

**REPORT**

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California Budget  
& Policy Center

RACIAL DISPARITIES IN

# CALIFORNIA'S STATE PRISONS

REMAIN LARGE DESPITE JUSTICE SYSTEM REFORMS

BY SCOTT GRAVES

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## Introduction

California adopted a series of justice system reforms in the 2010s that substantially reduced mass incarceration.<sup>1</sup> Did these reforms also help to reduce long standing *racial disparities* in state prisons — disparities that reflect the disproportionate incarceration of Black and Latinx residents as well as other Californians of color? This report answers this question by examining changes in state-level incarceration during the 2010s for both men and women through the lens of race and ethnicity.<sup>2</sup> While incarceration declined nearly across the board, by the end of the 2010s men and women of color generally continued to be incarcerated at higher rates than white men and women, and racial disparities generally widened.

Ending racial disparities in incarceration will require sustained efforts — including action from policymakers at all levels of government — to advance antiracist policies that can address the legacy of past discrimination as well as ongoing racism that continues to harm Californians of color, both within and outside of the justice system.

## Racist Policies Have Led to Pervasive Racial Disparities in the Justice System

**H**ealth and economic disparities between people of color and white people are pervasive in California, as they are throughout the US. For example, mortality rates for Black and Latinx babies in California exceed the rate for white babies, poverty is higher among California children of color than among white children, and white Californians are more likely to own their homes — a key wealth-building tool — compared to Californians who belong to other racial and ethnic groups.<sup>3</sup>

Racial disparities are also widespread in the justice system.<sup>4</sup> A racial disparity exists “when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population.”<sup>5</sup> Such racial disparities mean that certain groups, especially Black residents, are more likely to be incarcerated and to experience the collateral consequences of incarceration — such as barriers to jobs or housing — that hinder people’s ability to successfully reintegrate into their communities and rebuild their lives.<sup>6</sup>

Racial disparities result from racist policies that favor white people and harm people of color.<sup>7</sup> Researchers highlight three sets of overlapping factors that drive racial disparities in the justice system:

- **Policies and practices specific to the justice system.** These include policing practices, pretrial detention rules, prosecutors’ charging decisions, and sentencing laws. “At multiple points in the system, race may play a role,” one researcher notes. “Disparities mount as individuals progress through the system, from the initial point of arrest to the final point of imprisonment.”<sup>8</sup>
- **Implicit racial biases of actors within the justice system.** Reinforced by centuries of racist policies, implicit racial bias refers to “the unconscious stereotypes and attitudes that we associate with racial groups.”<sup>9</sup> An extensive body of research shows that implicit racial bias infuses the justice system.<sup>10</sup> Scholars, for example, note that “implicit negative stereotypes” of Black Americans “pervade the American psyche,” creating a lens through which actors in the justice system “automatically perpetuate inequality.”<sup>11</sup>
- **Structural disadvantages that limit the resources and opportunities available to people of color.** These disadvantages stem from racist policies and include growing up in communities with high levels of poverty due to structural racism and inequality of opportunity, which exposes people “to risk factors for both reoffending and arrest.”<sup>12</sup> As one author notes: “youth of color are more likely to experience unstable family systems, exposure to family and/or community violence, elevated rates of unemployment, and more school dropout.”<sup>13</sup> These differences create “an uneven playing field” for youth of color and increase the likelihood that they will become caught up in the justice system.<sup>14</sup>



**A racial disparity exists “when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population.”**

## Reforms Have Cut Incarceration Across Multiple Racial and Ethnic Groups

Over many years, California lawmakers and voters adopted harsh, one-size-fits-all sentencing laws that prioritized punishment over rehabilitation, led to severe overcrowding in state prisons, and disproportionately impacted Californians of color — consequences that many families still feel today.

California began reconsidering its “tough on crime” approach in the late 2000s. The state advanced multiple reforms as prison overcrowding reached crisis proportions and the state faced lawsuits filed on behalf of incarcerated adults, with most of these reforms adopted in the 2010s.<sup>15</sup> For example, California voters approved Proposition 36 (2012), which modestly scaled back the state’s “three strikes” law; Prop. 47 (2014), which reclassified certain drug and property crimes as misdemeanors; and Prop. 57 (2016), which created a new parole consideration process for certain incarcerated adults and gave state officials broad new authority to award sentencing credits to reduce the amount of time that people spend in prison.<sup>16</sup>

These reforms worked as intended: The state prison population declined by roughly 40,000 (24%) during the 2010s — falling from nearly 166,000 in June 2010 to less than 126,000 in June 2019.<sup>17</sup> In fact, state-level incarceration fell for men and women across multiple racial and ethnic groups. State data for 2010 and 2019 show that:

- **State-level incarceration declined for most men, with white men and Black men seeing the largest drops.** The number of white men in state prisons declined by more than one-third (36%) between 2010 and 2019 — the largest drop among men (**Table 1; Figure 1**). During the same period, the number of Black men in state prisons dropped by one-quarter (25%). The number of Latinx men and American Indian men also declined, but by smaller percentages. In contrast — and for reasons that are unclear — the relatively small number of Asian men incarcerated at the state level rose by 7% from 2010 to 2019 and the even smaller number of Native Hawaiian and Other Pacific Islander men in state prisons (less than 400 in both 2010 and 2019) increased by 44%.
- **State-level incarceration declined for women, with Black women and white women seeing the largest drops.** The number of Black women in state prisons fell by almost half between 2010 and 2019, and the decline for white women was almost as large (**Table 2; Figure 2**). During this same period, the number of Latinx women incarcerated by the state dropped by more than one-third (35%) and the number of American Indian women in state prisons decreased by over one-fifth (22%).

