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# Proposition 47's Impact on Racial Disparity in Criminal Justice Outcomes



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

While the COVID-19 pandemic has forced changes to correctional systems and law enforcement's interactions with the community, widespread protests focused on the deaths of African Americans in police custody have intensified concern about racial and ethnic disparities in our criminal justice system. In recent years, California has implemented a number of significant reforms that were not motivated by racial disparities but might have narrowed them in a number of ways. In this report, we extend our previous arrest work to examine the impact of Proposition 47, which reclassified a number of drug and property offenses from felonies to misdemeanors, on racial disparities in arrest and jail booking rates and in the likelihood of an arrest resulting in a booking.

While significant inequities persist in California and elsewhere, our findings point to a reduction in pretrial detention and a narrowing of racial disparities in key statewide criminal justice outcomes.

- After Prop 47 passed in November 2014, the number of bookings quickly dropped by 10.4 percent. As a result, California's use of pretrial detention has declined.
- Prop 47 also led to notable decreases in racial/ethnic disparities in arrests and bookings. The African American–white arrest rate gap narrowed by about 5.9 percent, while the African American–white booking rate gap shrank by about 8.2 percent. Prop 47 has not meaningfully changed the disparities in arrest and booking rates between Latinos and whites, which are still only a small fraction of the African American–white gap.
- The narrowing of African American–white disparities has been driven by property and drug offenses. The gap in arrests for these offenses dropped by about 24 percent and the bookings gap narrowed by almost 33 percent. Even more striking, African American–white gaps in arrest and booking rates for drug felonies decreased by about 36 percent and 55 percent, respectively.
- The likelihood of an arrest leading to a jail booking declined the most for whites, but this is attributable to the relatively larger share of white arrests for drug offenses covered by Prop 47. When we account for arrest offense differences, the decreases in the likelihood of an arrest being booked are similar across race and ethnicity.

We also looked at the cumulative impact of reforms and prison population reduction measures in California since 2009 on racial disparities in incarceration. We found that the sizable reduction in the overall incarceration rate produced by these efforts has led to a narrowing of racial disparities in the proportion institutionalized on any given day. In particular, the African American–white incarceration gap dropped from about 4.5 percentage points to 2.8 percentage points, a decrease of about 36 percent.

In addition to meaningfully reducing racial disparities in key criminal justice outcomes, the reclassification of drug and property offenses led to significant decreases in arrests and bookings, and hence pretrial detention. These decreases have the potential to reduce and/or redirect the use of public resources. However, more work is needed. Given evidence that the reforms have led to some **increases in property crime**, it is important for policymakers and practitioners to identify effective programs and policies that can reduce recidivism and maintain public safety while also continuing to address racial disparities.

# Introduction

Racial disparities in sentencing, incarceration, probation/parole, victimization, and other aspects of criminal justice have long been troubling and pressing issues both on the national level and in California. Statistics show that these disparities are especially striking between African Americans and whites. For example, while comprising only 13 percent of the US population, African Americans account for almost one-third of arrests nationwide (Snyder 2013). African Americans make up slightly less than 6 percent of California's population but account for 16 percent of all arrests, and the arrest rate of African Americans is slightly more than three times that of whites (Lofstrom et al. 2018). African Americans account for 26 percent of the state's parole population, and so do whites—even though they make up 6 percent and 41 percent respectively of the state population (Goss and Hayes 2018). In a subset of California counties that are home to roughly two-thirds of the state's population, Grattet et al. (2016) find that African Americans make up 25 percent of the jail population and 29 percent of the prison population.

In 2011, motivated by a federal court order to reduce prison overcrowding, California began to reverse a decades-long trend of explosive growth in its state prison population. The first major reform, known as public safety realignment, shifted responsibility for many non-serious, non-violent, and non-sexual offenders from state prison and parole to county jail and probation systems. This reduced prison overcrowding while increasing the jail population. Realignment was followed by three voter-approved initiatives: [Proposition 36 \(2012\)](#), which revised California's three-strikes law; [Proposition 47 \(2014\)](#), which reclassified a number of drug and property felonies (or wobblers) as misdemeanors; and [Proposition 57 \(2016\)](#), which expanded early parole for non-violent offenders participating in educational and rehabilitative programming. These reforms and other court-ordered measures have helped reduce the prison population by about 44,000 inmates (or 25%) from its peak in 2006. They have also significantly lessened the state's reliance on incarceration. California's reforms account for about 45 percent of the decline in the national incarceration rate since 2011.<sup>1</sup>

To date, most research on California's criminal justice reforms has focused on crime rates (Bartos and Kubrin 2018; Lofstrom and Raphael 2016; Dominguez, Lofstrom, and Raphael 2019), recidivism (Bird et al. 2018), criminal justice expenditures (Lofstrom and Martin 2015; Lofstrom, Bird, and Martin 2016), and jail and prison population pressure and overcrowding (Lofstrom and Martin 2014; Lofstrom and Martin 2015; Lofstrom, Bird, and Martin 2016; Grattet et al. 2016). Despite the intense nationwide interest in racial criminal justice disparities, there has been surprisingly little discussion of how these major reforms may have impacted racial and ethnic minorities. The one notable exception is Mooney et al. (2018), who find a narrowing of racial disparities in drug arrests following the passage of Prop 47.

In this report we build on our previous work on arrests to examine whether California's recent and significant criminal justice reforms have affected racial disparity in the initial stages of the criminal justice process: arrests and bookings into jail. Our primary focus is the impact of Prop 47, a voter initiative that was implemented immediately after it was approved by voters on November 4, 2014.<sup>2</sup> While this reform was motivated by concerns about the state's over-reliance on costly incarceration, and by jail and prison capacity issues, it may have affected disparities in arrests and bookings, as well as later outcomes in the criminal justice process. Lofstrom et al.

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<sup>1</sup> The total incarcerated (jail and prison inmates) population in the US declined by about 99,000 between 2011 and 2017.

<sup>2</sup> Lofstrom and Raphael (2013) estimate the impact of realignment on correctional outcomes (jail and prison populations) and its possible subsequent effects on crime. They find immediate and significant changes in prison and jail populations (prison population dropped by about 27,000, while the jail population increased by about 9,000). Furthermore, they find no evidence that realignment affected violent crime rates. An increase in automobile thefts in the first year of the reform is attributable to realignment, but there is no evidence of further effects after that first year. Prop 36 passed in November 2012 and is estimated to have led to the release of about 1,000 prison inmates in its first year. Given its relatively small magnitude, we do not expect it to appreciably affect arrest and booking trends.

