Racial Disparities in Arrests in Santa Clara County, California, 1980-2019

Sophia Hunt, Micayla Bozeman, and Matthew Clair

Abstract: This report examines racial/ethnic disparities in arrests in Santa Clara County, California, from 1980 to 2019. Over the past forty years, felony and misdemeanor arrest rates have declined for all racial groups, but racial disparities have persisted and, in some cases, increased. Black residents, though a small percentage of the population, are disproportionately susceptible to being arrested. In the 2010s, the Black arrest rate was 5.4 times the White arrest rate—the highest Black-White ratio in arrest rates observed over the four decades. Nevertheless, as overall arrest rates declined over this period, the absolute difference between Black and White arrest rates substantially narrowed. Hispanic residents are also disproportionately arrested, but to a lesser degree than Black residents. Racial/ethnic disparities are most pronounced with respect to felony arrests; the Black-White ratio in felony arrest rates peaked at 7.2 in the 1980s and declined to 6.6 in the 2010s. Racial/ethnic disparities also exist, to a lesser degree, with respect to misdemeanor arrests. We find small racial differences in arrest dispositions (or, what law enforcement does with a person following arrest). However, it is noteworthy that, across all four decades, Black and Hispanic felony arrests are slightly more likely than White felony arrests to result in release due to “insufficient grounds to file a complaint.” This pattern could suggest that law enforcement officers are more likely to arrest Black and Hispanic residents for reasons that law enforcement entities later determine do not rise to the level sufficient for filing a complaint with the District Attorney’s Office.

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Introduction

Law enforcement entities in Santa Clara County, California, have publicly committed to reducing racial disparities in the county’s criminal legal system. For instance, following the murder of George Floyd, the District Attorney’s Office published its fourth report on “Race and Prosecutions.” In their report, DA Jeff Rosen wrote: “Prosecutors, police officers, and, of course, this District Attorney need to ask ourselves if we are a part—intentionally or not—in these destructive and despicable racial injustices.” Police departments have also publicly committed to certain reforms. For example, the San Jose Police Department (SJPD), according to Chief Anthony Mata, has taken “numerous positive steps” intended to reform the department in line with recommendations outlined in President Barack Obama’s 2015 Task Force on 21st Century Policing. Specifically, the SJPD reports that it has worked on addressing racial disparities by participating in a Fair & Impartial Policing Training, a Force Analysis Study on force incidents and racial disparities, and a 2017 study on racial and ethnic disparities in traffic and pedestrian stops.

To better inform policymakers and the public about the history and present of racial disparities in the county’s criminal legal system, this report examines racial/ethnic disparities in arrests in Santa Clara County from 1980 to 2019. We analyze data from the California Department of Justice and the U.S. Census Bureau to describe arrest counts, arrest rates, and arrest dispositions in the county and to estimate racial/ethnic disparities in arrest rates and arrest dispositions. While these analyses provide important estimates of the extent of racial disparities in policing in the county over the period of “mass criminalization” (Clair 2020, p. 10; Small 2014), the data in this report cannot assess the causes of such disparities. Existing research from jurisdictions across the country suggests that racial disparities in policing emerge from several interacting sources, including: (1) differential treatment by police who target marginalized communities of color due to implicit biases, racialized departmental policies, and/or explicit racism; (2) differences in criminalized behavior between racial/ethnic groups due to historical and contemporary forms of racial discrimination; and (3) differences in criminalized behavior between racial/ethnic groups due to social statuses associated with both race/ethnicity and criminalized behavior, such as age (see Beck 2019; Clair 2020, chapter 1; Lynch et al. 2013; Massey 1994; Nellis 2016; Tonry 1995). The racial disparities described in this report likely emerge from some combination of these same sources.

We find several important facts and trends about arrests over the last four decades, including:

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2 “Race and Prosecutions: 2020 Update.” A Report of the Santa Clara County District Attorney’s Office. https://countyda.sccgov.org/sites/g/files/ezcbwb2112/files/Race%20and%20Prosecutions%202020%20Update.pdf Accessed September 12, 2022.

