

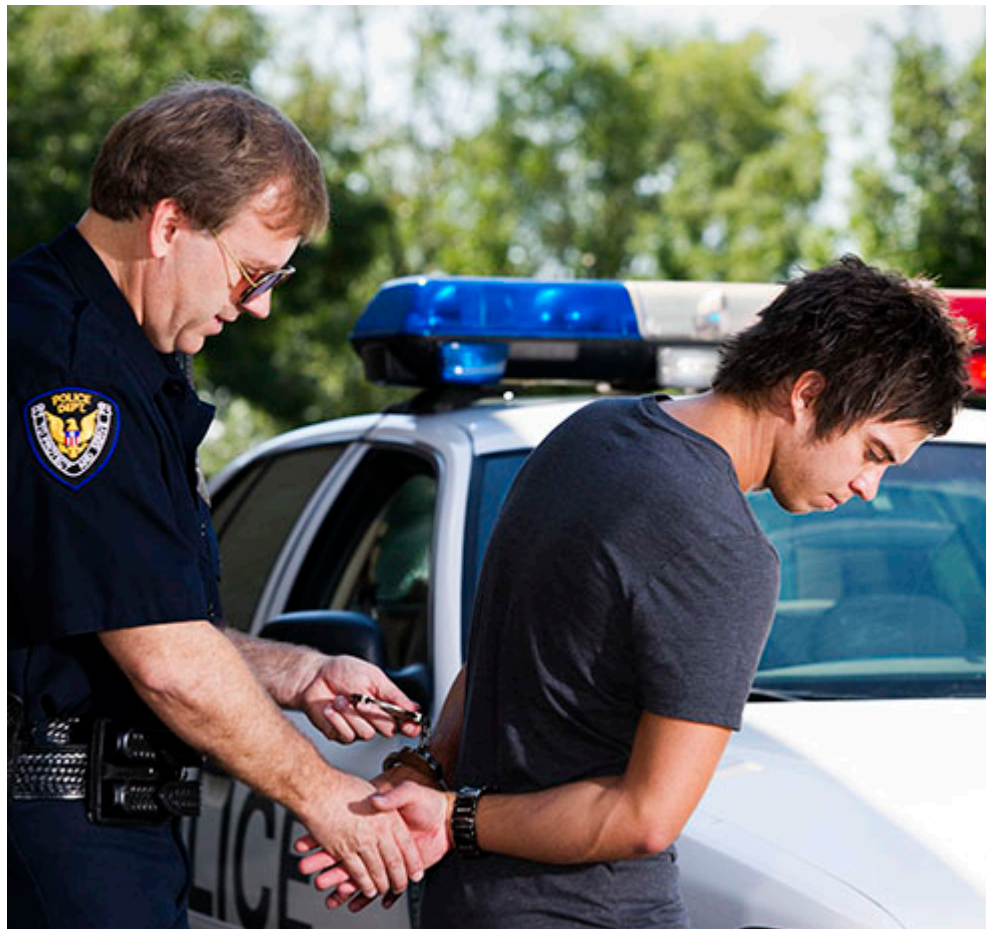


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Key Factors in Arrest Trends and Differences in California's Counties



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SUMMARY

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Technical appendices to this report are available on the PPIC website.

Police officers in California make more than a million arrests per year. While officers make arrests to enforce laws and protect public safety, arrests can have wide-ranging consequences—including the risk of injury for both officers and suspects. Despite the effects on individuals and the broader community, little is known about the factors underlying arrest trends. Concerns about racial disparities—and ongoing debates about policing and community relations—further highlight the need for a better understanding of law enforcement and the use of public resources in making arrests.

In this report, we examine factors in statewide arrest trends as well as differences in arrest rates and racial disparities across counties in California. We analyze the role of crime rates, recent criminal justice reforms, and county-level factors such as demographics, law enforcement staffing, jail capacity, and economic conditions. We find:

- **Significant decreases in arrests statewide reflect improvements in public safety.** Declining arrest rates have generally mirrored decreasing crime rates in the last few decades. However, in recent years, arrest rates have continued to drop, despite a slight uptick in some violent crimes.
- **Arrest rates dropped substantially in the wake of public safety realignment and Proposition 47.** Driven by declines in misdemeanor traffic and alcohol-related arrests, the overall arrest rate decreased about 7 percent after the implementation of realignment in 2011. The arrest rate went down by another 11 percent after Proposition 47 in 2014, driven by declines in felony arrests, especially for drug offenses.
- **Local crime rates largely account for differences in arrests across counties.** Arrest rates vary dramatically across counties, and about three-fourths of this variation can be explained by county differences in crime rates.
- **Counties with the highest arrest rates tend to have poorer economic conditions**—as measured by unemployment, poverty, and average earnings. These counties have arrest rates that are two to three times higher than counties with the lowest arrest rates. High-arrest counties also tend to have lower shares of nonwhite residents, higher shares of young adults, lower population density, lower levels of educational attainment, and greater jail capacity. Notably, a greater number of law enforcement officers is not associated with a significantly higher arrest rate.
- **Counties with the highest levels of racial disparity tend to be relatively affluent.** In these counties, the African American arrest rate is about six times higher than the white arrest rate, compared to almost double among counties with relatively low racial disparity. Counties with high racial

disparity generally have lower shares of African American residents, higher levels of educational attainment, and greater jail capacity. While arrest rates are higher in relatively poor counties with lower shares of nonwhite residents, racial disparities in arrests tend to be lower in these counties.

It is important to note that these results should not be interpreted as causal. For example, although African Americans are arrested at a higher rate in more affluent counties, this does not necessarily imply that greater affluence would lead to an increase in racial disparity. Nevertheless, these associations do suggest that if policymakers wish to lower arrest rates—motivated by factors such as lowered use of public resources and costs, as well as risk for officers and suspects—improvements in local factors like public safety (which may be affected by policing), economic conditions, and educational attainment could lead to fewer arrests and the need for a smaller county correctional system. And while concerns about policing and community relations tend to focus on poorer urban areas, our findings suggest that efforts in wealthier areas are also needed to meaningfully reduce racial disparities.

While police officers' decisions no doubt have important implications for how laws are enforced, other aspects of the local environment may also play an important role in arrests and racial disparities. Understanding this broader context will be important as the state and localities continue to monitor police interactions with the public and strive to improve equity in law enforcement while maintaining public safety.

Introduction

An arrest is often the first point of contact between the criminal justice system and an individual suspected of committing a crime. The decision to make an arrest—and the short- and long-term implications of that arrest—touches many aspects of Californians’ lives. While police officers make arrests to enforce state law and to protect public safety, arrests carry a risk of injury for both officers and criminal suspects. Arrest activity also consumes public resources, in terms of bookings, jail space, and officer time; in fact, processing a booking and/or the follow-up paperwork that accompanies an arrest often pull officers off the street, which may reduce response time to call for services. For the suspect, arrests may result in job loss and social stigma—not to mention possible collateral consequences that could affect the family, friends, and employers of arrestees.

Importantly, as media outlets have highlighted in recent years, how arrests are executed—including the degree of force used—may spark tensions and can deteriorate relationships between law enforcement and communities. Officers often exercise discretion in their interactions with the public, and their judgments and actions may either escalate or de-escalate situations, which can in turn raise concerns of fairness or suspicions that members of certain demographic, socioeconomic, or racial groups are treated differently.

Arrest patterns are a broad and complex social phenomenon that extends beyond the individual officers and suspects involved. While police officers must make decisions in the field about how to enforce California’s laws, many other factors likely contribute to arrest rates. Most obviously, there should be more arrests when there is more crime and in areas with higher crime rates. State-level reforms to the structure of the penal code and certain county characteristics may also affect policing practices. For example, higher staffing levels in law enforcement agencies translate into greater capacity to enforce the penal code. Variation in demographics, economic conditions, fiscal considerations, and jail capacity could plausibly affect both crime and policing practices.

In a previous study, we found that arrest rates in California have fallen precipitously over the last few decades and are now at the lowest level observed since 1980 (Lofstrom et al. 2018). We also showed that arrest rates vary substantially across counties, as do the types of offenses for which individuals are arrested. Racial disparities have narrowed but still persist. Despite significant declines, the statewide African American arrest rate is three times greater than the white arrest rate, and in some counties it is five or more times greater. Data on initial police interactions with the public, collected as part of California’s Racial and Identity Profiling Act of 2015, will be an important step to better understanding disparities in law enforcement.

In this report, we analyze the role of potential factors that contribute to differences in arrest rates—the number of arrests made by law enforcement per 100,000 residents—over time and across counties. We begin by examining the relationship between arrest rates and crime rates. Next, we turn to the potential impact of two major recent corrections reforms on trends in the statewide arrest rate: public safety realignment (AB 109) in 2011, which shifted responsibility for many non-serious, non-violent, and non-sexual offenders from the state correctional system to the county correctional systems; and Proposition 47 (Prop 47) in 2014, which reclassified a number of drug and property felonies as misdemeanors.¹ Lastly, we examine how other county-level factors—such as demographics, economic conditions, and police and jail capacity—contribute to differences in arrest rates and racial disparities across counties.

