

**Professor Michael T. Light and Jungmyung Kim** Racial Disparities in California Criminal History Data No.004: Criminal Street Gang Activities<sup>1</sup>

**SUMMARY.** Sociologists at the University of Wisconsin-Madison reviewed 13 years of California criminal history 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 alleged violations of California Penal Code 186.22(a)—otherwise referred to as "criminal street gang activities." While we sought to also analyze arrests, charges and convictions for Penal Code 186.22(b), California's "gang enhancement," the California Justice Department data for that charge was incomplete which prevented such an analysis.

A review of the data concluded that Black and Hispanic people were arrested, charged, and convicted at higher rates for Penal Code 186.22(a) across the board as compared to white individuals; the disparities were heightened in some counties. Black people were 16.9 times more likely to be arrested, 14.2 times more likely to be prosecuted, and 12.1 times more likely to be convicted for this offense than white people. Hispanic people were 10.0 times more likely to be arrested, 9.2 times more likely to be prosecuted, and 9.6 times more likely to be convicted for this offense than white people. Some counties had particularly severe Black-white, or Hispanic-white arrest gaps—with Black people 47.3 times more likely to be arrested for this offense as white people, and Hispanic people 27.9 times more likely to be arrested for this offense as white people in the counties with the greatest disparities.

Prosecutors have discretionary authority to charge Penal Code 186.22(a) as either a misdemeanor or a felony, and prosecutors were more likely to charge Black people with a felony than a misdemeanor. Prosecutors charged as a felony 87.2% of white people arraigned pursuant to Penal Code 186.22(a), while charging 91.9% of Black individuals with a felony pursuant to the same charge. No significant difference was found regarding discretionary charging of this offense as a felony for Hispanic individuals as compared to white individuals.

Black people were also more likely than either Hispanic or white people to have less serious charges as the co-occurring charge where the individual was arrested for the alleged offense of Penal Code 186.22(a) and other offense(s). The two most frequent co-occurring charges for white and Hispanic people charged with Penal Code 186.22(a) were "assault with a deadly weapon" (Penal Code 245) and "murder" (Penal Code 187). However, the most frequent co-occurring charge for Black people was "carrying a loaded firearm" (Penal Codes 25850 and 12031). This disproportionate accusation of gang activities associated with offenses of firearm possession for Black people was also found for charging decisions.

### INTRODUCTION

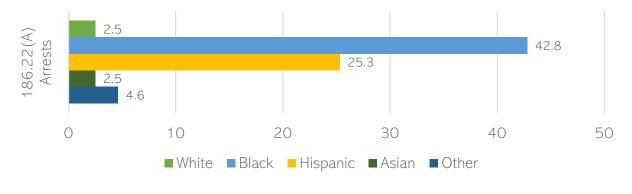
**Primary Inquiry.** We analyzed the racial differences in the arrest for, and prosecution or conviction of, alleged "criminal street gang activities" in California, defined as violations of California Penal Code 186.22(a), which is a stand-alone charge for participating in a criminal street gang. We also sought to analyze the racial differences in the arrest for, and prosecution or conviction of, Penal Code 186.22(b), which is known as California's "gang enhancement" charge. However, the data was incomplete, which prevented a comprehensive analysis.

**Data.** We analyzed administrative criminal records data accessed through the California Department of Justice (known as CORI data). For this analysis, we considered 66,956 cases of individuals charged with criminal street gang activities pursuant to Penal Code 186.22(a) from 2006 to 2018. This constitutes the entire CORI database of relevant data for these time periods. (For more information about the dataset, see Fact Sheet 000 in this series, available <u>here</u>.)