(2019b) report that, when accounting for changes in crime rates, the overall arrest rate in California went down by 11 percent after Prop 47 passed. This was driven by declines in felony arrests, especially for drug offenses. It is likely that Prop 47 also affected racial disparity in arrests and bookings for offenses targeted by the proposition.

The handling of an arrest varies largely based on the severity of the offense, but also to some degree on the discretion exercised by the arresting officer. Broadly speaking, an arrest can lead either to a “cite and release” (an order to appear in court at a future date) or a booking into jail. We focus here on bookings because they make more extensive use of public resources and are likely to be more consequential for suspects. We also examine racial disparity in incarceration over a longer period, spanning the arc of recent corrections and sentencing reforms in California.

Our analysis is based on data from the Monthly Arrest and Citation Register (MACR) collected by the California Department of Justice. The MACR data provided to us has offense-level information for all recorded arrests in the state between 1980 and 2016, as well as information on law enforcement agency and jurisdiction, arrest offense, arrest date, and whether the arrest led to a booking or cite and release. The data also include suspect ages, genders, and races/ethnicities.<sup>3</sup> Our arrest and bookings analysis focuses on data from January 1, 2013, to December 31, 2016. This period clearly precedes the current COVID-19 pandemic and its challenges and efforts to protect public health and safety, which may very well have further affected racial disparity in criminal justice outcomes.

We begin by examining trends in monthly bookings to identify changes that coincided with the implementation of Prop 47 and to confirm that these changes are driven by the types of offenses that were reclassified (that is, drug and property offenses). We examine trends in racial disparities in arrest and booking rates, and then estimate the impact of Prop 47 on racial disparities. Finally, we take a broader look at racial disparity in criminal justice outcomes by examining changes in rates of incarceration since California’s efforts to reduce the state’s reliance on incarceration began more than a decade ago.

## Arrests and Bookings Declined Notably in the Wake of Proposition 47

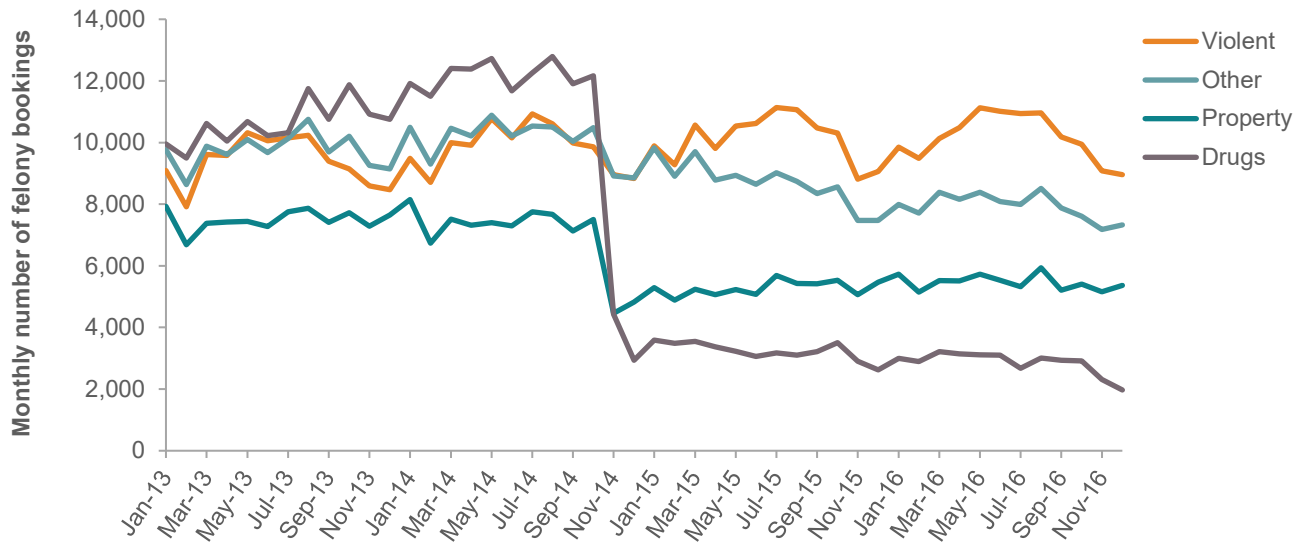
Our descriptive analysis of bookings in the MACR data, combined with the arrest analysis in Lofstrom et al. (2019c), shows that Prop 47 quickly and substantially decreased arrests and bookings in California. The average monthly number of all bookings dropped by about 10 percent (from 85,800 to 76,800) from January 2013–October 2014 to November 2014–December 2016. This decrease was driven by felony bookings, which dropped from 38,500 to 26,800 (a decrease of about 30%), especially felony bookings for drug and property offenses (Figure 1). Bookings for felony drug offenses hovered around 12,000 per month before Prop 47 and then quickly dropped to about 3,000 after (a decrease of about 73%). The monthly number of bookings for felony property offenses declined from about 7,500 to roughly 5,300 (a drop of about 29%). The monthly average number of bookings for violent felonies increased somewhat, from about 9,700 to 10,050, while bookings for other felony offenses declined from 10,000 to about 8,400.

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<sup>3</sup> For a detailed discussion of the MACR data and its limitations, see Lofstrom et al. (2019b).

**FIGURE 1**

The drop in felony bookings for drug offenses was particularly dramatic after Prop 47 passed



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, 2013–2016.

It is not surprising to see decreases in felony arrests for offenses reclassified as misdemeanors, and some might have expected to see a corresponding increase in misdemeanor arrests for reclassified offenses. However, the criteria for a misdemeanor arrest are stricter than those for felonies—for example, generally an arrest for a misdemeanor must take place in the presence of the officer. Moreover, the passage of Prop 47 sent a signal to law enforcement that the reclassified offenses are now deemed less severe, and that officers should—all else being equal—be more judicious about making arrests, which use up costly public resources and involve risks to both officers and arrestees.

Indeed, our data show that decreases in felony arrests and bookings were only partially offset by increases in misdemeanor arrests and bookings for drug and property offenses (see [Technical Appendix Figure A1](#)). The monthly average of misdemeanor drug bookings increased from about 4,700 pre-Prop 47 to around 8,700. The increase of about 4,000 is slightly less than half of the decrease in felony bookings for drug offenses. The increase of slightly less than 800 bookings on average per month for misdemeanor property offenses is about a third of the drop of 2,200 felony bookings for property offenses. Bookings for misdemeanor violent offenses increased somewhat, by about 300 per month, while bookings for all other misdemeanor offenses dropped from about 35,700 to 33,300, a decrease of slightly less than 7 percent.

