



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-183

For business meeting on November 15, 2024

Title

Report to the Legislature: Disposition of Criminal Cases According to Race and Ethnicity of the Defendant

Report Type

Information

Date of Report

October 16, 2024

Submitted by

Judicial Council staff
Francine Byrne, Director
Criminal Justice Services

Contact

Sal Pipert, 415-865-4559
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Executive Summary

Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. The attached report fulfills that mandate. The data used in this report come from the Automated Criminal History System, a repository of data maintained by the California Department of Justice (DOJ). This report describes and analyzes patterns seen in criminal case dispositions of adult felony arrests by race/ethnicity and tests whether any available legal or demographic information can account for the observed patterns. The legislative reports due in 2022 and 2023 were delayed as a result of implementation of new DOJ data security requirements as well as web-based system upgrades at the Judicial Council. Accordingly, this report covers two years of data.

Relevant Previous Reporting or Action

The Judicial Council has received and submitted these annual reports to the Legislature in accordance with Penal Code section 1170.45 since 2001.

Analysis/Rationale

This report presents findings based on four case disposition outcome measures for cases with disposition dates in 2021 and 2022 (see Attachment A):

- Conviction rates—whether a case results in a conviction or alternatively in a dismissal or acquittal;
- Conviction offense level—whether the case resulted in a felony or misdemeanor conviction;
- Type of sentence—whether the defendant was sentenced to prison or received a lesser sentence; and
- Sentence length—the length of the sentenced prison term for defendants who were sentenced to prison.

For each outcome, descriptive information is presented on patterns seen in the data. In addition to looking at the race/ethnicity breakdown of the data, several other legal and demographic factors that may relate to outcomes are described and analyzed, including gender, age, county, prior criminal history, and features of the current offense or offenses such as offense level and type. Next, statistical testing is used to determine whether race/ethnicity plays a role in predicting disposition outcomes when accounting for these other legal and county demographic features.

This report indicates that the strongest influences on the outcomes were the defendant's prior criminal record, characteristics of the current offense (e.g., offense level, type of crime, and number of charges), and jurisdiction in which the crime was committed. More serious prior records were associated with higher conviction rates, more felony versus misdemeanor convictions, and more prison sentences.

The analyses included in this report account for differences in outcomes that can be explained by legal factors, such as charge type and criminal history, as well as county characteristics that vary, such as conviction rates and demographics. Findings showed that defendant characteristics such as race/ethnicity, gender, and age are significantly associated with rates of conviction, rates of felony versus misdemeanor convictions, and imposition of a prison sentence versus a lesser sentence. Race/ethnicity was not a significant contributor to prison sentence length.

Accounting for differences mentioned above, relative to White defendants, Hispanic defendants were more likely and Black defendants less likely to be convicted rather than be acquitted or have their cases dismissed; Hispanic individuals were more likely, and Black and Asian/Pacific Islander individuals less likely, to receive a felony versus a misdemeanor conviction when compared to White defendants; and relative to White defendants, Hispanic individuals convicted of a felony were more likely to receive a sentence to prison rather than a lesser sentence. These findings are generally consistent with reports from prior years in that race differences persisted after controlling for legal and demographic factors.

Fiscal Impact and Policy Implications

No fiscal impacts or policy implications are associated with this report.

Attachments and Links

1. Attachment A: *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant: 2024 Report to the Legislature*



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Administrative Director
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November 15, 2024

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 305
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant*, as required under Penal Code section 1170.45

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Under Penal Code section 1170.45, the Judicial Council is submitting a report on the statewide disposition of criminal cases according to defendants' race and ethnicity.

If you have any questions related to this report, please contact Francine Byrne, Director, Criminal Justice Services, at (415) 865-8069 or Francine.Byrne@jud.ca.gov.

Sincerely,

Michelle Curran
Administrative Director
Judicial Council

November 15, 2024

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MC/SP

Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Mike McGuire
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MS. MICHELLE CURRAN
Administrative Director
Judicial Council

Report title: *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant*

Code section: Penal Code section 1170.45

Date of report: November 15, 2024

The Judicial Council has submitted a report to the Legislature in accordance with Penal Code section 1170.45.

The following summary of the report is provided under the requirements of Government Code section 9795.

The Judicial Council's Criminal Justice Services office analyzed felony arrest disposition data from 2021 and 2022 for this report.

This report presents findings based on four case disposition outcome measures: conviction rates, conviction offense level, prison sentencing rates, and prison sentence length. This report describes patterns seen in these disposition outcomes by race/ethnicity, both overall and when comparing defendants who are similarly situated in terms of available legal and demographic factors.

Although legal factors such as prior criminal record and features of the current offense were found to primarily drive disposition outcomes, race/ethnicity also had a significant impact on conviction, level of conviction offense, and prison sentencing rates, but not prison sentence length. The largest differences were found for Hispanic individuals: relative to similarly situated White individuals, Hispanic individuals were 2.2 percentage points more likely to receive a conviction; when convicted, Hispanic individuals were 0.5 percentage points more likely to have that conviction be a felony; and when convicted of a felony, Hispanic individuals were 1.5 percentage points more likely to receive a prison sentence.

The full report can be accessed at www.courts.ca.gov/7466.htm.

A printed copy of the report may be obtained by calling (415) 865-4559.

November 15, 2024

Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant

2024 Report to the Legislature as Required by
Penal Code Section 1170.45



Judicial Council of California

Judicial Council of California
Operations and Programs Division
Criminal Justice Services
455 Golden Gate Avenue
San Francisco, California 94102-3688

This report has been prepared and submitted to the California Legislature as required by Penal Code section 1170.45.

This report is also available on the California Courts website at www.courts.ca.gov.

JUDICIAL COUNCIL OF CALIFORNIA

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Background

This report examines the disposition¹ of criminal cases across racial/ethnic groups as required by Penal Code section 1170.45.² To identify patterns by race/ethnicity, it also analyzes the impact of age, gender, and legal factors—including criminal history and current charges—on disposition outcomes. This report identifies criminal case disposition outcomes broken out by race/ethnicity based on four distinct outcome measures:

- conviction rates;
- level of conviction offense (i.e., felony versus misdemeanor);
- prison sentencing rates; and
- length of prison sentences.

This report provides background information on the data used and analyses conducted, describes the case disposition flow, and presents summaries of demographics, criminal records, and crimes. It also describes the impact of race/ethnicity on the outcomes identified.

Source of Data

The data used in this report originates from the California Department of Justice (DOJ) Automated Criminal History System (ACHS).³ The extract used for this report includes all available data on individuals with an adult felony arrest with a final disposition in 2021 or 2022.⁴ Arrests that occurred before 2021 are included if their final disposition date was in 2021 or 2022. Data related to prior dispositions was also used to summarize prior criminal history.

Figure 1 shows the number of dispositions at distinct case processing stages for all ACHS felony arrest dispositions in 2021 or 2022. ACHS recorded 532,189 final dispositions of adult felony arrests in calendar years 2021 and 2022. Of these cases, 45.7 percent were dropped by law enforcement or prosecution before being filed with the court. An arresting agency or the prosecutor may dispose of the case before filing it in court for multiple reasons including insufficient or inadmissible evidence, lack of probable cause, or absence of a witness. The remaining 54.3 percent (289,194) of cases were filed in court, and therefore proceeded to a court disposition. The race/ethnicity breakdown for filed cases closely resembles that of all felony

¹ The “disposition” of a case is the resolution of the case, such as a dismissal, acquittal, or conviction.

² For the full text of Penal Code section 1170.45, see Appendix A.

³ ACHS is comprised of information reported to the DOJ by law enforcement agencies, prosecutors, and courts through fingerprint cards (FD-249) and *Adult Disposition of Arrest and Court Action* (JUS 8715) forms, on paper or electronically.

⁴ This report presents two years of data to make up for reporting delays. The production and publication of this report was delayed due to issues related to web-based system upgrades at the Judicial Council and new requirements prescribed by the Department of Justice.

arrest cases. This report focuses on felony defendants with final court dispositions; thus, all data and analyses presented in the remainder of the report include only filed cases.⁵

Analysis

This report presents findings based on four case disposition outcome measures:

- Conviction rates—whether a case results in a conviction or alternatively in a dismissal or acquittal;
- Conviction offense level—whether the case resulted in a felony or misdemeanor conviction;
- Type of sentence—whether the defendant was sentenced to prison or received a lesser sentence; and
- Sentence length—the length of the sentenced prison term for defendants who were sentenced to prison.

For each outcome, descriptive information is presented on patterns seen in the data. In addition to looking at the breakdown of the data by race/ethnicity, several other legal and demographic factors that may relate to outcomes are also described and analyzed. These factors include gender, age, prior criminal history, estimated potential sentence based on the charges, and features of the current offense or offenses.⁶ Next, statistical testing is used to determine whether defendant race/ethnicity plays a role in predicting disposition outcomes above and beyond differences across groups in these other relevant legal and demographic factors. (For details of statistical tests and results, see Appendix B.)

Limitations

Some limitations related to these analyses are noted:

- This report does not address differences in the disposition of misdemeanor arrests by race/ethnicity.
- The ACHS extract is not a complete account of all felony arrests disposed in the state, but rather the subset of those with records indicating final dispositions in 2021 and 2022 that were reported to the DOJ. This is estimated by the DOJ Criminal Justice Statistics Center to be about 65 to 75 percent of all felony arrests disposed in an average calendar year.
- The 2021-2022 dataset includes more total dispositions and fewer court dispositions than the corresponding years as reported by the DOJ in Crime in California.⁷ This may be due to the difference in data sources. ACHS is a dynamic database that changes as records are

⁵ For summary statistics of felony defendants, see Appendix B, table B1.

⁶ For a list of all control variables and a definition of sentence exposure, see Appendix B.

⁷ For Crime in California report, see [data-openjustice.doj.ca.gov/sites/default/files/2024-07/Crime In CA 2023f.pdf](https://data-openjustice.doj.ca.gov/sites/default/files/2024-07/Crime%20In%20CA%202023f.pdf)

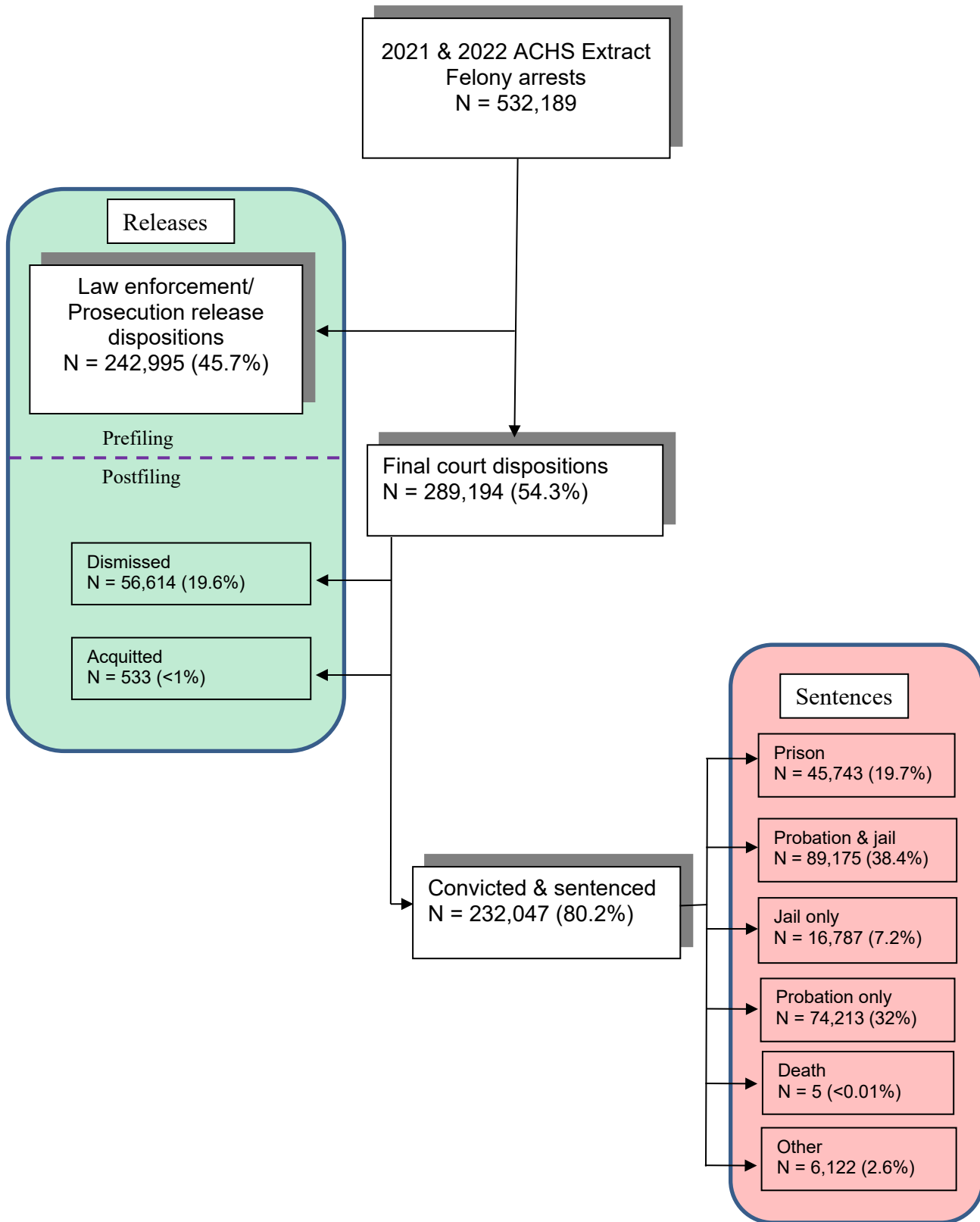
added, modified, or sealed – the timing of when data are pulled from the database for examination affects how many dispositions the given dataset will contain. However, Crime in California is based on a static snapshot of ACHS data pulled at an earlier date than the data used for this report. Other possible explanations include differences in data processing choices aligning with different report focuses.

- The patterns observed in this report may have been impacted by the COVID-19 pandemic.
- None of the results found in this report can be taken as causal evidence of discrimination or bias at any point in the system. The analyses presented here are correlational, and any correlations between race and outcomes could be the result of more detailed case information not contained in ACHS. Additionally, each outcome discussed is reached through the interaction of many actors and structural elements within the system, and so cannot be attributed to any single actor.

Case Processing

Figure 1 shows counts of dispositions in the data set at each step of case processing. Starting with 532,189 felony arrests with a disposition in 2021 or 2022, nearly half of these (45.7 percent) are released with no court filing, by either law enforcement or prosecution choosing to not pursue a case. The remaining 289,194 felony arrests are filed and receive a court disposition, with close to 20 percent of these ending with their case dismissed or acquitted while around 80 percent are convicted and sentenced. It is important to note that approximately 97 percent of convictions are a result of plea bargain agreements in which both the prosecutor and defense agree to the terms prior to judicial action.

Figure 1: Numbers of Dispositions at Distinct Case Processing Stages in ACHS Felony Dispositions Extract (2021 & 2022)



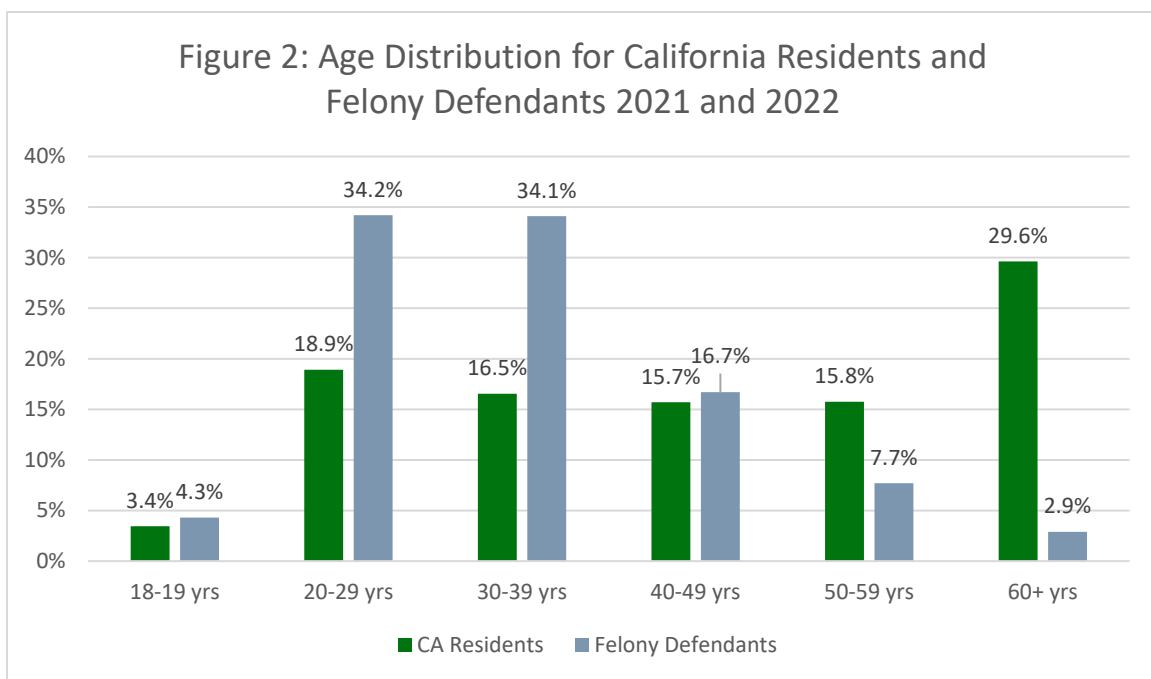
Demographics of Felony Defendants

Gender

Males made up 82.9 percent of the defendants reported to have received a court disposition in 2021 and 2022; females made up 17.1 percent. Compared to the state as a whole, in which males are 49.3 percent of the population,⁸ felony defendants are disproportionately male (82.9 percent).