**Analyses Conducted.** We conducted four analyses. First, we analyzed the number of arrests for criminal street gang activities as a percentage of the state's population and by race. This was calculated by counting all the arrests for Penal Code 186.22(a) and dividing it by the sum of yearly population of California from 2006 to 2018 (obtained from the American Community Survey). This was calculated for each racial group to allow comparison across racial groups. Second, we analyzed racial differences in the number of criminal street gang-related arrests charged by the prosecutor and/or convicted by a court. Third, we examined whether there was a racial difference in the probability of being arrested, charged, and/or convicted for a felony charge as compared to a misdemeanor charge pursuant to Penal Code 186.22(a), as the offense is a "wobbler" that prosecutors have the discretion to charge as either a felony or a misdemeanor. Lastly, we analyzed the co-occurring charges prosecuted alongside "criminal street gang activities" charges. We also conducted a county-level analysis, in which we identified counties with particularly high racial disparities in gang-related arrests and prosecutions. For the county-level analysis, we were limited to evaluation of disparities between racial groups which had a large enough number of cases to allow for such analysis.

### ARREST RATES BY RACE FOR CRIMINAL STREET GANG ACTIVIITES

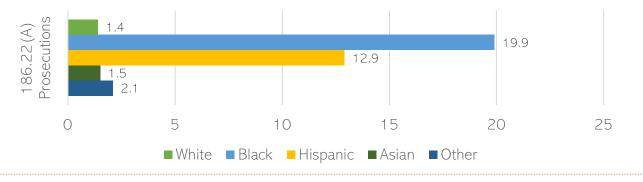
Black and Hispanic people in California were arrested for criminal street gang activities at a higher rate (per 100,000 population) than white people. There were 2.5 arrests per 100,000 white people for charges of criminal street gang-related activities. For the Black population, the rate of arrest for criminal street gang-related activities was 16.9 times higher (42.8 arrests for resisting per 100,000 Black people) For the Hispanic population, the rate of arrest for criminal street gang-related activities was 10.0 times higher (25.3 arrests for resisting per 100,000 Hispanic people).



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

### PROSECUTIONS BY RACE FOR CRIMINAL STREET GANG ACTIVIITES

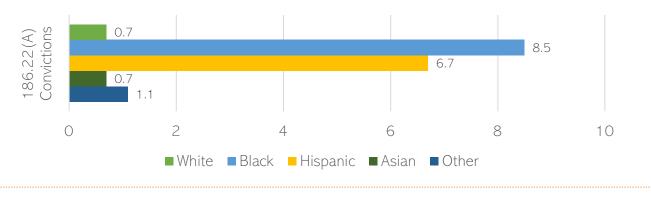
There was a higher rate of Black and Hispanic people charged by prosecutors with criminal street gang activities, as compared to the white population. Prosecutors charged 1.4 gang activities cases per 100,000 white people. For the Black population, this rate was 14.2 times higher (19.9 prosecutions per 100,000 Black people). For the Hispanic population, the rate of prosecution was 9.2 times higher than the white population (12.9 prosecutions per 100,000 Black people).



### Figure 2. Prosecutions per 100,000 People, by Race

### CASE OUTCOMES BY RACE FOR CRIMINAL STREET GANG ACTIVIITES

A similar pattern was observed in conviction rates per population. There were 0.7 convictions per 100,000 white individuals, as compared to 8.5 convictions per 100,000 Black individuals (12.1 times higher than for the white population) and 6.7 convictions per Hispanic individuals (9.6 times higher than for the white population).



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

### COUNTY ANALYSIS

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 criminal street gang activities were greatest in the counties listed in Tables 1 and 2. According to our analysis, Marin and Contra Costa showed the highest racial disparities in the arrest rates for criminal street gang activities between Black people and white people, while Marin and Santa Cruz counties showed the highest racial disparities in the arrest rates for criminal street gang-related activities between Hispanic people and white people. Appendix A lists the racial disparities in arrest rates for all counties.