**TABLE 1**

<b>Incarceration Is Down for Most Men</b> <b>Number of Men Incarcerated at the State Level in California by Race/Ethnicity, 2010 vs. 2019</b>				
RACIAL/ETHNIC GROUP	2010	2019	CHANGE	% CHANGE
American Indian	1,408	1,333	-75	-5.3%
Asian	1,204	1,293	89	7.4%
Black	45,561	34,020	-11,541	-25.3%
Latinx	62,980	53,490	-9,490	-15.1%
Native Hawaiian and Other Pacific Islander	252	363	111	44.0%
White	38,233	24,428	-13,805	-36.1%

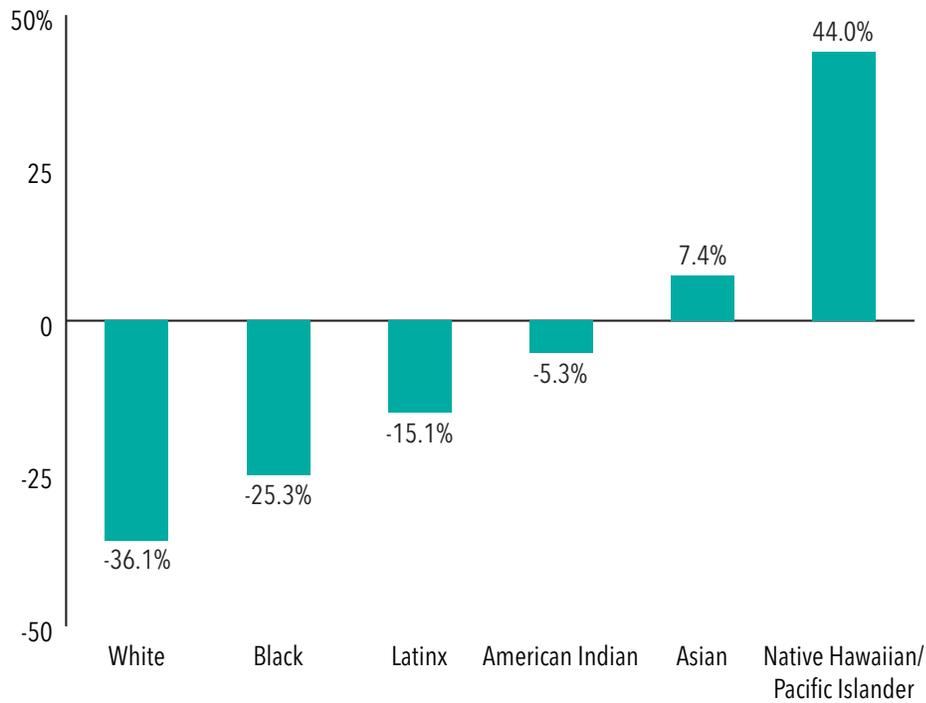
**Note:** Data are as of June 30 each year. Excludes the relatively small number of incarcerated men whose race/ethnicity was not provided.

**Source:** Budget Center analysis of California Department of Corrections and Rehabilitation data

**FIGURE 1**

## White Men and Black Men Saw the Largest Declines in Incarceration from 2010 to 2019

Change in the Number of California Men Incarcerated at the State Level, 2010 to 2019



Note: Data are as of June 30 each year. Excludes the relatively small number of incarcerated men whose race/ethnicity was not provided.

Source: Budget Center analysis of California Department of Corrections and Rehabilitation data

**TABLE 2**

<b>Incarceration Is Down for Women</b> <b>Number of Women Incarcerated at the State Level in California by Race/Ethnicity, 2010 vs. 2019</b>				
RACIAL/ETHNIC GROUP	2010	2019	CHANGE	% CHANGE
American Indian	139	109	-30	-21.6%
Black	2,921	1,463	-1,458	-49.9%
Latinx	3,061	2,006	-1,055	-34.5%
White	3,569	1,807	-1,762	-49.4%

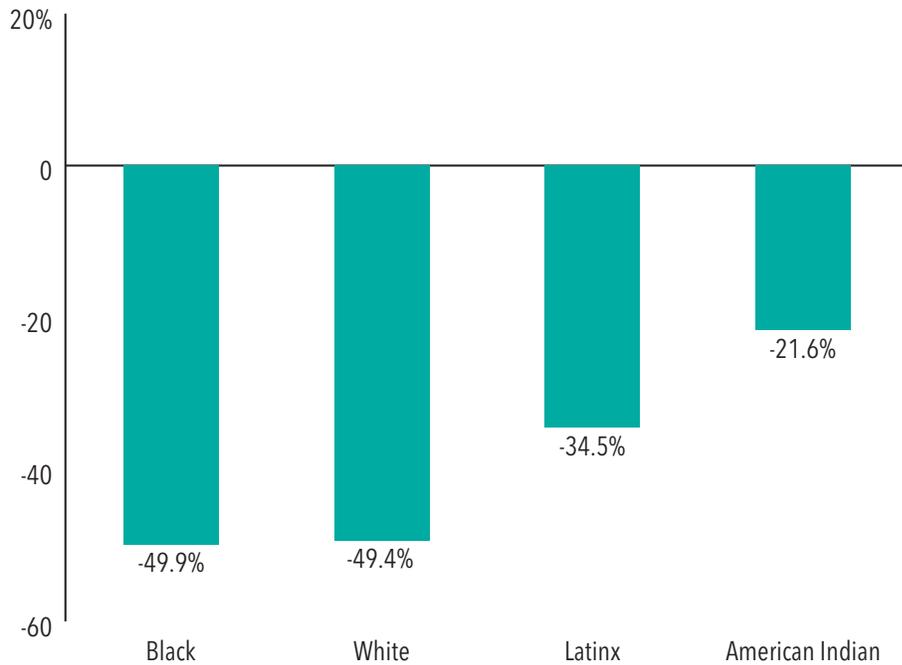
**Note:** Data are as of June 30 each year. Excludes the relatively small number of incarcerated women whose race/ethnicity was not provided. In addition, due to data limitations, the total number of incarcerated women who were Asian or Native Hawaiian/Pacific Islander could not be determined.