Age

Relative to the state’s population, felony defendants are more concentrated between the ages of 20–39 years of age (figure 2).⁹ Compared to the California population, defendants ages 20–29 (34.2 percent) and 30–39 (34.1 percent) were arrested for felony-level offenses at disproportionately high rates, those ages 40–49 (16.7 percent) and those ages 18–19 (4.3 percent) at slightly higher rates. Defendants ages 60 or older (2.9 percent) and those ages 50–59 (7.7 percent) were arrested at disproportionately lower rates relative to the state’s population.¹⁰



Race/ethnicity

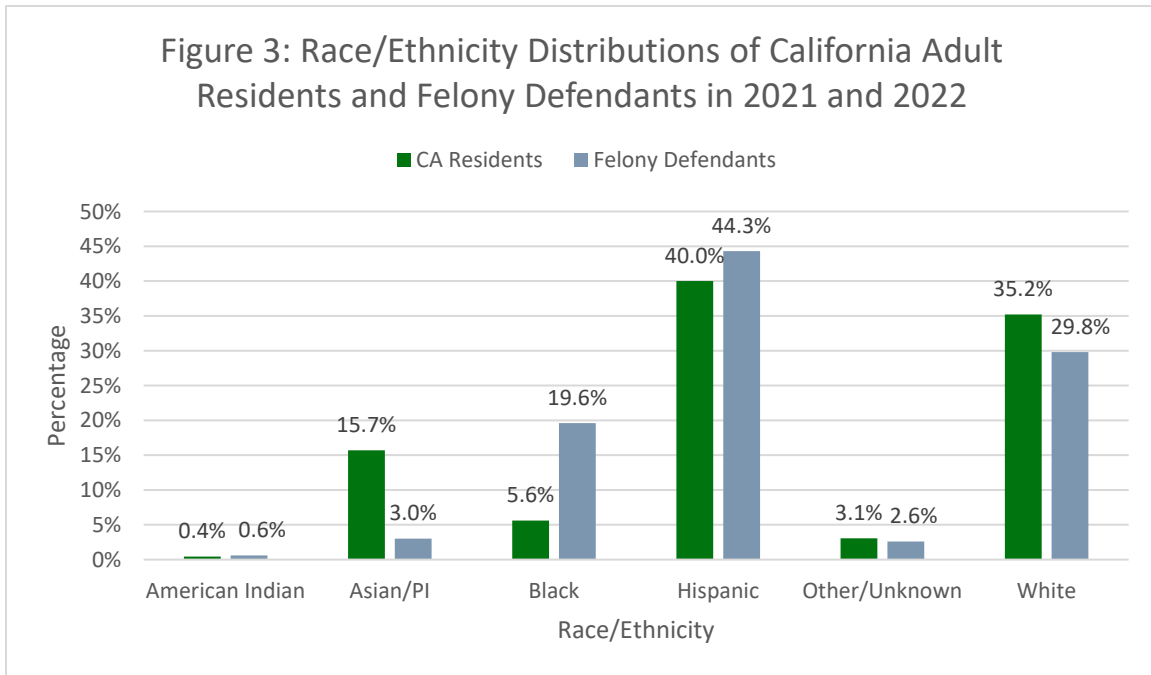
As with age and gender, the racial and ethnic makeup of felony defendants differs from the general adult population (figure 3). Black individuals make up 19.6 percent of felony defendants and 5.6 percent of the total California adult population. Asian/Pacific Islander (Asian/PI)

⁸ Data on gender/sex is based on the California Department of Finance’s total state population estimate for 2021 and 2022, www.dof.ca.gov/Forecasting/Demographics/Projections/.

⁹ The ACHS file contains the age at time of arrest for each felony defendant. This information was classified into the following age categories: ages 18–19, 20–29, 30–39, 40–49, 50–59, and 60 or older.

¹⁰ Age data was drawn from the California Department of Finance’s total state population estimate for 2021 and 2022, www.dof.ca.gov/Forecasting/Demographics/Projections/.

individuals make up 3 percent of felony defendants compared to 15.7 percent of the general adult population. Hispanic individuals make up 44.3 percent of felony defendants and 40 percent of the overall state adult population, and White individuals represent 29.8 percent of felony defendants and 35.2 percent of the general population.¹¹



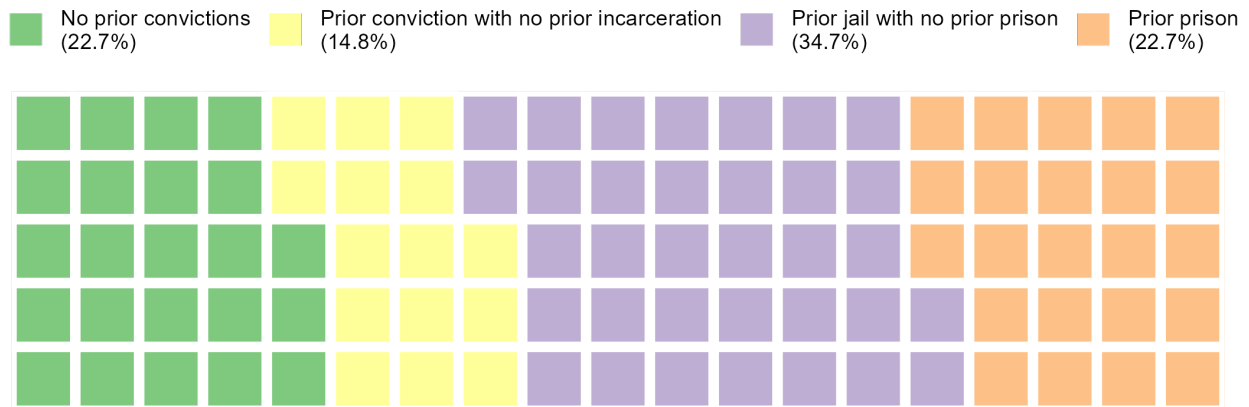
Prior criminal record

The majority (77.3 percent) of felony cases in the data set involved defendants who already had a criminal record (figure 4). Only about 23 percent of felony defendants had no identified prior convictions in California.¹² Over one-quarter (27.8 percent) had one or more identified prior prison commitments, 34.7 percent of defendants had a prior criminal history including prior jail but no prior prison commitment, and 14.8 percent of defendants had a prior criminal history not involving incarceration in jail or prison.

¹¹ Race/ethnicity data was drawn from the California Department of Finance’s total state population estimate for 2021 and 2022, www.dof.ca.gov/Forecasting/Demographics/Projections/. Due to low numbers in American Indian and Other/Unknown categories, these groups were not included in the main analyses.

¹² Data are from the California DOJ and only include California-based criminal history. Defendants may have other prior criminal records not captured in this dataset from other locales, including other states or the federal system.

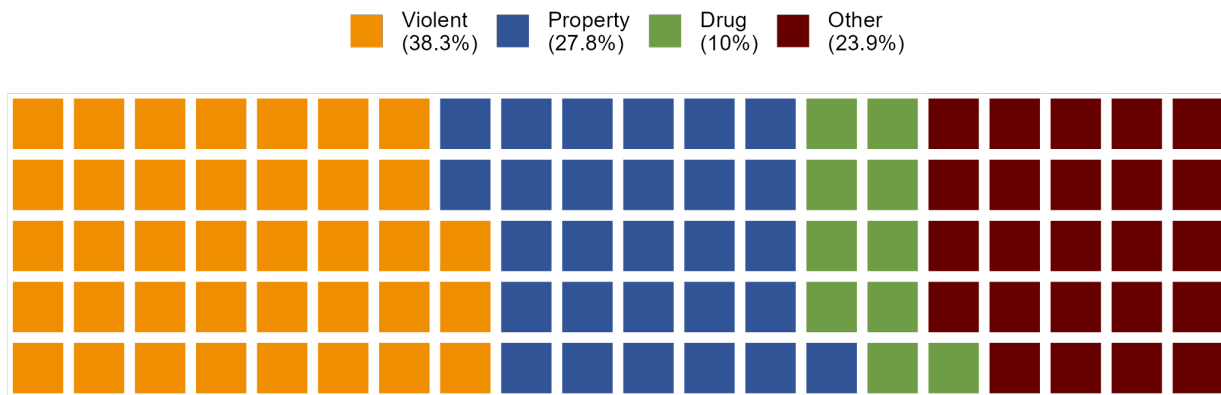
Figure 4: Prior Record of Felony Defendants



Arrest offense type

The largest proportion of felony defendants were arrested for violent crimes (38.3 percent), followed by defendants arrested for property offenses (27.8 percent) and other felony offenses (23.9 percent) (figure 5). Defendants arrested for drug offenses (10 percent) comprised the smallest group in this data set for calendar year 2021 and 2022.¹³

Figure 5: Arrest Offense Type for Felony Defendants



¹³ Categories are based on those used by the U.S. Department of Justice, Bureau of Justice Statistics. Violent offenses include homicide, rape, robbery, and assault. Property offenses include burglary, theft, forgery, and arson. Drug offenses include all felony-level drug offenses. Other felony offenses include all weapons offenses and a range of other offenses such as vandalism and driving under the influence of drugs or alcohol. For the purposes of creating an offense category, only felony-level arrest offenses were used, and violent offenses were prioritized, followed by property offenses, drug offenses, and other offenses. Later analyses allow for multiple categories of offenses to be accounted for.

Outcomes

This report presents findings based on four case outcomes:

- Conviction rates—whether a case results in a conviction or alternatively in a dismissal or acquittal;
- Conviction offense level—whether the case resulted in a felony or misdemeanor conviction;
- Type of sentence—whether the defendant was sentenced to prison or received a lesser sentence; and
- Length of sentence—the sentence length for defendants who were sentenced to prison.

The construction of each outcome from the ACHS data set is described briefly below.

Conviction Versus Acquittal/Dismissal

Once the prosecutor files a case with the court, the case may result in either a conviction or, alternatively, in a dismissal or acquittal.¹⁴ Dismissal and acquittal are combined into a single category in the following analyses.¹⁵ The vast majority of convictions (97 percent for felony cases) are achieved by plea bargaining deals that are negotiated between the prosecution and defense prior to judicial decision making.¹⁶

Felony Versus Misdemeanor Conviction

Although all arrest charges in the ACHS data set are felony-level arrests, a reduction in charges may occur by plea deal or dismissal of the primary felony charge, resulting in conviction on a secondary misdemeanor charge or an infraction.¹⁷ Overall, felony convictions made up 61.5 percent and misdemeanors 38.5 percent of convictions with a known conviction level.¹⁸ In this

¹⁴ Cases filed with no known filing offense levels (n = 8,541) were removed for analysis of all outcomes.

¹⁵ The small number of cases in this data set resulting solely in an acquittal (n = 533) were combined with the dismissal category because there were too few to analyze acquittals as its own category.

¹⁶ The ACHS extract used for this report does not have a data field for whether a case was resolved by plea or by trial, so it is impossible to analyze these outcomes separately. The percentage of convictions achieved by plea deal were calculated from Judicial Council of California, *2023 Court Statistics Report: Statewide Caseload Trends 2012–13 Through 2021–22*, www.courts.ca.gov/documents/2023-Court-Statistics-Report.pdf. This is comparable to the proportion of convictions achieved by plea found in other states (95 percent of felony convictions; data on all convictions for felony cases not available). U.S. Department of Justice, Bureau of Justice Statistics, *Felony Sentences in State Courts, 2004*, <https://bjs.ojp.gov/content/pub/pdf/fssc04.pdf>.

¹⁷ The small number of cases in this data set resulting solely in an infraction conviction (n = 308) were included in the misdemeanor category because there were too few to analyze infractions as its own category.

¹⁸ Convictions with no known conviction offense levels (n = 14,133) were removed for analysis of conviction offense level and sentencing outcomes.

report, the term “felony conviction rate” is used to refer to the percentage of defendants whose conviction was for a felony-level offense as opposed to a lesser offense.

Prison Versus Intermediate Sentence

Sentencing is the final disposition stage analyzed in this report.¹⁹ This report looks at sentencing through two separate analyses: prison versus intermediate sentencing and length of sentence for those sentenced to prison. Prison sentences are on average longer than intermediate sentences and are considered the more severe sentencing category in this report. All non-prison sentencing options are categorized in this report as “intermediate sentences.”²⁰ Prison sentences that have had the imposition suspended are not counted as prison sentences for the purpose of this analysis.

Convictions below the felony level are categorically ineligible for prison sentences so analyses of prison versus intermediate sentences are restricted to defendants convicted of a felony. The California Public Safety Realignment Act of 2011²¹ shifted some criminal justice resources and responsibilities from the state to the counties, including the incarceration of people convicted of certain lower-level felonies. In some cases, sentences that previously would have been served in state prison are now served in county jail; however, there are many case-by-case exceptions to this based on criminal history and other factors making it difficult to distinguish felonies that are eligible for prison from felonies that are not eligible for prison. Therefore, while it would be ideal to further restrict the sample to prison-eligible felonies, all felony-level convictions are included in the analyses. The “prison sentence rate” discussed in the following analyses represents the proportion of all felony-level convictions receiving a prison sentence.

Prison Sentence Length

Sentence length is analyzed only for those sentenced to prison on a felony conviction. Prison sentences which have had their imposition suspended are not counted as prison sentences for the purpose of this analysis.²² While the other outcomes analyzed in this report are all expressed as rates, sentence length is analyzed and expressed in terms of days sentenced to prison on a continuous scale.

¹⁹ Plea deals represent approximately 97 percent of convictions in felony cases in California and may impact sentencing outcomes; see note 15.

²⁰ Other sentencing options in ACHS include jail, probation, combined probation and jail, and fines.

²¹ Assem. Bill 109 (Comm. on Budget; Stats. 2011, ch. 15), www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_109_bill_20110404_chaptered.pdf.

²² Three out of 5 of the death sentences had no sentence length and are therefore not included in this analysis. Life sentences with no associated sentence length are also excluded (146 out of 845 identified life sentences had no associated sentence length).

Observed Disposition Outcomes

Prior Criminal Record

Prior criminal record has a significant impact on whether a defendant is convicted, receives a felony or misdemeanor conviction, and, if convicted of a felony, receives a prison sentence. Figure 6 arrays each outcome (displayed in rows) by prior criminal record, arrest offense, and race/ethnicity (displayed in columns). The first column shows that the effect of prior criminal history is consistent for these three outcomes. For example, the conviction rate ranges from a low of 74.4 percent for those with no prior convictions to a high of around 82 percent for those with a prior jail or prison record. Similarly, the share of those convicted of a felony versus a misdemeanor ranges from 51.4 percent for those with no prior convictions to 73.2 percent for those with a prior prison record. The share of convicted felons sentenced to prison was 20.1 percent for those without prior convictions and 52.9 percent for those with a prior prison record.

Prior criminal record also impacts sentence length for those sentenced to prison. Those sentenced to prison with no prior convictions received an average sentence length of 11.8 years, while those with priors ranged from 5 to 7.6 years on average. While it may seem counterintuitive that individuals with no prior convictions receive longer sentences, these numbers do not account for other factors which impact sentence length that could differ between those with and without prior convictions, for example the severity of the offense.