We note that 13 counties are collapsed into "All Else" for not having at least 10 cases prosecuted for Penal Code 186.22(a) within each category (white, Black and Hispanic). Among these counties, however, San Francisco and San Diego had fewer than 10 white defendants among prosecuted cases, but far more prosecution of this offense for Black and Hispanic defendants. In San Francisco, during the time period analyzed, 37 Black and 109 Hispanic defendants were prosecuted for Penal Code 186.22(a). In San Diego, there were 68 Black and 40 Hispanic defendants.

| Related Arrests            |                           |                        |                    |  |  |  |  |  |
|----------------------------|---------------------------|------------------------|--------------------|--|--|--|--|--|
| Panel A. Black-White Gap   | in the Arrest Rates for   | Criminal Street Gang   | g-Related Arrests  |  |  |  |  |  |
| County                     | White (A)                 | Black (B)              | B-W Gap (B/A)      |  |  |  |  |  |
| Marin                      | 2.44                      | 115.64                 | 47.32              |  |  |  |  |  |
| Contra Costa               | 1.57                      | 64.62                  | 41.06              |  |  |  |  |  |
| Kern                       | 17.73                     | 689.23                 | 38.86              |  |  |  |  |  |
| Los Angeles                | 0.34                      | 9.31                   | 27.28              |  |  |  |  |  |
| Riverside                  | 1.02                      | 27.44                  | 26.92              |  |  |  |  |  |
| Panel B. Hispanic-White Ga | ap in the Arrest Rates fo | or Criminal Street Gar | ng-Related Arrests |  |  |  |  |  |
| County                     | White (A)                 | Hispanic (C)           | H-W Gap (C/A)      |  |  |  |  |  |
| Marin                      | 2.44                      | 68.27                  | 27.94              |  |  |  |  |  |
| Santa Clara                | 0.69                      | 13.43                  | 19.42              |  |  |  |  |  |
| All Else                   | 1.31                      | 23.36                  | 17.86              |  |  |  |  |  |
| San Mateo                  | 1.92                      | 32.72                  | 17.07              |  |  |  |  |  |
| Placer                     | 1.93                      | 31.08                  | 16.09              |  |  |  |  |  |

## Table 1. Counties with Largest Racial Gaps in the Arrest Rates of Criminal Street Gang-Related Arrests

# Table 2. Counties with Largest Racial Gaps in the Prosecution Rates of Criminal Street Gang-Related Arrests

|                             | Gang-Related A          | 110515                  |                      |
|-----------------------------|-------------------------|-------------------------|----------------------|
| Panel A. Black-White Gap in | the Prosecution Rates   | for Criminal Street Ga  | ang-Related Arrests  |
| County                      | White (A)               | Black (B)               | B-W Gap (B/A)        |
| Marin                       | 1.99                    | 92.77                   | 46.66                |
| Placer                      | 0.74                    | 32.90                   | 44.55                |
| Riverside                   | 0.66                    | 21.37                   | 32.58                |
| Kern                        | 12.06                   | 389.58                  | 32.31                |
| Santa Clara                 | 0.45                    | 12.60                   | 28.06                |
| Panel B. Hispanic-White Gap | in the Prosecution Rate | s for Criminal Street ( | Gang-Related Arrests |
| County                      | White (A)               | Hispanic (C)            | H-W Gap (C/A)        |
| Marin                       | 1.99                    | 53.27                   | 26.80                |
| Placer                      | 0.74                    | 19.04                   | 25.79                |
| Santa Clara                 | 0.45                    | 10.10                   | 22.49                |
| San Mateo                   | 0.85                    | 16.70                   | 19.74                |
| Santa Barbara               | 0.83                    | 16.14                   | 19.37                |

# WOBBLER ANALYSIS

Penal Code 186.22(a) is a "wobbler" which can be charged as either a felony or a misdemeanor. Among substantive criminal street gang-related charges, the proportion of charges prosecutors assigned as felonies as compared to misdemeanors varied when comparing the races of the defendants. For all defendants, prosecutors charged the overwhelming majority of people of all races charged with Penal Code 186.22(a) with felonies.

However, prosecutors were more likely to charge Black and Asian people with felony criminal gang activities as compared with white people. Prosecutors charged 87.2 % of the white people charged with Penal Code 186.22(a) with felonies, and 91.9% and 91.4% of the Black and Asian people charged with Penal Code 186.22(a) with felonies, respectively. For Black people, this racial disparity was also found in arrest and conviction; and for Asian people this disparity was found in convictions but not in arrest rates. The Hispanic-white disparity was relatively small across the case processing stages.