¹ Public safety realignment in 2011 was the beginning of California’s reversal of a decades-long trend of explosive growth in its state prison population. This reform reduced prison overcrowding while increasing the jail population. Realignment was followed by three voter initiatives, including Proposition 47 in 2014. The other two voter initiatives were Proposition 36 (2012), which revised California’s three-strikes law, and Proposition 57 (2016), which expanded early parole for non-violent offenders participating in educational and rehabilitative programming.

Overview of the Data

Our findings are based on an analysis of data from the Monthly Arrest and Citation Register (MACR). The MACR data provide offense-level information for all recorded arrests in the state between 1980 and 2016. While this is a rich data source, there are limitations that merit upfront discussion. First, while the MACR contains all arrests reported to the California Department of Justice, some arrests are not reported (see the text box for a description of MACR and examples of non-reported arrests). Additionally, since many stops made by police officers do not lead to an arrest, our data do not capture all interactions with law enforcement. The data collection effort for police stops currently underway as a result of the Racial and Identity Profiling Act will help fill that void.

Second, the data also do not allow for separate identification of reactive arrests (those that are in response to a call for service) versus proactive arrests (those that are made by officers based on their own observations). There is arguably less discretion in the decision to make an arrest when an officer is responding to a dispatch call.

Third, the data do not allow us to determine the extent to which individuals account for more than one arrest in any given period. This may be especially relevant for small counties, where if one or a few individuals accounted for multiple arrests, this would make it appear as if a greater share of the population had been arrested than was the case. County-level arrest rates may also be skewed if those arrested are not residents of the county, since residency information is not captured in the MACR.

Finally, note that arrest rates and crime rates are not synonymous. Arrest rates measure enforcement activity, while crime rates measure offenses reported to law enforcement agencies, whether or not an arrest occurs.

About the Monthly Arrest and Citation Register

Monthly Arrest and Citation Register (MACR) data consist of arrest and citation data reported monthly by law enforcement agencies to the California Department of Justice's (CA DOJ) Criminal Justice Statistics Center. For each arrest in California between 1980 and 2016, the MACR data contain information on law enforcement agency and jurisdiction, arrest offense, disposition (e.g., whether charges were brought to the district attorney), arrest date, and whether the arrest led to a booking or the suspect was cited and released.

The data also include the suspect's age, gender, and race/ethnicity. This allows us to calculate the annual number of arrests by offense level (felony or misdemeanor) and offense type (e.g., property, violent, or drug) at the state and county level. We use these calculations to generate statistics on the rate of arrests per 100,000 residents by offense level for each offense type and by demographic group. This ensures that in comparisons of arrests over time and across counties, we account for population growth and population density. Furthermore, when we analyze arrest rates by race/ethnicity, the arrest rate measures the number of arrests per 100,000 residents of the racial/ethnic group in question in the county (or state).

Not all arrests may be recorded in the MACR. For example, an officer who does not have probable cause to make an arrest can refer the case to the district attorney's (DA) office for review. If the DA decides that sufficient evidence exists, the DA can request the court issue either an arrest warrant or a summons requiring the suspect to appear in court. If the arrest takes place at the court it may not be reported to the CA DOJ and consequently may not be included in the MACR data. The data may also not include in-prison arrests of inmates. Finally, there are instances when law enforcement agencies do not complete reporting, and given that the records have been mostly paper submissions, manually entered into a database by the CA DOJ, reporting errors undoubtedly exist. Nonetheless, the MACR data capture the vast majority of arrests in California, and the research team has made every effort to identify and, when possible, correct errors.

This report focuses on the arrests themselves, while planned PPIC research will examine trends in the decision to book or cite and release a suspect after an arrest has taken place.

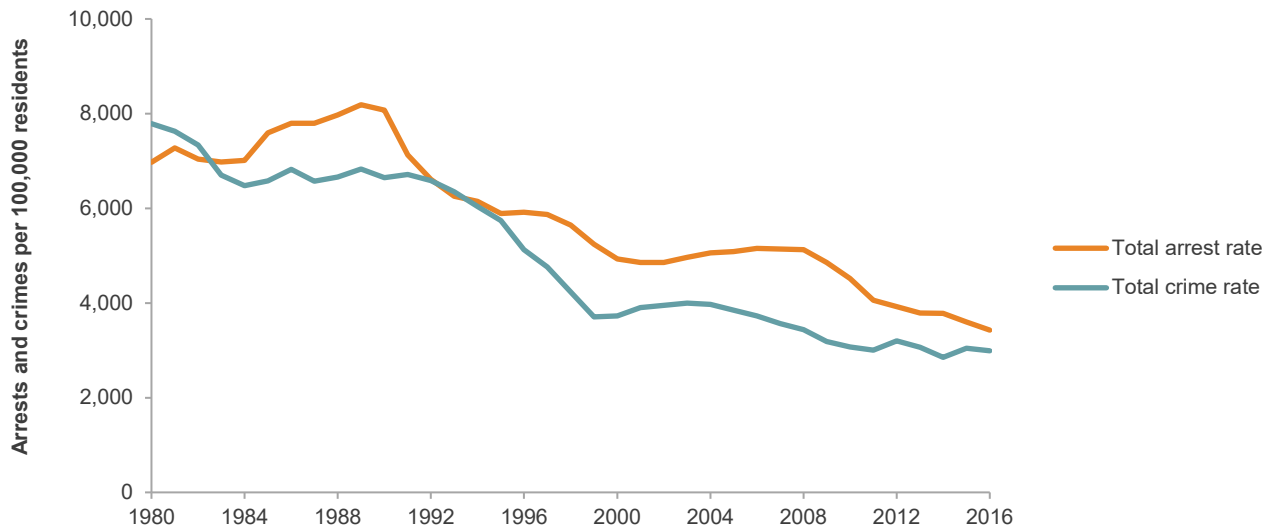
Trends in Arrests and Crimes

To make an arrest, an officer must have probable cause that the suspect has committed a crime. Therefore, changes in crime rates—as measured by the number of crimes per 100,000 residents—are likely to contribute to trends in arrest rates. The data we use to measure crime rates are reported by law enforcement agencies to the California Department of Justice, which then reports the data to the FBI for its Uniform Crime Reporting (UCR) program. These data, referred to as “Part 1 crimes,” only include certain types of crimes—specifically, homicide, rape, aggravated assault, robbery, burglary, motor vehicle theft, and larceny. They do not contain, for example, drug, alcohol, or traffic crimes. Furthermore, these crimes are limited to more serious offense types and do not include most misdemeanor offenses. In contrast, the arrest data used in this report are broader and include arrests for violent, property, drug, and other crimes at both the felony and misdemeanor levels.

Trends in California suggest that arrest rates mostly follow crime rate patterns. Figure 1 displays statewide crime and arrest rates from 1980 to 2016. While both rates exhibit similar long-term trends, the association is certainly imperfect.² Specifically, we note that since 2010, arrest rates have continued to decrease at a time when crime rates have fluctuated somewhat.

FIGURE 1

California’s statewide arrest rates mirror crime rates to a large extent



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Crimes and Clearances Files, and California Department of Finance Population Data, 1980–2016.

NOTES: Arrest rates are the number of arrests made by law enforcement agencies per 100,000 residents, while crime rates are the number of reported crimes per 100,000 residents.

While statewide trends in arrest rates are to a large degree driven by crime rates, this relationship varies across different types of arrest offenses. In this part of our analysis, we estimate the percentage of the variation in arrest rates over time that can be attributed to variation in crime rates over time.³ Figure 2 shows that about 90 percent of the statewide changes in the overall arrest rate can be explained by variation in crime rates. While having a

² The correlation between the two time series is positive and high, at 0.93.

³ Specifically, we use linear regression analysis to model each offense’s specific arrest rate as a function of current and one-year lagged crime rates (with separate variables for violent and property crime rates). We summarize the relationship using the R-squared from each model.

very high explanatory power for both, variation in crime rates over time is more associated with misdemeanor arrests (91% of variation explained) than felony arrests (75%).