**Source:** Budget Center analysis of California Department of Corrections and Rehabilitation data

**FIGURE 2**

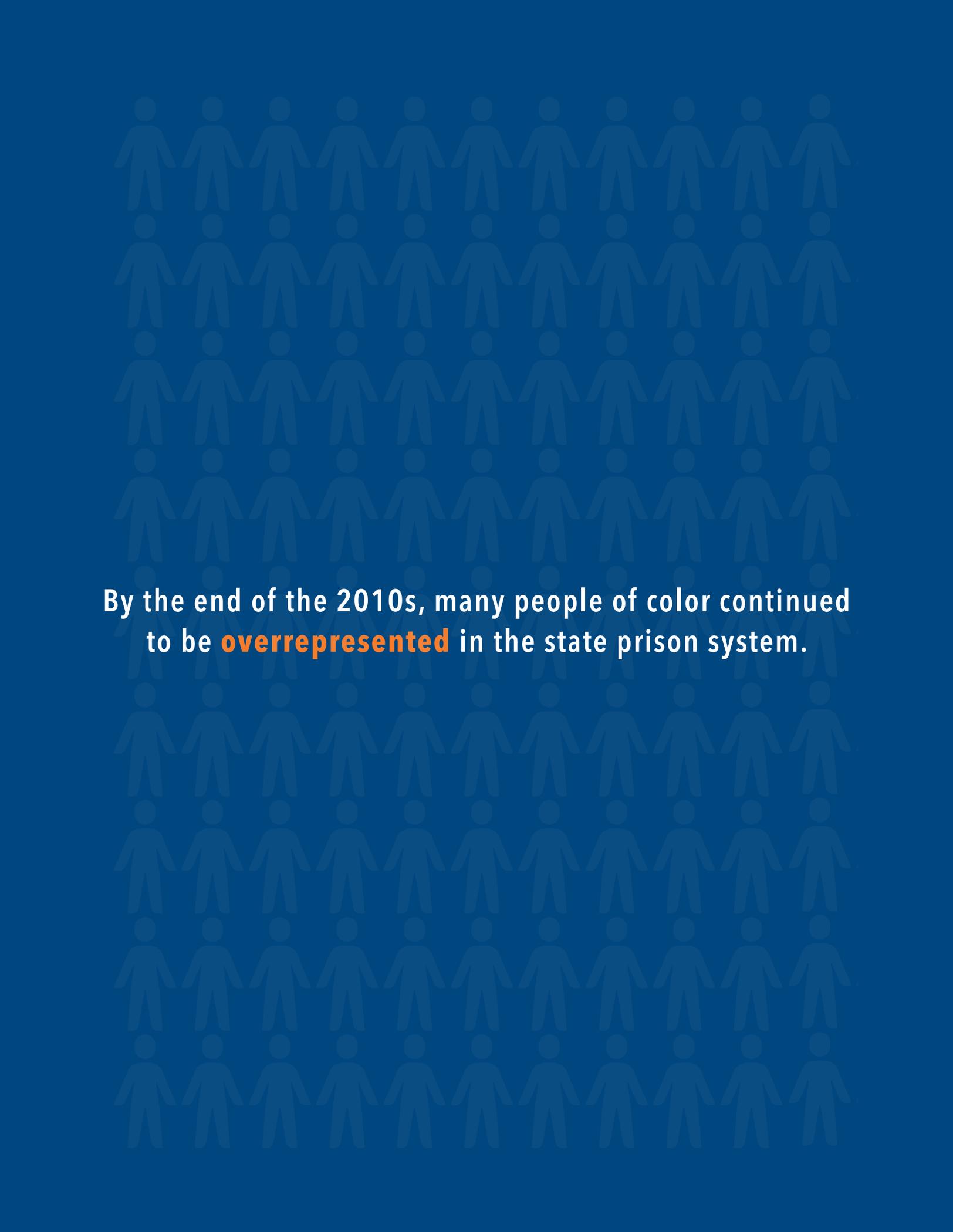
## Black Women and White Women Saw the Largest Declines in Incarceration from 2010 to 2019

Change in the Number of California Women Incarcerated at the State Level, 2010 to 2019



Note: Data are as of June 30 each year. Excludes the relatively small number of incarcerated women whose race/ethnicity was not provided. The total number of incarcerated women who were Asian or Native Hawaiian/Pacific Islander could not be determined due to data limitations.

Source: Budget Center analysis of California Department of Corrections and Rehabilitation data



By the end of the 2010s, many people of color continued to be **overrepresented** in the state prison system.