These changes increased the share of arrests that are for misdemeanors from about 65 percent to close to 75 percent, and led to a sudden and notable decrease in the share of arrests that result in jail bookings, from about 74 percent to about 71 percent. The reason for the latter is that—with a number of exceptions—California’s penal code (section 853.6) directs law enforcement to cite and release suspects arrested for misdemeanor offenses.<sup>4</sup> [Figure A2 in Technical Appendix A](#) shows that the sudden decreases in the share of arrests booked into jail are limited to property and drug offenses.<sup>5</sup>

<sup>4</sup> Exceptions include arrests for domestic violence; arrestees who have outstanding warrants, are too intoxicated to care for themselves, or cannot provide satisfactory identification; and a reasonable likelihood that the crime would otherwise continue.

<sup>5</sup> The share of drug arrests (both felony and misdemeanor) that were booked dropped from 87–88 percent to roughly 70 percent. About 77 percent of arrests for property offenses were booked pre-Prop 47. This rate dropped below 70 percent right after the reform went into effect, but then slowly drifted back up to around 77 percent. When we disaggregate the conditional booking rate for property offenses by felony and misdemeanor, we find that the upward drift in the share of arrests

While arrests and bookings may be affected by numerous factors—including crime rates, demographics, economic and fiscal conditions, jail capacity, and law enforcement staffing—the fact that the substantial changes we report here are sudden, sharp, limited to Prop 47 offenses, and coincident with the reform, strongly suggests that they are driven by the reclassification of some drug and property offenses.

## Examining Prop 47's Effect on Racial Disparities

Given racial/ethnic differences in arrest rates and the composition of offenses individuals are arrested for (Lofstrom et al. 2019a), it is likely that Prop 47 has also affected racial disparities in arrests and bookings. To discern whether Prop 47 has affected racial disparities in arrests and bookings, we begin by disaggregating arrest and bookings trends by race/ethnicity. We measure changes in racial disparity by comparing before and after changes in race/ethnicity-specific arrest and booking rates.<sup>6</sup> Since our measure reflects differential proportions of individuals across races/ethnicities who are arrested or booked, it is consistent with other research on racial disparity, including [the Sentencing Project](#), which defines it as follows: “Racial disparity in the criminal justice system 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” (Nellis, Greene, and Mauer 2008).

As we have noted, the handling of an arrest is based largely on the severity of the offense, but also to some degree on the discretion exercised by the arresting officer. Arrestees who are booked into jail may be released on bail either immediately or at a later date; they may also be granted some other kind of release (for example, a non-financial release, or a release based on a risk assessment). The extent to which changes in bookings varies by race/ethnicity will depend on how African American, Latino, and white arrests are distributed across offense categories, and the degree to which each group’s arrests are reclassified from felony to misdemeanor as a result of Prop 47.

### African American Arrest and Booking Rates Have Fallen the Most

Figure 2 shows that the arrest rate for both drug and property felonies dropped the most for African Americans. While a gap remains, the African American felony drug arrest rate is below the pre-Prop 47 rates for both whites and Latinos. Arrests for felony property offenses also decreased quickly and substantially, especially for African Americans, but decreases for all three racial/ethnic groups are less dramatic than those for drug offenses. In fact, while pre-Prop 47 monthly felony arrest rates for drug offenses were higher than those for felony property offenses, they are now lower.

Patterns are similar in felony bookings for drug and property offenses. However, as we show in [Technical Appendix Figure A4](#), arrest and booking rates for violent (or “person”) offenses—a crime category not directly affected by the Prop 47 reclassifications—did not change discernibly.

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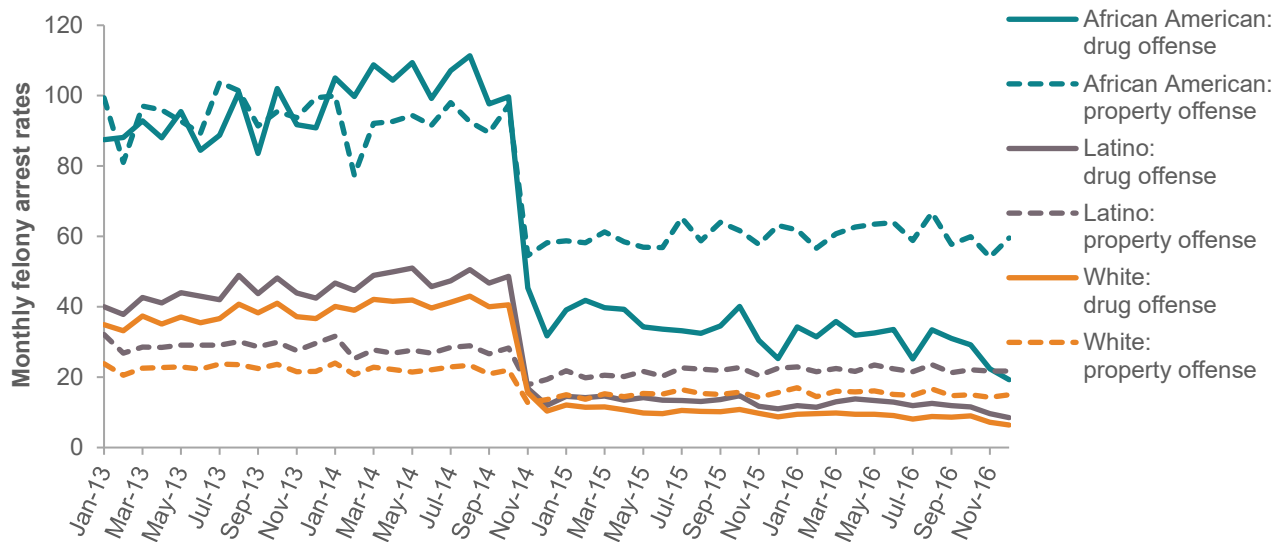
booked is exclusive to misdemeanor property offenses (see Figure A3). It is unclear why arrests for misdemeanor property offenses increasingly led to bookings into jail; it could reflect a reaction from law enforcement to the increase in property crimes, especially larcenies (Bird et al. 2018).

<sup>6</sup> We believe this a preferred measure in this context (sudden changes and substantial disparity to begin with) compared to changes in ratios of rates, or percentage changes in rates, as it provides a measure of how many fewer/additional individuals are arrested or booked (per 100,000 residents) as a result of the reform. To illustrate, let us examine a hypothetical example (close to some of the observed estimates presented below) with a change in an arrest rate from 4,000 arrests per 100,000 African American residents to 3,000 (a drop in the arrest rate of 1,000 fewer arrests per 100,000 residents) compared to a decrease from 1,000 arrests per 100,000 white residents to 750 (a decline of 250). Both the before and after African American/white ratios are 4, and both groups experienced a 25 percent decrease in their respective arrest rates, suggesting no change in racial disparity. However, there are 1,000 fewer African Americans arrested per 100,000 African American residents compared to 250 fewer white residents arrested per 100,000 white residents, so the arrest rate gap dropped from 3,000 to 2,250. This points toward substantially decreased disparity.