A closer look reveals that this difference in the explanatory power of crimes rates for misdemeanor versus felony arrests is largely driven by arrests for drug offenses. Crimes rates explain significantly less of the variation in both felony (48%) and misdemeanor (28%) drug arrests, compared to other offense types, and drug arrests have historically made up a larger share of felony arrests than misdemeanor arrests.⁴

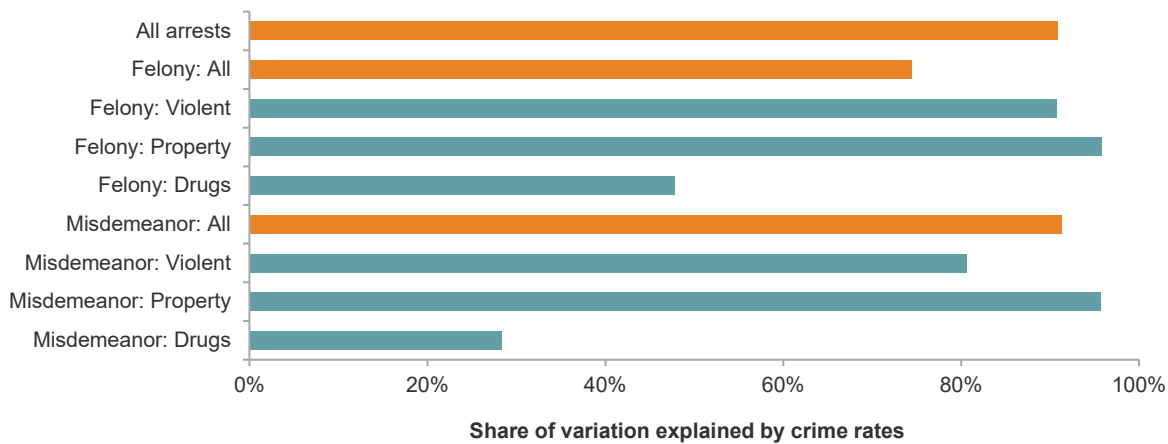
One plausible reason for the weaker association between crime rates and drug arrests is the fact that none of the reported crime rate categories are for drug crimes. Another factor may be changes in how drug offenses have been classified over the time period studied. In 2010, California reclassified possession of less than an ounce of marijuana from a misdemeanor to an infraction, and infractions are not included in the MACR data. The reclassification of some drug offenses from felonies to misdemeanors, as a result of Prop 47, may also contribute to the relatively weak association between crime and arrest rates for drug offenses.

Crime rates do a much better job at accounting for changes in arrests for violent and property offenses. For felony violent and property offenses, crime rates explain at least 90 percent of the variation in arrests over time. This is arguably not very surprising, given that these crime rates are limited to reported crimes for felony violent and property crimes.⁵ For misdemeanor arrests, crime rates still explain at least 80 percent of the variation in arrests for violent and property offenses.

Associations between crime rates and other arrest offenses are shown in [Technical Appendix A](#).⁶

FIGURE 2

Statewide trends in arrest rates are largely driven by crime rates



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Crimes and Clearances Files, and California Department of Finance Population Data, 1980–2016.

NOTES: Arrest rates are the number of arrests made by law enforcement agencies per 100,000 residents, while crime rates are the number of reported crimes per 100,000 residents. The figure shows R-squared values for each model of monthly arrest rates, controlling for current and one-year lagged monthly violent and property crime rates.

⁴ On average over the entire 1980–2016 period studied, about a quarter of felony arrests were for drug offenses, while about a tenth of misdemeanor arrests were for drug offenses. This share has changed notably since Proposition 47 was implemented in November 2014. About 18 percent of misdemeanor arrests in 2016 were for drug offenses, while 11 percent of felony arrests were for drug offenses.

⁵ Due to the changing dollar values for what constitutes a felony property crime, some of the reported property crimes in the FBI’s UCR are misdemeanors. This may be reflected in the high R-squared for misdemeanor property arrests (0.96).

⁶ Changes in crime rates explain less (54%) of the changes in arrest rates for the broader category of “other” felony offenses, including arson, extortion, perjury, bookmaking, and the most serious traffic offenses. Interestingly, statewide variation in crime rates explains to a very large degree changes in arrests for misdemeanor alcohol offenses. It is possible that alcohol consumption is positively correlated with the broader criminal activities reflected in the reported crime statistics.

The Impact of Criminal Justice Reforms on Arrests

Realignment and Prop 47, together with other reforms, have significantly lessened the state’s overall reliance on incarceration, while also affecting local criminal justice agencies’ capacities (Martin and Lofstrom 2014; Grattet et al. 2016). Realignment led to capacity challenges in county jails, and as a result early releases due to jail capacity constraints increased by more than 20 percent the year after the reform was implemented (Martin and Lofstrom 2014). It is plausible that, faced with crowded jail facilities, law enforcement officers may have reduced arrests, especially for lower-level offenses, since they may have expected some suspects to be released shortly after being booked into jail.

Prop 47 helped relieve crowding problems, but it also introduced other changes that could have affected arrests. In particular, the reclassification of some property and drug offenses from felonies to misdemeanors may have influenced law enforcement officers’ arrest strategies and discretion, since there are more restrictions for making an arrest for a misdemeanor offense than for more serious, felony crimes. In addition to having probable cause that an offense was committed, which is also necessary for a felony arrest, officers making misdemeanor arrests must generally be present when the offense was committed or have a warrant for the suspect’s arrest issued by a judge, with a few exceptions.

Figure 3 shows the estimated impacts of realignment and Prop 47 on arrest rates for different offense categories, controlling for crime rates and the county in which the arrest took place.⁷ The height of the realignment columns represents the change in the arrest rate after realignment (that is, since October 2011), while the Prop 47 columns represent any additional change in the arrest rate after Prop 47 (since November 2014).

Our estimates suggest that these two reforms have significantly reduced arrest rates in California, above and beyond the impact of changing crime rates. We find that realignment led to a decrease in the overall arrest rate of slightly more than 300 arrests per 100,000 residents (a decrease of about 7%), which was driven entirely by decreases in misdemeanor arrests. The majority of the decline in misdemeanor arrests is associated not with violent, property, and drug arrests, but with traffic- and alcohol-related arrests (see [Figure A2 in the technical appendices](#) for all estimates).

After Prop 47 passed, California’s annual arrest rate went down by about another 440 arrests per 100,000 residents, roughly an 11 percent decrease. Unlike with realignment, the vast majority of the post–Prop 47 decrease was driven by declines in felony arrests—and more than 80 percent of the decrease in felony arrests stemmed from fewer arrests for drug and property offenses.⁸ This is not surprising given the reform’s reclassification of a number of drug and property offenses from felonies to misdemeanors.

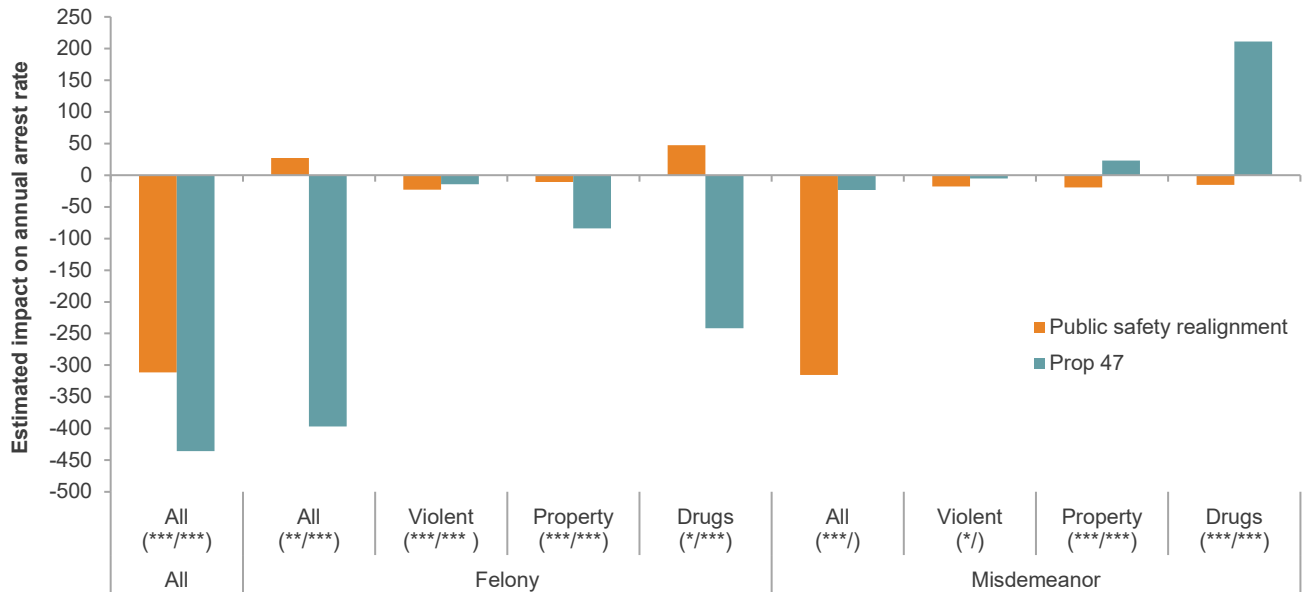
The Prop 47 decline in felony drug arrests was to a significant extent offset by an increase in misdemeanor arrests for drug offenses: the former declined by about 240 arrests per 100,000 residents, while the latter went up by about 210 arrests per 100,000 residents. In contrast, the decline in felony property arrests was much larger than the increase in misdemeanor property arrests after Prop 47: the former decreased by 80 arrests per 100,000 residents, while the latter increased by only about 20 arrests per 100,000 residents.