3 “21st Century Policing.” https://www.sjpd.org/about-us/organization/office-of-the-chief-of-police/21st-century-policing Accessed September 12, 2022.
• The arrest rate in the county was highest in the 1980s, when the average arrest rate per year was 5,482 arrests per 100,000 residents.
• In the 2010s, the average annual arrest rate was 2,198 arrests per 100,000 residents, which constitutes a 60 percent decrease in the arrest rate from the 1980s to the 2010s.
• In every decade since the 1980s, White residents are underrepresented in the share of total arrests, whereas Black and Hispanic residents are overrepresented.
• Black-White ratios in arrest rates increased from the 1980s to the 1990s, and then remained relatively stable over the following decades.
• The absolute difference in Black-White arrest rates increased from the 1980s to the 1990s, and then decreased considerably over the following decades.
• The Black arrest rate in the 2010s was higher than both the White and Hispanic arrest rates in the 1980s.
• In the 2010s, the Black arrest rate was 5.4 times the White arrest rate.
• In the 2010s, the Hispanic arrest rate was 2.1 times the White arrest rate.
• Black-White and Hispanic-White disparities are starkest with respect to felony arrests. The Black-White ratio in felony arrest rates peaked at 7.2 in the 1980s, whereas the Hispanic-White ratio in felony arrest rates peaked at 3.0 in the 1990s.
• Across the four decades, Black and Hispanic felony arrests are slightly more likely than White felony arrests to result in release due to “insufficient grounds to file a complaint.”

Throughout the report, we discuss what these facts and trends suggest about the racialized nature of policing in Santa Clara County over past forty years.

Data and Methods

The arrest and arrest disposition data come from OpenJustice, a platform that provides access to downloadable data on the California criminal legal system through its Open Data Portal. The Open Data Portal “publishes raw data from the California Department of Justice’s statewide repository of criminal justice datasets.” 4 Arrest disposition data include aggregated arrest counts by year (currently 1980-2021), county, gender (male and female), race/ethnicity (Black, Hispanic, Other, and White), arrest disposition, age, and arresting charge type. To interpret these data elements and their values, we relied on the June 2021 revised version of the “Arrests/Arrest Dispositions” codebook available on the OpenJustice website.

This report analyzes arrest counts, arrest rates, arresting charge types, and arrest dispositions by race/ethnicity over the years 1980 to 2019 in Santa Clara County, California. Arrest counts are

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4 “Attorney General Kamala D. Harris Launches First-of-its-Kind Criminal Justice Open Data Initiative.” Press Release, Wednesday, September 2, 2015. https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-launches-first-its-kind-criminal-justice-open Accessed September 6, 2022.
simply the number of arrests in each year. People can be arrested more than once in any given year, so this should not be mistaken for the number of people arrested. Arresting charge types in the data include "violent," "property," "drug," and "sex" offenses. In addition, the arresting charge types are grouped into felony, misdemeanor, and status offenses. For our analyses, we focus on felony and misdemeanor arrest charges. We do not include an analysis of status offenses, as they are crimes that can only be committed by juvenile offenders (e.g., truancy). Arrests of people under the age of 18 still appear in our analysis if the child is arrested for a felony or misdemeanor (rather than a status offense). Arrest dispositions include "To Other Agency," "Released," "Complaint Sought," "Within Department," and "Juvenile Probation." The latter two dispositions apply only to juveniles arrested: "Within Department" indicates that the juvenile was not referred to juvenile court and did not face formal charges; "Juvenile Probation" indicates that the juvenile was referred to juvenile court and/or probation. "To Other Agency" can apply to both adults and juveniles, indicating that the arrested person was held for another law enforcement agency. "Complaint Sought," which we will see is the most common arrest disposition, applies only to adults and indicates that the arrested person was referred to the District Attorney’s Office for criminal prosecution. "Released" applies only to adults and indicates that the arrested person was released due to "insufficient grounds to file a complaint" (Penal Code section 849(b)). Race/ethnicity are categorized into four groups in the data: Black, Hispanic, Other, and White. Although we cannot be certain, we suspect that most of the “Other” category consists of Asian people, who are not separately classified in the data but who currently make up more than a third of the county’s population. Indeed, our ethnographic observations of the Hall of Justice, a courthouse in San Jose, California, from 2021-2022 suggest that a meaningful number of criminal defendants in Santa Clara County are Asian (Duarte, Hunt, and Clair 2022; Hunt, Nmai, and Clair 2022).

