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Racial and Ethnic Disparities in Prisons After California's Justice Reforms

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Overview

Between the late 1970s and 2006, California's prison population surged, reaching an all-time high of roughly 176,000 inmates. Over the following two decades, that trend reversed dramatically. By August 2026, the state's prison population dropped to approximately 89,000 inmates, reducing the incarcerated population by nearly half.

Two main factors drove this decline:

1. **Lower crime rates:** Serious crime in California dropped to historically low levels, leading to fewer arrests, convictions, and prison admissions.
2. **Major policy reforms:** Starting in 2011, California enacted multiple policies to revamp its sentencing and corrections laws. The state stopped sending people back to prison for most parole violations, moderated its "Three-Strikes" law, reclassified several low-level offenses from felonies to misdemeanors, restricted when extra time can be added to sentences through "enhancements," and expanded parole release options.

The rise in incarceration rates in the late 20th century was not distributed equally across racial and ethnic groups. Black and American Indian Californians saw the largest increases and the highest rates at the peak. This brief examines how recent reforms have shaped racial and ethnic disparities in California's state prisons between 2005 and 2024, summarizing the accompanying technical report: The Impact of California Criminal Justice Reforms on Inter-Racial/Ethnic Disparities in Prison Incarceration which contains reform-specific analyses and all figures, tables, and data descriptions.

This report combines race and ethnicity based on how the data are reported. To our knowledge, none of the race and ethnicity data are self-reported; they instead reflect reporting by arresting officers, courts, or prison officials.

Key findings:

- **Racial and ethnic gaps in incarceration narrowed substantially since 2010:** Incarceration rates fell the most for Black and American Indian people, followed by Hispanic, White, and Asian/Pacific Islander people. From 2010 to 2024, the absolute gap between Black and White incarceration rates fell by 47%, the American Indian-White gap fell by 34%, and the Hispanic-White gap by 31%. Despite this narrowing, sizable absolute differences remain across groups.
- **Sentencing and corrections policy reforms directly reduced disparities:** Each of the major changes to sentencing and corrections policy had larger impacts on the incarceration rates of racial and ethnic groups with the highest incarceration rates.
  - Corrections Realignment (AB 109, implemented in 2011) eliminated very large racial disparities in prison admissions for technical parole violations.
  - Proposition 36 (2012) narrowed disparities among those serving indeterminate life sentences because of a third, non-serious, non-violent felony conviction ("third strike").
  - Proposition 47 (2014) narrowed disparities in prison admissions for property and drug offenses.
- **Shorter sentences and earlier releases drove much of the decline:** The use of specific case enhancements has dropped sharply overall, narrowing racial disparities in who serves an enhanced sentence. Prison release rates for people serving very long sentences rose after 2014, driven by expansions to elderly and youth offender parole eligibility. The resulting drop in long-term incarceration was largest for Black and American Indian people, accounting for roughly one-third of the overall decline in Black incarceration rates and roughly 37% for American Indian people.

Two factors drive the prison population and disparities in incarceration

There are two fundamental factors that determine the size of a state's prison population: the number of people admitted to prison (admissions), and how long they remain in custody (time served). Higher admission rates and longer sentences directly increase the overall incarceration rate.