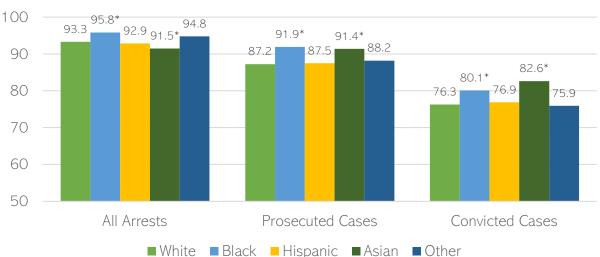


Figure 7. Proportions of Felony Charges by Race

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

## ANALYSIS OF CO-OCCURRING CHARGES

Lastly, the composition of the charges that appear with Penal Code 186.22(a) in the same arrests by race were more serious for white and Hispanic people than for Black people. To put another way, Black people were more likely to be arrested for, or charged with, participating in a criminal street gang despite having less serious co-occurring charges. In fact, Black people were especially likely to be charged with participating in a criminal street gang when their co-occurring offenses related to carrying a weapon or ammunition, where that was significantly less common as co-occurring offenses for white and Hispanic people. For this analysis, we excluded Penal Code 182 ("criminal conspiracy") for its substantive proximity to criminal street gang activities.

The two most common co-occurring charges where prosecutors charged individuals with participating in a gang were assault with a deadly weapon (Penal Code 245) and murder (Penal Code 187) for white and Hispanic people. Prosecutors charged Penal Code 186.22(a) as a co-occurring charge with assault with a deadly weapon in 10.1% and 9.1% of the Penal Code 186.22(a) charges for white and Hispanic individuals respectively. Prosecutors charged Penal Code 186.22(a) as a co-occurring charge with murder in 3.8% and 4.5% of the Penal Code 186.22(a) charges for white and Hispanic individuals respectively. For the Black population, the most frequent co-occurring charges where prosecutors charged participating in a criminal street gang were offenses related to carrying or possessing a firearm. Specifically, prosecutors charged Black people with Penal Codes 25850 and 12031 (carrying a loaded firearm) as the most frequent co-occurring charges, 6.2% and 5.8% of the time.

Considering together all of the offenses related to possessing a firearm or ammunition (Penal Codes 25850, 12031, 29800, 12021, 12025, 30305 and 12316), this constituted 32.9% of all co-occurring charges for Black people. These offenses combined constituted only 17.2% of all co-occurring charges for White people. This tendency was consistent in prosecution. Firearms or ammunition possession charges constituted 20.3% of all co-occurring prosecuted charges among Black individuals if Penal Code 186.22(a) was prosecuted in the same case, while the same ratio was 11.8% for the Hispanic population and 9.9% for the white population.

91.1% of the individuals who were prosecuted for Penal Code 186.22(a) in the dataset were also prosecuted for other offense(s) simultaneously. The complete results are available in Appendix B.

### CONCLUSION

This factsheet analyzed patterns in arrest, prosecution, and conviction for Penal Code 186.22(a), or participation in a criminal street gang. Among other things, this analysis compared the rates that different racial groups are subjected to enforcement of participation in a criminal street gang as a percentage of their representation in the state's population.

Our findings show that Black and Hispanic people were overrepresented at every stage in the criminal process. Black and Hispanic people were more likely to be arrested, charged, and convicted of Penal Code 186.22(a), as a proportion of their representation in the state's population, as compared to white people. Prosecutors were also more likely to charge Black and Asian individuals with felony charges, where they had charging discretion for this "wobbler" offense, as compared to white individuals. Some counties had particularly high disparities in arrest rates for Penal Code 186.22(a).

There was also a significant disparity in the type of co-occurring charges for individuals arrested, prosecuted, or convicted of participation in a criminal street gang. Black people were more likely to have gun possession related offenses as their co-occurring charge, whereas white and Hispanic people were more likely to have assault with a deadly weapon or murder as their co-occurring charge.

