



## Professor Michael T. Light and Jungmyung Kim Racial Disparities in California Criminal History Data No.002: Gun Possession<sup>1</sup>

**SUMMARY.** Sociologists at the University of Wisconsin-Madison reviewed 13 years of California data (from 2006 to 2018) to analyze racial disparities in arrests, charges, and convictions. This factsheet summarizes our analysis of policing and prosecution related to violations of California Penal Code Sections 25850 and/or 25400—otherwise referred to as “gun possession.”

A review of the data concluded that Black and Hispanic individuals were arrested, charged and convicted at higher rates for gun possession as compared to white individuals; and the disparities were heightened in some counties. Black people were 12.3 times as likely to be arrested, 11.0 times as likely to be prosecuted, and 11.0 times more likely to be convicted for this offense as white people. Hispanic people were 2.5 times as likely to be arrested, 2.4 times as likely to be prosecuted, and 2.6 times as likely to be convicted for this offense as white people. Some counties had particularly severe Black-white or Hispanic-white arrest gaps—with Black people 50.7 times as likely to be arrested for this offense as white people, and Hispanic people more 6.0 times as likely to be arrested for this offense as white people in the counties with the greatest disparities.

Black and Hispanic individuals were also over-represented, in comparison to their population in the state, among individuals arrested for, charged with, and convicted of gun possession offenses. While only 5.7% of California’s population was Black, 32.3% of the arrests for gun possession in California, 31.0% of the gun possession charges, and 29.6% of the gun possession convictions were of Black people. The Hispanic population represented 37.9% of the total California population, yet Hispanic people constituted 44.0% of all arrests for gun possession, 44.2% of all gun possession charges, and 46.2% of all gun possession convictions in California.

Black and Hispanic individuals were also more likely to be charged with a felony rather than a misdemeanor when prosecutors had discretionary authority to charge the offense as either a misdemeanor or a felony. Prosecutors charged as a felony 75.1% white individuals arraigned pursuant to California Penal Code 25850(C)(5), 25850(C)(6), 25400(C)(5), and 25400(C)(6) – gun possession offenses where prosecutors have this discretionary authority – while charging 80.7% of Black individuals and 83.5% of Hispanic individuals, respectively, with a felony pursuant to the same charges.

## INTRODUCTION

**Primary Inquiry.** We analyzed the racial differences in alleged violations of gun possession in California, defined as an arrest for alleged violations of California Penal Code Sections 25850 and/or 25400. We also examined the racial difference in “stand-alone” gun possession cases, where the charges at arrest or in court only consisted of violations of California Penal Code Sections 25850 and/or 25400, and no other charges.

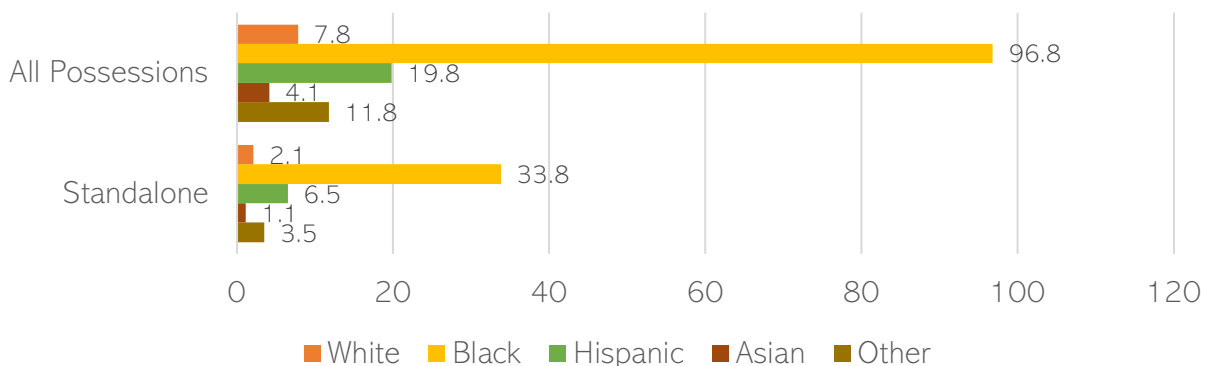
**Data.** We analyzed administrative criminal records data accessed through the California Department of Justice (known as CORI data). The CORI data consist of all felony and misdemeanor arrests from 2006 to 2018 in the state of California (19,112,520 cases in total). For this analysis, we considered 84,425 cases of individuals charged with gun possession, including 26,992 stand-alone gun possession cases. More details about the data are provided in Factsheet No. 000.