**FIGURE 2**

Arrests for felony drug and property offenses dropped most sharply for African Americans



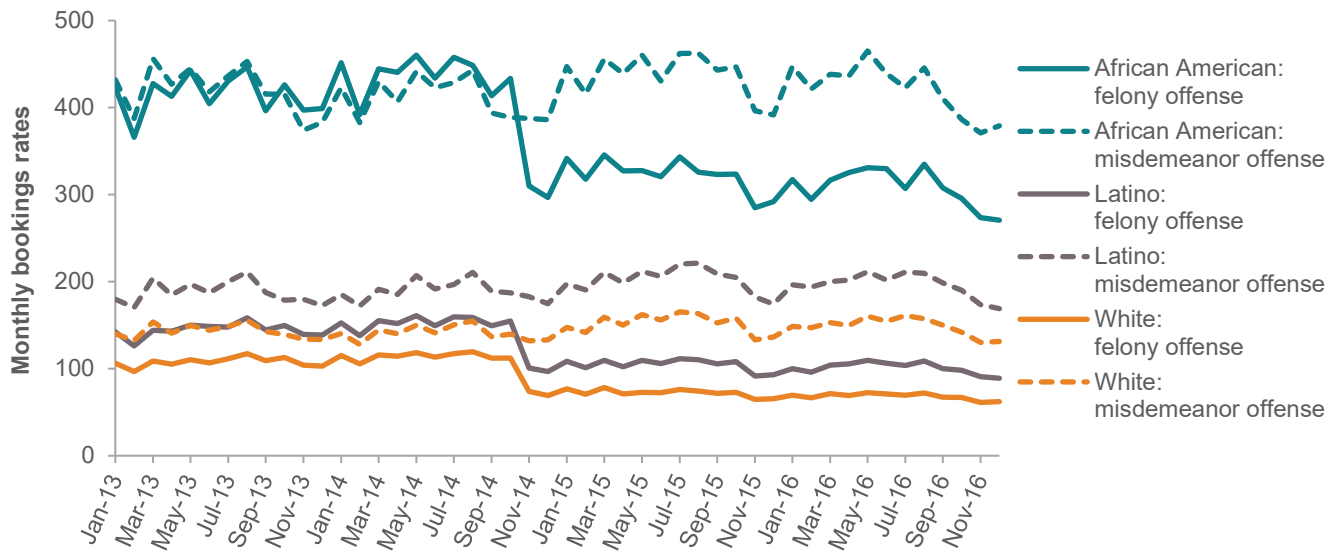
SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, and California Department of Finance Population Data, 2013–2016.

NOTE: Arrest rates are the number of monthly arrests made by law enforcement agencies per 100,000 residents of the relevant demographic group.

To better understand the extent to which the relatively greater African American decreases in felony arrests and bookings are being offset by changes in misdemeanor arrests, we need to look at monthly felony and misdemeanor trends for each race/ethnicity. As Figure 3 shows, the substantial decrease in the African American felony booking rate immediately following the passage of Prop 47 coincides with only a modest increase in misdemeanor bookings. We observe similarly moderate increases in misdemeanor bookings for whites and Latinos. Figure 3 also shows that, while the decrease in the monthly African American felony booking rate is roughly double the decrease among whites and Latinos, both felony and misdemeanor booking rates remain significantly higher for African Americans.

FIGURE 3

Felony bookings dropped the most for African Americans, while misdemeanor bookings changed little



SOURCE: Author calculation based on California Department of Justice's Monthly Arrest and Citation Register, and California Department of Finance Population Data, 2013–2016.

NOTE: Booking rates are the number of monthly bookings into jail per 100,000 residents of the relevant demographic group.

## The Share of Arrests Leading to Jail Bookings Dropped Most for Whites

Our analysis of monthly trends in arrest and booking rates indicates that racial disparities have narrowed significantly, but it does not necessarily follow that African Americans have experienced greater decreases in the likelihood of being booked into jail. Prop 47's impact on the likelihood of an arrest resulting in a booking—also known as the conditional booking rate—is at least partially linked to the share of arrests and bookings for felony drug and property offenses before Prop 47 took effect. For example, if pre-Prop 47 felony drug and property offenses represented a greater share of arrests and bookings for whites than for African Americans, the conditional booking rate for whites could have dropped more sharply among whites than among African Americans.

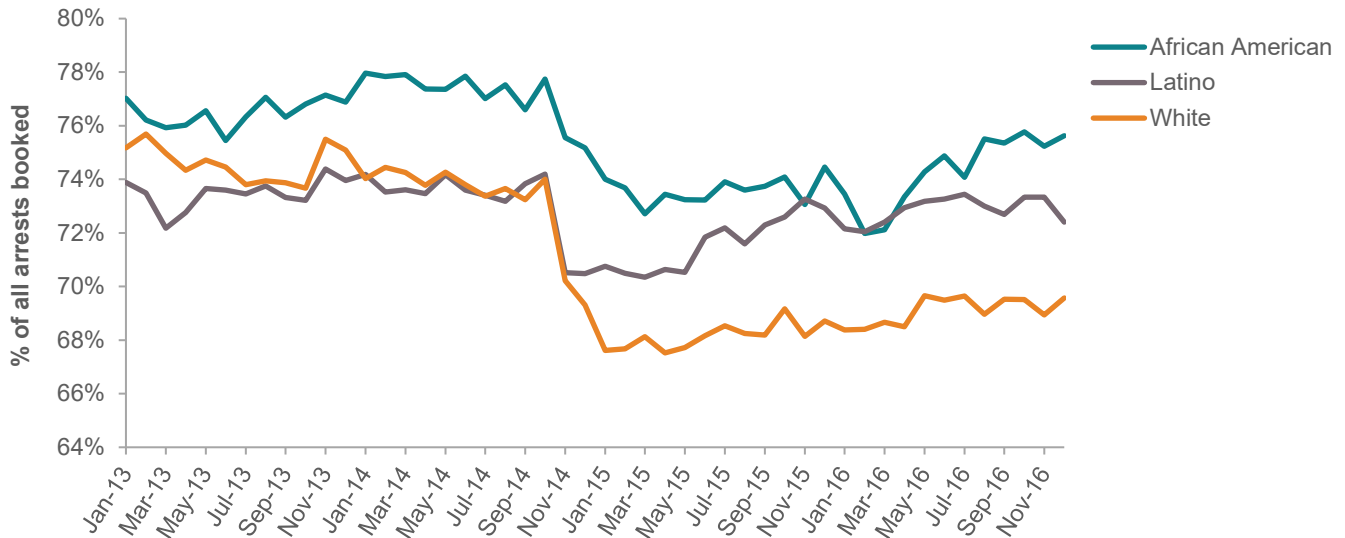
The data shows that felonies make up a larger share of African American arrests both before and after Prop 47 was implemented. It also shows that the share of felony arrests under Prop 47 decreased most among whites. For both African Americans and Latinos, the share of arrests for felonies dropped by about 8 percentage points: from 41 percent to 33 percent for African Americans, and from about 34 percent to about 26 percent for Latinos. Among whites, the share of arrests for felony offenses decreased by 10.5 percentage points, from 34.3 percent to 23.8 percent. This is at least partly attributable to the share of arrests for drug felonies among whites before Prop 47: these arrests made up 12 percent of all arrests among whites, compared to 10 percent for Latinos and 9 percent for African Americans.<sup>7</sup>