Further research is needed to examine racial disparities in discretionary arrests and prosecution decisions in other areas, including California's gang enhancement (Penal Code 186.22(b)), and to develop appropriate policy solutions to inform policing and prosecutorial practices. California's gang enhancement (Penal Code 186.22(b) has the effect of greatly aggravating sentencing for any underlying felony, making a comprehensive analysis particularly relevant. Although the CORI data have few, and incomplete, records related to the prosecution of the gang enhancement, future studies may pursue such an analysis through direct access to the relevant prosecutorial or court data that would allow an exploration of potential racial disparities of the prosecution of this offense. This might be particularly valuable for county-level analyses since some counties might use Penal Code 186.22(b) more often than Penal Code 186.22(a). This also might explain why some counties have relatively limited cases prosecuted for Penal Code 186.22(a).

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<sup>&</sup>lt;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 arrest rates by county as long as the county population data are available in the ACS.

## Appendix A. Racial Disparities in the Arrest Rates by County

| C I            | White          | Black  | Hispanic | B-W Gap | H-W Gap |
|----------------|----------------|--------|----------|---------|---------|
| County         | $(\mathbf{A})$ | (B)    | (C)      | (B/A)   | (C/A)   |
| All Else       | 1.31           | 23.50  | 23.36    | 17.97   | 17.86   |
| Contra Costa   | 1.57           | 64.62  | 23.26    | 41.06   | 14.78   |
| Fresno         | 2.54           | 53.53  | 31.50    | 21.10   | 12.41   |
| Kern           | 17.73          | 689.23 | 159.68   | 38.86   | 9.00    |
| Kings          | 8.97           | 32.57  | 82.10    | 3.63    | 9.15    |
| Los Angeles    | 0.34           | 9.31   | 3.90     | 27.28   | 11.44   |
| Madera         | 10.71          | 39.75  | 67.00    | 3.71    | 6.25    |
| Marin          | 2.44           | 115.64 | 68.27    | 47.32   | 27.94   |
| Merced         | 12.71          | 179.52 | 90.96    | 14.13   | 7.16    |
| Orange         | 6.14           | 47.72  | 56.38    | 7.78    | 9.19    |
| Placer         | 1.93           | 51.70  | 31.08    | 26.77   | 16.09   |
| Riverside      | 1.02           | 27.44  | 7.98     | 26.92   | 7.83    |
| Sacramento     | 1.57           | 36.52  | 21.93    | 23.31   | 14.00   |
| San Bernardino | 4.81           | 83.01  | 24.75    | 17.27   | 5.15    |
| San Joaquin    | 8.59           | 61.52  | 57.78    | 7.16    | 6.72    |
| San Mateo      | 1.92           | 39.36  | 32.72    | 20.54   | 17.07   |
| Santa Barbara  | 1.48           | 32.39  | 23.08    | 21.94   | 15.63   |
| Santa Clara    | 0.69           | 14.50  | 13.43    | 20.96   | 19.42   |
| Sonoma         | 4.19           | 89.79  | 56.74    | 21.43   | 13.54   |
| Stanislaus     | 2.24           | 14.70  | 24.73    | 6.56    | 11.03   |
| Ventura        | 4.38           | 56.10  | 47.98    | 12.81   | 10.95   |
| Yolo           | 4.16           | 37.28  | 39.80    | 8.96    | 9.57    |

<sup>1</sup> The county analysis shows the results from the counties that have at least 10 prosecuted cases within each racial category. All the other counties are collapsed into the category of "All Else."