⁷ That is, we control for time invariant county unobservables by including county fixed effects. Furthermore, to account for the preexisting downward trends in arrests observed before realignment went into effect, we adjust the estimated realignment effect by subtracting the estimated decline during the year before realignment (October 2010–September 2011).

⁸ In terms of arrest rates, the decline in felony arrests accounts for 400 fewer arrests per 100,000 residents. The decline in felony drug arrests accounts for 240 fewer arrests per 100,000 residents, and the decline in felony property arrests accounts for 80 fewer arrests per 100,000 residents.

FIGURE 3

Arrest rates dropped significantly in the wake of realignment and Prop 47



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Crimes and Clearances Files, and California Department of Finance Population Data, 1980–2016.

NOTES: Estimates based on linear regression models using monthly county level arrest rates by offense group, controlling for current and one-year lagged monthly crime rates, and county fixed effects. For detailed results, see the [Technical Appendix](#). The figure shows the estimated impacts of realignment (AB 109) and Prop 47 on annual arrest rates, by arrest offense group (the sum of the two columns would represent the combined effects of the two reforms). Statistical significance is shown with asterisks (*) in parentheses, with the first entry representing realignment and the second Prop 47. Specifically, *** indicates that the estimate is statistically significant at the 99 percent confidence level, ** is significance at the 95 percent confidence level, and * is significance at the 90 percent confidence level.

Differences in Arrests and Crime across Counties

Arrest rates vary significantly across counties in California. Counties with the highest rates arrest two to three times as many suspects per 100,000 residents as do counties with the lowest arrest rates. A range of factors likely contributes to these differences. In this section, we examine county crime rates, and find that, as with the statewide relationship between arrest and crime rates, county variation in crime rates contributes significantly to county differences in arrest rates. In the section below, we also explore the role of other county-level factors, including demographics, poverty⁹, labor market conditions, jail capacity, law enforcement staffing, and policing practices.^{10, 11}

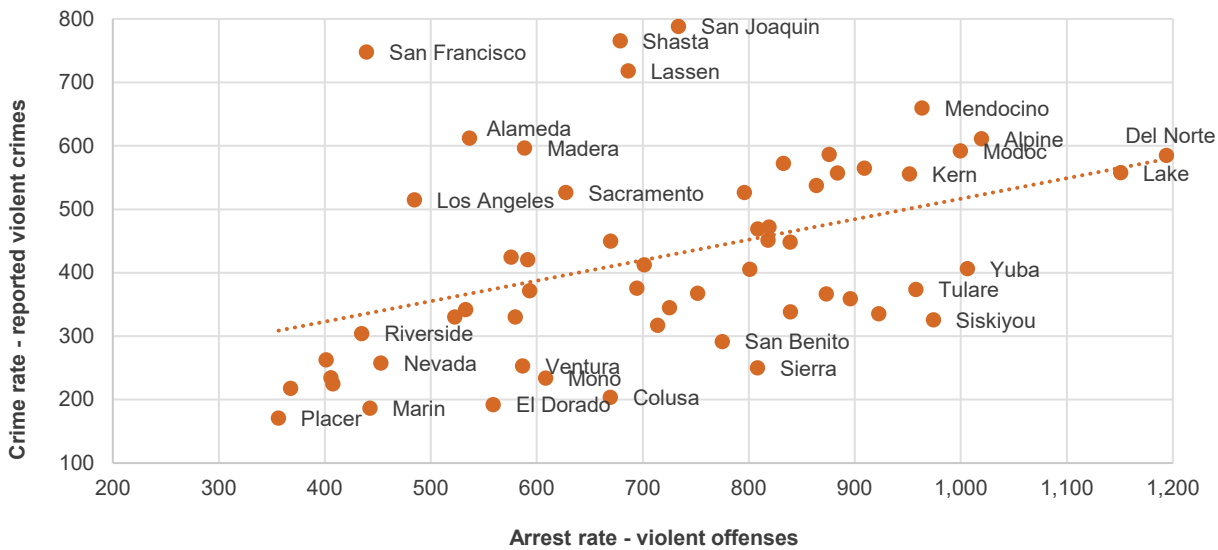
⁹ The poverty measure used in this report is from the US Census Bureau’s Small Area Income and Poverty Estimates program. While this measure is available for all 58 counties and has a long track record, allowing us to match poverty rates to counties as far back as 1997, the measure does not reflect cost-of-living differences across counties. It is possible that results presented in this report would differ if such cost differences were accounted for by using, for example, the recently established California Poverty Measure (CPM), a joint effort by PPIC and the Stanford Center on Poverty and Inequality.

¹⁰ We focus our analysis of additional factors, beyond crime rates, on arrest rate differences on counties, as opposed to state-level differences, due to the limited variation in the statewide annual data (that is, we have no more than 37 data points covering the period 1980–2016).

¹¹ While some of our areas of inquiry are specific to the particular context in California, including recent policy reform efforts, research projects studying similar themes provide useful insight. Considering the relationship between arrest rates and the commission of crime, Weaver, Papachristos, and Zanger-Tishler (2019) argue that involvement with crime and the experience of arrest became increasingly “decoupled” nationwide in the last part of the twentieth century, as contact with the criminal justice system simultaneously became more frequent and less connected to the commission of a crime. The authors identify a racial element to that increased criminal justice contact, as African Americans had a much higher probability of being arrested, compared with their counterparts in the previous generation or whites in the same generation.

County differences in crime rates is one of the contributing factors to county differences in arrest rates. Figure 4 shows the average arrest rate for violent offenses and the average violent crime rate in each county from 2014 to 2016.¹² Counties with relatively high arrest rates for violent offenses tend to have higher violent crime rates.¹³ For example, some of California’s smaller rural counties, where arrest rates for violent offenses are relatively high (such as Del Norte, Lake, Alpine, Modoc, and Mendocino), have violent crime rates that are higher than average for the state. However, there are outliers as well. Alameda and San Francisco have some of the state’s highest rates of violent crime (6th and 3rd highest, respectively), but the arrest rates for violent offenses in these counties are among the lowest in the state (52nd and 46th, respectively).

FIGURE 4
Counties with higher violent crime rates tend to have higher arrest rates for violent offenses



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Crimes and Clearances Files, and California Department of Finance Population Data, 2014–16.

NOTES: Arrest rates are the number of arrests made by law enforcement agencies per 100,000 residents, while crime rates are the number of reported crimes per 100,000 residents. The figure shows county average violent arrest rates by county average violent crime rates post-Prop 47. The dotted line represents the simple linear regression of average county arrest rates on average county crime rates. Correlation between the post-Prop 47 violent crime rate and post-Prop 47 violent offense arrest rate is 0.42.

The relationship between arrest and crime rates across counties also holds for property crimes. Figure 5 shows that many counties with relatively high arrest rates for property offenses also have higher property crime rates.¹⁴ Fresno and Kern, for example, have among the highest property arrest and crime rates in the state. Sierra, Mono, Mariposa, and Calaveras—counties with some of the lowest arrest rates for property offenses—also have some of the lowest property crime rates in the state. San Francisco is a notable exception, with by far the highest property crime rate, despite one of the lowest property arrest rates in the state. This could be due to the unusual composition of property crimes in San Francisco, where car break-ins—an offense for which making arrests is very challenging—represent a high share of reported property crime.¹⁵ Generally, arrest rates for property

¹² The data in Figures 4 and 5 are limited to the post-Prop 47 period, since, as we showed, criminal justice reforms have significantly influenced arrest rates. Furthermore, they may have done so differently by county (Lofstrom and Raphael 2013).

¹³ The correlation of 0.42 is quite high for two cross-sectional data series.