Arrest Offense Type

Arrest offense type also has a significant impact on whether a defendant is convicted, receives a felony or misdemeanor conviction, and, if convicted of a felony, receives a prison sentence. However, the pattern varies based on the outcome. For example, figure 6 (second column) illustrates the percentage of defendants convicted versus dismissed/acquitted by arrest offense type. The highest conviction rates (first row) are for property offenses (81.5 percent), and the lowest for drug offenses (75.3 percent). The felony conviction rate (second row) for violent crime is 60 percent, while for drug crimes the felony conviction rate is 66.2 percent and property crimes 66.8 percent. Prison sentencing rates (third row) range from a little less than 24 percent for property and drug crimes to 41.3 percent for violent crimes.

Arrest offense type also impacts sentence length for those sentenced to prison. Violent crimes receive the longest prison terms, 7.9 years on average, while drug and property crimes (4 years) receive shorter average prison terms.

Race/Ethnicity

Figure 6 also presents the percentage of individuals convicted versus dismissed/acquitted by race/ethnicity without taking any other factors into account (third column). For all racial/ethnic groups, overall conviction rates are high, ranging from a low of 75.6 percent for Black individuals to a high of 81.9 percent for the Hispanic group. Felony conviction rates range from a low of 55.5 percent for the Asian/PI group to a high of 64.8 percent for Black individuals. The

percentage of individuals who received a sentence to prison as opposed to an intermediate sentence shows that prison sentences were less frequent for White (29.1 percent) and Asian/PI (26.6 percent) individuals, and more frequent for Black (35.1 percent) and Hispanic (33.8 percent) individuals.

Average sentence length for individuals sentenced to prison ranged from 5.6 years for White defendants and 5.7 years for Black defendants, to 6.3 years for Hispanic defendants and 6.7 years for Asian/PI defendants.

Figure 6: Observed Outcomes by Prior Criminal History, Arrest Offense Type, and Race/Ethnicity

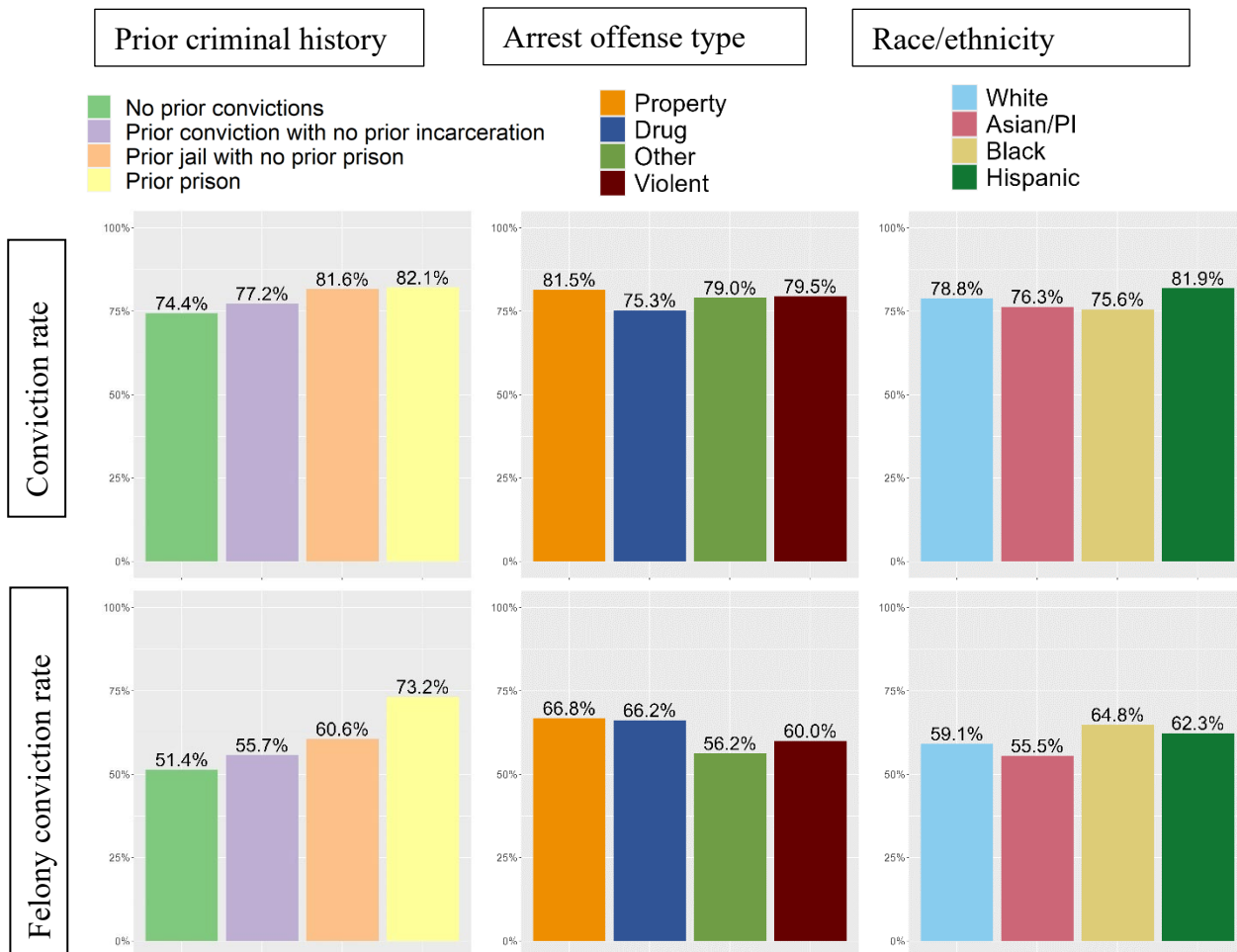
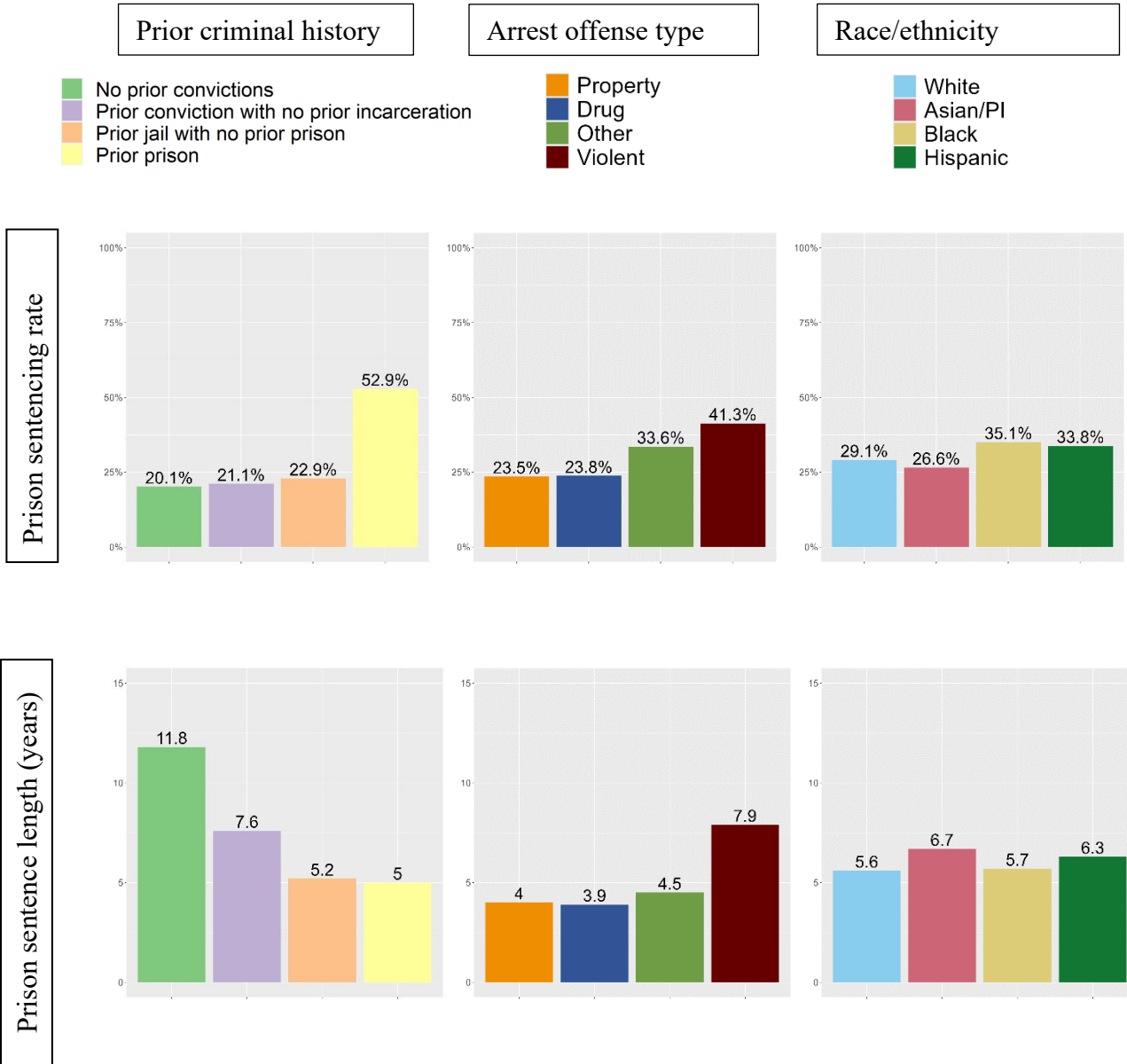


Figure 6 (continued)



Note: The graphs in figure 6 show the overall percentages, not controlling for other factors.

Outcomes for Similarly Situated Defendants

The last column in figure 6 illustrates that Hispanic defendants have conviction rates of 81.9 percent, compared to White defendants at 78.8 percent, Black defendants at 75.6 percent, and Asian/PI defendants at 76.3 percent. Asian/PI defendants have a lower rate of felony convictions (55.5 percent) relative to White defendants (59.1 percent), Hispanic defendants (62.3 percent), and Black defendants (64.8 percent). When convicted of a felony, Black (35.1 percent) and Hispanic defendants (33.8 percent) receive prison sentences more often than White (29.1 percent) and Asian/PI defendants (26.6 percent). When sentenced to prison, White defendants are sentenced to fewer years (5.6) on average than Black (5.7), Hispanic (6.3), and Asian/PI (6.7) defendants.

However, the differences between racial/ethnic groups in these outcomes are also influenced by the differences between groups in criminal history, features of the current offense or offenses, county-specific practices, gender, and age. For racial/ethnic differences in these characteristics, see Appendix B, table B1. The following section describes findings after controlling for these differences to compare outcomes for defendants who are similarly situated in terms of age, gender, county, and legal factors available through the Automated Criminal History System.²³

Conviction Rates for Similarly Situated Defendants by Race/Ethnicity

It is possible to focus on the effect of race/ethnicity in convictions of felony arrests by using statistical methods that control for the effects of other observable differences between groups: age, gender, county, and legal factors. This type of analysis estimates the effect of race/ethnicity for a given group compared to a hypothetical group of White defendants who are similarly situated in terms of age, gender, and legal factors.

In these statistical analyses, if race/ethnicity had no effect on conviction rates, then both White and Hispanic defendants with otherwise the same characteristics would have the same conviction rate. However, the data show that even when accounting for available factors other than race/ethnicity (age, gender, county, and legal factors), the average Hispanic defendant was 2.2 percentage points more likely to receive a conviction than similarly situated White defendants.²⁴

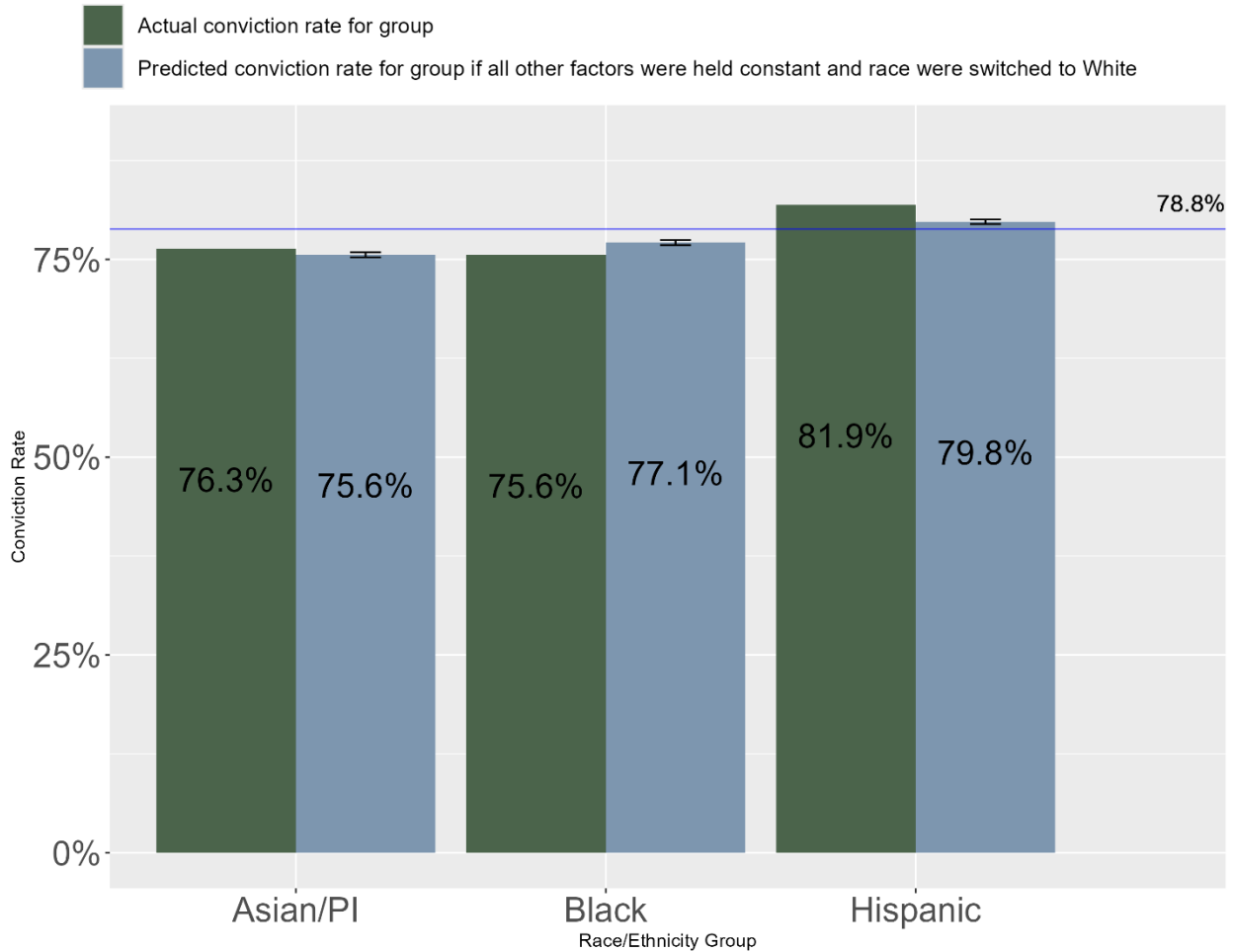
Using this same statistical method, relative to similarly situated White defendants, on average Black defendants were 1.4 percentage points less likely to receive a conviction. Though not statistically significant, on average Asian/PI defendants were 0.7 percentage points more likely to receive a conviction.

²³ Defendants may not be similarly situated based on other unobserved variables; “similarly situated” is an approximation based on available data.

²⁴ This is a marginal effect derived from the binomial logistic model. The model is used to predict the conviction rate for Hispanic defendants if all other factors are held constant and race were switched to White. Some prior years of this report have presented results in terms of *relative risk* rather than percentage point marginal effects. For more information on methodology, see Appendix B.

Figure 7 shows the actual conviction rates (green bars) for Asian/PI, Black, and Hispanic individuals, and the estimated conviction rates (blue bars) for these groups if all characteristics were held constant but race was changed to White.²⁵ The blue line shows the actual conviction rate for White defendants.