## American Indian, Black, and Latinx Californians Remain Overrepresented in Prison

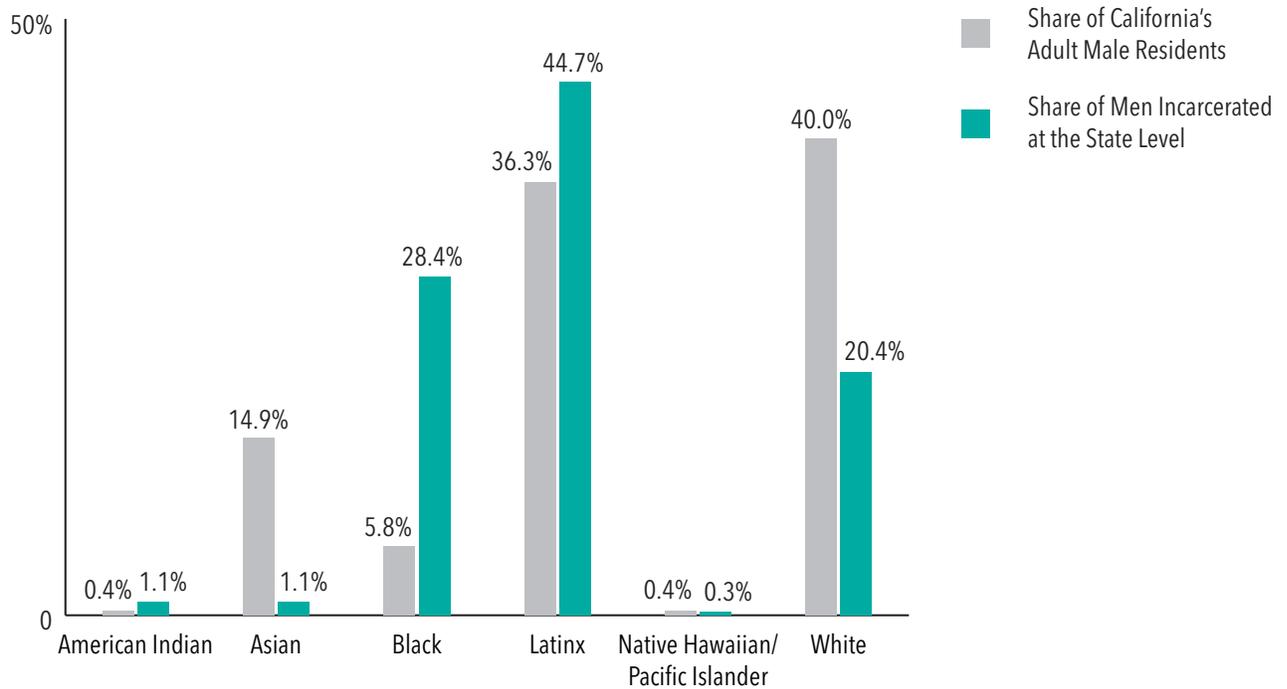
While California's justice system reforms reduced state-level incarceration for most racial and ethnic groups during the 2010s, by the end of the decade many people of color continued to be overrepresented in the state prison system. Specifically:

- **Black, American Indian, and Latinx men are overrepresented in state prisons.** In 2019, Black men made up more than one-quarter (28%) of men incarcerated by the state — *nearly five times higher* than their share (6%) of all men in California (**Figure 3**). American Indian and Latinx men also are overrepresented in the state prison system. American Indian men made up about 1% of incarcerated men in 2019 — *more than twice* their share of all men in the state (0.4%). Latinx men comprised 45% of men in prison, compared to 36% of all California men. In contrast, Asian men, Native Hawaiian and Other Pacific Islander men, and white men were not overrepresented in the state prison system in 2019.
- **Black women and American Indian women are overrepresented in state prisons.** In 2019, Black women made up more than one-quarter (26%) of women incarcerated by the state — *more than four times higher* than their share (6%) of all women in California (**Figure 4**). American Indian women comprised almost 2% of incarcerated women — *nearly five times* their share of all women in California (0.4%). Latinx women's share of incarcerated women was roughly equal to their share of all women in the state (about 35%). In contrast, white women were not overrepresented in state prisons in 2019.

**FIGURE 3**

## American Indian, Black, and Latinx Men Are Overrepresented Among Men Incarcerated at the State Level in California

Reflects California Population as of July 1, 2019; State-Level Incarceration as of June 30, 2019

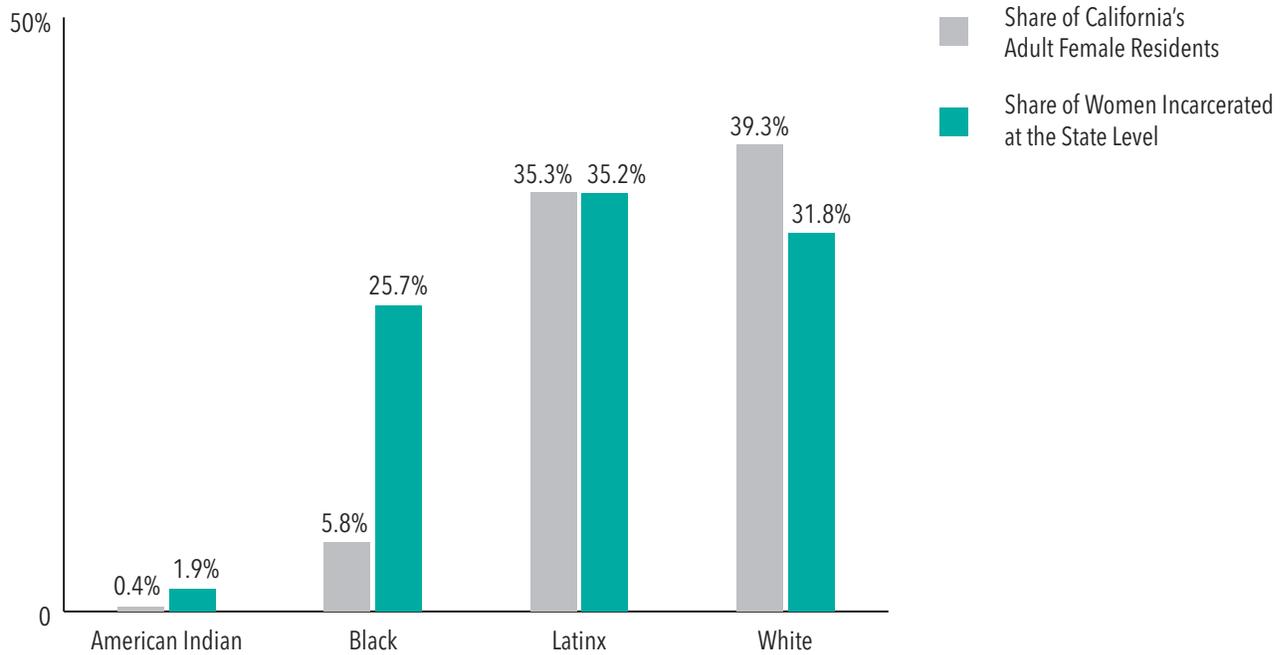


Note: Excludes the relatively small number of incarcerated men whose race/ethnicity was not provided.  
Source: Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