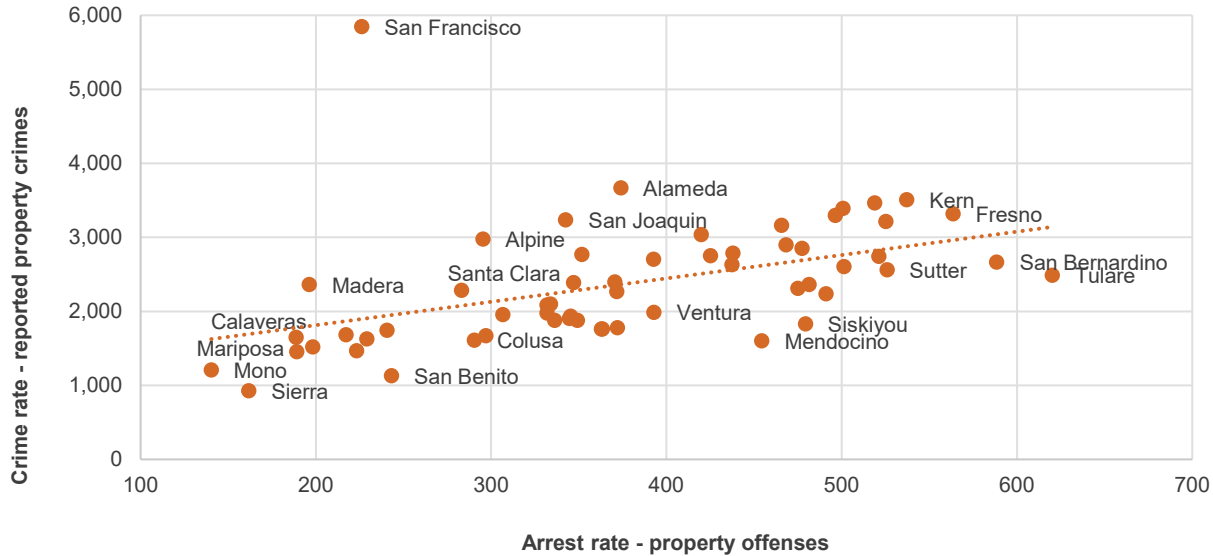
¹⁴ The correlation is 0.46.

¹⁵ In fact, the share of larceny thefts, the reported crime category that includes car break-ins, is higher in San Francisco than in any other county (82% of reported property crimes in San Francisco are larcenies, compared to 65% statewide).

offenses are driven by crime rates to a significant degree: if we exclude San Francisco, almost half of the variation in property arrest rates across counties can be explained by differences in the reported crime rates.¹⁶

FIGURE 5

Counties with higher property arrest rates tend to have higher property crime rates



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Crimes and Clearances Files, and California Department of Finance Population Data, 2014–16.

NOTES: Arrest rates are the number of arrests made by law enforcement agencies per 100,000 residents, while crime rates are the number of reported crimes per 100,000 residents. The figure shows county average property arrest rates by county average property crime rates post-Prop 47. The dotted line represents the simple linear regression of average county arrest rates on average county crime rates. Correlation between the post-Prop 47 property crime rate and post-Prop 47 property offense arrest rate is 0.46.

To more precisely assess the role of crime rates in explaining county differences in arrest rates, we estimate how much of the variation in arrest rates can be explained by variation in crime rates, while controlling for each type of reported crime (homicide, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft). We limit our analysis to the period after Prop 47 (November 2014 to December 2016), since criminal justice reforms have significantly influenced arrest rates, as shown above, and these effects may have varied across counties (Lofstrom and Raphael 2013).

In line with our statewide analysis above, county crime rates play a significant role in arrest rates across counties, explaining close to three-fourths of the differences in arrest rates across counties (see [Table A6 in the technical appendices](#) for all estimates). When we examine each offense type separately, we find at least half of the county differences in felony arrests can be explained by county differences in crime rates, with the exception of arrests for drug offenses and the miscellaneous “other” offense category. Notably, a sizable majority of county variation in arrests for felony violent arrests can be explained by crime rates.¹⁷ For misdemeanors, at least half of arrests for misdemeanor violent offenses and for failure to appear in court or arrests made with a warrant can be explained by county crimes rates.

¹⁶ The R-squared from the simple linear regression used to generate the line in Figure 5 jumps from 0.22 to 0.48 when San Francisco is excluded.

¹⁷ The R-squared value is 0.75

Additional Factors in County Arrests

While our analysis so far strongly suggests that county differences in crime rates are one important contributing factor to county differences in arrests, it also makes clear that much of the arrest differences across counties remains unexplained by crime rates. To better understand other potential factors, we examine the role of various county characteristics, including demographics, jail capacity, and economic conditions. In this analysis, we average data from 2014 to 2016 (full results presented in [Table A6 in the technical appendices](#)). In examining the variation in arrest rates across counties, we separate counties into five “buckets” by their arrest rates and focus on counties in the first and fifth buckets—that is, counties with the highest and lowest arrest rates (see the list of counties in each category in [Table A7 in the technical appendices](#)).

Smaller, rural counties in California tend to have higher arrest rates (see also Lofstrom et al. 2018). Indeed, one of the clearest patterns we found is that high-arrest counties have lower population density. Low-arrest counties have an average of about 2,000 residents per square mile, while high-arrest counties have an average of fewer than 50 residents per square mile. In addition, we find that the share of white residents tends to be higher in relatively high-arrest counties, while the share of African Americans is lower in counties with higher arrest rates (Figure 6). Counties with higher arrest rates also tend to have lower shares of immigrants.¹⁸

High-arrest counties generally have higher jail incarceration rates. The counties with the lowest arrest rates have an average of 170 jail inmates per 100,000 residents, while counties with the highest arrest rates have an average of 303 jail inmates per 100,000 residents. In addition, low-arrest counties are less likely to release jail inmates early due to limited jail capacity.¹⁹ This is not surprising since, plausibly, higher arrest rates lead to more crowded jails. Notably, while the number of law enforcement officers per 100,000 residents is highest in the high-arrest counties (201 officers per 100,000 residents), no clear pattern exists for counties with lower arrest rates.

Economic factors are also associated with county arrest rates. High-arrest counties tend to have the highest poverty rates and the lowest average annual earnings. For instance, high-arrest counties have an average poverty rate of 19 percent, compared with about 12 percent among low-arrest counties (Figure 6). Unemployment also tends to be higher in high-arrest counties, while college graduation rates tend to be lower.²⁰

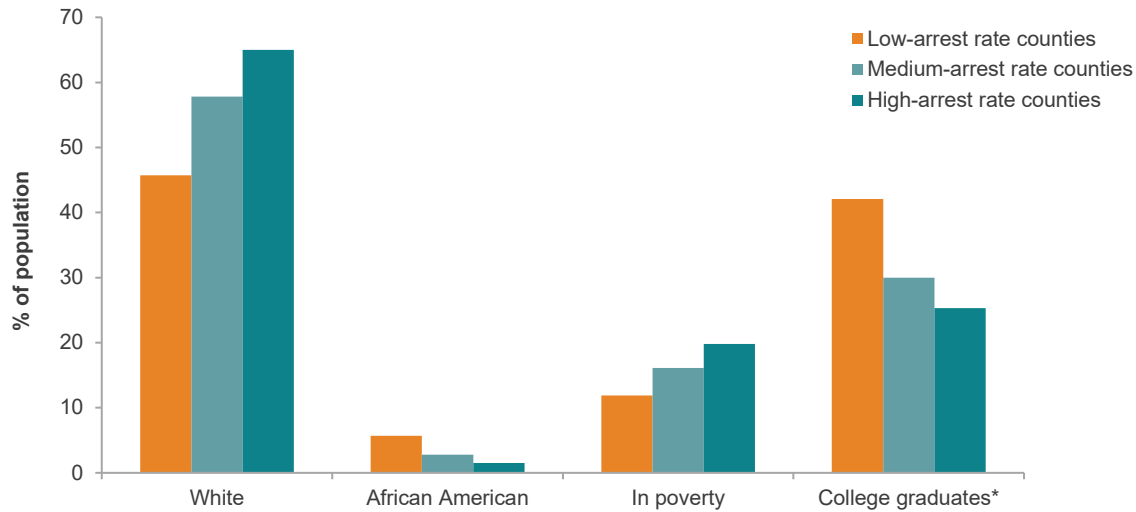
¹⁸ The data on the share of foreign-born residents is limited to the 41 largest counties.

¹⁹ Low-arrest counties have roughly 1.25 releases a month per average daily jail inmate population (ADP). In counties with the highest arrest rates, this ratio is more than five times greater, at 7.5 releases per ADP. Jail capacity releases occur when county jails have more inmates than the number of beds in a facility. At that point inmates are released from custody. Most facilities that have to release individuals in this way follow guidelines contained in local court judgments. These local court judgments dictate at which point a facility would need to release inmates early.

²⁰ The data on the share of college graduates is limited to the 41 largest counties.

FIGURE 6

High-arrest counties tend to have higher shares of whites and higher poverty rates



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Department of Finance Population Data, American Community Survey, and the US Census Bureau’s Small Area Income and Poverty Estimates program 2014–16.

NOTES: Arrest rates are the number of arrests made by law enforcement agencies per 100,000 residents. * Data available only for the 41 largest counties. Each column represents county averages for the first (low), third (medium), and fifth (high) quintile respectively.