Figure 7: Actual and Estimated Conviction Rates



Felony Versus Misdemeanor Conviction Rate for Similarly Situated Defendants by Race/Ethnicity

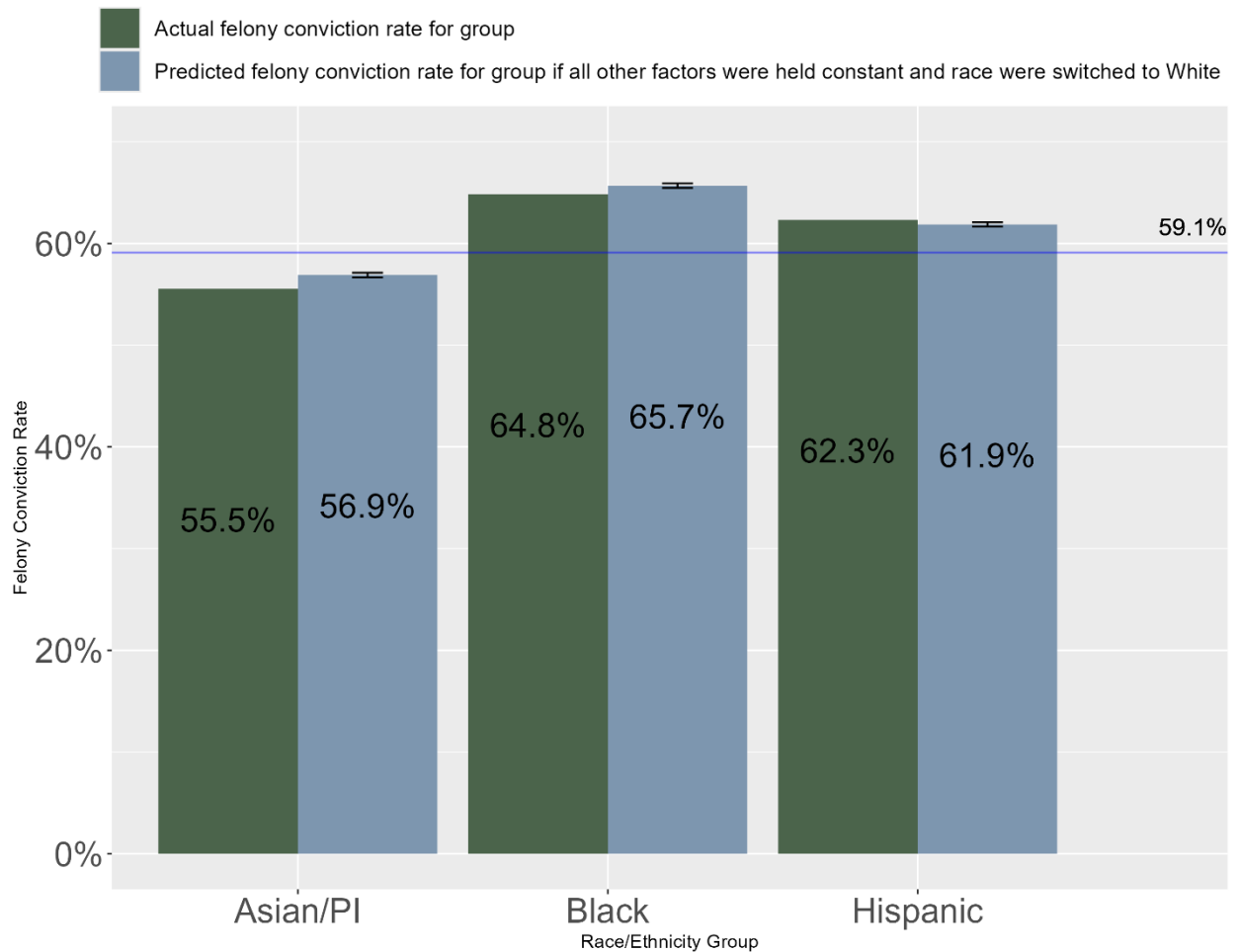
The effect of race/ethnicity on felony conviction rate was estimated using the same technique described above. The statistical method estimated that relative to similarly situated White defendants, on average Black defendants were 0.8 percentage points less likely to receive a felony conviction. Hispanic individuals were on average 0.5 percentage points more likely and

²⁵ Error bars represent 95 percent confidence intervals for the predicted values.

Asian/PI defendants less than 0.1 percentage points less likely to receive a felony conviction compared to similarly situated Whites.

Figure 8 shows the actual felony conviction rates (green bars) for Asian/PI, Black, and Hispanic individuals, and the estimated felony conviction rates (blue bars) for these groups if all characteristics were held constant, but race was changed to White. The blue line shows the actual felony conviction rate for White defendants.

Figure 8: Actual and Estimated Felony Conviction Rates

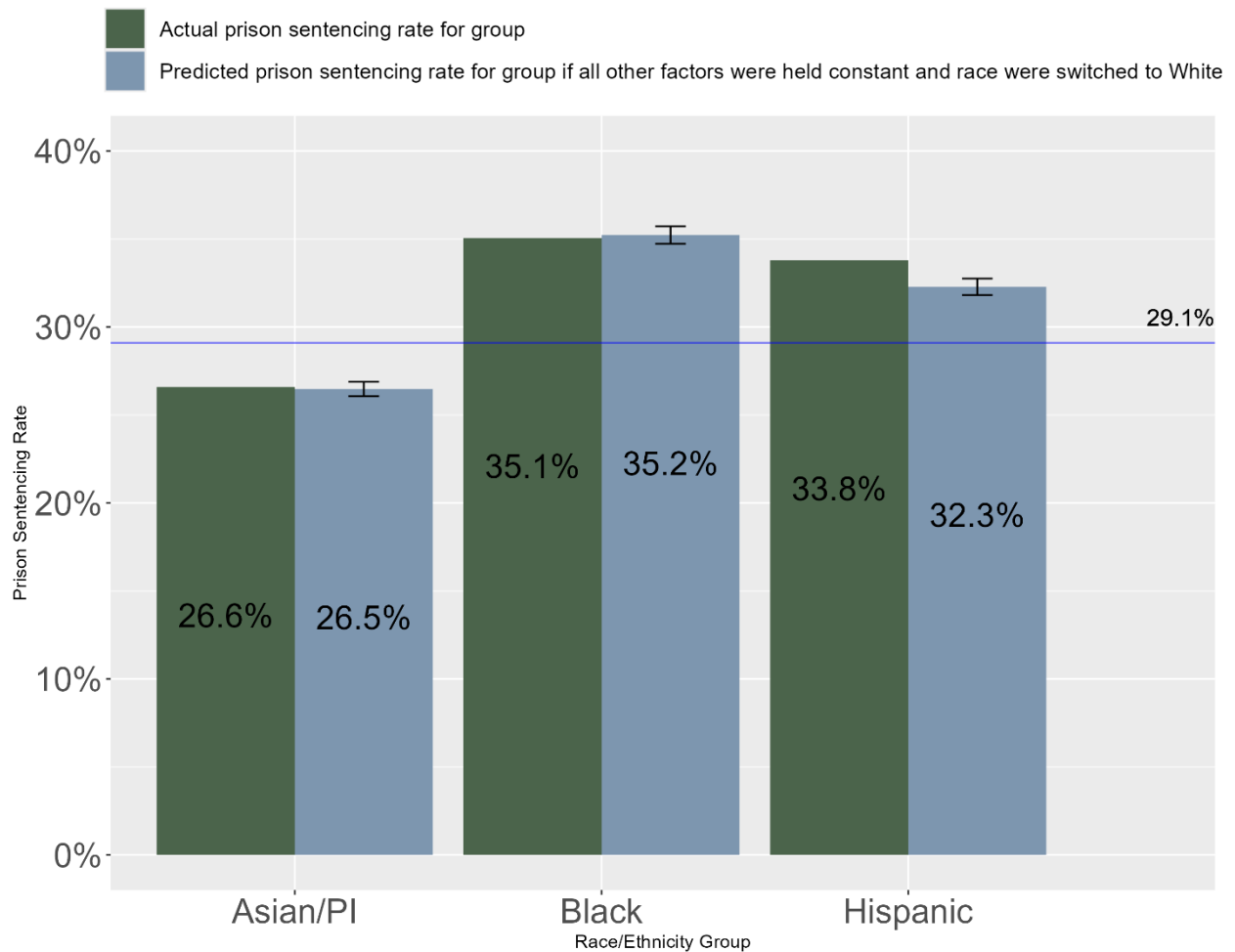


Sentencing for Similarly Situated Individuals by Race/Ethnicity

Again, using the same technique described above, the statistical method estimated that the average Hispanic defendant was 1.5 percentage points more likely to receive a prison sentence compared to similarly situated White defendants. Although not statistically significant, Asian/PI defendants were 0.1 percentage points more likely and Black defendants 0.2 percentage points less likely to receive a prison sentence compared to similarly situated White defendants.

Figure 9 shows the actual prison sentencing rates (green bars) for Asian/PI, Black, and Hispanic individuals, and the estimated prison sentencing rates (blue bars) for these groups if all characteristics were held constant but race were changed to White. The blue line shows the actual prison sentencing rate for White defendants.

Figure 9: Actual and Estimated Prison Sentencing Rates



Prison Sentence Length for Similarly Situated Defendants by Race/Ethnicity

The effect of race/ethnicity on prison sentence length was estimated using a slightly different statistical technique appropriate for the estimation of number of days, rather than a rate. A statistical test found that adding race as a predictor of sentence length did not improve the predictions, indicating that race may not be a significant contributor to sentence length above and beyond the other predictors. When controlling for age, gender, county, and legal factors, differences in prison sentence lengths across racial groups were not statistically significant for Asian/PI or Black defendants compared to White defendants. Prison sentence lengths for Hispanic defendants were 176 days longer compared to similarly situated White defendants, but caution should be used in interpreting this finding. Even though the statistical model found a statistically significant difference between White and Hispanic defendants, since the statistical model predicting outcomes without race performed no worse than the statistical model that included race, there is not sufficient evidence to conclude that race is a significant contributor to sentence length.

Summary of Findings

Legal factors such as features of the current offense and the defendant's prior criminal record, as well as jurisdiction, exerted the strongest influence on conviction rate and sentencing to prison.²⁶ Current criminal charges exerted the strongest influence on felony versus misdemeanor conviction. More serious offenses and prior criminal records were both associated with higher conviction rates, more felony versus misdemeanor convictions, and more prison sentences. Legal factors, particularly those related to the current criminal charges, and the defendant's prior criminal record also exerted the strongest influence on prison sentence length.²⁷

After accounting for differences in outcomes that can be explained by legal factors such as charge type and criminal history and county variation such as conviction rates and demographics, the analyses found that defendant characteristics such as race/ethnicity, gender, and age are still significantly associated with rates of conviction, rates of felony versus misdemeanor convictions, and imposition of a prison sentence versus a lesser sentence. Race was not found to be a significant contributor to prison sentence length after controlling for legal factors and county.

These findings are subject to limitations²⁸ inherent to working with administrative data and should not be interpreted as causal evidence of discrimination or bias at any point in the system. All the analyses in this report are correlational and the outcomes studied involve a large number of contributing actors, structural elements, and information, which may not all be accounted for in the analyses.

Accounting for differences mentioned above in the available legal and demographic factors, the following findings were statistically significant:

- Relative to White defendants, Hispanic defendants were more likely (2.2%), and Black defendants less likely (1.4%), to be convicted rather than be acquitted or have their cases dismissed;
- Hispanic defendants were more likely (0.5%), and Black and Asian/PI defendants less likely (0.8% and 0.1%, respectively), to receive a felony versus a misdemeanor conviction when compared to White defendants;
- Relative to White individuals, Hispanic individuals convicted of a felony were more likely (1.5%) to receive a sentence to prison rather than a lesser sentence; and
- Race was not a significant contributor to prison sentence length, and a finding that prison sentence length was 176 days longer for Hispanic individuals compared to White individuals must be interpreted with caution.

²⁶ As determined by a comparison of McFadden pseudo R-squared values, which estimate the relative contribution of each predictor to the overall predictive power of the statistical model. For more detail, see Appendix B.

²⁷ As determined by a comparison of R-squared values.

²⁸ See Limitations section, p.2-3

These findings are generally consistent with prior years' reports in that race differences persisted after controlling for all available legal and demographic factors.²⁹ The most notable change from prior reports is in the outcome of prison sentencing. While in the 2021 report Hispanic individuals were 4 percentage points more likely and Black individuals 2.6 percentage points more likely to receive a prison sentence compared to White individuals, in this report Hispanic individuals were only 1.5 percentage points more likely and there was no significant difference for Black individuals.

²⁹ For trends over time, see Appendix C. For a description of available controls, see Appendix B.

Appendix A: Legislation

Penal Code section 1170.45:

The Judicial Council shall collect data on criminal cases statewide relating to the disposition of those cases according to the race and ethnicity of the defendant, and report annually thereon to the Legislature beginning no later than January 1, 1999. It is the intent of the Legislature to appropriate funds to the Judicial Council for this purpose.

Appendix B: Methodology

This appendix contains a table (table B1) of the characteristics of felony defendants in the Automated Criminal History System database and the regression results referred to in this report. Regression is a statistical process of determining the relationship between an outcome of interest and a set of predictors. The mathematical equation that is used to determine this relationship contains the predictors being examined and is referred to as a “model.”

The unit of analysis for this report is a unique person and disposition date combination.

For all outcomes, the prior criminal history items included in the model were:

- Years prior prison;
- Years prior jail;
- Number of prior sentences to probation;
- Number of prior convictions including a violent felony (summary code);
- Number of prior convictions including a violent misdemeanor (summary code);
- Number of prior convictions including a property felony (summary code);
- Number of prior convictions including a property misdemeanor (summary code);
- Number of prior convictions including a drug felony (summary code);
- Number of prior convictions including a drug misdemeanor (summary code);
- Number of prior convictions including another sex felony (summary code);
- Number of prior convictions including another sex misdemeanor (summary code);
- Number of prior convictions including another felony (summary code);
- Number of prior convictions including another misdemeanor (summary code);
- Number of prior convictions including a violent felony (statutory);
- Number of prior convictions including a serious felony (statutory);
- Number of prior convictions including a sexual offense;
- Number of prior convictions including a domestic violence offense;
- Number of prior convictions including a DUI offense;
- Whether the defendant was on probation at the time of the current arrest;
- The highest hierarchy value for any prior conviction offense; and
- Years since the most recent conviction (ceiling, and inverted).

For all outcomes, the demographic and location items included in the model were:

- Age;
- Gender;
- Race; and
- County.

For conviction rate and level of conviction offense, the current offense items included in the model were:

- Whether the filed charges included a violent felony charge (summary code);
- Whether the filed charges included a violent misdemeanor charge (summary code);
- Whether the filed charges included a property felony charge (summary code);
- Whether the filed charges included a property misdemeanor charge (summary code);
- Whether the filed charges included a drug felony charge (summary code);
- Whether the filed charges included a drug misdemeanor charge (summary code);
- Whether the filed charges included another sex felony charge (summary code);
- Whether the filed charges included another sex misdemeanor charge (summary code);
- Whether the filed charges included another felony charge (summary code);
- Whether the filed charges included another misdemeanor charge (summary code);
- Whether the filed charges included a violent felony (statutory);
- Whether the filed charges included a serious felony (statutory);
- Whether the filed charges included a sex offense;
- Whether the filed charges included a domestic violence offense;
- Whether the filed charges included a DUI offense;
- The highest DOJ offense hierarchy value for filed charges (scaled);
- The number of filed felony charges;
- The number of filed misdemeanor charges; and
- The number of arrests involved in the current disposition; and
- The maximum sentence exposure of filed charges, expressed as days of incarceration.³⁰

For prison sentencing and prison sentence length, the current offense items included in the model were:

- Whether the convicted charges included a violent felony charge (summary code);
- Whether the convicted charges included a violent misdemeanor charge (summary code);
- Whether the convicted charges included a property felony charge (summary code);
- Whether the convicted charges included a property misdemeanor charge (summary code);
- Whether the convicted charges included a drug felony charge (summary code);
- Whether the convicted charges included a drug misdemeanor charge (summary code);
- Whether the convicted charges included another sex felony charge (summary code);
- Whether the convicted charges included another sex misdemeanor charge (summary code);
- Whether the convicted charges included another felony charge (summary code),
- Whether the convicted charges included another misdemeanor charge (summary code),
- Whether the convicted charges included a violent felony (statutory),

³⁰ The maximum sentence exposure is of filed charges calculated using sentencing triads from the DOJ, and sums the highest incarcerative sentence length from the filed charge with the longest exposure with the middle triad value for all other filed charges. In calculating this variable, exposure to a life sentence was counted as equivalent to 50 years' exposure and exposure to a death sentence was counted as equivalent to 75 years' exposure.