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

|                | White          | Black  | Hispanic | B-W Gap     | H-W Gap     |
|----------------|----------------|--------|----------|-------------|-------------|
| County         | $(\mathbf{A})$ | (B)    | (C)      | $(B/A)^{1}$ | $(C/A)^{1}$ |
| All Else       | 0.47           | 3.22   | 8.85     | 6.87        | 18.88       |
| Contra Costa   | 1.13           | 20.37  | 6.71     | 17.95       | 5.91        |
| Fresno         | 0.96           | 25.47  | 11.41    | 26.41       | 11.83       |
| Kern           | 12.06          | 389.58 | 105.25   | 32.31       | 8.73        |
| Kings          | 3.82           | 16.29  | 33.53    | 4.26        | 8.77        |
| Los Angeles    | 0.09           | 1.00   | 0.64     | 11.11       | 7.04        |
| Madera         | 8.24           | 32.39  | 50.53    | 3.93        | 6.13        |
| Marin          | 1.99           | 92.77  | 53.27    | 46.66       | 26.80       |
| Merced         | 2.79           | 22.78  | 19.79    | 8.16        | 7.09        |
| Orange         | 3.21           | 31.97  | 30.94    | 9.95        | 9.63        |
| Placer         | 0.74           | 32.90  | 19.04    | 44.55       | 25.79       |
| Riverside      | 0.66           | 21.37  | 5.85     | 32.58       | 8.92        |
| Sacramento     | 0.41           | 5.56   | 6.00     | 13.62       | 14.71       |
| San Bernardino | 3.57           | 50.74  | 12.92    | 14.20       | 3.61        |
| San Joaquin    | 8.50           | 73.41  | 55.67    | 8.64        | 6.55        |
| San Mateo      | 0.85           | 14.46  | 16.70    | 17.09       | 19.74       |
| Santa Barbara  | 0.83           | 19.85  | 16.14    | 23.84       | 19.37       |
| Santa Clara    | 0.45           | 12.60  | 10.10    | 28.06       | 22.49       |
| Sonoma         | 3.06           | 37.99  | 30.06    | 12.42       | 9.83        |
| Stanislaus     | 0.93           | 6.53   | 11.54    | 7.03        | 12.43       |
| Ventura        | 1.99           | 25.76  | 18.36    | 12.96       | 9.24        |
| Yolo           | 2.04           | 17.90  | 25.88    | 8.76        | 12.67       |

<sup>1</sup> The county analysis shows the results from the counties that have at least 10 prosecuted cases within each racial category. All the other counties are collapsed into the category of "All Else."



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. Analysis of Co-Occurring Charges