In contrast to the disparities in both arrest and booking rates, disparities in conditional booking rates widened in the wake of Prop 47. Before Prop 47, these rates were similar for whites and Latinos, while the rate for African Americans was 2 to 4 percentage points higher. After Prop 47 passed in November 2014, conditional booking rates dropped markedly for all three groups, but the drop was much more dramatic for whites—from about 74 percent to about 68 percent. This is in stark contrast to the Latino rate, which dropped immediately by about 3

<sup>7</sup> By contrast, felony property offenses made up about 6.5 percent of all arrests for both whites and Latinos, while among African Americans the share was about 9 percent. As we have noted, the most striking changes are for drug offenses, so this difference has less of an impact on racial disparity as a result of Prop 47.

percentage points and began to rise fairly soon thereafter. For African Americans, the share of arrests that are booked decreased by slightly more than 3 percentage points, while for Latinos the decrease is less than 2 percentage points by 2016.

**FIGURE 4**  
The conditional booking rate dropped the most for whites



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, and California Department of Finance Population Data, 2013–2016.

NOTE: The figure shows the percentage of all arrests that were booked into jail.

When we break down race/ethnicity-specific trends in the share of arrests booked by offense category we find that the greater decrease among whites is mainly in drug arrests, especially for felonies (see [Figures A5–A8 in Technical Appendix A](#)). The MACR data show relatively small differences across race/ethnicity in felony drug arrests resulting in bookings before Prop 47, and there was a substantially greater decrease in bookings for these types of arrests under Prop 47 ([Figure A5 in Technical Appendix A](#)). Changes in conditional booking rates for felony and misdemeanor property offenses do not vary noticeably by race/ethnicity ([Figures A7 and A8](#)). We also observe that the upward drift in conditional bookings for misdemeanor property offenses holds for all three groups ([Figure A8](#)).

So far, we have seen that substantial drops in arrests and bookings coincided with the passage and implementation of Prop 47 in November 2014. These decreases were driven by arrests and bookings for drug and property offenses that were reclassified from felonies to misdemeanors—especially drug felonies. (We do not observe the same patterns in arrests and bookings of violent offenses.) We have also seen that arrest and booking rates decreased more dramatically for African Americans than for whites and Latinos, but that the likelihood of being booked into jail after an arrest dropped the most for whites. This analysis makes a strong case that the changes we observe under Prop 47 are attributable to reclassification. However, we need a more precise sense of the magnitude of the impact.

## Estimating the Impact of Prop 47

To estimate the impact of Prop 47 on racial disparity in arrest and booking rates, we compare annual arrest and booking rates (the number of annual arrests or bookings per 100,000 residents of each race/ethnicity) for the twelve-month period preceding Prop 47 (November 2013 through October 2014) to those for the twelve-month period following the passage of Prop 47 (November 2014 through October 2015).<sup>8</sup> We extend the “post” period to December 2016 in our analysis of conditional booking rates to take the slight upward trend in the share of arrests being booked into account.

### Prop 47’s Impact on African American Bookings for Drug and Property Felonies Is Striking

Our broadest measure of the impact of Prop 47 on racial disparity examines changes in overall arrest and booking rates.<sup>9</sup> Figure 5 shows the overall African American arrest rate dropping by about 500 arrests per 100,000 residents (from 9,804 to 9,307). This is more than three times the decrease among whites (from 3,603 to 3,469) and more than twice the drop in the overall Latino arrest rate (from 4,029 to 3,808). Measured as percentages, these decreases are arguably modest: 5.5 percent for Latino, 5.1 percent for African Americans, and 3.7 percent for whites. Booking rates fell more sharply than arrests in both absolute numbers and percentages. The overall African American booking rate dropped by 686 (9.2%), while rates fell by 287 (10.9%) for whites and 242 (8.4%) for Latinos.

The overall decrease in booking rates indicates that Prop 47 reduced the use of a scarce and costly criminal justice resource: jail space. Our arrest data shows that, on average, there were roughly 85,750 bookings into jail per month in the year before Prop 47 passed. This dropped to 76,830 per month, a decrease of 10.4 percent.

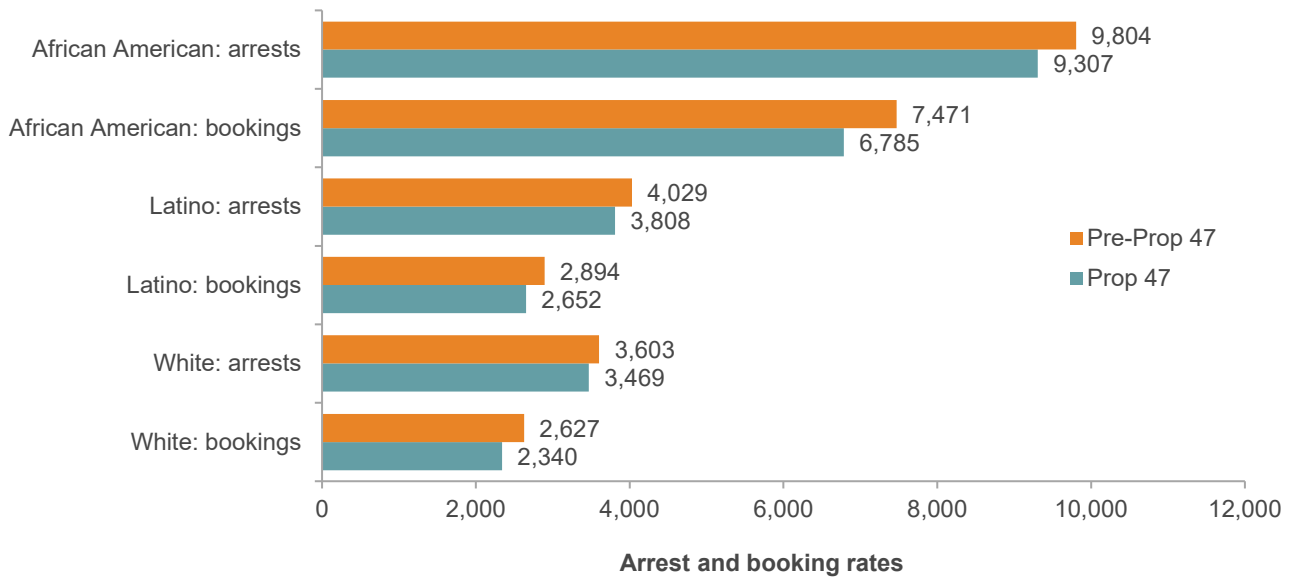
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<sup>8</sup> A key assumption here is that arrest and booking rates were stable the year immediately before Prop 47 (that is, there is no upward or downward trends) and/or that any pre-Prop 47 trend was the same for the three racial/ethnic groups examined. As figures 1–4 show, the data confirm this assumption. Another important assumption is that any changes after November 4, 2014, reflect Prop 47 (and not other arrest and bookings relevant factors). The timing of the changes indicates that this assumption is warranted.