- Whether the convicted charges included a serious felony (statutory),
- Whether the convicted charges included a sex offense,
- Whether the convicted charges included a domestic violence offense,
- Whether the convicted charges included a DUI offense;
- The highest DOJ offense hierarchy value for convicted charges (scaled);
- The number of convicted felony charges;
- The number of convicted misdemeanor charges;
- The number of arrests involved in the current disposition; and
- The maximum sentence exposure of convicted charges, expressed as days of incarceration.³¹

For the three rate outcomes, a binomial logistic regression model (also known as a logit model) was used. Binomial regression is a specific type of regression ideal for estimating binary outcome variables, such as felony versus misdemeanor conviction. For prison sentence length, linear regression was used, with robust standard errors.

A likelihood ratio test was used to compare the model strength for each model with and without race/ethnicity. These tests demonstrate that a model that includes race as a predictor is significantly more predictive than a model without race for conviction versus acquittal or dismissal, for felony versus misdemeanor conviction, and for prison versus lesser sentencing.³² For sentence length, the test indicated that the model was not significantly more predictive with race as a predictor.

Average marginal effects for each race/ethnicity were used to express the magnitude of the effect of race/ethnicity. The marginal effects shown are derived from the binomial logistic model, and represent the average effect of race for each racial group.

³¹ The maximum sentence exposure of convicted charges is calculated using sentencing triads from the DOJ, and sums the highest incarcerative sentence length from the convicted charge with the longest exposure with the middle triad value for all other convicted charges. In calculating this variable, exposure to a life sentence was counted as equivalent to 50 years' exposure and exposure to a death sentence was counted as equivalent to 75 years' exposure.

³² For each of these outcomes $p < 0.0001$, indicating it is unlikely to observe this difference by chance if the two models were equally predictive.

Table B1: Characteristics of felony defendants

| | Total % | Asian/PI % | Black % | Hispanic % | White % |
|---|----------------------|------------|---------|------------|---------|
| All defendants | -- | 3.1 | 20.2 | 45.8 | 30.8 |
| Outcome Variables | | | | | |
| <i>Case Outcome</i> | | | | | |
| Acquittal or Dismissal | 20.5 | 23.7 | 24.4 | 18.1 | 21.2 |
| Conviction | 79.5 | 76.3 | 75.6 | 81.9 | 78.8 |
| <i>Conviction type (among convictions)</i> | | | | | |
| Misdemeanor | 38.4 | 44.5 | 35.2 | 37.7 | 40.9 |
| Felony | 61.6 | 55.5 | 64.8 | 62.3 | 59.1 |
| <i>Sentence Outcome (among felonies)</i> | | | | | |
| Non-prison Sentence | 67.5 | 73.4 | 64.9 | 66.2 | 70.9 |
| Prison | 32.5 | 26.6 | 35.1 | 33.8 | 29.1 |
| <i>Sentence Length (prison sentences)</i> | | | | | |
| Average years | 6 | 6.7 | 5.7 | 6.3 | 5.6 |
| Situational Variables | | | | | |
| <i>Arrest Offense Type</i> | | | | | |
| Violent | 38.8 | 38 | 44.4 | 39 | 35.1 |
| Property | 27.6 | 29.6 | 23.6 | 26.9 | 31.1 |
| Drug | 10 | 11.5 | 6.6 | 9.7 | 12.4 |
| Other | 23.5 | 20.9 | 25.3 | 24.3 | 21.4 |
| <i>Arrest Offense DOJ Hierarchy^a</i> | | | | | |
| Average hierarchy value | 0.1022 | 0.0994 | 0.124 | 0.1036 | 0.0863 |
| <i>Arrest Offense Exposure^b</i> | | | | | |
| Max. sentence exposure (days) | 2,227.7 | 2,260.6 | 2,393.4 | 2,267.4 | 2,057.4 |
| <i>Prior Record</i> | | | | | |
| No prior convictions | 22.2 | 36.1 | 20.8 | 23.5 | 19.6 |
| Prior conviction (no prior jail) | 14.9 | 13.9 | 12.5 | 17 | 13.4 |
| Prior jail (no prior prison) | 35 | 30.4 | 31.5 | 33.3 | 40.3 |
| Prior prison | 27.9 | 19.6 | 35.1 | 26.2 | 26.7 |
| Defendant Characteristics | | | | | |
| <i>Gender</i> | | | | | |
| Male | 83 | 82.3 | 83.2 | 85.7 | 78.9 |
| Female | 17 | 17.7 | 16.8 | 14.3 | 21.1 |
| <i>Average Age (years)</i> | 34.3 | 36.1 | 33.8 | 32.3 | 37.4 |
| <i>Number of Cases</i> | 276,139 ^c | 8,681 | 55,431 | 126,804 | 85,223 |

^a The DOJ produces a hierarchy of criminal codes with values representing the severity of crimes. The variable has been scaled for ease of interpretability so that the overall mean hierarchy value is 0, and the standard deviation is 1. Positive values represent average hierarchy values more severe than the mean. Total average hierarchy is not equal to 0 because the variable was scaled for all dispositions, and this table only includes those with court dispositions.

^b The maximum sentence exposure is calculated using sentencing triads from the DOJ, and sums the highest incarcerative sentence length from the charge with the longest exposure with the middle triad value for all other charges. In calculating this variable, exposure to a life sentence was counted as equivalent to 50 years' exposure and exposure to a death sentence was counted as equivalent to 75 years' exposure.

^c Excluding those with race other than White, Black, Hispanic, or Asian/PI; genders other than male or female; age less than 18; and cases with no known offense level.

Table B2: Binomial logit model predicting conviction versus dismissal/acquittal

| Term | estimate | std.error | p-value [†] |
|--|-----------|-----------|----------------------|
| (Intercept) | -1.169256 | 0.047831 | 5.63E-132 *** |
| years_prior_prison | -0.000473 | 0.000969 | 0.625730 |
| years_prior_jail | -0.000535 | 0.000459 | 0.244007 |
| prior_sent_probation_flag_count | 0.003279 | 0.003607 | 0.363309 |
| prior_conviction_summ_f_violent_flag_count | -0.028355 | 0.011929 | 0.017457 * |
| prior_conviction_summ_m_violent_flag_count | 0.001842 | 0.006203 | 0.766529 |
| prior_conviction_summ_f_property_flag_count | 0.009466 | 0.004723 | 0.045017 * |
| prior_conviction_summ_m_property_flag_count | 0.024892 | 0.007355 | 0.000713 *** |
| prior_conviction_summ_f_drug_flag_count | -0.006497 | 0.005998 | 0.278675 |
| prior_conviction_summ_m_drug_flag_count | 0.040343 | 0.004387 | 0.000000 *** |
| prior_conviction_summ_f_other_sex_flag_count | 0.067031 | 0.025586 | 0.008799 ** |
| prior_conviction_summ_m_other_sex_flag_count | 0.010351 | 0.013381 | 0.439209 |
| prior_conviction_summ_f_other_flag_count | -0.017928 | 0.007859 | 0.022538 * |
| prior_conviction_summ_m_other_flag_count | 0.004404 | 0.004411 | 0.318062 |
| prior_conviction_violent_felony_flag_count | 0.079629 | 0.022219 | 0.000339 *** |
| prior_conviction_serious_felony_flag_count | 0.022910 | 0.017643 | 0.194094 |
| prior_conviction_sex_flag_count | 0.035023 | 0.030986 | 0.258348 |
| prior_conviction_dv_flag_count | 0.068693 | 0.008780 | 5.14E-15 *** |
| prior_conviction_dui_flag_count | 0.000258 | 0.009556 | 0.978455 |
| on_prob | 0.113248 | 0.013114 | 5.83E-18 *** |
| prior_max_conv_hier_scaled | 0.263269 | 0.030332 | 3.97E-18 *** |
| inv_yrs_since_prior_conv | 0.342706 | 0.018207 | 4.93E-79 *** |
| court_summ_f_violent_flag | 0.024084 | 0.022678 | 0.288227 |
| court_summ_m_violent_flag | 0.732171 | 0.015798 | 0.00E+00 *** |
| court_summ_f_property_flag | 0.358470 | 0.018637 | 1.92E-82 *** |
| court_summ_m_property_flag | 0.693063 | 0.020291 | 1.09E-255 *** |
| court_summ_f_drug_flag | 0.054106 | 0.023386 | 0.020686 * |
| court_summ_m_drug_flag | 0.137490 | 0.016519 | 8.58E-17 *** |
| court_summ_f_other_sex_flag | 0.659381 | 0.052390 | 2.52E-36 *** |
| court_summ_m_other_sex_flag | 0.558307 | 0.058771 | 2.10E-21 *** |
| court_summ_f_other_flag | 0.435005 | 0.015469 | 5.29E-174 *** |
| court_summ_m_other_flag | 0.793942 | 0.013691 | 0.00E+00 *** |
| court_violent_felony_flag | -0.796342 | 0.030133 | 6.63E-154 *** |
| court_serious_felony_flag | 0.279474 | 0.022868 | 2.40E-34 *** |
| court_sex_flag | 0.124143 | 0.051917 | 0.016794 * |
| court_dv_flag | -0.136230 | 0.017104 | 1.65E-15 *** |
| court_dui_flag | 1.657616 | 0.035599 | 0.00E+00 *** |
| max_court_hier_scaled | 0.850799 | 0.047931 | 1.70E-70 *** |
| filed_fcharge_count | -0.088910 | 0.005406 | 8.88E-61 *** |
| filed_mcharge_count | -0.079223 | 0.004143 | 1.72E-81 *** |
| combined_cycles_count | 0.000528 | 0.000009 | 0.00E+00 *** |
| exp_filed_sent_days | 0.177647 | 0.009472 | 1.78E-78 *** |
| age | -0.005735 | 0.000532 | 4.03E-27 *** |
| genderF | 0.420056 | 0.013483 | 3.81E-69 *** |
| raceAsian/PI | 0.049423 | 0.029612 | 0.095111 . |
| raceBlack | -0.101534 | 0.015287 | 3.10E-11 *** |
| raceHispanic | 0.159257 | 0.013061 | 3.38E-34 *** |
| County fixed effects [‡] | ‡ | ‡ | ‡ ‡ |

Notes:

n = 276,139

Excluding those with race other than White, Black, Hispanic, or Asian/PI; genders other than male or female; age less than 18; and cases with no recorded filed charge level.

. p < 0.1; * p < 0.05; ** p < 0.01; *** p < 0.001

† P-values represent the probability that these results could be obtained by chance if that predictor did not have any predictive value. P-values below 0.05 are typically viewed as representing a “significant” result—that the estimate is unlikely to have occurred by chance if there were no true effect.

‡ County included as a categorical variable; individual county fixed effects not shown. Many counties significantly differed.

Table B3: Log likelihood output comparing conviction model with and without race term

| term | X.Df | LogLik | df | statistic | p.value |
|-------------------------|------|-------------|----|-----------|------------|
| Model without race term | 103 | -119684.074 | | | |
| Model with race term | 106 | -119492.12 | 3 | 383.90626 | 6.7763E-83 |

Table B4: Average marginal effects for conviction model

| term | estimate | std.error | statistic | p.value |
|--------------|--------------|------------|------------|------------|
| raceAsian/PI | 0.006970455 | 0.00414021 | 1.68359974 | 0.09225905 |
| raceBlack | -0.014789963 | 0.00223362 | -6.6215101 | 3.5555E-11 |
| raceHispanic | 0.021916536 | 0.0018103 | 12.1065993 | 9.7451E-34 |

Table B5: Pseudo R-squared results for model predicting conviction versus dismissal/acquittal

Contribution for each variable was calculated by taking the McFadden pseudo R-squared value for the full model and subtracting the McFadden pseudo R-squared value for a model without that variable. McFadden pseudo R-squared values are difficult to interpret individually, but the relative values give information about the relative contribution of each predictor to the overall predictive power of the model.