**Analyses Conducted.** We conducted four analyses. First, we analyzed the number of arrests for gun possession as a percentage of the state’s population and by race. This was calculated by counting all the arrests for Penal Code Section 25850 and/or 25400 and dividing it by the sum of yearly population of California from 2006 to 2018 (obtained from the American Community Survey). This was separately calculated for each racial group to allow the comparison across racial groups. As part of this analysis, we also identified counties that show particularly high racial disparities for arrests for this offense. Second, we analyzed racial differences in the number of gun possession cases charged by the prosecutor and/or convicted by a court. Third, we compared the racial composition of gun possession cases to that of all criminal cases in the CORI data, as well as to the overall racial composition of California’s population. Fourth, we examined whether there was a racial difference in the probability of being arrested, charged, and/or convicted for a felony gun possession charge in circumstances where prosecutors have the discretion to charge the offense as either a felony or a misdemeanor.

## ARREST RATES BY RACE FOR CHARGES OF GUN POSSESSION

Black and Hispanic people in California were arrested for gun possession at a higher rate than white people. There were 7.8 arrests for gun possession per 100,000 white people and 2.1 stand-alone gun possession arrests per 100,000 white people. For the Black population, the rate of arrest for gun possession was 12.3 times as high (96.8 arrests for gun possession per 100,000 Black people) and 16.4 times as high for stand-alone gun possession arrests (33.8 stand-alone arrests for gun possession per 100,000 Black people). For the Hispanic population, the rate of arrest for gun possession was 2.5 times as high as the white population (19.8 arrests for gun possession per 100,000 Hispanic people) and 3.1 times higher for stand-alone arrests for gun possession (6.5 stand-alone arrests per 100,000 Hispanic people).

**Figure 1. Arrests per 100,000 People, by Race**



## COUNTY ANALYSES

Racial disparities at arrest were consistently higher in certain counties. Among all the counties that have yearly county population in the American Community Survey,<sup>2</sup> racial disparities in arrest rates for gun possession were greatest in the counties listed in Tables 1 and 2. San Francisco, Marin, San Mateo, and Napa counties showed among the highest racial disparities in the arrest rates for gun possession both in Black-white and Hispanic-white gaps. In San Francisco, for instance, Black people were 50.7 times as likely as to be arrested for gun possession as whites. In Napa, Black people were 55.5 times as likely as white people to be arrested for gun possession and no other charge. Appendix A lists the racial disparities in arrest rates for all counties.

**Table 1. Counties with Largest Racial Gaps in the Arrest Rates of Gun Possession**

Panel A. Black-White Gap in Arrest Rates for Gun Possession			
County	White (A)	Black (B)	B-W Gap (B/A)
San Francisco	7.1	360.3	50.7
Marin	6.5	255.4	39.5
San Mateo	5.6	143.0	25.6
Napa	8.3	206.1	24.8
Alameda	8.5	142.8	16.9
Panel B. Hispanic-White Gap in Arrest Rates for Gun Possession			
County	White (A)	Hispanic (C)	H-W Gap (C/A)
Santa Cruz	6.5	38.8	6.0
Marin	6.5	37.3	5.8
San Francisco	7.1	38.2	5.4
Santa Clara	3.9	19.3	4.9
Ventura	5.2	24.1	4.6

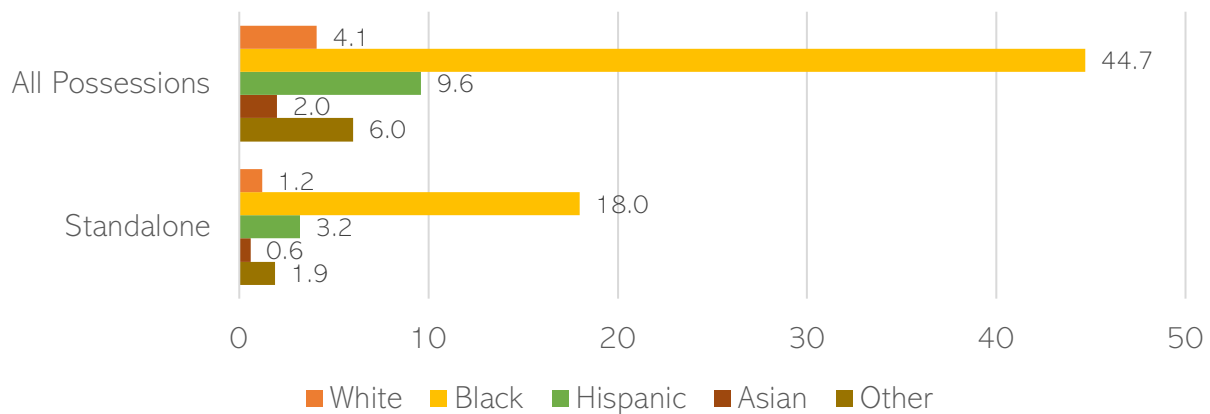
**Table 2. Counties with Largest Racial Gaps in the Arrest Rates for Stand-Alone Offenses of Gun Possession**