We compare the racial/ethnic composition of the various arrest outcomes in Santa Clara County to the racial/ethnic composition of the county’s general population in each decade. The decennial data on the population and demographics of Santa Clara County come from the U.S. Census Bureau. Since the ACS Census Yearly and 5-Year estimates do not go back to 1980, using the mid-points of each decade is not possible to calculate the average population for a decade. As a result, we calculated the population for each decade by averaging population estimates in the first year of

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5 We compare arrests to the entire general population in the county of all ages rather than any predetermined “at risk”-aged population. Over the period of our analysis, the state’s treatment of juveniles who engaged in criminalized behavior changed. In 2018, the state passed a law to substantially limit the extent to which children under 12 could be prosecuted in juvenile court and arrested (see Senate Bill 439). This law, however, would only apply to one year (2019) in our data. Prior to this date, state law enforcement agencies were legally authorized to arrest children, even those under the age of 12. Unfortunately, we do not have data on the youngest age of people arrested in Santa Clara County in any given year; the data do not provide detail beyond “Under 18” in the age category. Thus, rather than determine an arbitrary age cut-off in our comparisons, we assume the general population is vulnerable to arrest.
each decade, when decennial Census estimates are available. For example, for the 1980s, we added the Total Population in Census 1980 and Census 1990 and then divided by two to create an average 1980s population estimate. The same method was used to calculate the racial/ethnic demographic estimates in each decade. Racial classifications vary over time period in the Census data, and OpenJustice data use only four racial/ethnic classifications: White, Black, Hispanic, and Other. When describing the racial/ethnic demographics of the county alone, we include Asian as a racial classification when possible and when consistently used across Censuses. Unfortunately, we cannot estimate arrest rates for Asians, given the absence of this racial category in the OpenJustice data.

**Demographic Overview of Santa Clara County, California, 1980-2019**

Santa Clara County is a racially diverse county in the Bay Area of Northern California. It is perhaps best known as the heart of Silicon Valley, and it is where Stanford University and notable high-technology companies (such as Google) are located. San Jose is the largest city in the county with a population of just over 1 million residents. The county’s population has grown and diversified over the past forty years. While the county is increasingly racially diverse and wealthy, it is also racially and socio-economically unequal (Jiménez 2017). We summarize the demographic characteristics of the county before describing racial disparities in arrest.

In the 1980s, Santa Clara County averaged 1,396,324 residents. By the 2010s, the population increased to an average of 1,858,951 residents, nearing two million (1,936,259) residents in 2020. As the county’s population has grown, its racial and ethnic composition has changed considerably. In the 1980s, White residents made up over 60 percent of the population, but by the 2010s, the proportion of White residents decreased to slightly over 30 percent of the population. Figure 1 shows that the share of Hispanic and “Other” (which constitutes mostly Asian residents in the 1980s and 1990s) residents increased substantially over time. During the 1980s, Hispanic residents comprised approximately 19 percent of the population, yet by the 2010s, they comprised over 25 percent of the population. In the 2010s, Asian residents comprised the plurality of the population at

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6 Decennial Census population estimates were downloaded from Social Explorer (socialexplorer.com). For 2020, we use the Census 2020 - PL94 Redistricting Data from Social Explorer.

7 Non-Hispanic “Asian Alone” is a Census classification beginning in the 2000 Census. In the 1980 Census, Non-Hispanic Asian people were grouped into a racial category of “Asian, Pacific Islander, American Indian, Eskimo, Aleut.” We therefore can provide consistent and comparable estimates of Asians only in the 2000s and 2010s.

8 We do not display average population estimates for Asian residents in the 1980s and the 1990s because the 1980, 1990, and 2000 Censuses used inconsistent, noncomparable categories to classify Asian residents. American Indians were also classified in inconsistent, noncomparable ways across Censuses. In the 2020 Census, American Indians constitute 0.2 percent of the county’s population.
35.5 percent. The percentage of Black residents, which was always small, decreased slightly over the four decades (from 3.4 percent in the 1980s to 2.3 percent in the 2010s).