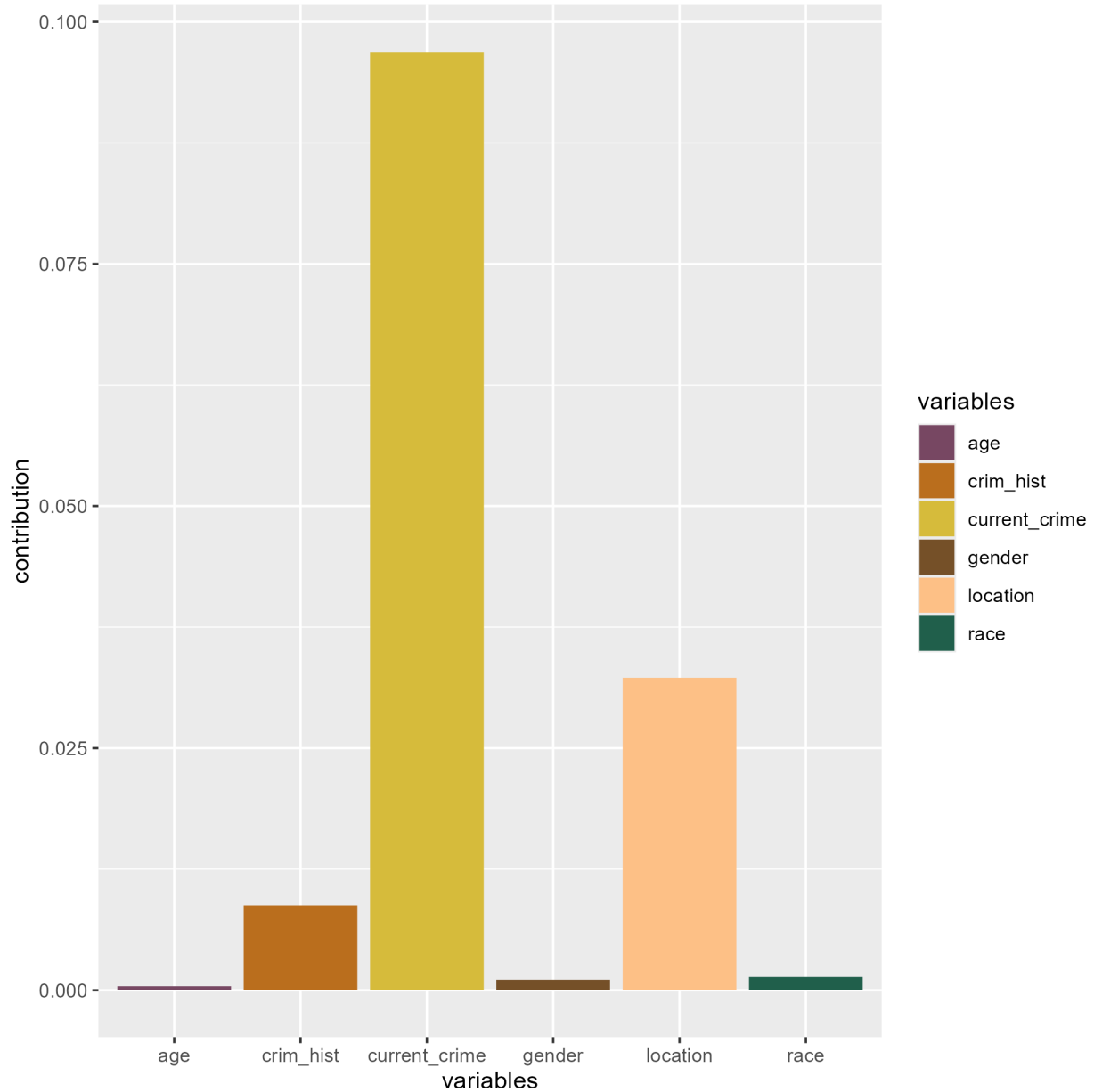


Table B6: Binomial logit model predicting felony versus misdemeanor conviction

| Term | estimate | std.error | p-value† | |
|--|-----------|-----------|-----------|-----|
| (Intercept) | -0.644567 | 0.087951 | 2.32E-13 | *** |
| years_prior_prison | 0.007727 | 0.002289 | 0.000734 | *** |
| years_prior_jail | 0.002616 | 0.001506 | 0.082407 | . |
| prior_sent_probation_flag_count | 0.031962 | 0.005646 | 1.51E-08 | *** |
| prior_conviction_summ_f_violent_flag_count | 0.056070 | 0.019966 | 0.004981 | ** |
| prior_conviction_summ_m_violent_flag_count | 0.029417 | 0.009327 | 0.001611 | ** |
| prior_conviction_summ_f_property_flag_count | 0.065421 | 0.008410 | 7.33E-15 | *** |
| prior_conviction_summ_m_property_flag_count | 0.014044 | 0.011387 | 0.217442 | |
| prior_conviction_summ_f_drug_flag_count | 0.025116 | 0.010142 | 0.013274 | * |
| prior_conviction_summ_m_drug_flag_count | -0.042954 | 0.005799 | 1.29E-13 | *** |
| prior_conviction_summ_f_other_sex_flag_count | 0.136723 | 0.042762 | 0.001387 | ** |
| prior_conviction_summ_m_other_sex_flag_count | 0.019897 | 0.023276 | 0.392646 | |
| prior_conviction_summ_f_other_flag_count | 0.104247 | 0.013741 | 3.28E-14 | *** |
| prior_conviction_summ_m_other_flag_count | -0.029486 | 0.006835 | 0.000016 | *** |
| prior_conviction_violent_felony_flag_count | 0.169847 | 0.039894 | 0.000021 | *** |
| prior_conviction_serious_felony_flag_count | 0.034758 | 0.029719 | 0.242175 | |
| prior_conviction_sex_flag_count | -0.044849 | 0.052835 | 0.395964 | |
| prior_conviction_dv_flag_count | 0.004505 | 0.012752 | 0.723905 | |
| prior_conviction_oui_flag_count | 0.037322 | 0.014516 | 0.010141 | * |
| on_prob | 0.191368 | 0.021248 | 2.13E-19 | *** |
| prior_max_conv_hier_scaled | 1.363477 | 0.053260 | 1.51E-144 | *** |
| inv_yrs_since_prior_conv | 0.495593 | 0.030295 | 3.76E-60 | *** |
| court_summ_f_violent_flag | 2.208043 | 0.040735 | 0.00E+00 | *** |
| court_summ_m_violent_flag | -1.251207 | 0.023122 | 0.00E+00 | *** |
| court_summ_f_property_flag | 2.597609 | 0.035909 | 0.00E+00 | *** |
| court_summ_m_property_flag | -1.620761 | 0.029100 | 0.00E+00 | *** |
| court_summ_f_drug_flag | 1.738937 | 0.043377 | 0.00E+00 | *** |
| court_summ_m_drug_flag | -0.647615 | 0.025188 | 8.71E-146 | *** |
| court_summ_f_other_sex_flag | 2.604359 | 0.086826 | 1.14E-197 | *** |
| court_summ_m_other_sex_flag | -1.076942 | 0.081190 | 3.72E-40 | *** |
| court_summ_f_other_flag | 2.726046 | 0.031176 | 0.00E+00 | *** |
| court_summ_m_other_flag | -1.370746 | 0.020809 | 0.00E+00 | *** |
| court_violent_felony_flag | -1.570516 | 0.052718 | 5.13E-195 | *** |
| court_serious_felony_flag | -0.033235 | 0.033173 | 0.316417 | |
| court_sex_flag | 0.128168 | 0.085355 | 0.133204 | |
| court_dv_flag | -0.658736 | 0.029531 | 3.19E-110 | *** |
| court_oui_flag | 0.362760 | 0.033718 | 5.40E-27 | *** |
| max_court_hier_scaled | -2.375133 | 0.091250 | 2.33E-149 | *** |
| filed_fcharge_count | 0.206685 | 0.012001 | 1.82E-66 | *** |
| filed_mcharge_count | -0.177932 | 0.006122 | 1.05E-185 | *** |
| combined_cycles_count | 0.523587 | 0.011502 | 0.00E+00 | *** |
| exp_filed_sent_days | 0.001450 | 0.000016 | 0.00E+00 | *** |
| age | -0.020187 | 0.000939 | 1.29E-102 | *** |
| genderF | -0.576470 | 0.023594 | 7.62E-132 | *** |
| raceAsian/PI | -0.198537 | 0.050749 | 0.000091 | *** |
| raceBlack | -0.134144 | 0.026986 | 0.000001 | *** |
| raceHispanic | 0.072753 | 0.021602 | 0.000757 | *** |
| County fixed effects‡ | ‡ | ‡ | ‡ ‡ | |

Notes:

n = 211,737

Excluding those with race other than White, Black, Hispanic, or Asian/PI; genders other than male or female; age less than 18; and cases with no convicted charges.

. p < 0.1; * p < 0.05; ** p < 0.01; *** p < 0.001

† P-values represent the probability that these results could be obtained by chance if that predictor did not have any predictive value. P-values below 0.05 are typically viewed as representing a “significant” result—that the estimate is unlikely to have occurred by chance if there were no true effect.

‡ County included as a categorical variable; individual county fixed effects not shown. Many counties significantly differed.

Table B7: Log likelihood output comparing felony conviction model with and without race term

| term | X.Df | LogLik | df | statistic | p.value |
|-------------------------|------|-------------|----|------------|------------|
| Model without race term | 102 | -45002.2443 | | | |
| Model with race term | 105 | -44958.9946 | 3 | 86.4992825 | 1.2368E-18 |

Table B8: Average marginal effects for felony conviction model

| term | estimate | std.error | statistic | p.value |
|--------------|-------------|------------|-------------|------------|
| raceAsian/PI | -0.01272061 | 0.00329369 | -3.8621121 | 0.00011241 |
| raceBlack | -0.00855015 | 0.00172242 | -4.96401899 | 6.9049E-07 |
| raceHispanic | 0.0045621 | 0.0013564 | 3.36338043 | 0.00076994 |

Table B9: Pseudo R-squared results for model predicting felony versus misdemeanor conviction

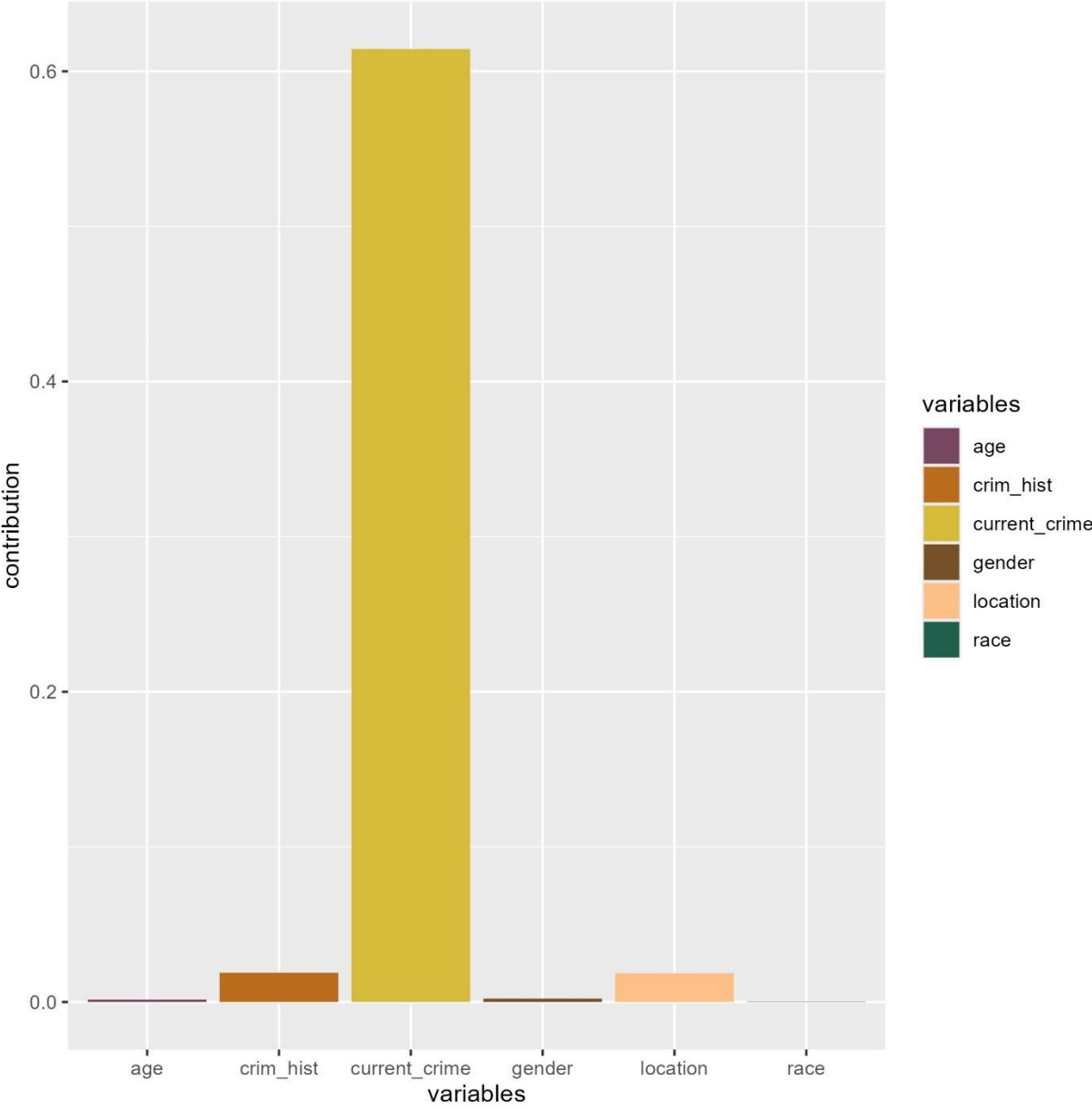


Table B10: Binomial logit model predicting prison versus non-prison sentence

| Term | estimate | std.error | p-value [†] | |
|--|-----------|-----------|----------------------|-----|
| (Intercept) | -2.812155 | 0.082763 | 4.64E-253 | *** |
| years_prior_prison | 0.049798 | 0.001657 | 1.57E-198 | *** |
| years_prior_jail | -0.003660 | 0.001885 | 0.052114 | . |
| prior_sent_probation_flag_count | -0.042358 | 0.004454 | 1.90E-21 | *** |
| prior_conviction_summ_f_violent_flag_count | 0.176444 | 0.014108 | 6.85E-36 | *** |
| prior_conviction_summ_m_violent_flag_count | 0.016303 | 0.007456 | 0.028780 | * |
| prior_conviction_summ_f_property_flag_count | 0.077893 | 0.005914 | 1.30E-39 | *** |
| prior_conviction_summ_m_property_flag_count | -0.001065 | 0.009165 | 0.907483 | |
| prior_conviction_summ_f_drug_flag_count | -0.011923 | 0.007405 | 0.107376 | |
| prior_conviction_summ_m_drug_flag_count | 0.022905 | 0.005089 | 0.000007 | *** |
| prior_conviction_summ_f_other_sex_flag_count | 0.063666 | 0.028270 | 0.024315 | * |
| prior_conviction_summ_m_other_sex_flag_count | 0.004012 | 0.020936 | 0.848035 | |
| prior_conviction_summ_f_other_flag_count | 0.222097 | 0.008945 | 4.29E-136 | *** |
| prior_conviction_summ_m_other_flag_count | 0.004167 | 0.005338 | 0.434999 | |
| prior_conviction_violent_felony_flag_count | 0.160454 | 0.025907 | 5.89E-10 | *** |
| prior_conviction_serious_felony_flag_count | 0.370434 | 0.020333 | 3.71E-74 | *** |
| prior_conviction_sex_flag_count | 0.062718 | 0.036954 | 0.089657 | . |
| prior_conviction_dv_flag_count | 0.036241 | 0.009960 | 0.000274 | *** |
| prior_conviction_dui_flag_count | -0.006058 | 0.011626 | 0.602333 | |
| on_prob | 0.039796 | 0.015848 | 0.012037 | * |
| prior_max_conv_hier_scaled | 2.227494 | 0.048034 | 0.00E+00 | *** |
| inv_yrs_since_prior_conv | -0.055414 | 0.022967 | 0.015832 | * |
| conviction_summ_f_violent_flag | 0.777360 | 0.028758 | 6.35E-161 | *** |
| conviction_summ_m_violent_flag | -0.130418 | 0.031709 | 0.000039 | *** |
| conviction_summ_f_property_flag | 0.082517 | 0.026412 | 0.001783 | ** |
| conviction_summ_m_property_flag | -0.105787 | 0.049206 | 0.031564 | * |
| conviction_summ_f_drug_flag | 0.127528 | 0.031593 | 0.000054 | *** |
| conviction_summ_m_drug_flag | -0.207614 | 0.043793 | 0.000002 | *** |
| conviction_summ_f_other_sex_flag | 0.937572 | 0.055629 | 9.80E-64 | *** |
| conviction_summ_m_other_sex_flag | -0.113215 | 0.112782 | 0.315457 | |
| conviction_summ_f_other_flag | 0.745051 | 0.023952 | 1.97E-212 | *** |
| conviction_summ_m_other_flag | -0.272241 | 0.029403 | 2.06E-20 | *** |
| conviction_violent_felony_flag | 1.205090 | 0.035499 | 1.35E-252 | *** |
| conviction_serious_felony_flag | 0.805549 | 0.024141 | 3.85E-244 | *** |
| conviction_sex_flag | 1.502574 | 0.057522 | 2.07E-150 | *** |
| conviction_dv_flag | -0.235394 | 0.029661 | 2.09E-15 | *** |
| conviction_dui_flag | 0.123068 | 0.034393 | 0.000346 | *** |
| max_conv_hier_scaled | 0.249133 | 0.059143 | 0.000025 | *** |
| convicted_fcharge_count | 0.238951 | 0.008573 | 5.52E-171 | *** |
| convicted_mcharge_count | -0.036897 | 0.009803 | 0.000167 | *** |
| combined_cycles_count | 0.074658 | 0.007304 | 1.60E-24 | *** |
| exp_conv_sent_days | 0.000015 | 0.000004 | 0.000106 | *** |
| age | -0.028701 | 0.000852 | 1.45E-248 | *** |
| genderF | -0.690115 | 0.025493 | 2.17E-161 | *** |
| raceAsian/PI | 0.008097 | 0.047053 | 0.863373 | |
| raceBlack | -0.010200 | 0.021951 | 0.642152 | |
| raceHispanic | 0.093682 | 0.017957 | 1.82E-07 | *** |
| County fixed effects [‡] | ‡ | ‡ | ‡ ‡ | |

Notes:

n = 130,464

Excluding those with race other than White, Black, Hispanic, or Asian/PI; genders other than male or female; age less than 18; and cases with no felony level conviction offenses.

. p < 0.1; * p < 0.05; ** p < 0.01; *** p < 0.001

† P-values represent the probability that these results could be obtained by chance if that predictor did not have any predictive value. P-values below 0.05 are typically viewed as representing a “significant” result—that the estimate is unlikely to have occurred by chance if there were no true effect.

‡ County included as a categorical variable; individual county fixed effects not shown. Many counties significantly differed.