Panel A. Black-White Gap in Arrest Rates for Stand-Alone Charges of Gun Possession			
County	White (A)	Black (B)	B-W Gap (B/A)
Napa	0.8	44.6	55.5
Marin	1.4	80.1	55.2
San Francisco	1.6	70.7	43.8
San Mateo	1.5	41.8	28.4
Los Angeles	2.1	38.4	18.7
Panel B. Hispanic-White Gap in Arrest Rates for Stand-Alone Charges of Gun Possession			
County	White (A)	Hispanic (C)	H-W Gap (C/A)
Marin	1.4	11.8	8.2
Napa	0.8	4.5	5.6
San Francisco	1.6	8.0	5.0
San Mateo	1.5	6.7	4.6
Kern	2.3	10.0	4.3

## CASE OUTCOMES BY RACE FOR CHARGES OF GUN POSSESSION

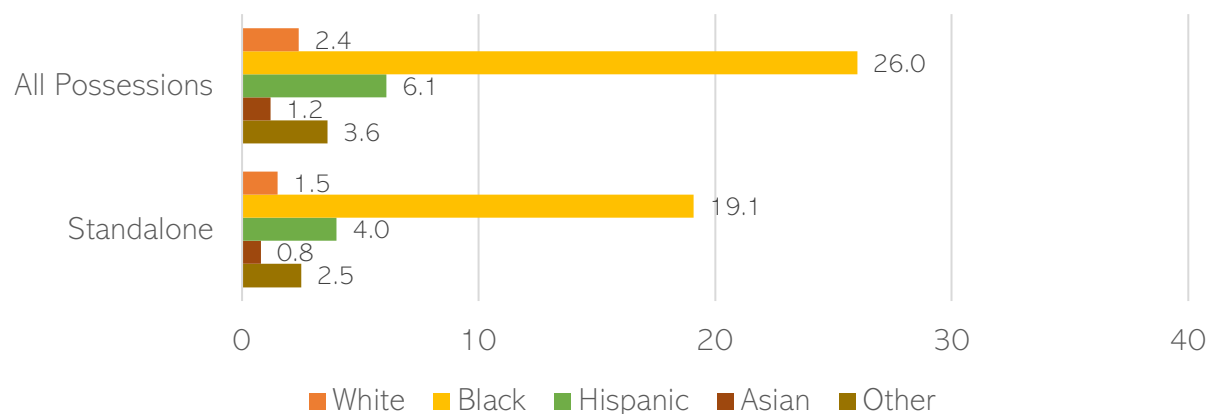
There was a higher rate of Black and Hispanic people charged by the prosecutor for gun possession, as compared to the white population. Prosecutors charged 4.1 gun possession cases per 100,000 white people and 1.2 stand-alone gun possession cases per 100,000 white people. For the Black population, this rate was 11.0 times as high (44.7 charges of gun possession per 100,000 Black people) and 15.6 times as high for stand-alone gun possession charges (18.0 standalone charges for gun possession per 100,000 Black people). For the Hispanic population, the rate of prosecution for gun possession was 2.4 times as high, and 2.8 times as high for stand-alone gun possession charges.

**Figure 2. Cases Accepted by Prosecutors per 100,000 People, by Race**



A similar pattern was observed in conviction rates per population. For gun possession charges, there were 2.4 convictions per 100,000 white individuals, as compared to 26.0 convictions per 100,000 Black individuals (11.0 times as high as white population) and 6.1 convictions per 100,000 Hispanic individuals (2.6 times as high as white population). For stand-alone gun possession charges, there were 1.5 convictions per 100,000 white individuals, 19.1 convictions per 100,000 Black individuals (13.1 times as high as white population) and 4.0 convictions per 100,000 Hispanic individuals (2.7 times).