<sup>9</sup> Detailed breakdowns of arrest and booking rates before and after Prop 47 was implemented are shown in [Tables A1 and A2 in the Technical Appendix](#).

**FIGURE 5**

Declines in African American arrest and booking rates more than doubled declines for whites or Latinos



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, and California Department of Finance Population Data, 2013–2016.

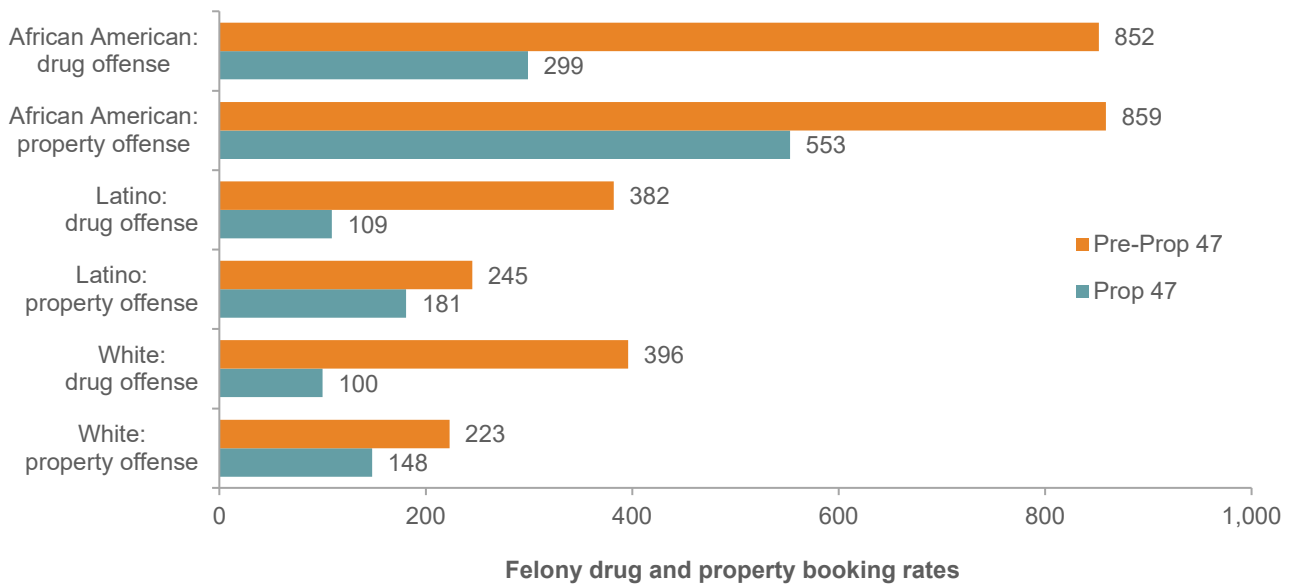
NOTE: Arrest and booking rates are the number of annual arrests or bookings into jail per 100,000 residents of the relevant demographic group.

Decreases in overall arrest and booking rates are driven by drops in arrests and bookings of felony drug and property offenses. These decreases were significant for all the groups but are especially striking for African Americans. Figure 6 shows that under Prop 47, African American booking rates for both drug and property felonies decreased by 553 (a drop of about 65%) and 306 (a decline of roughly 36%), respectively.

While the numerical decrease in the African American booking rate for drug felonies is roughly double the decrease for whites and Latinos (296 and 273, respectively), it is slightly smaller in percentage terms—65 percent, compared to 75 percent for whites and 71 percent for Latinos. The decline in bookings for property felonies is greater in both an absolute and relative sense for African Americans than for whites or Latinos. The African American decline of 306 was four to five times greater than that of whites (75) and Latinos (64); these numbers represent declines of about 36 percent, 34 percent and 26 percent, respectively.

**FIGURE 6**

The decreases in African American bookings for drug and property felonies are striking



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, and California Department of Finance Population Data, 2013–2016.

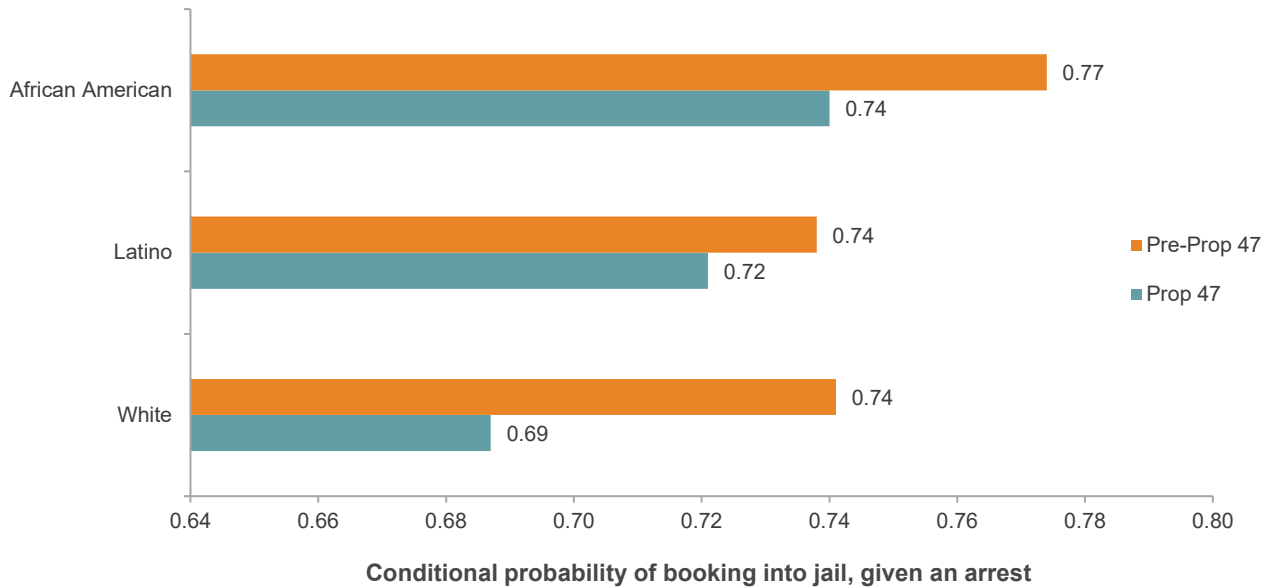
NOTE: Booking rates for felony drug and property offenses. Booking rates are the number of bookings into jail per 100,000 residents of the relevant demographic group.