|          | Table B-1. Top 20 Charges That Most Frequency Occur with Criminal Gang Activities Accused at Arrest by Race |      |            |                              |      |          |   |      |  |
|----------|---|------|------------|------------------------------|------|----------|---|------|--|
| White    |   |      | Black      |                              |      | Hispanic |   |      |  |
|          | Penal Code %  |      | Penal Code |                              | 0/02 |          | Penal Code                              |      |  |
| 245 PC   | Assault w/a Deadly Weapon   | 10.1 | 25850 PC   | Carrying a Loaded Firearm    | 6.19 | 245 PC   | Assault w/ a Deadly Weapon              | 9.12 |  |
| 187 PC   | Murder  | 3.77 | 12031 PC   | Carrying a Loaded Firearm    | 5.79 | 187 PC   | Murder                                  | 4.46 |  |
| 211 PC   | Robbery   | 3.31 | 245 PC     | Assault w/ a Deadly Weapon   | 4.75 | 148 PC   | Resisting Arrests                       | 3.45 |  |
| 496 PC   | Receiving Stolen Property   | 3.27 | 25400 PC   | Carry. a Concealed Weapon    | 4.63 | 12031 PC | Carry. a Concealed Weapon               | 3.41 |  |
| 594 PC   | Vandalism   | 2.96 | 29800 PC   | Possess. of Fire. by a Felon | 4.40 | 594 PC   | Vandalism                               | 3.32 |  |
| 12021 PC | Possess. of Fire. by a Felon  | 2.96 | 12021 PC   | Possess. of Fire. by a Felon | 4.02 | 211 PC   | Robbery                                 | 3.32 |  |
| 422 PC   | Criminal Threats  | 2.96 | 12025 PC   | Carry. a Concealed Weapon    | 3.90 | 25850 PC | Carrying a Loaded Firearm               | 3.29 |  |
| 11378 HS | Possession of CS for Sales <sup>3</sup>   | 2.76 | 11351 HS   | Possess. of Narc. for Sales  | 3.77 | 12021 PC | Possess. of Fire. by a Felon            | 3.08 |  |
| 29800 PC | Possess. of Fire. by a Felon  | 2.74 | 496 PC     | Receiving Stolen Property    | 3.69 | 496 PC   | Receiving Stolen Property               | 3.03 |  |
| 148 PC   | Resisting Arrests   | 2.62 | 148 PC     | Resisting Arrests            | 3.62 | 29800 PC | Possess. of Fire. by a Felon            | 2.96 |  |
| 25850 PC | Carrying a Loaded Firearm   | 2.62 | 187 PC     | Murder                       | 3.47 | 25400 PC | Carry. a Concealed Weapon               | 2.91 |  |
| 10851 VC | Unlawful Taking of a Vehicle  | 2.60 | 459 PC     | Burglary                     | 3.03 | 12025 PC | Carry. a Concealed Weapon               | 2.91 |  |
| 12020 PC | Unlaw. Possess. of a Weapon   | 2.54 | 211 PC     | Robbery                      | 2.86 | 11378 HS | Possession of CS for Sales <sup>3</sup> | 2.89 |  |
| 12031 PC | Carrying a Loaded Firearm   | 2.43 | 212 PC     | Robbery                      | 2.61 | 10851 VC | Unlawful Taking of a Vehicle            | 2.17 |  |
| 11377 HS | Possession of Meth.   | 2.39 | 3056 PC    | Parole Violation             | 2.54 | 12020 PC | Unlaw. Possess. of a Weapon             | 2.14 |  |
| 25400 PC | Carry. a Concealed Weapon   | 2.28 | 11359 HS   | Possess. of Mari. for Sales  | 2.50 | 422 PC   | Criminal Threats                        | 2.08 |  |
| 459 PC   | Burglary  | 1.98 | 30305 PC   | Felon in Possess. of Ammu.   | 2.50 | 11377 HS | Possession of Meth.                     | 2.07 |  |
| 11379 HS | Sale or Transport. of Meth.   | 1.85 | 460 PC     | Residential Burglary         | 1.87 | 30305 PC | Felon in Possess. of Ammu.              | 1.82 |  |
| 3056 PC  | Parole Violation  | 1.68 | 422 PC     | Criminal Threats             | 1.57 | 459 PC   | Burglary                                | 1.72 |  |
| 12025 PC | Carry. a Concealed Weapon   | 1.66 | 12316 PC   | Carry. a Fire. and/or Amm.   | 1.47 | 3056 PC  | Parole Violation                        | 1.69 |  |

## Table B-1. Top 20 Charges That Most Frequently Occur with Criminal Gang Activities Accused at Arrest by Race<sup>1</sup>

<sup>1</sup> The table lists the 20 offenses that most frequently occur with criminal gang activities charges (California Penal Code Subsection 186.22(A)) in the same arrest by race, excluding Criminal Conspiracy (California Penal Code 182).

<sup>2</sup> The percentage was calculated by the number of the co-appearing charges with the focal penal code section divided by the number of all co-occurring charges after excluding PC 182 from the analysis. For example, among white individuals, 10.1% of all the charges that appeared with 186.22(A) are Assault with a Deadly Weapon (California Penal Code 245), after excluding PC 182 from the analysis.

<sup>3</sup> CS refers to controlled substance.