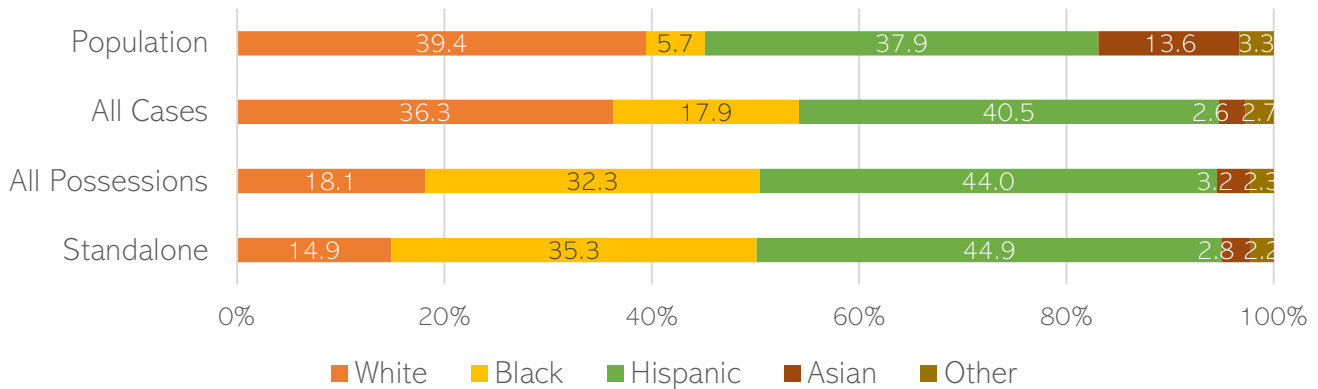
**Figure 3. Convictions per 100,000 People, by Race**



## RACIAL COMPOSITION OF GUN POSSESSION CASES

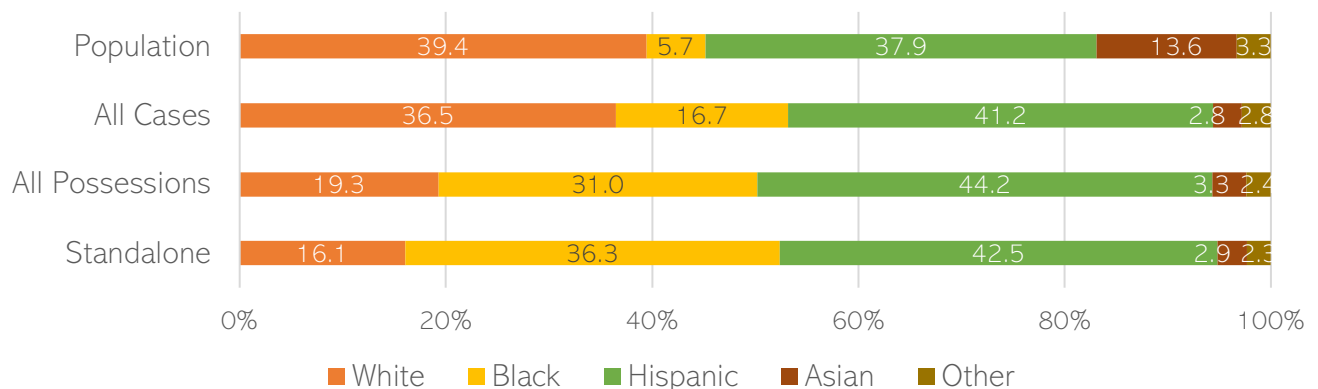
**Arrests.** Black and Hispanic people were overrepresented, in comparison to their population in the state, among arrestees for gun possession offenses. While only 5.7% of California’s population was Black, 32.3% of arrests for gun possession, and 35.3% of stand-alone arrests for gun possession, were of Black individuals. The Hispanic population represented 37.9% of the total California population, yet 44.0% of all arrests for gun possession, and 44.9% of stand-alone arrests for gun possession, were of Hispanic individuals. In contrast, while 39.4% of the population in California was white, 18.1% of the arrests for gun possession, and 14.9% of the arrests for stand-alone charges of gun possession, were of white individuals.