Table B11: Log likelihood output comparing prison sentencing model with and without race term

| term | X.Df | LogLik | df | statistic | p.value |
|-------------------------|------|-------------|----|------------|------------|
| Model without race term | 102 | -63240.4421 | | | |
| Model with race term | 105 | -63218.7315 | 3 | 43.4212635 | 2.0029E-09 |

Table B12: Average marginal effects for prison sentencing model

| term | estimate | std.error | statistic | p.value |
|--------------|-------------|------------|-------------|------------|
| raceAsian/PI | 0.00127274 | 0.00740263 | 0.17193023 | 0.86349238 |
| raceBlack | -0.00159943 | 0.00344091 | -0.46482627 | 0.64205587 |
| raceHispanic | 0.01489008 | 0.00284584 | 5.23222212 | 1.6748E-07 |

Table B13: Pseudo R-squared results for model predicting prison versus non-prison sentence

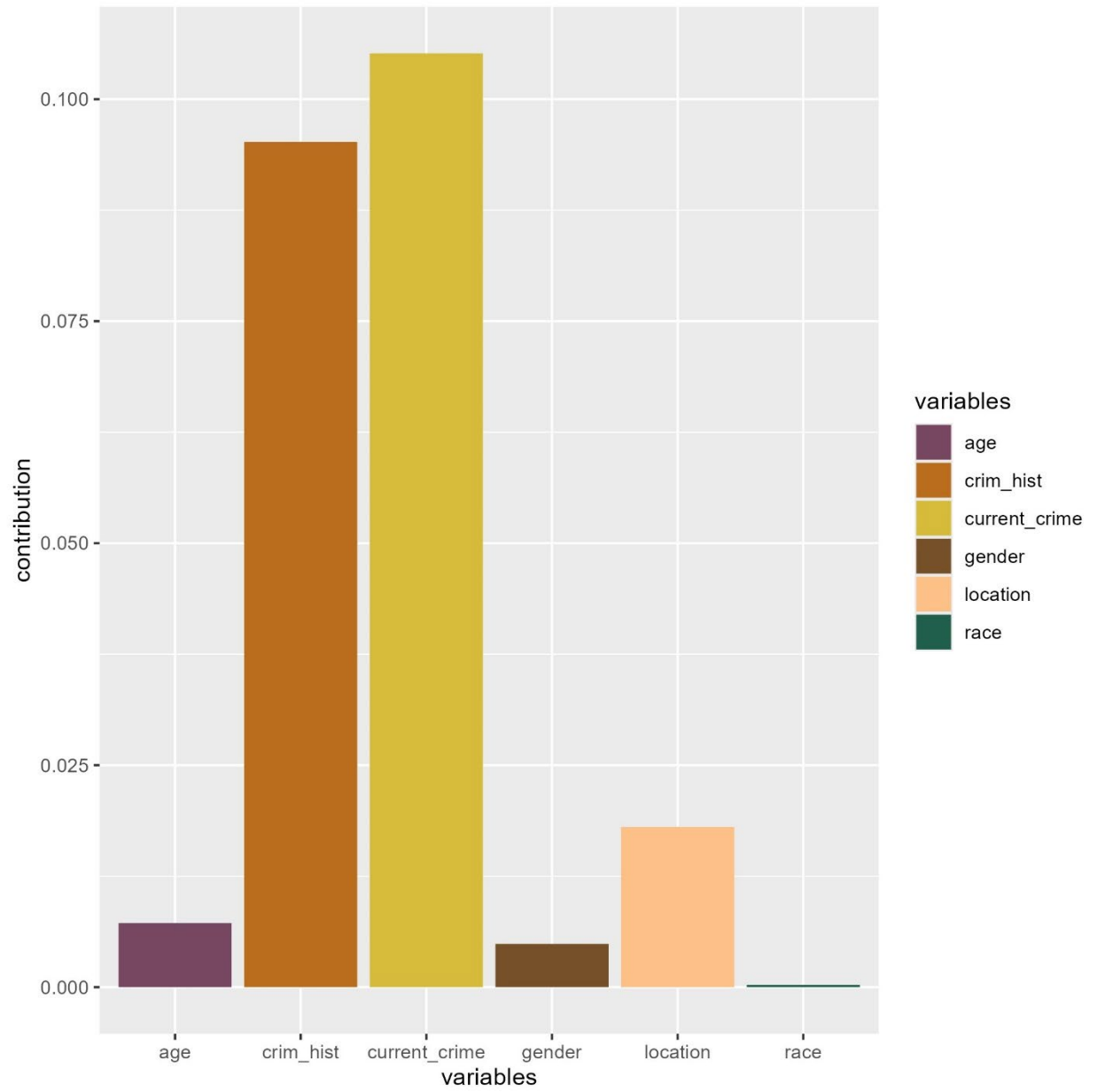


Table B14: Linear regression model predicting prison sentence length

| Term | estimate | std.error | p-value |
|--|-------------|------------|--------------|
| (Intercept) | 292.974501 | 369.241435 | 0.427520 |
| years_prior_prison | 5.415309 | 4.928500 | 0.271873 |
| years_prior_jail | -12.318950 | 6.391864 | 0.053951 . |
| prior_sent_probation_flag_count | -34.876950 | 9.177354 | 0.000145 *** |
| prior_conviction_summ_f_violent_flag_count | -46.832152 | 29.697680 | 0.114812 |
| prior_conviction_summ_m_violent_flag_count | 12.616407 | 11.054863 | 0.253771 |
| prior_conviction_summ_f_property_flag_count | 48.008880 | 19.937570 | 0.016046 * |
| prior_conviction_summ_m_property_flag_count | 21.269804 | 21.492442 | 0.322355 |
| prior_conviction_summ_f_drug_flag_count | 20.043807 | 21.472938 | 0.350596 |
| prior_conviction_summ_m_drug_flag_count | 4.334054 | 9.836668 | 0.659504 |
| prior_conviction_summ_f_other_sex_flag_count | 74.115391 | 57.202639 | 0.195098 |
| prior_conviction_summ_m_other_sex_flag_count | -74.819956 | 49.557185 | 0.131110 |
| prior_conviction_summ_f_other_flag_count | -34.506739 | 18.550167 | 0.062866 . |
| prior_conviction_summ_m_other_flag_count | 10.724254 | 11.096805 | 0.333836 |
| prior_conviction_violent_felony_flag_count | 229.233361 | 65.723237 | 0.000487 *** |
| prior_conviction_serious_felony_flag_count | 157.071009 | 34.901671 | 0.000007 *** |
| prior_conviction_sex_flag_count | 2.493276 | 102.561517 | 0.980605 |
| prior_conviction_dv_flag_count | 4.120972 | 14.958122 | 0.782933 |
| prior_conviction_dui_flag_count | 27.774376 | 22.344921 | 0.213881 |
| on_prob | -53.741477 | 40.904742 | 0.188914 |
| prior_max_conv_hier_scaled | 277.156177 | 489.955200 | 0.571617 |
| inv_yrs_since_prior_conv | -447.063064 | 58.162810 | 1.55E-14 *** |
| conviction_summ_f_violent_flag | 234.588849 | 104.762744 | 0.025146 * |
| conviction_summ_m_violent_flag | 104.245548 | 78.664233 | 0.185113 |
| conviction_summ_f_property_flag | -534.436168 | 130.495979 | 0.000042 *** |
| conviction_summ_m_property_flag | 124.506142 | 95.487977 | 0.192277 |
| conviction_summ_f_drug_flag | -642.169582 | 136.996627 | 0.000003 *** |
| conviction_summ_m_drug_flag | -18.374052 | 88.981366 | 0.836407 |
| conviction_summ_f_other_sex_flag | 70.714926 | 225.704269 | 0.754048 |
| conviction_summ_m_other_sex_flag | -305.508943 | 423.740015 | 0.470925 |
| conviction_summ_f_other_flag | 38.904778 | 133.240199 | 0.770296 |
| conviction_summ_m_other_flag | 30.383127 | 65.344540 | 0.641957 |
| conviction_violent_felony_flag | 689.915646 | 83.133384 | 1.08E-16 *** |
| conviction_serious_felony_flag | -171.333253 | 183.589291 | 0.350700 |
| conviction_sex_flag | 745.619548 | 476.773158 | 0.117852 |
| conviction_dv_flag | -378.706132 | 93.371676 | 0.000050 *** |
| conviction_dui_flag | -112.559913 | 86.052681 | 0.190869 |
| max_conv_hier_scaled | -492.480334 | 202.730286 | 0.015135 * |
| convicted_fcharge_count | 735.308799 | 75.087822 | 1.28E-22 *** |
| convicted_mcharge_count | -84.557345 | 25.146650 | 0.000773 *** |
| combined_cycles_count | -190.368883 | 41.721638 | 0.000005 *** |
| exp_conv_sent_days | 0.615334 | 0.075907 | 5.35E-16 *** |
| age | -1.037469 | 2.601163 | 0.690007 |
| genderF | -308.583992 | 57.762691 | 9.23E-08 *** |
| raceAsian/PI | -57.863567 | 129.047034 | 0.653873 |
| raceBlack | 88.426115 | 53.058723 | 0.095607 . |
| raceHispanic | 176.203548 | 70.788488 | 0.012809 * |
| County fixed effects‡ | ‡ | ‡ | ‡ ‡ |

Notes:

n = 42,365

Prison sentence length represented in days.

Excluding those with race other than White, Black, Hispanic, or Asian/PI; genders other than male or female; age less than 18; cases with no felony level conviction offenses; and cases not sentenced to prison.

. p < 0.1; * p < 0.05; ** p < 0.01; *** p < 0.001

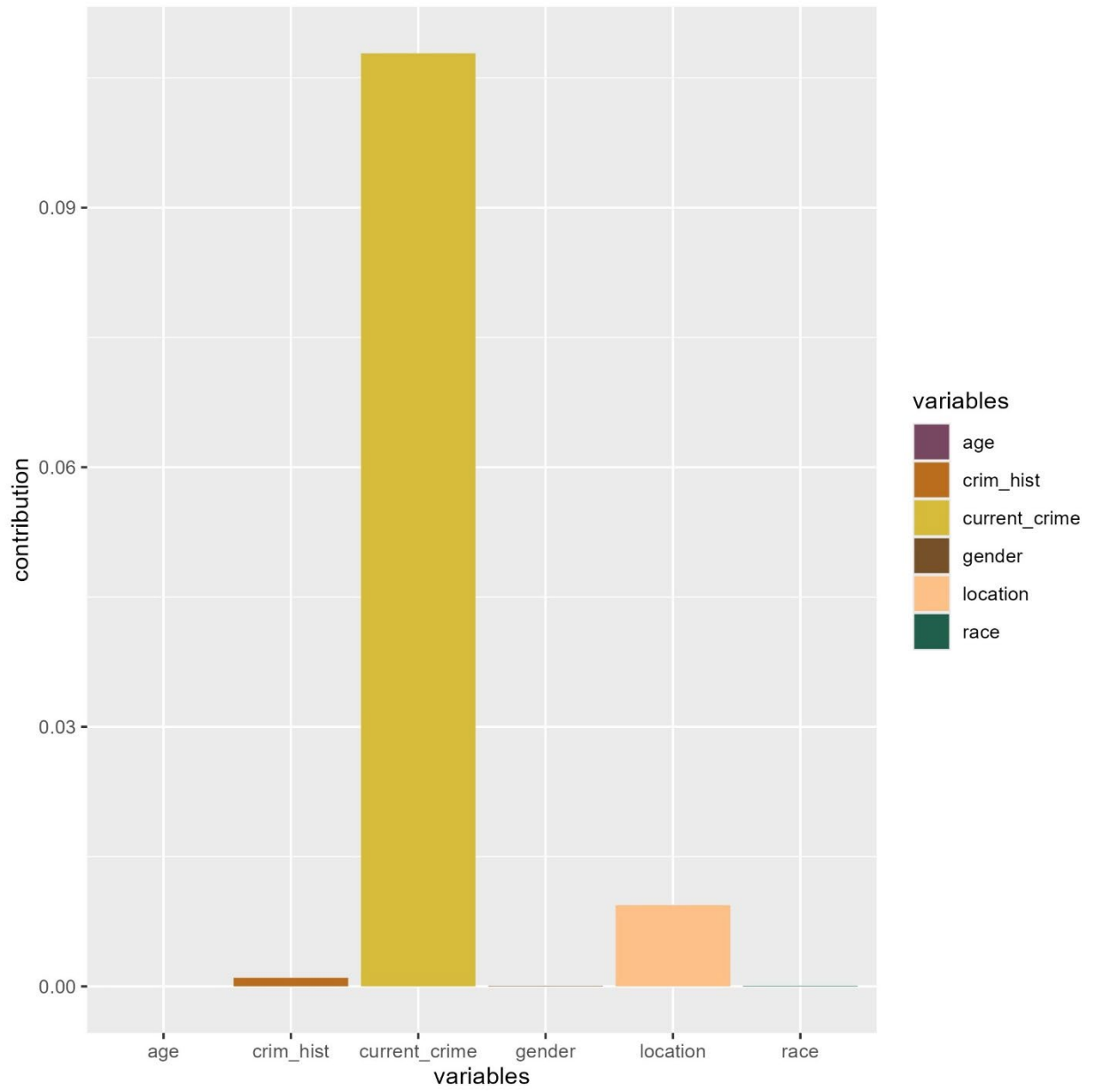
† P-values represent the probability that these results could be obtained by chance if that predictor did not have any predictive value. P-values below 0.05 are typically viewed as representing a “significant” result—that the estimate is unlikely to have occurred by chance if there were no true effect.

‡ County included as a categorical variable; individual county fixed effects not shown. Many counties significantly differed; relative risk varied.

Table B15: Log likelihood output comparing prison sentence length model with and without race term

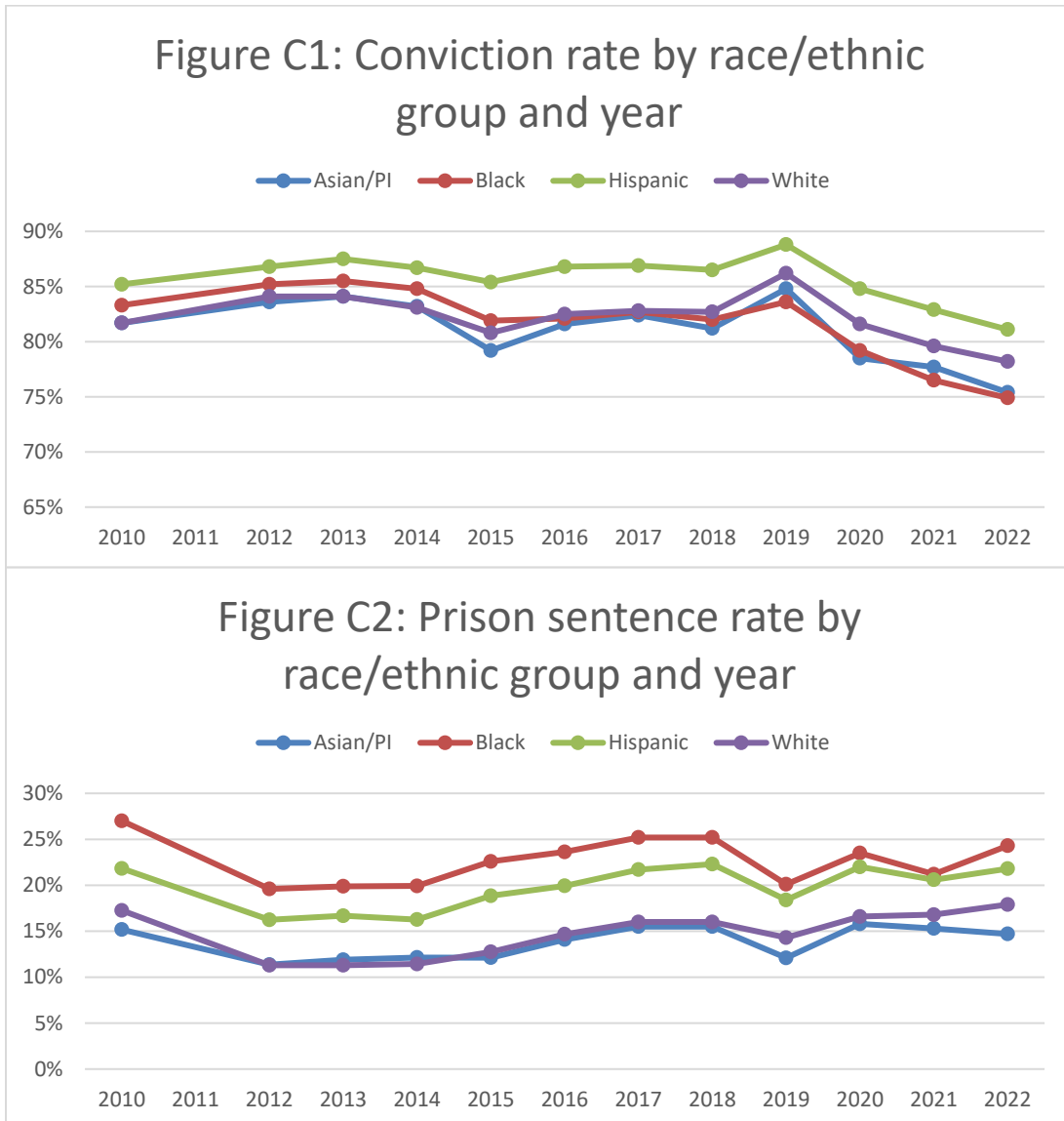
| term | X.Df | LogLik | df | statistic | p.value |
|-------------------------|-------------|---------------|-----------|------------------|----------------|
| Model without race term | 101 | -434493.816 | | | |
| Model with race term | 104 | -434492.093 | 3 | 3.44783398 | 0.32759117 |

Table B16: R-squared results for model predicting prison sentence length



Appendix C: Trends over time

Descriptive data from previous years' reports (compiled in figures C1 and C2) suggests that the trends found in this year's report are consistent with that of prior years. Additional research is needed to gain a clearer understanding of what is driving these trends.



Notes:

These graphs show overall percentages, not controlling for prior record, offense features, age, or gender. Data not available for calendar year 2011.

For figure C2, the prison sentence rate is out of all convicted defendants, not solely those charged with felonies, in order to be consistent with previous years' analyses.

Felony versus misdemeanor conviction charge is not graphed because prior years' reports did not analyze this outcome.