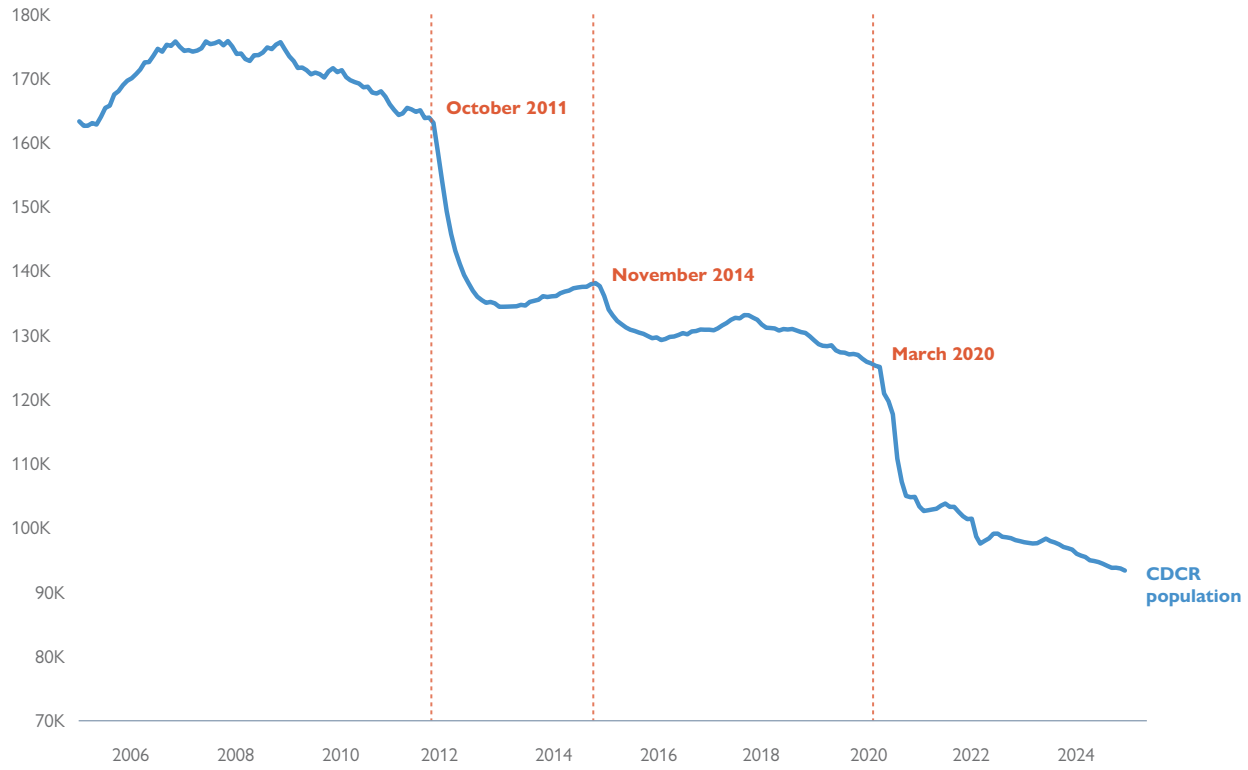
- **Factor 1: Prison admissions.** Admissions depend on a chain of events: how much crime occurs, how many crimes result in arrests, how many arrests lead to criminal charges, how many charges lead to convictions, and how many convictions result in a prison sentence. A change in any of these steps will cause a change in total prison admissions. Admissions drop when states use diversion or alternative sanctions, reclassify lower-level felonies to misdemeanors, or stop returning people to prison for technical parole violations that do not involve new offenses, which was the largest source of California prison admissions before 2011.
- **Factor 2: Time served.** How long someone remains in prison depends primarily on the length of the sentence imposed and credits earned through good conduct, work, and rehabilitation programs. Most prison sentences in California are set by the state's penal code, though they may be enhanced based on conduct associated with the offense (for example, use of a firearm) or the person's criminal history (such as prior serious or violent convictions). A small percentage of cases receive indeterminate sentences, such as 25-years-to-life, for which release depends on decisions by the California Board of Parole Hearings.

Racial and ethnic disparities in incarceration rates reflect two factors: differences in admission rates and differences in average time served. Policy changes that affect either factor can shift groups' incarceration rates differently. A move toward tougher sentencing, for example, will have a larger effect on groups admitted to prison at higher rates. Likewise, redefining lower-level felonies as misdemeanors will likely lead to a larger decrease in prison admissions for groups more often admitted for such offenses.

Overall trends in prison incarceration and inter-group disparities

California's state prison population fell substantially from 2005 to 2024. Figure 1 shows three distinct inflection points: a sharp drop coinciding with Realignment (AB 109), a smaller drop with the passage of Prop 47, and sustained declines beginning with the onset of the COVID-19 pandemic, which happened at the same time as a wave of legislation narrowing the application of sentence enhancements. Together, these reforms greatly reduced California's prison population. We describe each of these policies — along with Prop 36 (2012) and reforms to parole release — in greater detail in later sections.