**Figure 4. Racial Composition of Arrests, Compared to General Population**



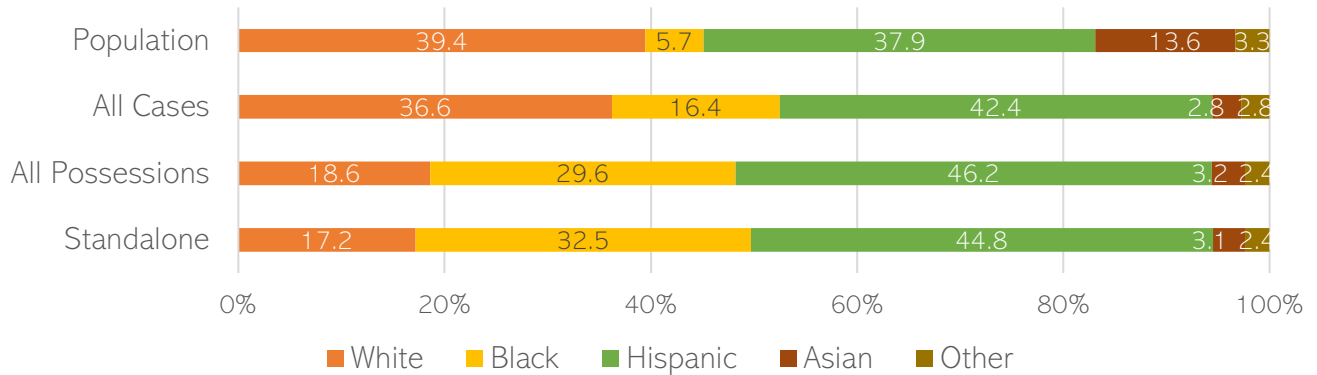
**Charges.** Racial disparities remained present when looking at those who were charged by prosecutors for gun possession. Black and Hispanic people were overrepresented among gun possession offenses charged by prosecutors, in comparison to their population in the state. While only 5.7% of the population in California was Black, 31.0% of the gun possession cases charged by prosecutors, and 36.3% of the stand-alone charges of gun possession, were of Black individuals. The Hispanic population represented 37.9% of the total California population, yet 44.2% of the gun possession charges, and 42.5% of the stand-alone gun possession charges, were of Hispanic individuals. In contrast, while 39.4% of the population in California was white, 19.3% of the gun possession charges, and 16.1% of the stand-alone gun possession charges, were of white individuals.

**Figure 5. Racial Composition of Cases Accepted by Prosecutors**



**Convictions.** Racial disparities remained when looking at those who are convicted of gun possession. Black and Hispanic people were overrepresented among gun possession convictions, in comparison to their population in the state, with especially great overrepresentation when looking only at stand-alone gun possession convictions. 29.6% of the convictions for gun possession, and 32.5% of the stand-alone convictions for gun possession, were of Black individuals. 46.2% of the convictions for gun possession, and 44.8% of the stand-alone convictions for gun possession, were of Hispanic individuals. In contrast, 18.6% of the convictions of gun possession, and 17.2% of the stand-alone convictions of gun possession, were of white individuals.