**FIGURE 4**

## American Indian and Black Women Are Overrepresented Among Women Incarcerated at the State Level in California

Reflects California Population as of July 1, 2019; State-Level Incarceration as of June 30, 2019



Note: Excludes the relatively small number of incarcerated women whose race/ethnicity was not provided. The total number of incarcerated women who were Asian or Native Hawaiian/Pacific Islander could not be determined due to data limitations.  
Source: Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

## Incarceration Rates Are Down, but Still Highest for Black Californians and American Indians

California's justice reforms have generally reduced incarceration rates for men and women of color as well as for white men and women. Nonetheless, as the 2010s drew to a close, Black Californians and American Indians continued to be incarcerated in state prisons at much higher rates (measured per 100,000 residents) than other Californians. Specifically:

- **Despite recent gains, Black men and American Indian men in California face the highest incarceration rates.** From 2010 to 2019, the incarceration rate for Black men fell by 31%, surpassed only by the 35% drop for white men (**Table 3**). Incarceration rates fell for most other men as well, with American Indian men seeing the smallest decline (7%). In contrast, the incarceration rate for Native Hawaiian and Other Pacific Islander men *increased* by 26% from 2010 to 2019. However, while Black men made gains, they continued to have the highest incarceration rate as of 2019 — 3,883 Black men were in prison for every 100,000 Black men in the state, which was nearly 10 times higher than white men's rate (**Figure 5**). American Indian men continued to have the second-highest incarceration rate — 2,099 per 100,000. The incarceration rate for Latinx men dropped below 1,000 in 2019, but remained relatively high at 977 per 100,000.
- **Despite recent gains, American Indian women and Black women in California face the highest incarceration rates.** The incarceration rate for Black women dropped by 53% from 2010 to 2019 (**Table 4**). Moreover, the rates for white and Latinx women each declined by more than 40%, and the incarceration rate for American Indian women fell by over one-fifth (23%). However, American Indian women and Black women continued to have the highest incarceration rates, with the rates for both groups exceeding 160 per 100,000 in 2019 — substantially higher than the rates for Latinx and white women (**Figure 6**).

**TABLE 3****Incarceration Rates Remain Highest for Black Men and American Indian Men****Number of Men Incarcerated at the State Level in California  
Per 100,000 Men in Each Racial/Ethnic Group, 2010 vs. 2019**

RACIAL/ETHNIC GROUP	2010	2019	CHANGE	% CHANGE
American Indian	2,259	2,099	-160	-7.1%
Asian	67	57	-10	-14.7%
Black	5,622	3,883	-1,739	-30.9%
Latinx	1,347	977	-370	-27.5%
Native Hawaiian and Other Pacific Islander	513	647	134	26.1%
White	620	404	-216	-34.9%

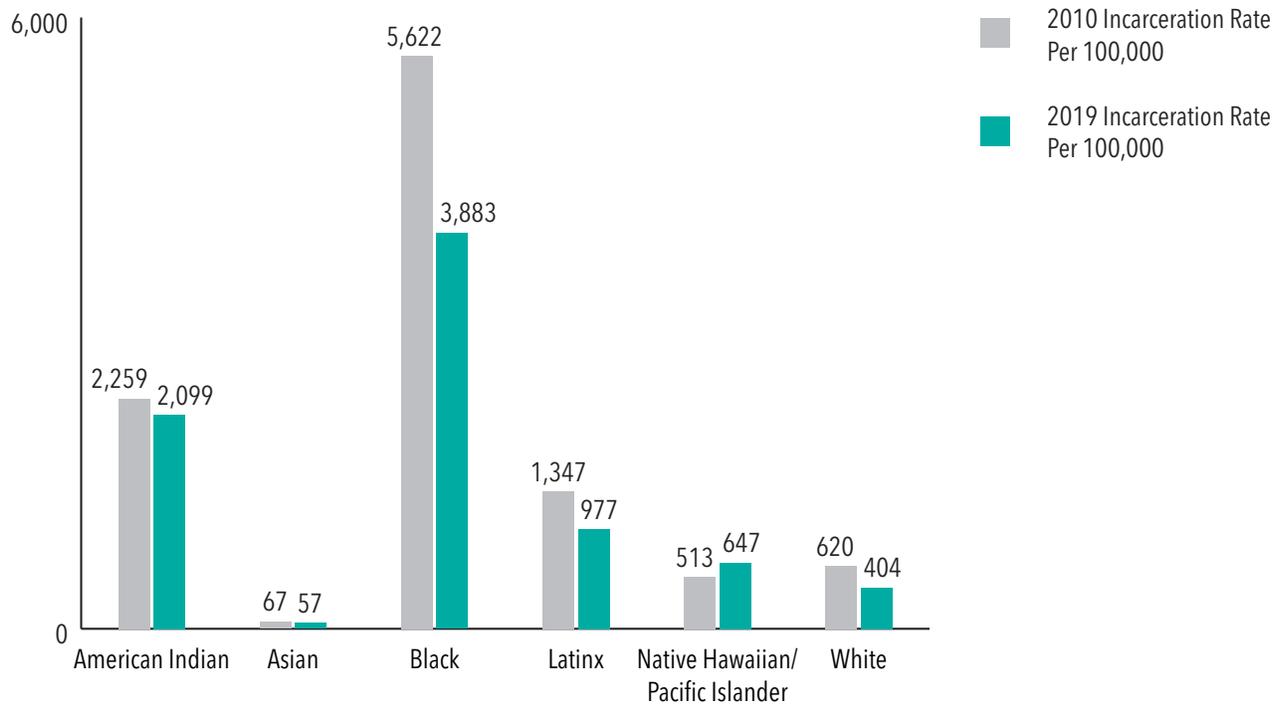
**Note:** Figures reflect California population estimates as of July 1, 2010 and July 1, 2019 and state-level incarceration as of June 30, 2010 and June 30, 2019. Excludes the relatively small number of incarcerated men whose race/ethnicity was not provided.