Next, we more precisely examine possible contributing factors to county differences in arrest rates. Again using data from 2014 to 2016, we rely on four categories of county-level characteristics: demographics/population density, law enforcement/jail capacity, economic factors, and educational attainment/immigration.²¹ We estimate regression models for each group of characteristics and then describe the degree to which changes in these factors account for the differences in arrest rates between high-arrest and low-arrest counties.

County demographics and population density explain a significant amount of the variation in county arrest rates—about 38 percent of the difference in arrest rates between high-arrest and low-arrest counties. Higher shares of Latinos and other nonwhite races/ethnicities are also associated with lower arrest rates at a statistically significant level, as are a lower share of young adults and lower population density (see the second column in [Table A1 in the technical appendices](#)).

County differences in jail capacity also contribute noticeably to county differences in the total arrest rate. Figure 7 shows that police and jail capacity predicts about 37 percent of the difference in arrest rates between high-arrest and low-arrest counties. A closer look at the three individual factors included in this category—law enforcement staffing, jail incarceration rate, and jail capacity—reveals that this is almost entirely driven by jail capacity (see the first column of [Table A1 in the technical appendices](#)). In other words, high-arrest counties have built up a higher jail capacity than low-arrest counties. Notably, our findings suggest that county differences in the total arrest rate are not driven by differences in the number of law enforcement officers per 100,000 residents.

²¹ Since we are limited to the 41 largest counties for the educational attainment category and for the share of foreign-born residents in each county, we include these characteristics in the same group. The demographics/population density category includes the share of white residents in the county, the share of African Americans, the share of Latinos, the share of 18- to 29-year-olds, the share of male residents, and the population density. The county-level variables in the law enforcement/jail capacity group controls for law enforcement staffing (number of officers per 100,000 residents), jail incarceration rate (the ADP as a share of rated jail capacity), and jail capacity (rated jail capacity per 100,000 county residents). Our group of economic factors includes average annual earnings, the poverty rate, and the unemployment rate. Our last group—educational attainment/immigration—includes controls for the dropout rate, the share of college graduates, and the share of foreign-born residents.

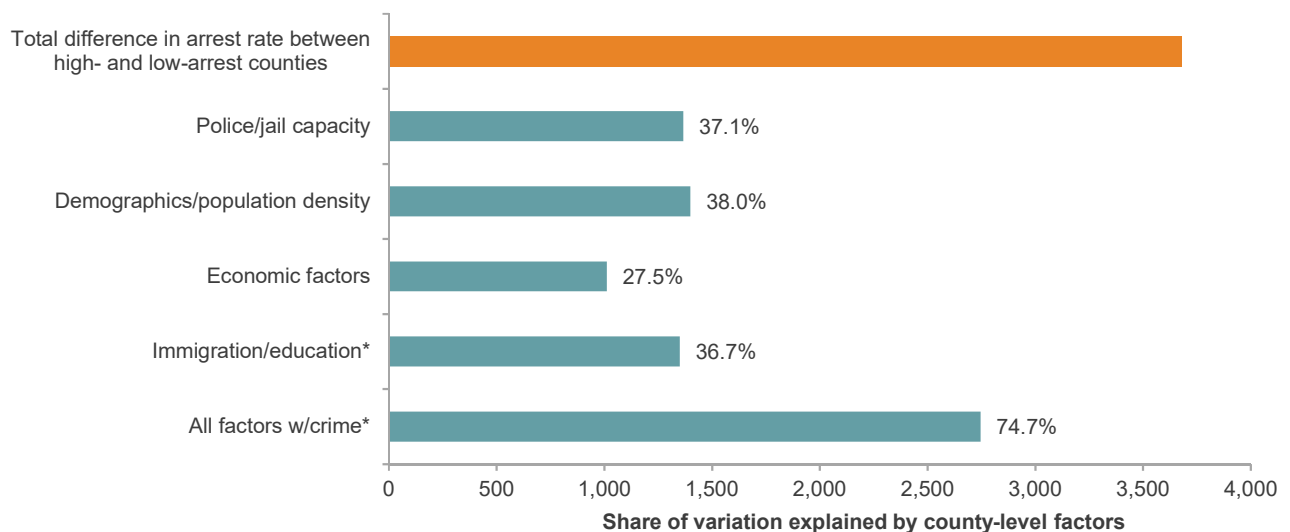
Our estimates also suggest that higher poverty rates, lower annual average earnings, and higher unemployment rates are determinants of higher arrest rates. Together, these account for about 28 percent of the difference in arrest rates between high-arrest and low-arrest counties. Unemployment rates are the main contributor in this category, accounting for nearly 13 percent of the difference in arrest rates.²²

Finally, we examine county differences in educational attainment and the share of immigrants. Note that this part of our analysis is limited to the state’s largest 41 counties. When taken together, higher dropout rates, lower shares of college-educated residents, and lower shares of foreign-born residents predict about 37 percent of the difference in arrest rates between high-arrest and low-arrest counties. In this category, the share of immigrants is the main contributor to differences in arrest rates.

Altogether, these county-level factors, when taken in conjunction with violent and property crime rates, explain about 75 percent of differences in arrest rates.²³ While this analysis is not causal, it strongly suggests that many factors outside the direct control and discretion of law enforcement officers greatly influence county arrest rates. Improvements in local factors like public safety (which may be affected by policing), economic conditions and higher educational attainment are likely to lead to fewer arrests and the need for smaller county correctional systems.

FIGURE 7

County characteristics contribute significantly to differences in arrest rates between high-arrest and low-arrest counties



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Department of Finance Population Data, Board of State and Community Corrections Jail Profile Survey, California Department of Justice’s Law Enforcement Personnel Survey, American Community Survey, California State Controller, California Employment Development Department, and the US Census Bureau’s Small Area Income and Poverty Estimates Program, 2014–16.

NOTES: Models use county-level annual data for the most recent period, 2014-16. Estimates used for the predictions are shown in [Table A1 in the technical appendices](#) and are for the total arrest rate. An asterisk (*) indicates that the data available are limited to the 41 largest counties. Percentages shown represent the ratio of the predicted differences in arrest rates between counties in the top and bottom quintiles, using the 2014–16 average characteristics for each of the quintiles. Models with controls for crime include two aggregate variables for the violent and property crime rates. Population density is the ratio of residents in a county in a given year to the total square mileage of the county.

²² While all of these three economic indicators have the expected signs, only the coefficient on the unemployment rate is statistically significant (see the third column in [Table A1 in the technical appendices](#)). The 3.4 percent higher unemployment rate in the high-arrest counties (based on [Table A1](#)) alone predicts almost 13 percent of the difference in the arrest rates between the high-arrest and low-arrest counties.

²³ Since it includes all county-level factors, this estimate is limited to the largest 41 counties. We estimate the demographics/population density, police/jail capacity, and economic factors together account for 66.6 percent of the difference in arrest rates between high- and low-arrest counties, while those three categories plus crime rates account for 70.0 percent of the arrest rate differences. Not surprisingly, given that variables in the various groups of possible county arrest rate determinants are likely to be correlated (resulting in multicollinearity), many of the estimated coefficients are statistically insignificant (see [Table A1 in the technical appendices](#)). Nonetheless, controls of crowded jails (ADP/rated capacity), jail capacity as measured by the size of the population (rated jail capacity per 100,000 residents), share of white residents, and population density are all statistically significant.

Racial Disparities in Arrests

In an earlier report, we found that while racial disparities in arrests have narrowed over time in California, the African American arrest rate in 2016 was about three times greater than the white arrest rate (Lofstrom et al. 2018). The Latino arrest rate was greater than that of whites as well, about 1.1 times higher.

We also found that while racial disparities in arrest rates between African Americans and whites are prevalent in the vast majority of California's counties, they also vary substantially. Focusing on the 49 counties with at least 25,000 residents, the African American arrest rate in 2016 was at least double the white arrest rate in 45 counties, at least three times greater in 33 counties, at least four times greater in 21 counties, and at least five times greater in 13 counties.²⁴ The African American arrest rate was lower than that of whites only in two very small counties (Lassen and Del Norte), while counties where the disparity was at least five times higher included some small rural counties (e.g., Glenn and Nevada) as well as some large urban counties (e.g., San Mateo and San Francisco). In contrast, the disparity in arrest rates between whites and Latinos was smaller, and the Latino arrest rate was even lower than the white arrest rate in 26 counties. For that reason, we focus on racial disparities between African Americans and whites in this report.

The goal of our analysis is to document the factors associated with differences in African American and white arrest rates across counties.²⁵ Our measure of racial disparity is the ratio of the African American arrest rate to the white arrest rate, which represents how many times higher the African American arrest rate is compared to the white arrest rate. We examine the same county characteristics as in our analysis above on county differences in arrest rates. We limit our analysis to data from 2014 to 2016 and, as in our previous report, to the largest 49 counties.