**Figure 6. Racial Composition of Convictions**



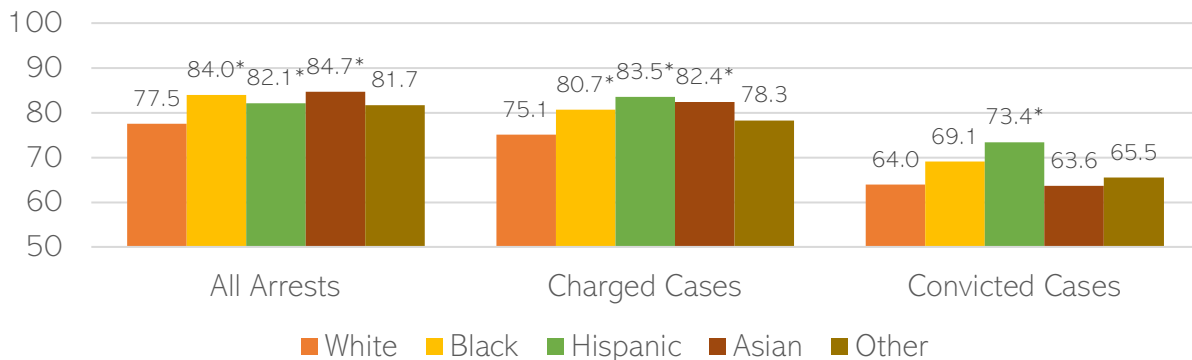
**PROPORTION OF DISCRETIONARY FELONY CHARGES BY RACE**

**Arrests.** There was an overrepresentation of Black and Hispanic individuals among those charged with a felony pursuant to California Penal Code California Penal Code 25850(C)(5), 25850(C)(6), 25400(C)(5), and 25400(C)(6), which prosecutors have the discretionary authority to charge as either a felony or a misdemeanor. 77.5% of the White individuals who were arrested for these charges were referred by law enforcement authorities for a felony gun possession charge, while 84.0% of Black individuals and 82.1% of Hispanic individuals were referred by law enforcement for a felony. These differences were statistically significant.

**Charges.** When the analysis was restricted to the cases where prosecutors charged these offenses, the likelihood of the prosecutors charging the offense as a felony was 75.1% for white individuals, but 80.7% for Black individuals and 83.5% for Hispanic individuals. These differences were statistically significant.

**Convictions.** The ratio of a felony conviction was 64.0% for white individuals charged with these offenses but 69.1% for Black individuals and 73.4% for Hispanic individuals, although only the Hispanic population showed statistically significant differences compared to the white population.

**Figure 7. Proportions of Felony Charges by Race**



Note: Asterisk indicates that the gap between the focal racial group and white is significant (significance level: 5%).

## CONCLUSION

This factsheet has analyzed patterns in arrest, charging, and conviction for the offense of gun possession in California. Among other things, this analysis compared the rates that different racial groups are subjected to enforcement of Penal Code Sections 25400 and/or 25850 as a percentage of their representation in the state's population.

Our findings show that Black and Hispanic people were significantly overrepresented at every stage in the criminal process. Black and Hispanic people were more likely to be arrested, charged, and convicted of gun possession, as a proportion of their representation in the state's population, as compared to white people.

There was an especially large racial disparity in stand-alone gun possession arrests. Black and Hispanic people were also more likely to face more severe penalties for gun possession offenses, with a greater proportion of Black and Hispanic individuals arrested for and charged with a felony for a gun possession offense, as compared to their white counterparts.

Further research is needed to examine racial disparities in discretionary arrests and charging decisions in other areas, and to develop appropriate policy solutions to inform policing and prosecutorial practices.

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<sup>1</sup> Inquiries regarding the analysis should be directed to Professor Michael Light ([milight@ssc.wisc.edu](mailto:milight@ssc.wisc.edu)) or Jungmyung Kim ([jungmyung.kim@wisc.edu](mailto:jungmyung.kim@wisc.edu)).

<sup>2</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all gun possession arrests by county as long as the county population data are available in the ACS.

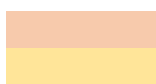
## APPENDIX A. The Racial Disparities in the Arrest Rates by County

**Table A-1. Racial Disparities in the Arrest Rates for Gun Possession by County<sup>1,2</sup>**

County	White (A)	Black (B)	Hispanic (C)	B-W Gap (B/A)	H-W Gap (C/A)
All Else	14.3	85.0	32.8	6.0	2.3
Alameda	8.5	142.8	32.0	16.9	3.8
Butte	15.7	126.2	33.0	8.0	2.1
Contra Costa	15.4	196.3	41.8	12.7	2.7
El Dorado	7.3	78.5	7.6	10.7	1.0
Fresno	11.3	188.5	35.6	16.6	3.1
Humboldt	28.8	159.7	19.8	5.5	0.7
Imperial	16.9	24.4	5.7	1.4	0.3
Kern	17.4	261.2	63.7	15.0	3.7
Kings	4.4	27.1	16.2	6.2	3.7
Los Angeles	3.5	56.2	13.2	15.9	3.7
Madera	12.5	53.0	34.5	4.2	2.8
Marin	6.5	255.4	37.3	39.5	5.8
Merced	11.6	85.7	29.2	7.4	2.5
Napa	8.3	206.1	16.6	24.8	2.0
Orange	4.5	44.5	13.8	9.8	3.0
Placer	7.2	112.8	14.3	15.6	2.0
Riverside	3.9	36.3	10.1	9.4	2.6
Sacramento	12.8	151.4	35.0	11.8	2.7
San Bernardino	6.9	59.7	12.0	8.6	1.7
San Diego	3.5	48.2	9.2	13.6	2.6
San Francisco	7.1	360.3	38.2	50.7	5.4
San Joaquin	27.9	214.4	57.7	7.7	2.1
San Luis Obispo	6.3	8.0	10.1	1.3	1.6
San Mateo	5.6	143.0	22.0	25.6	4.0
Santa Barbara	5.1	33.4	10.3	6.5	2.0
Santa Clara	3.9	49.5	19.3	12.6	4.9
Santa Cruz	6.5	104.1	38.8	16.0	6.0
Shasta	21.1	115.6	18.1	5.5	0.9
Solano	21.3	172.2	35.3	8.1	1.7
Sonoma	9.6	130.1	20.6	13.5	2.1
Stanislaus	16.4	166.6	39.3	10.2	2.4
Tulare	6.7	85.1	19.3	12.6	2.9
Ventura	5.2	34.3	24.1	6.5	4.6
Yolo	10.4	77.5	19.5	7.4	1.9