**Source:** Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

**FIGURE 5**

## Among Men, Incarceration Rates Are Generally Down, but Remain Highest for Black Men and American Indian Men

State-Level Incarceration Rates Per 100,000 California Men in Each Group, 2010 vs. 2019



Note: Reflects state population as of July 1 each year; incarceration as of June 30 each year. Excludes the relatively small number of incarcerated men whose race/ethnicity was not provided.  
Source: Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

**TABLE 4****Incarceration Rates Remain Highest for American Indian Women and Black Women****Number of Women Incarcerated at the State Level in California  
Per 100,000 Women in Each Racial/Ethnic Group, 2010 vs. 2019**

RACIAL/ETHNIC GROUP	2010	2019	CHANGE	% CHANGE
American Indian	215	165	-50	-23.3%
Black	344	164	-181	-52.5%
Latinx	66	37	-29	-44.5%
White	57	30	-27	-47.7%

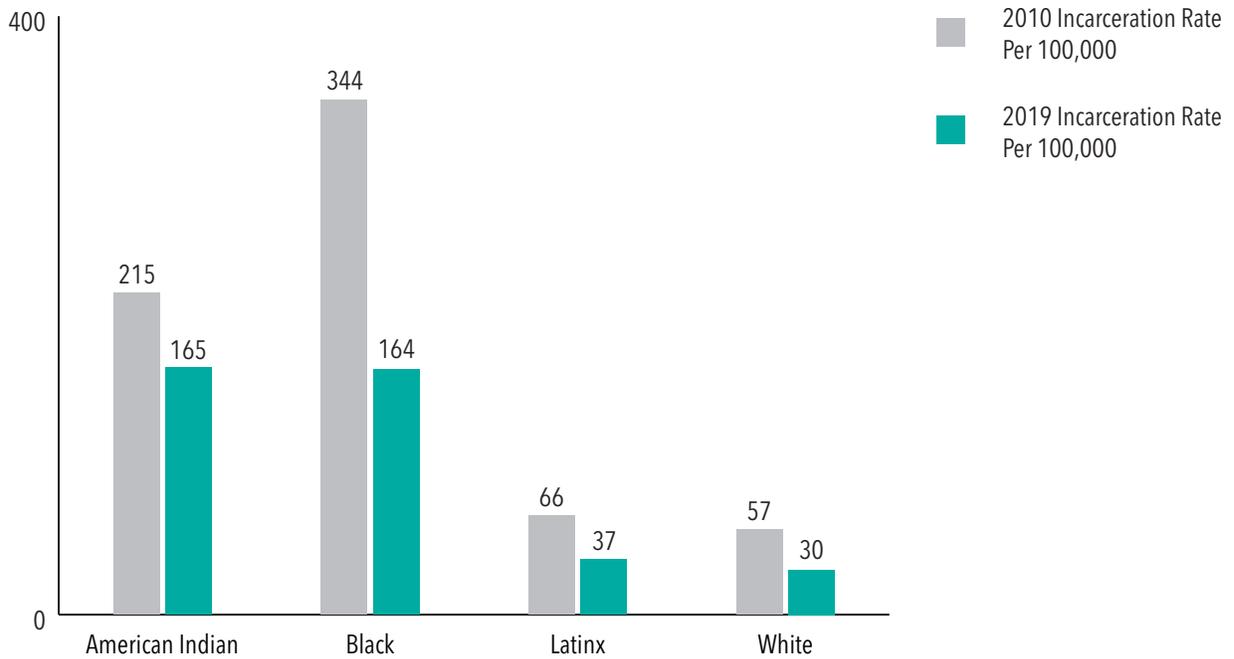
**Note:** Figures reflect California population estimates as of July 1, 2010 and July 1, 2019 and state-level incarceration as of June 30, 2010 and June 30, 2019. Excludes the relatively small number of incarcerated women whose race/ethnicity was not provided. In addition, due to data limitations, the total number of incarcerated women who were Asian or Native Hawaiian/Pacific Islander could not be determined.

**Source:** Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

**FIGURE 6**

## Among Women, Incarceration Rates Are Down for All, but Remain Highest for American Indian Women and Black Women

State-Level Incarceration Rates Per 100,000 California Women in Each Group, 2010 vs. 2019



Note: Reflects state population as of July 1 each year; incarceration as of June 30 each year. Excludes the relatively small number of incarcerated women whose race/ethnicity was not provided. The total number of incarcerated women who were Asian or Native Hawaiian/Pacific Islander could not be determined. Source: Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data



**White men** saw the largest decline in incarceration among men, and **white women** saw the second-largest drop among women.

## Disparities in Incarceration Between People of Color and White People Have Widened

Disparities in incarceration between Californians of color and white Californians — as measured by “disparity ratios” — generally *widened* during the 2010s as the state adopted justice system reforms and the prison population declined.<sup>18</sup> The reason for this outcome is that *white men* saw the largest decline in incarceration among men, and *white women* saw the second-largest drop among women. As a consequence:

- **The likelihood that men of color were incarcerated at the state level, compared to white men, generally increased during the 2010s.** Black men were incarcerated at a rate that was 9.6 times that of white men in 2019, up from 9.1-to-1 in 2010 (**Table 5**). American Indian men were 5.2 times more likely than white men to be incarcerated at the state level in 2019, up from 3.6-to-1 in 2010. Disparity ratios also increased for Latinx men and Native Hawaiian and Other Pacific Islander men during this period. In contrast, by the end of the 2010s, Asian men continued to be much less likely than white men to be incarcerated at the state level.
- **Women of color continued to be more likely than white women to be incarcerated during the 2010s, despite modest improvement for Black women.** Black women saw a larger drop in incarceration than white women during the 2010s. As a result, the disparity between Black and white women diminished slightly, from 6.1-to-1 in 2010 to 5.5-to-1 in 2019 (**Table 6**). Even so, the gap between Black and white women remains large: Black women were 5.5 times more likely than white women to be incarcerated by the state in 2019. Moreover, American Indian women were incarcerated at a rate that was 5.8 times that of white women in 2019, up from 3.8-to-1 in 2010. The disparity ratio for Latinx women was roughly the same in both 2010 and 2019: approximately 1.2-to-1.