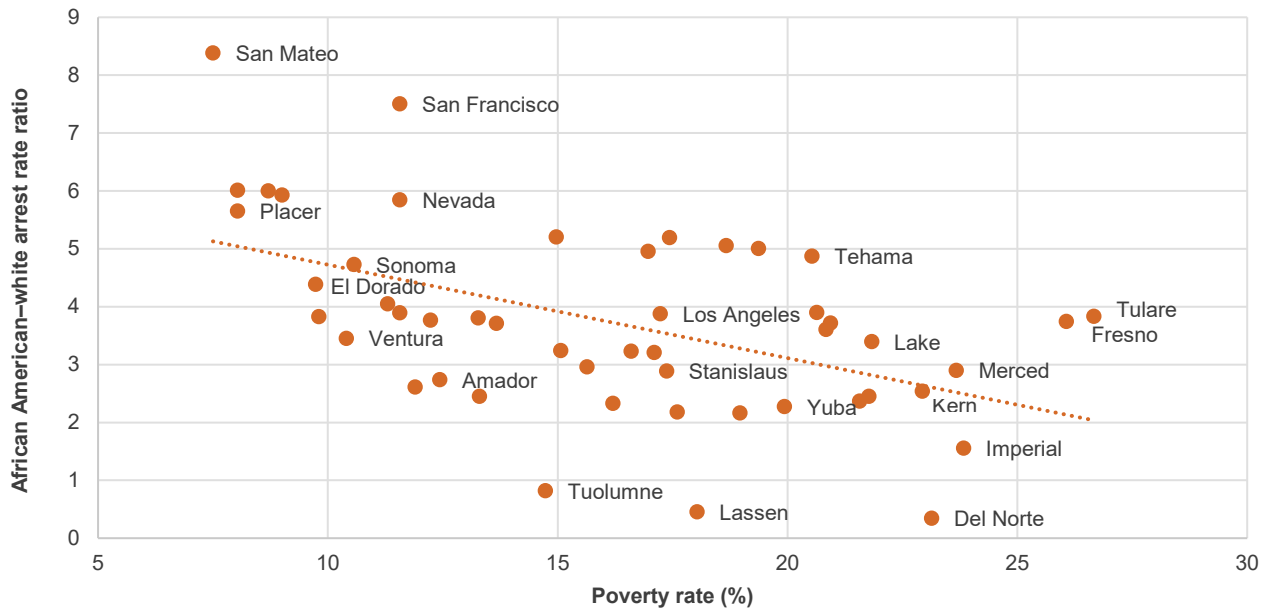
While a common perception may be that racial disparity is especially stark in poorer areas, Figure 8 shows that the greatest disparities in arrests between African Americans and whites occur in counties with the lowest poverty rates. The figure shows racial disparity on the vertical axis and poverty rates on the horizontal axis. Counties with relatively higher disparity and lower poverty are in the upper-left corner, while counties with relatively low disparity and higher poverty are in the lower-right corner. The African American arrest rate is more than seven times greater than the white arrest rate in the relatively affluent counties of San Mateo and San Francisco (which have poverty rates of about 8 percent and 12 percent, respectively). We also see greater racial disparity in some smaller rural counties, such as Placer and Nevada, which also have lower poverty rates (around 8 and 11 percent, respectively) compared to the rest of the state. However, counties with the smallest racial disparities in arrests are also found in the state's smaller rural counties, such as Lassen and Del Norte. The poverty rates in these counties are noticeably higher, at 18 and 23 percent, respectively.

²⁴ It is important to note that in counties with a small population, arrest statistics can be heavily skewed by unusual events or the actions of a few individuals. Caution is warranted when the analysis is broken down by demographic groups, especially when the minority population is a small share of the overall population. For that reason, in our previous report and this report, we limit our county analysis of racial/ethnic differences to the 49 counties with an overall population of at least 25,000.

²⁵ Gase et al. (2016) expand on the notion of neighborhood context. They find that African Americans are significantly more likely to ever have been arrested than are whites, even after controlling for a variety of delinquent behaviors. However, once they control for neighborhoods' racial composition, the disparities disappear, suggesting the importance of contextual variables—particularly those describing the demographic composition of communities—in affecting differential rates of contact with the criminal justice system. Interestingly, Gase et al. did include an examination of Latinos in their study, and found that, although Latinos also tend to live in communities with higher rates of crime and poverty than do their white counterparts, the authors found no significant disparities in the arrest rates of Latinos, compared to those of whites.

FIGURE 8

Racial disparities in arrests tend to be greater in counties with lower poverty rates



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Department of Finance Population Data, and U.S. Census Bureau’s Small Area Income and Poverty Estimates Program, 2014–16.

NOTE: The figure shows the ratio of the county average African American arrest rate divided by the white arrest rate (y-axis) and the county average poverty rate (x-axis), 2014–16.

To get an overview of the other possible factors, besides poverty, typifying counties with higher and lower levels of racial disparity, we break counties into five “buckets” based on their arrest rate ratio. We focus on counties in the first and fifth buckets—that is, counties with the highest levels and lowest levels of racial disparity (see the list of counties in each category in [Table A9 in the technical appendices](#)).

The African American–white arrest rate ratio varies substantially across counties. In counties with the lowest levels of racial disparity, the African American arrest rate is on average 1.66 times higher than that of whites.²⁶ In counties with the greatest levels of racial disparity, the ratio is on average 6.26, or about four times higher than in counties with relatively low levels of racial disparity.

Figure 9 reveals a few notable differences between counties with high and low levels of racial disparity, especially in terms of their economic conditions and educational attainment (full results presented in [Table A8 in the technical appendices](#)). We also see some differences in their racial/ethnic composition. Consistent with Figure 8, we see that the average poverty rate (18.7%) among counties with the lowest racial disparity is substantially higher than the average poverty rate (11.6%) in counties with the highest racial disparity. Similarly, the average annual median household income in counties with the highest racial disparity is about 50 percent higher than the average annual median household income in counties with the lowest racial disparity (about \$76,700 and \$51,100, respectively; not shown). The share of college graduates in counties with the highest racial disparity is more than twice that of counties with the lowest racial disparity (47.4% and 20.5%, respectively). The shares of African

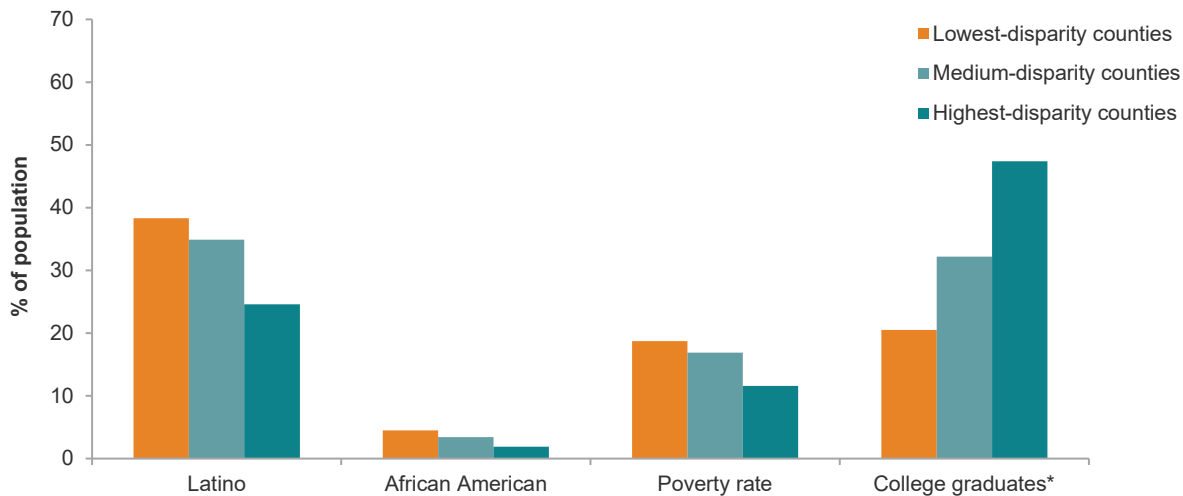
²⁶ In counties with the lowest levels of racial disparity, there are on average about 2,600 more arrests of African Americans per 100,000 African American residents, compared to the average number of arrests of whites per 100,000 white residents. In counties with the highest levels of racial disparity, there are on average about 18,460 more arrests of African Americans per 100,000 African American residents, compared to the average number of arrests of whites per 100,000 white residents.

Americans and Latinos are also notably lower in counties with high racial disparity—as are the shares of nonwhite residents more broadly—compared to counties with low racial disparity.

In sum, we observe a few distinct patterns between racial disparity in arrests and county characteristics. The most striking is that the African American–white arrest rate ratio tends to be higher in more affluent counties with high educational attainment. It is quite possible that counties with relatively high levels of wealth are also characterized by greater economic inequality. African Americans in these counties may be clustered in poorer areas with higher crime rates.²⁷ Unfortunately, our data do not allow us to examine within-county differences and dispersion.