<sup>1</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all arrest rates by county as long as the county population data are available in the ACS. The table presents the aggregate arrest rates for the other counties in the first row as “All Else.”

<sup>2</sup> Stand-alone arrests by county were not reported to avoid presenting the results based on scant data.



Indicates the county is one of the top 5 most racially disparate counties

Indicates the county is one of the bottom 5 least racially disparate counties



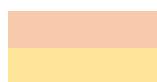
## APPENDIX B. The Racial Disparities in the Case Acceptance Rates by County

**Table B-1. Racial Disparities in the Case Acceptance Rates for Gun Possession by County<sup>12</sup>**

County	White (A)	Black (B)	Hispanic (C)	B-W Gap (B/A)	H-W Gap (C/A)
All Else	9.0	39.9	14.7	4.5	1.6
Alameda	3.5	57.7	11.9	16.3	3.4
Butte	8.2	65.4	16.1	7.9	2.0
Contra Costa	5.6	54.1	12.1	9.6	2.1
El Dorado	5.2	45.8	5.2	8.9	1.0
Fresno	6.2	100.5	17.5	16.1	2.8
Humboldt	14.2	74.9	8.5	5.3	0.6
Imperial	11.2	17.4	3.1	1.6	0.3
Kern	11.4	190.4	44.6	16.7	3.9
Kings	3.2	10.1	6.4	3.1	2.0
Los Angeles	2.6	34.3	8.1	12.9	3.1
Madera	8.5	33.9	19.1	4.0	2.2
Marin	4.7	188.1	30.6	40.2	6.5
Merced	2.6	18.2	3.7	7.0	1.4
Napa	5.3	100.3	8.3	18.9	1.6
Orange	0.2	1.6	0.3	9.2	1.9
Placer	5.2	64.2	9.1	12.3	1.7
Riverside	1.8	16.0	4.9	8.8	2.7
Sacramento	3.5	36.4	8.3	10.5	2.4
San Bernardino	3.4	26.9	4.6	7.9	1.4
San Diego	1.2	14.0	2.2	11.2	1.8
San Francisco	2.6	132.1	13.5	51.1	5.2
San Joaquin	17.5	143.5	37.1	8.2	2.1
San Luis Obispo	5.8	11.2	8.5	1.9	1.5
San Mateo	3.4	76.3	11.8	22.5	3.5
Santa Barbara	3.3	19.9	5.4	6.0	1.6
Santa Clara	2.4	25.7	11.3	10.6	4.6
Santa Cruz	3.9	43.7	17.7	11.3	4.6
Shasta	17.7	63.4	13.2	3.6	0.7
Solano	11.2	84.9	18.1	7.6	1.6
Sonoma	5.4	64.5	10.4	12.0	1.9
Stanislaus	7.4	73.5	15.4	9.9	2.1
Tulare	6.2	51.3	15.4	8.3	2.5
Ventura	3.5	18.9	12.1	5.5	3.5
Yolo	3.1	14.9	3.3	4.8	1.1

<sup>1</sup> The American Community Survey data do not show county information for the yearly population data when there are not a sufficient number of surveyed individuals within the county. For this reason, the arrest rates by county can only be calculated for the counties that are large enough to be seen in the ACS. The table lists all case acceptance rates by county as long as the county population data are available in the ACS. The table presents the aggregate arrest rates for the other counties in the first row as “All Else.”

<sup>2</sup> Stand-alone arrests by county were not reported to avoid presenting the results based on scant data.



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