## Prop 47 Had a Small Effect on Disparities in Conditional Booking Rates

We next examine whether Prop 47 has had a differential impact on conditional booking rates (the likelihood that an arrest leads to a booking into jail) across race/ethnicity. As Figure 7 shows, the African American–white disparity in the conditional booking rate was 3.3 percentage points in the pre–Prop 47 period, and there was no significant difference in the conditional booking rates of Latinos and whites. Prop 47 led to notable decreases for all three groups, but the drop was greatest among whites—5.4 percentage points, compared to 3.4 percentage points for African Americans and 1.7 percentage points for Latinos.

**FIGURE 7**

The likelihood of being booked after an arrest dropped significantly, especially for whites



SOURCE: Author calculation based on California Department of Justice’s Monthly Arrest and Citation Register, and California Department of Finance Population Data, 2013–2016.

NOTE: The figure shows conditional booking probabilities—the likelihood of being booked into jail given an arrest—before and after Prop 47 passed.

As we mentioned above, the greater decrease in the conditional booking rate for whites could be due to differences across race/ethnicity in the offenses for which individuals are arrested. To determine the extent to which differences in arrest offenses account for the differential impact of Prop 47 on racial disparity in conditional booking rates, we need to account for differences in the offenses for which arrests were made (using so-called arrest offense fixed effects). As arrest and booking practices varies across counties (Lofstrom et al. 2019b) we also need to account for these differences (with county fixed effects).

When we account for differences in county booking practices (with county fixed effects), we see a statistically insignificant lower pre-Prop 47 conditional booking probability for African Americans (by -1.2 percentage points), compared to whites. We also find that the Latino conditional booking rate is a statistically significant 3.8 percentage points lower than that of whites. However, and importantly, county differences do not explain the relatively larger Prop 47 decline in the conditional booking rate for whites compared to African Americans and Latinos.<sup>10</sup>

When we also account for differences in arrest offenses, the Prop 47 decrease for African Americans is 0.7 percentage points smaller than that of whites, and only marginally statistically significant. This suggests only a slight increase in the disparity between African Americans and whites compared to the observed increase of 2 percentage points. The estimates also suggest a relatively small increase in the disparity between Latinos and whites, by about 1.1 percentage points (less than a third of the observed change). We find that the overall drop is almost entirely driven by drug offenses (especially for felonies) and that the greater decline in the conditional booking probability for whites is limited to felony drug arrests (see [Technical Appendix Table B2](#)). Lastly, our

<sup>10</sup> The estimated minority-white gaps in the conditional booking rate increased under Prop 47 by a statistically significant 2.0 percentage points for African Americans and 3.7 percentage points for Latinos. The estimates remain essentially unchanged when we add county fixed effects.

findings suggest that racial/ethnic disparities in conditional booking rates were small and not statistically significant before the implementation of Prop 47.

## Examining Changes in Incarceration Rates

To broaden our understanding of how racial disparities might be changing throughout the criminal justice process, we examined for the first time whether racial disparity in incarceration has changed as a result of a number of efforts over the past decade to lower the state's prison and jail populations.<sup>11</sup> In this section, we provide a descriptive analysis of trends in racial disparities in the incarcerated population from 2007 to 2017.

Realignment (2011), one of the most significant reforms, caused the state's incarcerated population to drop by about 18,000 (it reduced the prison population by 27,000 but led to a subsequent increase in the jail population of about 9,000). After Prop 47 passed in November 2014, California's county jail population dropped by about 7,000 and the prison population by about 8,000. Prop 47 has helped decrease California's jail and prison populations (Bird et al. 2018) in two ways. The drop in bookings is one contributing factor, of course. Also, the reclassification of some drug and property offenses from felony to misdemeanors applied retroactively, meaning that individuals already serving prison or jail sentences at the time of passage could petition to be released or have their sentences shortened. Around the time Prop 47 went into effect, the California Department of Corrections and Rehabilitation implemented a number of court-ordered measures to reduce the prison population (Bird et al. 2018). Together, these efforts have lowered the state's incarceration rate to levels not seen since the early 1990s.

Unfortunately, we cannot explore racial/ethnic trends in these two correctional populations separately. We can, however, look at racial/ethnic trends in overall incarceration using data from the American Community Survey (ACS). These surveys, conducted by the US Census Bureau, include the general population as well as those residing in institutionalized group quarters. Since the overwhelming majority of 18- to 55-year-olds in institutional group quarters are in either prison or jail, we can track changes in the share of the population reported as institutionalized over the ten-year period across racial and ethnic groups.

The share of African Americans incarcerated in California declined from about 5.5 percent in 2007 to about 3.5 percent in 2017 (Figure 8). This roughly 2 percentage point decrease represents a drop of about 35 percent. Declines for Latinos and whites were much smaller: from 1.5 percent to 1.2 percent for Latinos and from 1 percent to 0.7 percent for whites. As a result, the African American–white incarceration gap narrowed from about 4.5 to 2.8 percentage points (a decrease of about 36%). Roughly half of this decline occurred after the implementation of Prop 47 but there was also a noticeable drop after the implementation of realignment. The Latino-white incarceration gap remained at about 0.5 percentage points over this period.