Below, we analyze these demographic shifts in Santa Clara County alongside the presence of the county’s criminal legal system, as measured by arrest rates and dispositions.

**Findings**

*Arrests, Arrest Rates, and Arresting Charge Composition*

From the 1980s to the 2010s, the number of arrests made in Santa Clara County increased slightly and then considerably decreased (see Table A1 in the appendix). The total number of arrests made in the 1980s was 765,410. Arrests peaked in the 1990s to 789,734. By the 2010s, the number of arrests was 408,615, a 48 percent decrease from the 1990s. Over this period, however, the population of the county increased. Therefore, the arrest rate decreased even more than the number of arrests. Although the number of arrests in the county peaked in the 1990s, the arrest rate was higher in the 1980s (54,816 arrests per 100,000 residents in the 1980s versus 49,666 arrests per 100,000 residents in the 1990s). In the 1980s, the average arrest rate per year was 5,482 arrests per 100,000 residents. In the 2010s, the average arrest rate per year was 2,198 arrests per 100,000 residents. This constitutes a 60 percent decrease in the arrest rate from the 1980s to the 2010s.
Much of this decrease can be attributed to a considerable drop in misdemeanor arrests over the last four decades; a decline in misdemeanor arrests has also been observed across the country over more recent time periods (see Beck and Holder 2022; Stevenson and Mayson 2018). The number of misdemeanor arrests in Santa Clara County fell 53 percent between the 1980s and 2010s, whereas felony arrests decreased by 25 percent over this same period. Figure 2 visualizes this trend, showing how the composition of arrests changed over four decades. Whereas misdemeanor arrests declined consistently over this period, felony arrests increased between the 1980s and 1990s (alongside the total number of arrests) before decreasing between the ‘90s and 2010s. Between the 1980s and 2010s, the share of misdemeanors declined as the share of felonies increased. Misdemeanor arrests—despite declining from 78.3 percent of total arrests (in the 1980s) to 69.4 percent of total arrests (in the 2010s)—continue to constitute the bulk of arrests in the county (see Figure A1 in the appendix).

Changes in arresting charge counts and compositions from the 1980s to the 2010s do not necessarily reflect changes in the underlying prevalence of certain kinds of criminalized behavior in the county for a couple reasons. First, research has routinely demonstrated that arrest counts and rates are shaped by changes in policing practices and social understandings, not just changes in
criminalized behavior. Second, from the 1980s to the 2010s, the county and the State of California made impactful changes to the way the legal system not only policed but also classified and reported certain criminalized behaviors and arrests. For instance, in 2005, miscellaneous misdemeanor traffic violations were no longer recorded. In the 2010s, several classificatory changes—such as Proposition 47 (2014)—occurred. Some of these classificatory changes re-classified felonies to misdemeanors, whereas others re-classified misdemeanors as infractions. These divergent classificatory changes make comparison between decades complicated. At the same time, we find decade-by-decade comparisons of arrest rates and arresting charge composition meaningful in offering insight into how the county has chosen to manage criminalized behaviors in different ways across time. In sum, it appears that, over the last forty years, the county has considerably decreased its use of arrests as a form of social control and it has gradually (albeit only slightly) shifted its policing power away from behaviors classified as less-serious offenses (i.e., misdemeanors) and toward those classified as more-serious offenses (i.e., felonies).

**Racial/Ethnic Disproportionality in Arrests**

The demographics of Santa Clara County, as described above, shifted from a White majority to a non-White majority between 1980 and 2019. At the same time, the racial composition of arrests changed in similar yet racially disproportionate ways (see Table A2 in the appendix). White residents during the 1980s were a plurality of felony (44 percent) and a bare majority of misdemeanor (51 percent) arrests. By the 2010s, White people constituted only 25 percent of felony arrests and 29 percent of misdemeanor arrests. A quick comparison of Figure 1 to figures 3 and 4 reveals that White residents have been consistently underrepresented compared to their share of the population in both felony and