**TABLE 5**

**In 2019, Most Men of Color Were More Likely Than White Men to Be Incarcerated**  
**State-Level Incarceration Disparity Ratios for Men in California by Race/Ethnicity, 2010 vs. 2019**

RACIAL/ETHNIC GROUP	2010	2019
American Indian vs. White	3.64-to-1	5.20-to-1
Asian vs. White	0.11-to-1	0.14-to-1
Black vs. White	9.06-to-1	9.61-to-1
Latinx vs. White	2.17-to-1	2.42-to-1
Native Hawaiian and Other Pacific Islander vs. White	0.83-to-1	1.60-to-1

**Note:** Figures reflect California population estimates as of July 1, 2010 and July 1, 2019 and state-level incarceration as of June 30, 2010 and June 30, 2019. Excludes the relatively small number of incarcerated men whose race/ethnicity was not provided.

**Source:** Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

**TABLE 6**

**In 2019, Women of Color Were More Likely Than White Women to Be Incarcerated**  
State-Level Incarceration Disparity Ratios for Women in California by Race/Ethnicity, 2010 vs. 2019

RACIAL/ETHNIC GROUP	2010	2019
American Indian vs. White	3.80-to-1	5.57-to-1
Black vs. White	6.08-to-1	5.52-to-1
Latinx vs. White	1.17-to-1	1.24-to-1

**Note:** Figures reflect California population estimates as of July 1, 2010 and July 1, 2019 and state-level incarceration as of June 30, 2010 and June 30, 2019. Excludes the relatively small number of incarcerated women whose race/ethnicity was not provided. In addition, due to data limitations, the total number of incarcerated women who were Asian or Native Hawaiian/Pacific Islander could not be determined.

**Source:** Budget Center analysis of California Department of Corrections and Rehabilitation and US Census Bureau data

## State Leaders Must Act to End Racial Disparities in the Justice System

California has made substantial progress in reducing mass incarceration. Reforms adopted during the 2010s diminished state-level incarceration among nearly all racial and ethnic groups. Data show a troubling rise in the incarceration rate among Native Hawaiian and Other Pacific Islander men — an increase that deserves further scrutiny by state policymakers. Despite significant gains for most racial and ethnic groups, racial disparities in incarceration generally widened during the 2010s as men and women of color tended to be incarcerated at higher rates than white men and women.

Policymakers must do more to address the racist policies and practices that have created and sustained racial disparities. A companion publication to this report will outline an array of policy options, including reforming sentencing policies; strengthening behavioral health intervention and treatment; addressing the structural barriers that block communities of color from economic and health opportunities; and reducing prison and police budgets and using the savings to fund investments in communities of color and justice system reforms. Advancing antiracist policies would help to improve the lives of Californians of color, including American Indian, Black, Latinx, and Native Hawaiian and Other Pacific Islander communities, which have long faced discrimination and continue to be exposed to the damaging effects of racism inside and outside of the justice system.

## Endnotes

- <sup>1</sup> This report uses the phrase “justice system” to refer to policing, the criminal legal system, incarceration, and state and local supervision, such as probation and parole. This system is more commonly known as the “criminal justice system.”
- <sup>2</sup> This report includes Budget Center analyses of data from two sources: 1) prison population data by race and ethnicity for June 30, 2010 and June 30, 2019 provided by the California Department of Corrections and Rehabilitation (CDCR) and 2) California population estimates by race and ethnicity for July 1, 2010 and July 1, 2019 from the US Census Bureau, American Community Survey. This report analyzes state incarceration data through June 30, 2019 because these were the most recent numbers available from the CDCR at the time the analyses in this report were prepared. The analyses exclude the relatively small number of men and women incarcerated at the state level whose race or ethnicity was not provided in the CDCR’s data. In addition, due to data limitations, the number of incarcerated women in the “Asian” and “Native Hawaiian and Other Pacific Islander” categories could not be determined.
- <sup>3</sup> On infant mortality rates, see Scott Graves and Maiya Zwerling, *Paid Leave Helps California Stay Healthy* (California Budget & Policy Center, November 2019), 2, <https://calbudgetcenter.org/resources/paid-leave-helps-california-families-stay-healthy/>; on poverty rates among children, see Alissa Anderson, *If the Poverty Rate for Children of Color Were as Low as That for White Children, 957,000 Fewer Kids Would Be in Poverty* (California Budget & Policy Center, April 2019), <https://calbudgetcenter.org/resources/if-the-poverty-rate-for-children-of-color-were-as-low-as-that-for-white-children-957000-fewer-kids-would-be-in-poverty/>; and on homeownership and the wealth gap, see Esi Hutchful, *The Racial Wealth Gap: What California Can Do About a Long-Standing Obstacle to Shared Prosperity* (California Budget & Policy Center, December 2018), 6-7, <https://calbudgetcenter.org/resources/the-racial-wealth-gap-what-california-can-do-about-a-long-standing-obstacle-to-shared-prosperity/>.
- <sup>4</sup> This report uses the term “racial disparities” as shorthand for “racial and ethnic disparities.” For additional studies examining racial disparities in the justice system, see Radley Balko, “21 More Studies Showing Racial Disparities in the Criminal Justice System,” *The Washington Post* (April 9, 2019), <https://www.washingtonpost.com/opinions/2019/04/09/more-studies-showing-racial-disparities-criminal-justice-system/>; Magnus Lofstrom et al., *Key Factors in Arrest Trends and Differences in California’s Counties* (Public Policy Institute of California, September 2019), <https://www.ppic.org/publication/key-factors-in-arrest-trends-and-differences-in-californias-counties/>; Weihua Li, “The Growing Racial Disparity in Prison Time,” *The Marshall Project* (December 3, 2019), <https://www.themarshallproject.org/2019/12/03/the-growing-racial-disparity-in-prison-time>; and William J. Sabol, Thaddeus L. Johnson, and Alexander Caccavale, *Trends in Correctional Control by Race and Sex* (Council on Criminal Justice, December 2019), [https://cdn.ymaws.com/counciloncj.org/resource/collection/4683B90A-08CF-493F-89ED-A0D7C4BF7551/Trends\\_in\\_Correctional\\_Control\\_-\\_FINAL.pdf](https://cdn.ymaws.com/counciloncj.org/resource/collection/4683B90A-08CF-493F-89ED-A0D7C4BF7551/Trends_in_Correctional_Control_-_FINAL.pdf).
- <sup>5</sup> The Sentencing Project, *Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers* (2008), 1, <https://www.sentencingproject.org/wp-content/uploads/2016/01/Reducing-Racial-Disparity-in-the-Criminal-Justice-System-A-Manual-for-Practitioners-and-Policymakers.pdf>.
- <sup>6</sup> On the collateral consequences of old criminal convictions in California, see Californians for Safety and Justice, *Repairing the Road to Redemption in California* (May 2018), [https://safeandjust.org/wp-content/uploads/CSJ\\_SecondChances-ONLINE-May14.pdf](https://safeandjust.org/wp-content/uploads/CSJ_SecondChances-ONLINE-May14.pdf). For a discussion of the consequences of incarceration, see Jeremy Travis, Bruce Western, and Steve Redburn, eds., *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington DC: The National Academies Press, 2014), <https://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.
- <sup>7</sup> Ibram X. Kendi defines a racist policy as “any measure that produces or sustains racial inequity between racial groups.” Policies include “written and unwritten laws, rules, procedures, processes, regulations, and guidelines that govern people.” See Ibram X. Kendi, *How to Be an Antiracist* (New York: Random House, 2019), 18. For Kendi’s discussion of the origin of race as a socially constructed hierarchy that favors white people, see pages 39 to 42.
- <sup>8</sup> Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (The Sentencing Project, 2016), 10, <https://www.sentencing-project.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.
- <sup>9</sup> L. Song Richardson, “Systemic Triage: Implicit Racial Bias in the Criminal Courtroom,” *The Yale Law Journal* 126, no. 3 (January 2017), 876, <https://www.yalelawjournal.org/article/systemic-triage-implicit-racial-bias-in-the-criminal-courtroom>. See also Mark W. Bennett, “The Implicit

