Lessons on Sentencing Reform from California

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Criminal Justice and Behavior

Were California’s Decarceration Efforts Smart? A Quasi-Experimental Examination of Racial, Ethnic, and Gender Disparities

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Abstract

Over the last decade, California has undertaken one of the largest criminal justice reform efforts in recent U.S. history. However, little is known about the causal impact of these reforms on the overall incarceration rate and disparities in incarceration rates across demographic subgroups. Using a quasi-experimental synthetic control method and data from the Vera Institute of Justice and the U.S. Census Bureau, our results provide strong evidence that California’s reforms have substantially reduced the state’s overall incarceration rate, but that they have resulted in an increase in Latinx-White incarceration disparities. We also find suggestive evidence that the reforms have exacerbated Black-White incarceration disparities and disparities
Background
United States vs. Other Countries

Incarceration Rate (per 100,000)

- United States: 655
- Russian Federation: 474
- Ukraine: 286
- Poland: 209
- Turkey: 188
- Hungary: 186
- Czech Republic: 157
- United Kingdom (England & Wales): 148
- Spain: 145
- Portugal: 137
- Australia: 133
- Canada: 118
- Greece: 111
- Belgium: 108
- Italy: 105
- France: 100
- Austria: 98
- Netherlands: 82
- Switzerland: 82
- Germany: 77
- Denmark: 73
- Norway: 72
- Sweden: 67
- Finland: 58

The United States has the highest incarceration rate among the countries listed.
Not Always Such A Leader

The graph illustrates the incarceration rate per 100,000 people from 1929 to 2009. The graph shows a significant increase in incarceration rates starting from 1974, with a notable rise in prison and jail populations. The graph is marked to highlight the year 1974, indicating a significant change in incarceration rates.
Racial Disparities in Incarceration
Crime and Imprisonment Over Time

Drug-related crime tricky to determine, but they only make up ~20% of currently incarcerated individuals.
California

• Starting at the end of 2009, CA embarked on perhaps the largest criminal justice reform effort in recent history
• Reforms have targeted non-violent offenses and have aimed to:
  • Reduce revocations of parole and probation
  • Shifted punishment to counties (jail and diversion)
  • Reclassified many felony drug and property offenses to misdemeanors
  • Third strike now has to be serious or violent - applied both to new and old cases
Existing Research

• Quasi-experimental research has focused on the impact of reforms on recidivism
• Descriptive studies have shown that incarceration rates have gone down since reforms have been enacted
• Limitations:
  • Research on incarceration rates lack control group
  • Research rarely looks at prison and jail together
  • Research has yet to examine impact on racial disparities
  • Research usually focuses on one reform, not totality of reforms
Research Questions

What has been causal impact of CA reforms on:

1) The total incarceration rate
2) Black-White and Latinx-White total incarceration rate disparities
Hypotheses

1) CA reforms reduce total incarceration rate because:
   a) substantial share are incarcerated for nonviolent offenses
2) CA reforms increase Black-White and Latinx-White disparities because:
   a) Bias in how reforms implemented
   b) People of color incarcerated for violent offenses disproportionately
Data & Methods
Data

• Created panel data set that captures total, prison, and jail incarceration rates at the state level from 2000-2015
• Data on incarceration come from Vera Incarceration trends data set
• Data used to adjust for population size drawn from U.S. Census Bureau
Key Measures

• **Total Incarceration Rate** = total number of people in prison and jail per 100,000 population

• **Black-White Incarceration Ratio** = Total Black Incarceration Rate / Total White Incarceration Rate

• **Latinx-White Incarceration Ratio** = Total Latinx Incarceration Rate / Total White Incarceration Rate
Analytic Strategy

• Quasi-experimental synthetic control approach
  • Match California to a weighted combination of states that most closely match California in pre-incarceration trends
  • For Ex: The control group for the total incarceration rate analysis was: Alabama=0.054, Alaska=0.018, Indiana=0.049, New Hampshire=0.172, Ohio=0.052, Rhode Island=0.225, Texas=0.43
• Use placebo in-space estimates to test for statistical significance
• Improvement on difference in difference because ensures parallel trend assumption is more closely matched
Results
California has total incarceration rate 80 per 100,000 lower than synthetic control.
Effect on Black-White Gap in Total Incarceration

Black-White gap 43% higher in California than Synthetic Control
Effect on Latinx-White Gap in total Incarceration

Latinx-White gap is approximately 25% higher in CA than in Synthetic Control
Summary of Results

• CA reforms associated with reduction in total incarceration rate
• Strong evidence that CA reforms increased Latinx-White total incarceration ratio
• Suggestive evidence that CA reforms increased Black-White total incarceration ratios
Implications for Smart Decarceration

• Seemingly “Race-Neutral” policies targeting non-violent offenses won’t work to achieve the twin goals of reducing incarceration overall and reducing racial/ethnic disparities:
  • Can reduce incarceration rates, but may increase disparities

• To reduce racial disparities through sentencing:
  • Policy-makers likely need to make that an explicit aim of proposals
    • Examples: racial impact statements
  • Change how we punish violence
  • Use evidence to highlight the extent of unequal treatment to judges, prosecutors, and the public in each jurisdiction
Thank You!

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