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9 Sexual assault is often underreported, as are other behaviors that could result in arrest; reporting rates could vary across time, location, and racial/ethnic group. Moreover, we examined reported crime from the San Jose Police Department (the main law enforcement entity in the county) over the period 1985-2019 using the FBI’s Crime Data Explorer. While the number of violent crimes reported to the FBI by Santa Clara County law enforcement agencies appears to follow a similar pattern as the number of felony arrests, the number of property crimes reported does not mirror the number of misdemeanor or felony arrests. In the 2000s, the number of reported property crimes flatlines and, by the 2010s, slightly increases. Meanwhile, the number of misdemeanor and felony arrests in the county decreases over this period. This is not a perfect comparison (some property crimes are classified as felonies, whereas some violent crimes are classified as misdemeanors), but it suggests that arrests and reported crimes (much less underlying criminalizable behavior) do not always align.

10 Felonies are considered more-serious crimes than misdemeanors. In California, according to the Office of the Attorney General’s “Report on Drug Arrests in California, from 1990 to 1999,” a felony is “Defined as a crime which is punishable by death or by imprisonment in a state prison,” whereas a misdemeanor is “a crime punishable by imprisonment in a county jail for up to one year” (p. 6). 
https://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/drugarrests-full-report.pdf Accessed September 11, 2022.
misdemeanor arrests throughout the decades. Figures 3 and 4 respectively display the racial composition of felony and misdemeanor arrests in the county over time. Both figures show how the share of White arrests decreased while the share of Hispanic arrests, most noticeably, increased.
To better represent the racial disproportionality of arrests in Santa Clara County, we compare the racial/ethnic compositions of felony arrests and misdemeanor arrests to the proportion of White, Black, Hispanic, and “Other” residents in the county’s population (see Table A3 in the appendix). Figures 5-8 display racial disproportionality by decade. In each of the four decades, White and “Other” residents are underrepresented in the share of arrests compared to the racial/ethnic composition of Santa Clara County residents, whereas Black and Hispanic residents are overrepresented.

![Figure 5. Racial Disproportionality of Arrests in Santa Clara County, CA from 1980-1989 by Race/Ethnicity](image_url)
Figure 6. Racial Disproportionality of Arrests in Santa Clara County, CA from 1990-1999 by Race/Ethnicity

Figure 7. Racial Disproportionality of Arrests in Santa Clara County, CA from 2000-2009 by Race/Ethnicity
From these figures, we highlight a few facts and trends. First, across each of the decades, Black people, though few in number, are strikingly disproportionately overrepresented among arrests. The proportion of Black felony arrests is consistently about four times the proportion of Black people in the population, and the proportion of Black misdemeanor arrests is consistently three or more times greater than the proportion of Black people the population. Second, Hispanic people are also overrepresented across all four decades but to a lesser degree than Black people. For Hispanic people, the proportion of felony and misdemeanor arrests is at around 1.5-2 times greater than the proportion of the population during each of the decades. In the 2010s, Hispanic people constituted, for the first time, the majority of felony arrests in the county. Third, like White people, racially “Other” people are underrepresented in arrests compared to their share of the population. A notable difference between “Other” and White trends is that, over time, the proportion of White arrests gets closer to matching the proportion of White residents, whereas “Other” residents become even more underrepresented compared to their proportion of the population by the 2010s.

Another way to describe racial/ethnic disparities is to calculate and compare the arrest rate for each race/ethnicity. The average annual arrest rate (including both misdemeanor and felony arrests) for each decade by race/ethnicity is as follows. For Black residents, the average annual arrest rate in each decade was 17,743 per 100,000 (1980s), 18,496 per 100,000 (1990s), 13,956 per 100,000 (2000s), and 10,468 per 100,000 (2010s). For White residents, the average annual arrest rate in each decade was 4,230 per 100,000 (1980s), 3,540 per 100,000 (1990s), 2,667 per 100,000
(2000s), and 1,931 per 100,000 (2010s). For Hispanic residents, the average annual arrest rate in each decade was 9,783 per 100,000 (1980s), 9,516 per 100,000 (1990s), 6,720 per 100,000 (2000s), 4,126 per 100,000 (2010s). From the 1980s to the 1990s, the absolute difference between Black-White and Hispanic-White arrest rates increased, whereas from the 1990s to the 2010s, these gaps narrowed substantially. The absolute difference between Black and White average annual arrest rates from the 1990s to the 2010s, for example, narrowed by 6,419 arrests per 100,000 residents.