Racial Bias in Sentencing: The Next Frontier," *The Yale Law Journal Forum* 126 (January 31, 2017), <https://www.yalelawjournal.org/forum/the-implicit-racial-bias-in-sentencing>.

<sup>10</sup> Robert J. Smith, Justin D. Levinson, and Zoe Robinson, "Implicit White Favoritism in the Criminal Justice System," *Alabama Law Review* 66, no. 4 (2015), 873-874, <https://www.law.ua.edu/pubs/lrarticles/Volume%2066/Issue%204/Smith%20Online.pdf>.

<sup>11</sup> Smith, Levinson, and Robinson, "Implicit White Favoritism," 874.

<sup>12</sup> Elizabeth Hinton, LeShae Henderson, and Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System* (Vera Institute of Justice, May 2018), 1, <https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf>.

<sup>13</sup> Nellis, *Color of Justice*, 11.

<sup>14</sup> Nellis, *Color of Justice*, 11. See also Hinton, Henderson, and Reed, *An Unjust Burden*, 10.

<sup>15</sup> Most of the reforms were adopted through legislative action or by voters through approval of ballot measures. In addition, some reforms were imposed on the state by federal judges as a result of litigation. For a discussion of key justice system reforms through 2018, see Scott Graves, *State Corrections in the Wake of California's Criminal Justice Reforms: Much Progress, More Work to Do* (California Budget & Policy Center, October 2018), 4-10, <https://calbudgetcenter.org/resources/state-corrections-in-the-wake-of-californias-criminal-justice-reforms-much-progress-more-work-to-do/>.

<sup>16</sup> For overviews of these ballot measures, see Scott Graves, *What Would Proposition 36 Mean for California?* (California Budget & Policy Center, October 2012), [https://calbudgetcenter.org/wp-content/uploads/121029\\_Proposition\\_36\\_BB.pdf](https://calbudgetcenter.org/wp-content/uploads/121029_Proposition_36_BB.pdf); Selena Teji, *Proposition 47: Should California Reduce Penalties for Drug and Property Crimes and Invest in Treatment?* (California Budget & Policy Center, September 2014), [https://calbudgetcenter.org/wp-content/uploads/140909\\_Proposition\\_47\\_BB.pdf](https://calbudgetcenter.org/wp-content/uploads/140909_Proposition_47_BB.pdf); and Scott Graves, *Proposition 57: Should Voters Provide State Officials with New Flexibility to Reduce the Prison Population?* (California Budget & Policy Center, October 2016), <https://calbudgetcenter.org/resources/proposition-57-voters-provide-state-officials-new-flexibility-reduce-prison-population/>.

<sup>17</sup> The June 2010 data point is available upon request from the California Department of Corrections and Rehabilitation. For the June 2019 data point, see California Department of Corrections and Rehabilitation, *Monthly Report of Population as of Midnight June 30, 2019* (July 1, 2019), <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2019/07/Tpop1d1906.pdf>. The state prison population has declined further since June 2019 — to around 97,000 — due to both the ongoing effects of justice system reforms and to policies adopted in response to the COVID-19 pandemic. See California Department of Corrections and Rehabilitation, *Weekly Report of Population as of Midnight May 19, 2021* (May 19, 2021), <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/05/Tpop1d210519.pdf>.

<sup>18</sup> The analysis in this section creates "disparity ratios" by dividing 1) incarceration rates for men and women of color (separately for each race/ethnicity) by 2) incarceration rates for white men and women.

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