|          | White                         | ist Prequent | Black    |                               |      | Hispanic   |                               |      |  |
|----------|-------------------------------|--------------|----------|-------------------------------|------|------------|-------------------------------|------|--|
|          | Penal Code % <sup>2</sup>     |              |          |                               | 0/02 | Penal Code |                               | 0/02 |  |
| 245 PC   | Assault w/ a Deadly Weapon    | 16.9         | 245 PC   | Assault w/ a Deadly Weapon    | 10.2 | 245 PC     | Assault w/ a Deadly Weapon    | 15.1 |  |
| 211 PC   | Robbery                       | 3.49         | 12031 PC | Carrying a Loaded Firearm     | 4.92 | 12021 PC   | Possess. of Fire. by a Felon  | 3.74 |  |
| 11378 HS | Possess. of a CS for Sales    | 3.44         | 211 PC   | Robbery                       | 4.63 | 211 PC     | Robbery                       | 3.52 |  |
| 12021 PC | Possess. of Fire. by a Felon  | 3.36         | 25850 PC | Carrying a Loaded Firearm     | 4.54 | 11378 HS   | Possess. of a CS for Sales    | 3.45 |  |
| 496 PC   | Receiving Stolen Property     | 3.21         | 12021 PC | Possess. of Fire. by a Felon  | 4.40 | 29800 PC   | Possess. of Fire. by a Felon  | 3.17 |  |
| 594 PC   | Vandalism                     | 2.86         | 29800 PC | Possess. of Fire. by a Felon  | 4.40 | 187 PC     | Murder                        | 2.90 |  |
| 422 PC   | Criminal Threats              | 2.80         | 11351 HS | Possess. of Narc. for Sales   | 4.24 | 496 PC     | Receiving Stolen Property     | 2.84 |  |
| 187 PC   | Murder                        | 2.68         | 459 PC   | Burglary                      | 4.15 | 148 PC     | Resisting Arrests             | 2.75 |  |
| 12020 PC | Unlaw. Possess. of a Weapon   | 2.63         | 496 PC   | Receiving Stolen Property     | 3.15 | 12031 PC   | Carrying a Loaded Firearm     | 2.68 |  |
| 11379 HS | Sale or Trans. of Meth.       | 2.52         | 187 PC   | Murder                        | 2.94 | 10851 VC   | Unlaw. Driv. of a Veh.        | 2.48 |  |
| 10851 VC | Unlaw. Driv. of a Veh.        | 2.40         | 11359 HS | Possess. of Marij. for Sales  | 2.91 | 594 PC     | Vandalism                     | 2.35 |  |
| 29800 PC | Possess. of Fire. by a Felon  | 2.40         | 212 PC   | Robbery                       | 2.86 | 422 PC     | Criminal Threats              | 2.33 |  |
| 148 PC   | Resisting Arrests             | 2.39         | 148 PC   | Resisting Arrests             | 2.80 | 12020 PC   | Unlaw. Possess. of a Weapon   | 2.25 |  |
| 459 PC   | Burglary                      | 2.27         | 11352 HS | Sale or Trans. of a CS        | 2.53 | 25850 PC   | Carrying a Loaded Firearm     | 2.16 |  |
| 11377 HS | Possess. of Meth.             | 2.15         | 246 PC   | Shoot. at Dwelling or Vehicle | 2.28 | 11379 HS   | Sale or Trans. of Meth.       | 2.15 |  |
| 136 PC   | Diss. a Witness or Victim     | 1.91         | 460 PC   | Residential Burglary          | 2.23 | 246 PC     | Shoot. at Dwelling or Vehicle | 2.13 |  |
| 11359 HS | Possess. of Mari. for Sales   | 1.68         | 25400 PC | Carry. a Concealed Weapon     | 2.06 | 459 PC     | Burglary                      | 1.83 |  |
| 11370 HS | Poss. of a CS While Armed     | 1.53         | 422 PC   | Criminal Threats              | 1.89 | 664/187    | Attempted Murder              | 1.70 |  |
| 12031 PC | Carry. a Loaded Firearm       | 1.46         | 11378 HS | Possess. of a CS for Sales    | 1.61 | 12025 PC   | Carry. a Concealed Weapon     | 1.65 |  |
| 246 PC   | Shoot. at Dwelling or Vehicle | 1.38         | 664/187  | Attempted Murder              | 1.58 | 25400 PC   | Carry. a Concealed Weapon     | 1.54 |  |

## Table B-2. Top 20 Charges That Most Frequently Occur with Criminal Gang Activities Accused at Prosecution by Race<sup>1</sup>

<sup>1</sup> The table lists the 20 prosecuted offenses that most frequently occur with criminal gang activities charges (California Penal Code Subsection 186.22(A)) prosecuted in the same case by race, excluding Criminal Conspiracy (California Penal Code 182).

<sup>2</sup> The percentage was calculated by the number of the co-appearing charges with the focal penal code section divided by the number of all co-occurring charges after excluding PC 182 from the analysis.

<sup>3</sup> CS refers to controlled substance.