As arrests declined overall from the 1980s to the 2010s, the Black arrest rate declined the most over this period: 7,275 fewer Black arrests per 100,000; 5,657 fewer Hispanic arrests per 100,000; and 2,299 fewer White arrests per 100,000. Yet, the Black arrest rate in the 2010s was higher than both the White and Hispanic arrest rates in the 1980s.

We summarize total arrest rate ratios and felony arrest rate ratios of Black and Hispanic residents relative to White residents in Figure 9 and Figure 10. These ratios reveal several important facts about the way arrests have been, and continue to be, disproportionately levied against Black and Hispanic residents compared to White residents. First, Black-White arrest rate ratios increased from the 1980s to the 1990s and then remained relatively stable over the following three decades. In the 1980s, the Black arrest rate was 4.2 times the White arrest rate. In the 1990s, that number shot up to 5.2. The arrest rate for Black people in Santa Clara County (but not for White or Hispanic people) increased in the 1990s. In the 2010s, the Black arrest rate in the county was 5.4 times the White arrest rate—the highest Black-White ratio in total arrest rates observed over the four decades.

Second, Black-White disparities are more severe than Hispanic-White disparities. Hispanic-White arrest rate ratios over the four decades were fairly stable; the Hispanic arrest rate was 2.3 times the White arrest rate in the 1980s and 2.1 times the White rate in the 2010s. The Hispanic-White arrest rate ratio peaked at 2.7 in the 1990s. Third, when we look only at felony arrests, we see even starker racial disparities. The Black-White ratio in felony arrest rates peaked at 7.2 in the 1980s, and the Hispanic-White ratio in felony arrest rates peaked at 3.0 in the 1990s. In the 2010s, those ratios were 6.6 and 2.5, respectively.

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11 The average annual felony arrest rate for Black residents was 5,938 per 100,000 in the 1980s, 6,070 per 100,000 in the 1990s, 4,865 per 100,000 in the 2000s, and 3,470 per 100,000 in the 2010s. For White residents, the average annual felony arrest rate in each decade was 822 per 100,000 (1980s), 888 per 100,000 (1990s), 753 per 100,000 (2000s), and 524 per 100,000 (2010s). For Hispanic residents, the average annual felony arrest rate in each decade was 2,083 per 100,000 (1980s), 2,654 per 100,000 (1990s), 2,120 per 100,000 (2000s), and 1,325 per 100,000 (2010s).
Figure 9. Total Arrest Rate Ratio (Relative to White Rate) in Santa Clara County, CA by Decade from 1980-2019

Figure 10. Felony Arrest Rate Ratio (Relative to White Rate) in Santa Clara County, CA by Decade from 1980-2019
Racial/Ethnic Disproportionality in Arrest Dispositions

Following arrest, law enforcement agencies in Santa Clara County treat arrested people in different ways. The different ways they “dispose” of arrested people are categorized into five possible dispositions, as described and defined above in the Data and Methods section. We describe these dispositions across the four decades and examine differences by race/ethnicity.

We begin with felony arrests. Between 1980 and 2019, most felony arrests in each decade (more than 60 percent across all racial groups) resulted in a complaint being sought (see Table A4 in the appendix). As a reminder, juveniles cannot be classified within the “Complaint Sought” disposition. Thus, when we consider adult arrests alone, an even higher percentage resulted in a complaint being sought. For juveniles, the analogous disposition to “Complaint Sought” would be “Juvenile Probation,” which indicates that the arrested child was referred either to the probation department or to juvenile court. “Released” (for adults only) and “Within Department” (for juveniles only) are analogous dispositions suggesting that the arrested person was not formally charged following arrest. In sum, it is far more common for felony arrests of both juveniles and adults to result in further criminal legal system involvement than not result in further involvement.

