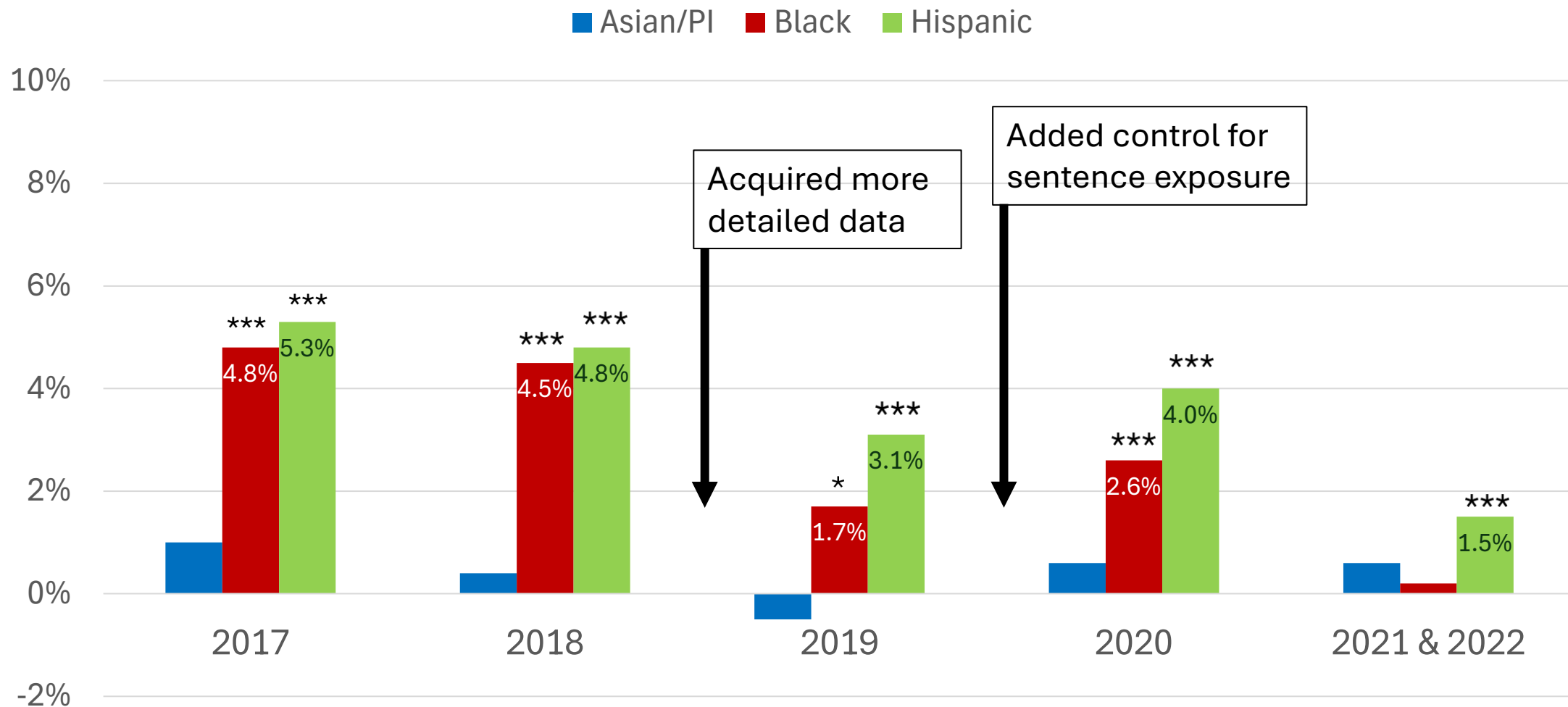
Current offense

- Offense type and level
- Most serious offense severity
- Number of charges by level
- Number of arrests involved in disposition
- Maximum sentence exposure for charges

Demographic and location

- Age
- Gender
- County

Sentenced to prison: Estimated difference relative to White defendants



“SIMILARLY SITUATED”

Considerations and limitations

- Systemic
 - Many steps and actors from arrest to disposition
 - 97% of convictions are achieved through plea bargains
- Data Quality
 - Better data has allowed better analyses
 - Data source is known to be incomplete and dynamic

Next steps

- Data improvement
- Collaboration with Justice System Partners
- Longitudinal analyses