FIGURE 1: California's monthly prison population (2005-24)



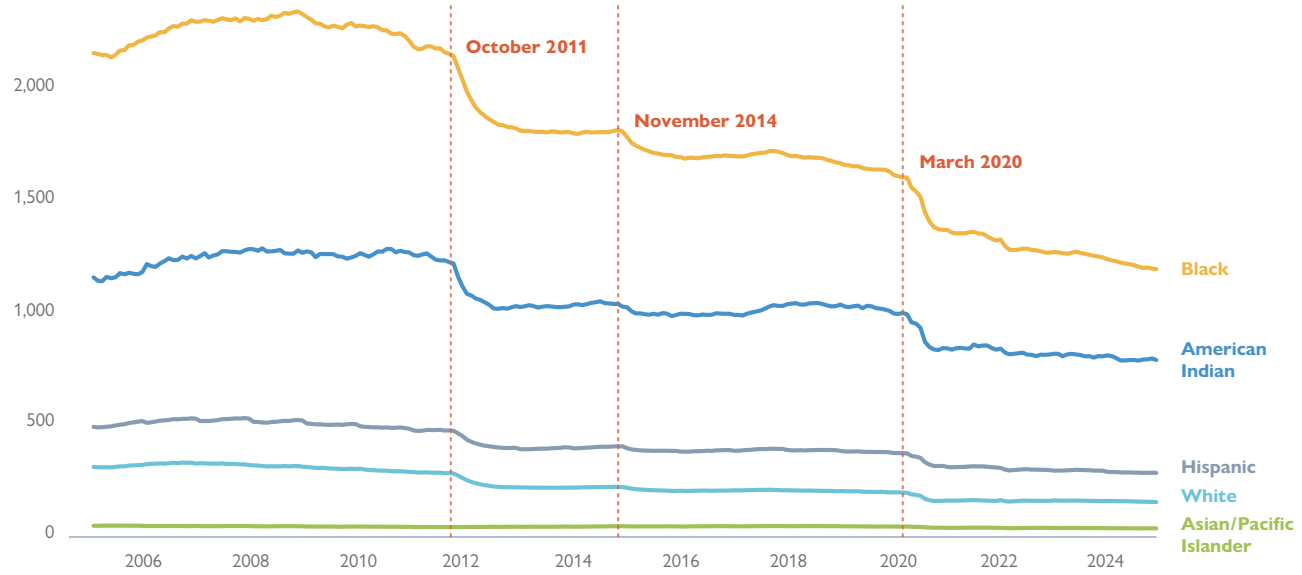
Source: California Department of Corrections and Rehabilitation, 2005-24.

Note: The red vertical lines show the key policy reforms: October 2011, implementation of Realignment; November 2014, passage and implementation of Prop 47; and March 2020, the onset of the COVID-19 pandemic.

The decline in prison population was not experienced evenly across racial and ethnic groups (Figure 2). In January 2010, incarceration rates varied greatly, with Black and American Indian Californians incarcerated at rates many times those of White and Asian/Pacific Islander Californians. The per capita rate for Black Californians was 2,266 per 100,000 while it was 1,251 for American Indian Californians. In comparison, the White per capita rate was 288 per 100,000 and the Asian/Pacific Islander rate was 30 per 100,000 (Table 1). By December 2024, incarceration rates had declined the most for groups that started with the highest incarceration rates, narrowing absolute differences considerably.

The sharp, differential declines corresponding with the implementation of AB 109 in 2011 are the most visible in the aggregate trend, but they obscure the role of other policy changes. Many affect only subsets of the incarcerated population and have impacts that roll out over several years. Understanding these differential effects requires looking more closely at the specific sentences being served and how they have changed, which we turn to in the following section.

FIGURE 2: Incarceration rates by race/ethnicity: Prison inmates per 100,000 Californians (2005-24)



Source: California Department of Corrections and Rehabilitation, 2005-24 and U.S. Census Bureau population estimates.
Note: The red vertical lines show the key policy reforms: October 2011, implementation of Realignment; November 2014, passage and implementation of Prop 47; and March 2020, the onset of the COVID-19 pandemic.