Figures 11-14 visualize the conversion of felony arrests by race/ethnicity for each decade, excluding “Within Department” and “Juvenile Probation” dispositions. Thus, these figures focus on dispositions almost exclusively for adults, with the exception of “Other Agency,” which could include juveniles. Narrowing in on felony arrests that involve mostly adults, we observe few meaningful differences in arrest dispositions by race/ethnicity overall. However, there are two small patterns of note. First, across the four decades, Black and Hispanic felony arrests are slightly more likely than White felony arrests to result in release. This pattern could suggest that law enforcement entities in the county are slightly more likely to arrest Black and Hispanic residents for reasons that they later determine do not rise to the level sufficient for filing a complaint. This pattern also suggests that there is a slight decrease in racial disparities in felonies as cases move from arrest to complaint filing with the District Attorney’s Office; White felony arrests are slightly more likely than Black and Hispanic felony arrests to result in a complaint being sought. Second, in the 2010s, there was a meaningful increase in the proportion of felony arrests that resulted in release for all racial/ethnic groups and, concomitantly, a decrease in felony arrests resulting in a complaint being sought. For example, 86 percent of Black felony arrests among mostly adults resulted in a complaint being sought in the 2000s compared to 78 percent in the 2010s.
Figure 11. Conversion of Felony Arrests (Adult and Other Agency Only) in Santa Clara County, CA by Race/Ethnicity, 1980-1989

Figure 12. Conversion of Felony Arrests (Adult and Other Agency Only) in Santa Clara County, CA by Race/Ethnicity, 1990-1999
Last, we look at misdemeanor arrest dispositions. Here we similarly observe that, like felony arrests, misdemeanor arrests most often result in a complaint being sought (see Table A5 in the appendix). Figures 15-18 narrow in on misdemeanor arrest dispositions that involve mostly adults. Overall, we
again observe few meaningful differences by race/ethnicity. As with felony arrests, there are slight differences in each racial/ethnic group’s misdemeanor arrests resulting in a release versus a complaint being sought. However, unlike with felony arrests, racial/ethnic differences in misdemeanor arrest dispositions are inconsistent across the four decades. In the 1980s and 1990s, Black and Hispanic misdemeanor arrests are slightly more likely to result in release compared to White misdemeanor arrests. This pattern mirrors the pattern observed with felony arrests. However, in the 2000s and 2010s, we observe the opposite pattern: White misdemeanor arrests are slightly more likely to result in release compared to Black and Hispanic misdemeanor arrests. In addition, in the 2010s, Hispanic misdemeanor arrests were more likely than arrests among all other racial/ethnic groups (and more likely than arrests among Hispanics in prior decades) to result in the arrested person being held for another law enforcement agency.\(^\text{12}\)

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\(^{12}\) The “To Other Agency” category is defined by the OpenJustice codebook as “an arrest made on another law enforcement agency’s warrant, with no local charges, and the subject is being held for the other agency.” We therefore speculate, but cannot be certain, that some of this pattern among Hispanic arrests in the 2010s could be due to law enforcement agencies in the county holding Hispanic immigrants over for Immigration and Customs Enforcement (ICE). However, several law enforcement agencies in the county have publicly denied collaborating with ICE over this period.
Figure 16. Conversion of Misdemeanor Arrests (Adult and Other Agency Only) in Santa Clara County, CA by Race/Ethnicity, 1990-1999

Figure 17. Conversion of Misdemeanor Arrests (Adult and Other Agency Only) in Santa Clara County, CA by Race/Ethnicity, 2000-2009
Conclusion

Over the last forty years, racial/ethnic disparities in arrests have been a durable feature of the Santa Clara County, California, criminal legal system. Black-White and Hispanic-White disparities have persisted and, in some cases, slightly increased over the four-decade period. In particular, the Black-White racial disparity is starkest, especially with respect to felony arrests. Nevertheless, as overall arrest rates substantially declined over this period, the absolute difference between Black and White arrest rates narrowed. Even as the Black-White ratio in arrests has slightly increased over the last forty years, Black residents benefited most from the overall decline in arrests given the high Black arrest rate in the ‘80s and ‘90s. Still, the Black arrest rate in the 2010s was higher than both the White and Hispanic arrest rates in the 1980s. With respect to arrest dispositions, we observed a notable decrease, in the 2010s, in felony arrests resulting in a complaint being sought. Overall, there were few meaningful differences in arrest dispositions by race/ethnicity, but among felony arrests, we observed that Black and Hispanic arrests are slightly more likely than White arrests to result in release due to “insufficient grounds to file a complaint.” We suspect that we observe this pattern because law enforcement officers are more likely to arrest Black and Hispanic residents for reasons that law enforcement entities later determine do not rise to the level sufficient for filing a complaint with the District Attorney’s Office.
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## Appendix