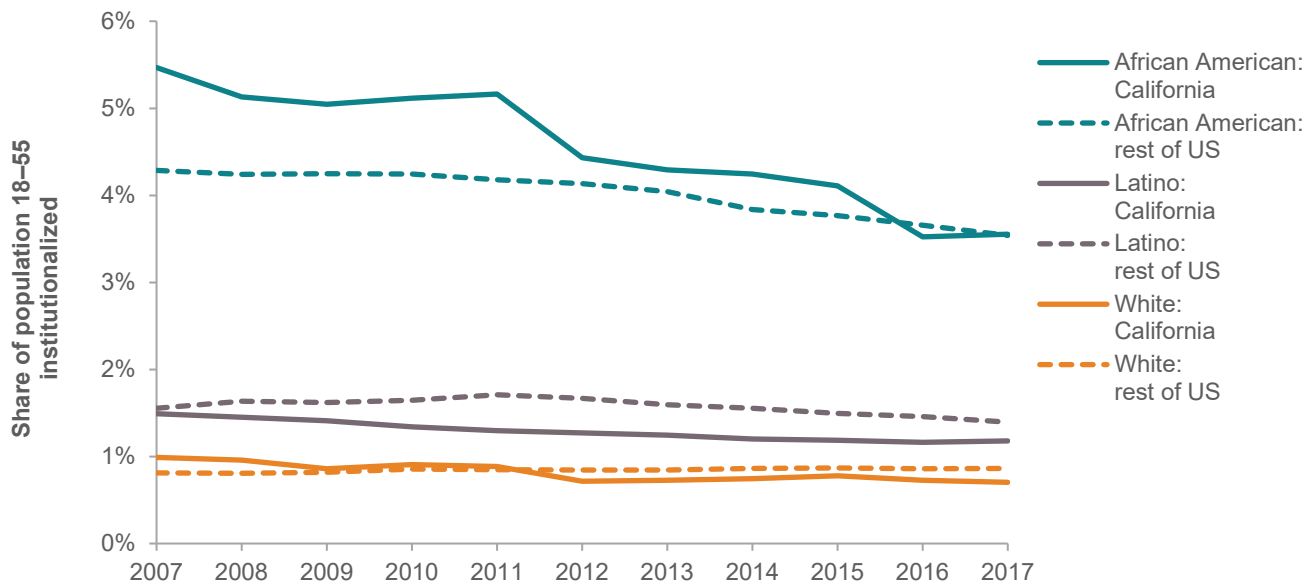
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<sup>11</sup> These include SB 678 (2009), non-revocable parole (2009), realignment (2011), Prop 36 (2012), Prop 47 (2014) and Prop 57 (2016). See Lofstrom, Bird, and Martin (2016) and Bird et al. (2018) for discussions of the reforms and court-ordered prison population reductions.



**FIGURE 8**

The share of African Americans incarcerated in California is now close to the level in the rest of the nation



SOURCE: Author calculation based on the American Community Survey, 2007–2017.

NOTE: The figure shows the percentage of the population between the ages of 18 and 55 who are reported as institutionalized, by race/ethnicity.

Figure 8 shows that while the share of African Americans incarcerated in California was higher than in the rest of the United States in 2007, it declined roughly twice as much over the next ten years. Between 2007 and 2011, the African American–white incarceration gap in California was roughly 1 percentage point higher than it was in the rest of the US. This gap narrowed by about 0.5 percentage points in 2012, and then by another 0.5 percentage points after Prop 47 passed. California’s incarceration disparity is still large but is now roughly in line with that of the rest of the country. Interestingly, the figure also shows that the Latino–white incarceration gap narrowed in the rest of the country and is now similar to the gap in California.

## Conclusion

In this report, we have extended our previous work on arrests to examine whether Prop 47, which reclassified a number of drug and property offenses from felonies to misdemeanors, affected racial disparities in bookings. We find that Prop 47 quickly and significantly lowered the number of arrests and bookings, and hence reduced pretrial detention in California: the average monthly number of bookings narrowed by 10.4 percent. This means that there were about 100,000 fewer bookings into California’s county jails per year after Prop 47 passed.

We also find that Prop 47 had notable effects on racial disparities in arrests and bookings, especially for felony drug offenses. The overall African American–white arrest rate gap declined by 5.9 percent, while the African American–white booking rate gap dropped by 8.2 percent. Prop 47 has not meaningfully changed the disparity in arrest and booking rates between Latinos and whites, which continues to be much smaller than the African American–white gap.

The narrowing of the disparity between African Americans and whites has been driven by property and drug offenses. The African American–white arrest rate gap for drug and property offenses (for both felonies and misdemeanors) dropped by 24.4 percent and the booking rate gap narrowed by 32.6 percent. Most striking, however, are the decreases in arrests and bookings for drug felonies. The African American–white booking rate gap narrowed by about 55 percent. As a result, African American arrest and booking rates for these offenses are now lower than the pre–Prop 47 rates for whites.

We find that the likelihood of a conditional booking declined most sharply among whites, mostly due to the concentration of white arrests in offense categories targeted by Prop 47. Once we account for racial/ethnic differences in offense categories, the impact on racial disparity is small. Importantly, and more broadly, racial disparities in booking rates into jail narrowed considerably, especially for felony drug arrests.

The cumulative impact of the reforms and measures aimed at reducing the prison population in California since 2009 has been a sizable decline in the overall incarceration rate and a narrowing of disparities in the proportion of each racial/ethnic group institutionalized on any given day.

While significant inequities clearly persist, our findings point to a meaningful narrowing of racial disparities in key criminal justice outcomes in California. Furthermore, the reclassification of drug and property offenses led to significant decreases in arrests and bookings, and hence pretrial detention, actions and outcomes that require use of public resources. While previous research has found evidence of an impact of Prop 47 on some property crime (particularly car break-ins), there is no convincing evidence so far of increases in violent crime as a result of the reform; nor is there evidence that Prop 47 has changed recidivism rates appreciably (Bird et al. 2018).

This research suggests that similar reform efforts in other states could redirect and/or reduce the use of criminal justice resources while also narrowing disparities in criminal justice experiences. To counteract possible increases in property crimes (including shoplifting and thefts from motor vehicles)—and to improve outcomes of released offenders—policymakers and practitioners need to work together to identify programs and policies that can reduce recidivism and maintain public safety.

Lastly, but importantly, the period examined in this report precedes the current COVID-19 pandemic and its challenges and efforts to protect public health and safety. Actions to do so include local and state directives to avoid arrests and bookings where possible to keep down the number of people entering county jails, and limiting both suspects and officers’ potential exposure. While our findings clearly do not speak to the effects of COVID-19 on racial disparity, they do suggest that the efforts and actions to combat the pandemic are not likely to fall equally across groups and communities. It will be important for future research to examine the widespread effects of the health crisis, including those on criminal justice outcomes, and impacts on racial disparity.

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