TABLE 1: Incarceration rates by race/ethnicity (state prisoners per 100,000 state residents) in January 2010 and December 2024

RACE/ETHNICITY	JANUARY 2010	DECEMBER 2024	CHANGE
White	288	139	-149
Black	2,266	1,179	-1,087
Hispanic	477	270	-208
Asian/Pacific Islander	30	22	-8
American Indian	1,251	773	-478

Source: Tabulated from CDCR administrative records and U.S. Census Bureau population estimates.

The differential impacts of California criminal justice reforms

We analyze the effects of five corrections and sentencing reforms in chronological order: AB 109 (Realignment, 2011), Prop 36 (2012), Prop 47 (2014), reforms to sentence enhancements, and changes to parole release decision-making for people with indeterminate or very long determinate sentences. For each, we outline the provisions of the policy change, assess the effects on prison admissions, prison population totals, or both, and then assess whether those effects differed by race and ethnicity.

1. AB 109 (Corrections Realignment, 2011)

In April 2011, under pressure from a federal court order to relieve overcrowding in California prisons, the state legislature passed AB 109 (commonly referred to as Realignment). The law greatly curtailed the practice of returning people to prison for parole violations (violations of terms of their community supervision not involving a new offense, such as failing to report to a meeting with a parole officer, violating curfew, or failing a drug test) and shifted responsibility for the sanctioning/incarceration of people convicted of non-serious, non-violent, non-sexual offenses (colloquially referred to as "triple-nons") to California counties. People with prior serious or violent convictions could still be sentenced to prison for

a triple-non offense, but upon release, were supervised by county probation departments instead of state parole. Parole violations for everyone except those paroled from life terms are now sanctioned through short jail stays or other county-determined alternatives.

Prior to implementation in October 2011, monthly prison admissions for new convictions and parole revocations each hovered around 5,000. After October 2011, returns for parole revocations dropped to near zero, while admissions for new convictions declined to between 3,000 and 4,000 per month.

Two changes stand out following implementation. First, AB 109 eliminated the long-standing inter-group disparities in parole-revocation admission rates. Prior to AB 109, Black and American Indian people had the highest admission rates for parole violations (an average of approximately 73 and 48 monthly admissions per 100,000 state residents, respectively), while White and Asian/Pacific Islander people had the lowest (an average of 12 and one per 100,000, respectively). After AB 109, average admission rates for parole violations dropped to roughly one per 100,000 (or less) for all groups.

Second, comparing the two years before and after AB 109's implementation, overall incarceration rates fell most for the groups with the highest pre-reform rates. For Black people, rates fell by more than 360 per 100,000; for American Indian people, they fell by 228 per 100,000, narrowing disparities across groups. The declines were driven by the two admission types that the law targeted: parole violation returns and less-serious, non-violent felony convictions. Admissions for new felony convictions also declined more for Black and American Indian people (by 42% and 38%, respectively) than for other groups.

2. Proposition 36 (2012)

In 1994, California enacted the most severe repeat-offender sentencing enhancements in the nation under the "Three-Strikes" law. A prior serious/violent conviction ("strike") doubled the sentence for any subsequent felony conviction, regardless of severity. Two prior strikes made a person eligible for a 25-years-to-life indeterminate sentence upon a third felony conviction. Eighteen years later, voters passed Prop 36 (2012), which generally limited third-strike sentences to cases where the third felony was a serious/violent offense, and allowed for the resentencing of individuals serving life terms for a non-serious, non-violent third strike.

The number of people serving a third-strike sentence peaked at roughly 9,000 in November 2012 and declined to about 7,200 individuals in the years immediately following implementation of Prop 36. Because third-strike admissions changed only modestly and third-strike sentences are very long, this decline reflects resentencing rather than changes in admissions. As of December 31, 2024, over 2,200 people with third-strike sentences have been resentenced and released from prison under Prop 36 (Skog and Lacoe, 2025). At the same time, we also see evidence of increases in second-strike admissions (doubled sentences because of a prior serious/violent conviction), suggesting a greater tendency of prosecutors to seek such sentences in the aftermath of Prop 36.