Appendix D: Graphs of observed outcomes broken out by race, criminal record, and offense type

The analyses presented in this report represent average differences across each racial/ethnic group. The following charts show the more nuanced patterns of outcomes broken down by race/ethnicity, prior criminal record, and arrest offense type. Since the numbers for Asian/PI defendants are comparatively small, caution should be used in interpreting the subsetted percentages visualized below.

These graphs show the observed percentages, not controlling for prior record, arrest offense, number of arrest charges, age, or gender. “Other felony” type is not shown due to the lack of interpretability of such a broad category of offenses.

Figure D1: Percent convicted by race, prior criminal record, and felony arrest offense type

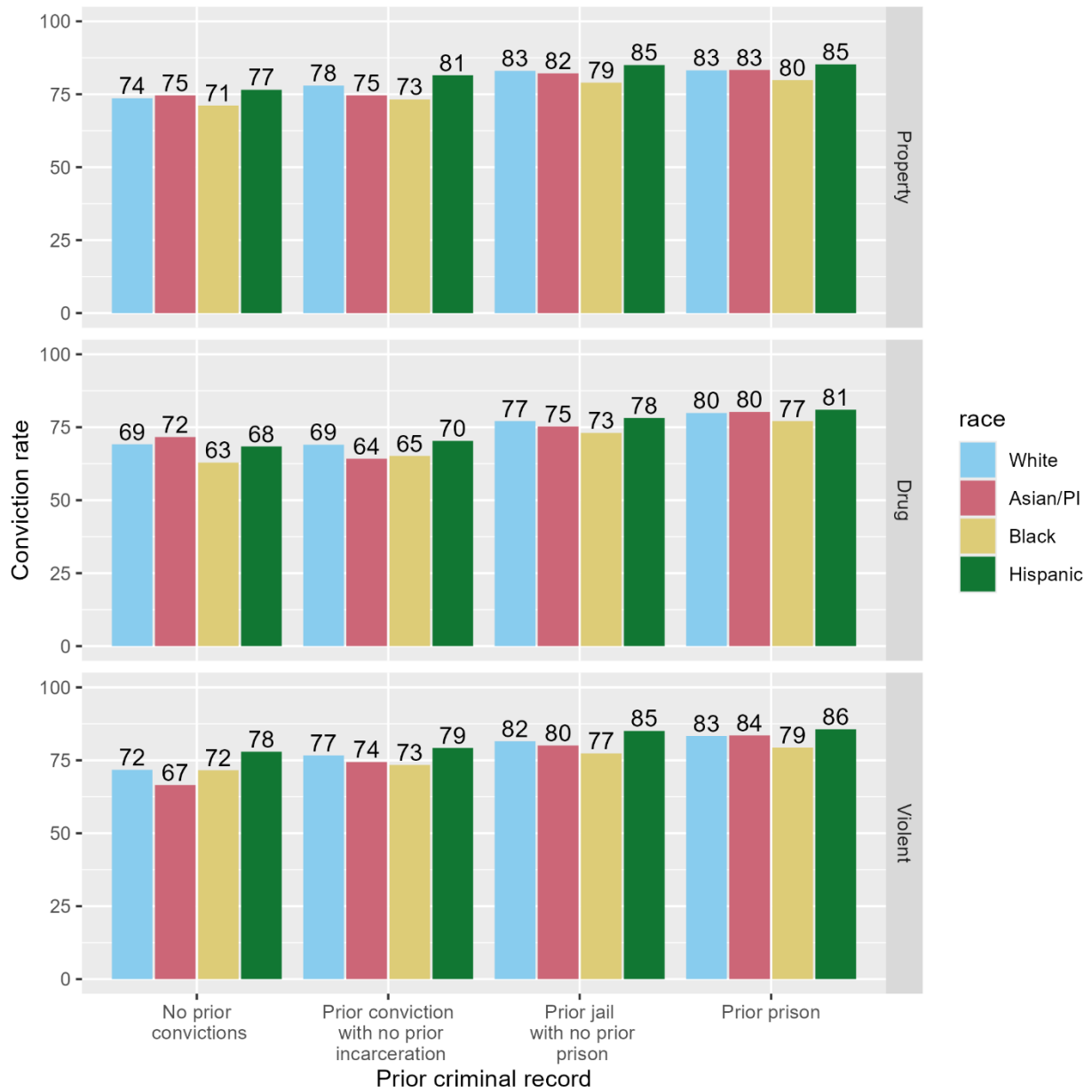


Figure D2: Percent of convicted defendants with felony conviction by race, prior criminal record, and felony arrest type

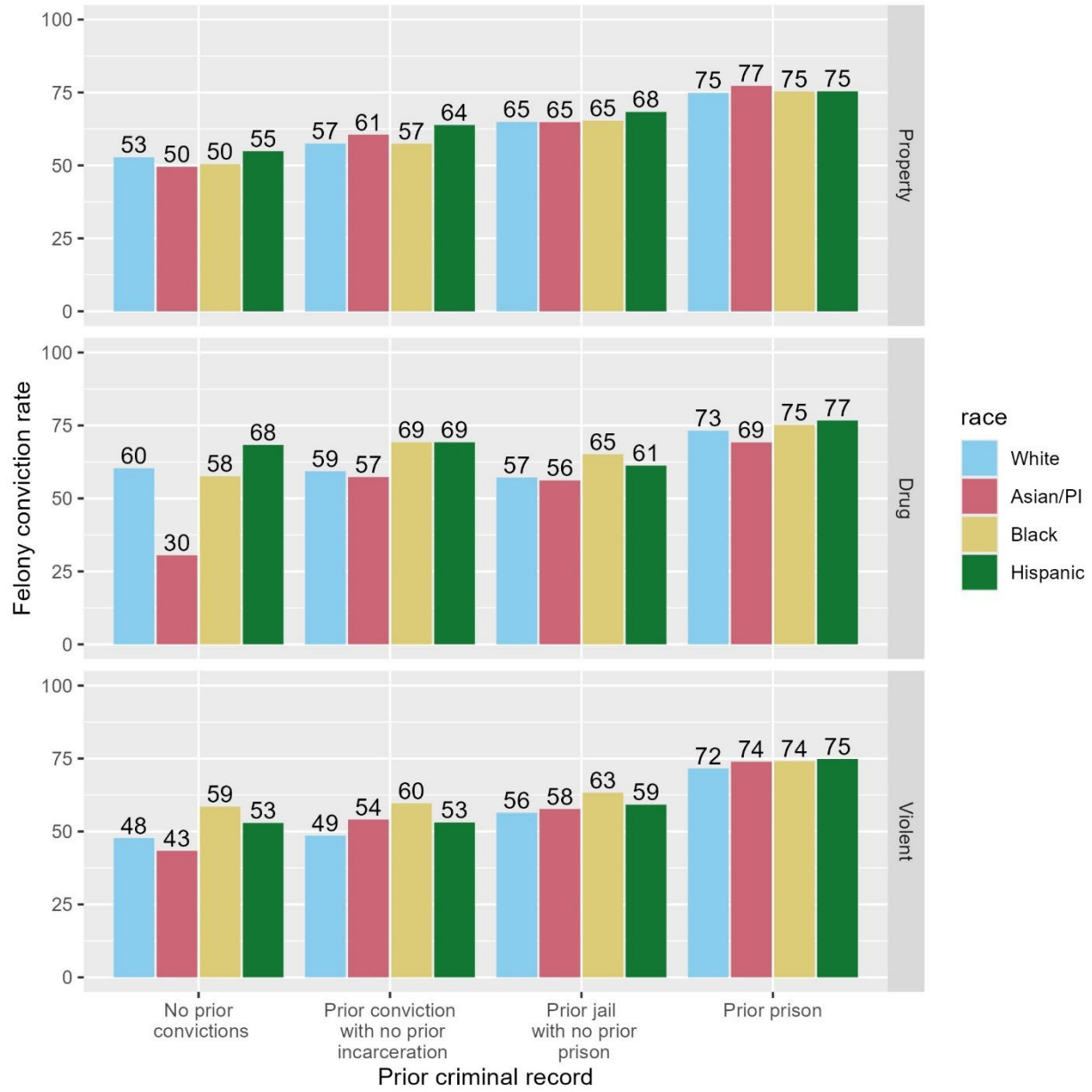


Figure D3: Percent of felony-convicted defendants given a prison sentence by race, prior criminal record, and felony arrest type

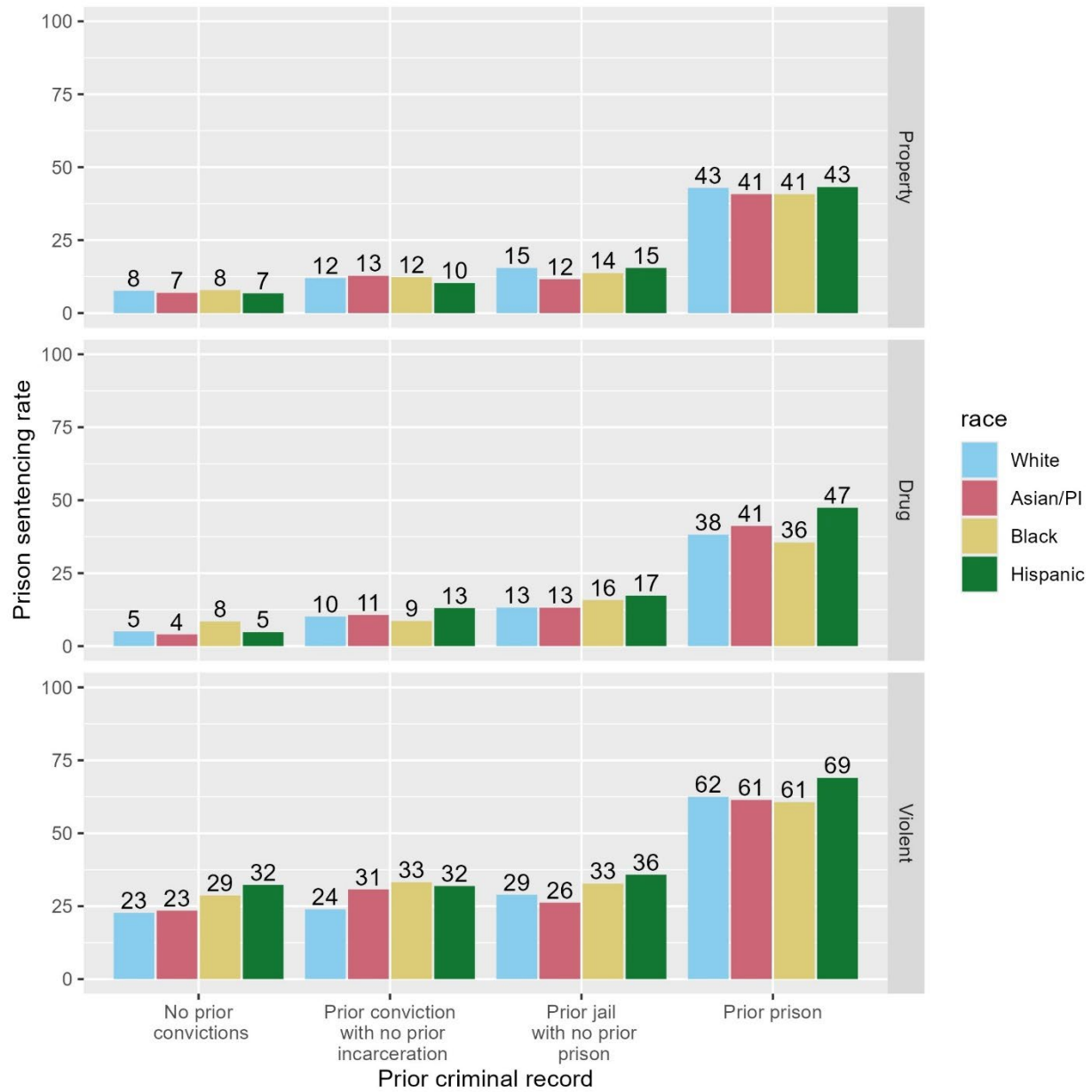
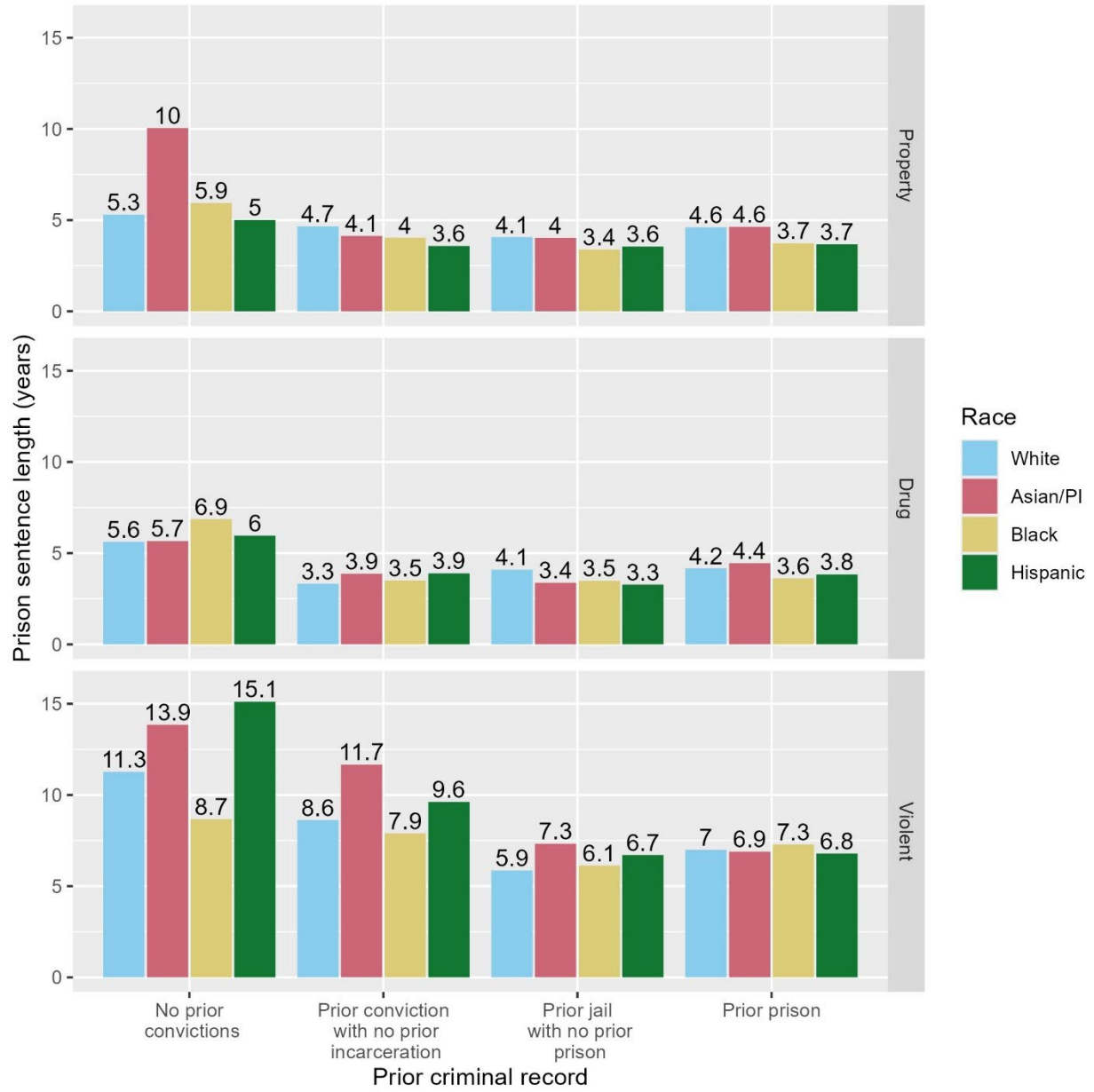


Figure D4: Prison sentence length for those sentenced to prison by race, prior criminal record, and felony arrest type



Appendix E: Dataset description

Automated Criminal History System data was received in raw, long format with one row per event. The data contained all criminal offender record information (CORI) on all persons with a disposition in 2021 or 2022 of a felony arrest, as identified by the California Department of Justice in their DALA (Disposition of Adult Level Arrests) report file extract.

The data was collapsed to the level of each distinct person and disposition date combination, using flags and sums to keep relevant information. This level was selected because sometimes multiple cycles (collections of events initiated by an arrest event) were rolled into a single disposition date. Sentences with suspended imposition were accounted for at the level of each count.

For each person-disposition, all prior criminal history data was cumulatively summarized and appended. The final data set was filtered to only include dispositions of felony arrests in 2021 and 2022.

The code is available upon request.