FIGURE 9

Counties with the highest levels of racial disparity have lower shares of Latino and African American residents



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, California Department of Finance Population Data, American Community Survey, and the U.S. Census Bureau’s Small Area Income and Poverty Estimates Program 2014–16.

NOTES: Arrest rates are the number of arrests made by law enforcement agencies per 100,000 residents. * Data available only for the 41 largest counties. Each bar reflects the average for the first (lowest), third (medium), and third (highest) quintiles of counties grouped by the ratio of African American arrest rates divided by white arrest rates.

Next, we more precisely examine possible contributing factors to county differences in racial disparity in arrest rates between African American and white residents, using data from 2007 to 2016.²⁸ As with our arrest rate analysis, in addition to crime, we group factors into four categories of county-level characteristics: demographics/population density, law enforcement/jail capacity, economic factors, and educational attainment/immigration. Full results are shown in [Table A9 in the technical appendices](#).

Our estimates suggest that variation in crime rates affects racial disparities, but violent and property crimes do so in opposite ways. While higher property crime rates are associated with greater disparities in arrest rates between African Americans and whites, we find that in areas with higher violent crime, racial disparities are lower. It is unclear what contributes to this pattern, but it may be related to less discretion in arrests for violent crimes. Notably, we find no statistically significant relationship between jail capacity or the number of law enforcement

²⁷ Frase (2009) identifies another possible factor also taken up by Kirk (2008): that neighborhood context, which varies significantly by race, affects the likelihood of arrest. Urban, high-crime neighborhoods attract law enforcement efforts, resulting in an elevated arrest rate for residents, independent of the incidence of actual crimes perpetrated by those arrested. This neighborhood element also carries implications for the demographics of individual arrestees, of course, to the extent that, in California, urban areas are more highly populated by African Americans than are rural places.

²⁸ In other words, we estimate regression models of the African American–white arrest rate ratio using county-level panel data. We extend the time period analyzed so that we can control for unobserved county heterogeneity by including county fixed effects. We also include year fixed effects to adjust for year-specific statewide shocks.

officers per 100,000 residents and racial disparity. In addition, we find no statistically significant association between the demographic characteristics we examine and higher levels of racial disparity.

Not surprisingly, given what we see in Figure 8, differences in economic conditions are associated with racial disparities in arrests at conventional statistical significance levels. For example, we find that about 15 percent of the difference in the African American–white arrest rate ratio is associated with higher median income among counties with high racial disparity. Including differences in poverty rates increases the explanatory power of the model to almost a quarter of the difference in racial disparity levels across counties—another indication that racial disparity is greater in more affluent areas. The estimates also point toward a strong, statistically significant relationship between the share of college graduates in the county and differences in arrest rates between African Americans and whites, with higher shares of college graduates associated with greater racial disparity.²⁹

As above, these estimates do not represent a causal relationship between disparity and, for example, affluence, but rather an association between the two. It simply tells us that racial disparity in arrests is greater in affluent areas; it does not indicate that higher median income would lead to greater disparity.

It is important to note that the county characteristics analyzed are to some degree correlated, meaning that estimated relationships between racial disparity and a particular factor may reflect both that characteristic’s direct relationship to racial disparity as well as an indirect relationship between other factors and racial disparity. For example, the estimated negative relationship between violent crime rates and racial disparity may partly represent the negative relationship between affluence and violent crime rates. If so, the estimated relationship would be less strong, or not present, after controlling for factors like median income and poverty. To examine this, we estimate models that include all factors (presented in the sixth and seventh columns of [Table A10 in the technical appendices](#)).

In this analysis, we now find no statistically significant associations between racial disparity in arrests and crime rates or the share of college graduates. The estimates, however, suggest a statistically significant relationship between jail capacity and racial disparity. Greater county jail capacity, as measured by the number of jail beds per 100,000 residents, holding all other factors constant, is associated with relatively higher arrest rates of African Americans residents, compared to that of white residents. That this more encompassing approach yields no evidence of a statistically significant relationship between the share of college graduates and racial disparity suggests that once all other county-level factors are accounted for, differences in educational attainment of residents do not predict differences in racial disparity.

Conclusions

Discussions about arrests and racial disparities frequently focus on the discretion of police officers—not surprising, given events in recent years in which law enforcement actions have sparked significant criticism and increased tensions. While decisions in making arrests are indeed subject to officer judgment, our research suggests that factors beyond law enforcement discretion may also play a role in arrest rates and differences in arrest rates across counties and racial/ethnic groups.

²⁹ The results of a summary of national studies conducted as part of Frase (2009) mirrors a set of our county-to-county observations: that disparities between African American and white arrest rates tend to be greater in jurisdictions with lower shares of minority populations, and higher levels of education, income, and population density. Andersen (2015) also concludes that the racial disparity in arrest rates is exacerbated in communities where African Americans are in the minority.

In the past few decades, arrest rates have declined significantly (Lofstrom et al. 2018), reducing interactions between law enforcement offices and community members, and hence risks to officers and suspects, as well as costs associated with arrests. These statewide trends are—to a large degree—driven by changes in public safety, as measured by decreasing crime rates. However, we do see some divergence in arrest rates and crime rates in recent years, as arrest rates have continued to decline, even while some violent crime rates have been on the rise.

Public safety realignment (2011) and Proposition 47 (2014) also substantially reduced arrest rates in California, above and beyond the contributions of changing crime rates. We estimate realignment led to a decrease in the overall arrest rate of about 7 percent, or 300 fewer arrests per 100,000 residents, driven entirely by decreases in misdemeanor arrests. California’s arrest rate went down another 11 percent, or by 440 fewer arrests per 100,000 residents, after Prop 47 passed—this time driven by declines in felony drug arrests.

When we turn to county-level factors, we find that close to three-quarters of the considerable variation in county arrest rates can be explained by differences in crime rates across counties. Our analysis also reveals that counties with the highest arrest rates tend to be in more rural areas with poorer economic conditions, higher shares of white residents, and higher shares of young adults. These counties also tend to have more jail beds per 100,000 residents, suggesting that counties with higher arrest rates have built up a higher jail capacity compared to counties with lower arrest rates.

While there are broad short- and long-term implications of arrests, which touch many aspects of Californians’ lives and affect the use of public resources and costs, disparate treatment in arrests may also spark tensions and can deteriorate relationships between law enforcement and communities. While African Americans have higher arrest rates than whites in the vast majority of California’s counties, the size of the disparity varies substantially across the state. Counties with the highest levels of racial disparity have on average an African American arrest rate that is about six times higher than the white arrest rate, while counties with the lowest levels of racial disparity have on average an African American arrest rate that is almost double the white arrest rate. Counties with the highest levels of racial disparity tend to be relatively affluent—with higher median household income and lower poverty rates—and to have higher levels of educational attainment and greater jail capacity.

Although these estimates do not represent a causal relationship between arrest rates and county characteristics, our analysis strongly suggests that many factors outside the direct control and discretion of law enforcement officers greatly influence arrest rates and differences in arrests across counties. The potential gains from policies that focus on economic conditions and higher education may well extend into local criminal justice systems. If the state and counties would like to lower arrest rates—motivated by factors such as reduced use of public resources and costs, as well as risk for officers and suspects—improving public safety (which may be affected by policing), economic conditions, and educational attainment would likely lead to fewer arrests and the need for a smaller county correctional system.

Furthermore, while arrest rates are higher in relatively poor counties, racial disparities are largest in more affluent counties. Both high-arrest counties and counties with high levels of racial disparity generally have lower shares of nonwhite residents, including lower shares of African Americans. Concerns about law enforcement and community relations are often concentrated in poorer urban areas, yet our findings suggest that attention to wealthier areas is also needed to meaningfully reduce disparities in African Americans’ experiences with law enforcement. While local policies will no doubt be critical, the state also has an opportunity to play an important role in monitoring disparities in law enforcement. To this end, data on initial police interactions, which are being

collected as part of the state’s Racial and Identity Profiling Act of 2015, is an important first step. The state can also play a critical role in funding effective training to reduce inequitable treatment.³⁰

Taking into account the broader portrait of factors underlying arrests may help efforts aimed at lowering arrest rates or reducing racial disparities in arrests. Greater knowledge of the county-level factors related to arrests could also help in determining where interventions are needed. These efforts will be important as the state and localities continue to monitor police interactions with the public and strive to improve equity in law enforcement while maintaining public safety.

³⁰ While implicit bias training has received significant attention (including being listed as a best practice in the Obama administration’s Task Force on 21st Century Policing) and has been implemented in many jurisdictions, research does not provide unambiguous support of its effectiveness (see, for example, James 2017).

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