Prior to Prop 36, third-strike incarceration rates were far higher for Black and American Indian people than for other groups (see the full technical report for exact figures). Rates declined most for these two groups (by 36 and 15 per 100,000, respectively), narrowing the absolute disparities across groups.

3. Proposition 47 (2014)

Prop 47 (2014) reclassified simple drug possession offenses that could be tried as either a misdemeanor or felony (so-called wobbler offenses) to misdemeanors and redefined several property theft offenses involving values of under $950 as misdemeanors. As a result, a person convicted of these offenses on their own would no longer be eligible for a prison sentence even if they had prior serious or violent offenses. Prop 47 also allowed persons currently serving prison sentences for these redefined offenses to petition for resentencing and release.

In the months leading up to Prop 47, the population incarcerated for drug possession offenses was increasing, but it decreased sharply after passage and ultimately reached historic lows. The prison population for impacted property offenses was relatively stable at approximately 31,000 people before falling by about 6,000 after Realignment and then declining more modestly after Prop 47. Admissions followed a similar pattern: admissions to prison for drug possession were rare after Prop 47, and monthly admissions for impacted theft offenses declined from roughly 1,700 to 500. While the declines in admissions after Realignment likely

reflected convictions that are now sentenced to county jails, the declines that occurred after Prop 47 likely represent lesser punishments, as these are now misdemeanors that likely do not involve incarceration.

Coinciding with the implementation of Prop 47, we observe a large decline in incarceration rates for Black and American Indian people. Between January 2014 and December 2015, incarceration rates fell most for Black people (-105.1), followed by American Indian people (-47.4), White people (-15.4), and Hispanic people (-11.4). Because declines were the largest for groups with the highest starting rates, Prop 47 narrowed disparities between racial and ethnic groups. These declines are concentrated in drug and property offenses; we do not observe notable changes in the incarceration rates for person or violent offenses, or other offenses outside the proposition's scope. Our analysis of second-strike enhancements suggests an additional indirect effect: some individuals who would have received doubled sentences prior to Prop 47 because of their criminal histories are now being prosecuted for misdemeanors, so the strike enhancement no longer applies.

4. Reforms to sentence enhancements

Enhancements are sentence add-ons that can lengthen a person's prison sentence. They are triggered by specific details of the offense (such as gang involvement or firearm use) or by criminal history. California has enacted a series of reforms to sentence enhancement laws, either narrowing their application or giving judges more discretion to strike or dismiss them. Some reforms, including SB 483 (2021), were made retroactive, extending relief to people already serving an enhanced sentence. Prop 57 (2016) expanded a parole process for people convicted of non-violent offenses. As a result, people convicted of non-violent offenses became eligible for parole consideration after serving the sentence for their primary offense, without first having to serve the additional time added by a sentence enhancement or consecutive sentences.

The one-year enhancement for a prior prison sentence was the most frequently used prior to its restriction in 2020 (SB 136). Admissions with this enhancement dropped from roughly 600 a month in 2011 to near zero in most months since SB 136 was enacted. The total prison population serving sentences with this enhancement decreased from nearly 20,000 in 2010 to fewer than 5,000 by the end of 2024.

As with prior reforms, the effects of enhancement reforms were substantially larger for Black people, who were more likely to receive these enhancements before they were reformed. The rate of Black people incarcerated with the one-year prior-prison enhancement fell by 173 per 100,000, compared with declines of 145 for American Indian people, 31 for Hispanic people, and 22 for White people. This pattern held for the five-year enhancement for a prior serious/violent felony (the "nickel prior", reformed in 2019 to provide expanded judicial discretion), and for reforms to gun enhancements, with Black people experiencing the greatest decline in the incarceration rate.

5. Reforms to parole release for people with indeterminate and exceptionally long determinate sentences

Most of the reforms discussed thus far directly affect either the admission rates or the sentences of people with determinate sentences, who are released after a defined period that reflects credits earned for time served, good conduct, and programming. People serving long indeterminate sentences are released at the discretion of the Board of Parole Hearings (BPH). For these inmates there is a minimum eligible parole date (MEPD), which is the earliest date they could be released, and it is determined by the lower bound of their sentence. Since 2014, eligibility for discretionary parole release has expanded in a manner that both increased the population eligible for parole review and likely moved up the MEPD for many long-term inmates.

Specifically, these reforms expanded parole eligibility in two ways. Elderly parole eligibility was established in 2014 for people aged 60 or older who had served at least 25 years (excluding LWOP and death sentences). It was expanded in 2021 to people aged 50 or older who had served at least 20 years. Youth offender parole hearings were established in 2014 for people who committed their offense before the age of 18. Eligibility was expanded in 2016 to those who were under 23 when they committed their offense, and expanded again in 2018 to include those under 26 and to people serving LWOP sentences for offenses committed before the age of 18. Parole hearings are held during the 15th, 20th, or 25th year of incarceration.

Generally, as a result of these reforms, only individuals with LWOP sentences for offenses committed as an adult and those sentenced to the death penalty are ineligible for release during their natural lives.

Earlier reforms that primarily impacted people with determinate sentences had little impact on people who had served the longest time in CDCR custody. However, after 2014, that changed. The number of people who had been imprisoned between 20 and 25 years fell by half from over 12,000 people in 2005 to fewer than 6,000 by 2024. Similarly, the population that has served 25 years or more declined from nearly 18,000 to below 10,000 by 2024.

Declines in long-term prison incarceration rates were largest for Black and American Indian people. For Black people, rates fell by 125, 94, and 135 per 100,000 in the 15-20, 20-25, and 25-plus years categories, respectively, collectively accounting for roughly 33% of the decline in the overall Black imprisonment rate. Among American Indian individuals, the corresponding declines (55, 56, and 65 per 100,000) collectively accounted for 37% of the decline for this group. Long-term incarceration accounts for a smaller share of the overall decline for White and Hispanic people: 22% for White people and 27% for Hispanic people.

Conclusion

The wave of criminal justice reform in California over the past 15 years has transformed sentencing and corrections policy. The prison population has nearly halved, admissions for parole violations are now rare, lower-level felony convictions result in prison less often, enhancements are used more sparingly, and nearly everyone serving a very long sentence now has some chance of release within their lifetime. These changes disproportionately impacted groups with high incarceration rates before these reforms, and overall, inter-racial disparities in prison incarceration have narrowed considerably. Sizable gaps remain, however, and the cross-group ranking has not changed: roughly 1.2% of Black Californians are currently incarcerated in state prison (nearly 8.5 times the 0.14% rate for White Californians), and the incarceration rate for American Indian people also remains quite high (0.77%).

The analysis here focuses on state prisons, and one might be concerned that this focus is masking widening disparities in jail incarceration rates. While there is some evidence that the size of the jail population increased in the wake of Realignment, it subsequently declined with the passage of Prop 47 and has continued to decline in recent years, from over 80,000 during the early pre-reform years to roughly 60,000 in the years since the pandemic. Our analysis of jail survey data (discussed in the full report) collected by the U.S. Bureau of Justice Statistics further suggests that the inter-group disparities in jail incarceration rates have also declined.

A major question concerns whether these reforms have impacted public safety. Analyses of the effects of Realignment and of Prop 47 on crime rates (Lofstrom and Raphael 2016, Dominguez, Lofstrom, & Raphael, 2022) generally find no evidence of effects on violent crime rates, though Realignment is associated with a modest increase in motor vehicle theft and Prop 47 with a small increase in larceny theft. Less is known about the effects of reforms to sentence enhancement or the impacts of changes to discretionary parole. The findings here also raise questions about how people who would have been incarcerated under prior policy are faring today. Are they more or less likely to be employed, arrested, or to experience housing insecurity or health emergencies? These are all important questions that should be the subject of subsequent research.

This policy brief is based on the technical report The Impact of California Criminal Justice Reforms on Inter-Racial/Ethnic Disparities in Prison Incarceration *which contains the complete set of figures and tables, the full description of the CDCR administrative data, and the reform-by-reform analysis summarized above.*

About this research

This research stems from a partnership between the California Policy Lab at the University of California and the Committee on Revision of the Penal Code, a state agency that studies and makes recommendations to improve California's criminal justice system.

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