**Table A1. Arrests in Santa Clara County, CA by Decade from 1980-2019**

| Decade     | Felony Arrests | Misdemeanor Arrests | Total |
|------------|----------------|----------------------|-------|
| 1980-1989  | 166,088        | 599,322              | 765,410 |
| 1990-1999  | 219,412        | 570,322              | 789,734 |
| 2000-2009  | 190,221        | 424,733              | 614,954 |
| 2010-2019  | 125,142        | 283,473              | 408,615 |
Table A2. Arrests in Santa Clara County, CA by Decade from 1980-2019 and by Race/Ethnicity

| Decade     | Felony Arrests | Misdemeanor Arrests |
|------------|----------------|---------------------|
|            | (% of total*)  | (% of total*)       |
| **1980-1989** |                |                     |
| White      | 73,304 (44%)   | 303,814 (51%)       |
| Black      | 28,152 (17%)   | 55,972 (9%)         |
| Hispanic   | 56,372 (34%)   | 208,345 (35%)       |
| Other      | 8,260 (5%)     | 31,191 (5%)         |
| All        | 166,088        | 599,322             |
| **1990-1999** |                |                     |
| White      | 71,636 (33%)   | 214,041 (38%)       |
| Black      | 29,457 (13%)   | 60,306 (11%)        |
| Decade       | Population | Felony | Misdemeanor |
|--------------|------------|--------|-------------|
|              | Percentage*| Percentage*| Percentage* |
| **1980-1989**|            |        |             |
| White        | 64%        | 44%    | 51%         |
| Black        | 3%         | 17%    | 9%          |
| Hispanic     | 19%        | 34%    | 35%         |

*Percentages may add up to slightly more or less than 100% due to rounding.
### 1990-1999

|        | 1990-1999 | 2000-2009 | 2010-2019 |
|--------|-----------|-----------|-----------|
| White  | 51%       | 40%       | 32%       |
| Black  | 3%        | 3%        | 2%        |
| Hispanic | 23%     | 26%       | 26%       |
| Other  | 24%       | 32%       | 40%       |

*Percentages may add up to slightly more or less than 100% due to rounding*
### Table A4. Conversion of Felony Arrests in Santa Clara County, CA by Decade from 1980-2019 and by Race/Ethnicity*

| Decade    | Released | Other Agency | Within Department | Juvenile Probation | Complaint Sought | All     |
|-----------|----------|--------------|-------------------|-------------------|------------------|---------|
| 1980-1989 |          |              |                   |                   |                  |         |
|           | 6,251    | 739          | 1,067             | 12,703            | 52,544           |         |
| White     | (9%)     | (1%)         | (1%)              | (17%)             | (72%)            | 73,304  |
| Black     | 3,320    | 288          | 221               | 3,308             | 21,015           |         |
| Hispanic  | 6,782    | 338          | 602               | 7,855             | 40,795           |         |
| Other     | 868      | 60           | 110               | 1,910             | 5,312            | 8,260   |

|            |          |              |                   |                   |                  |         |
| 1990-1999  |          |              |                   |                   |                  |         |
| White      | 7,027    | 332          | 375               | 9,652             | 54,250           |         |
| Black      | 3,272    | 143          | 83                | 4,079             | 21,880           |         |
| Hispanic   | 10,445   | 191          | 299               | 15,897            | 68,458           |         |
| Other      | 2,421    | 57           | 88                | 5,916             | 14,547           |         |

|            |          |              |                   |                   |                  |         |
| 2000-2009  |          |              |                   |                   |                  |         |
| White      | 5,492    | 234          | 86                | 5,872             | 39,931           | 51,615  |
| Race      | 2020  | 2010-2019 |
|-----------|-------|-----------|
|           | (11%) | (<1%)     | (11%) | (<1%) | (11%) | (<1%) | (11%) | (<1%) | (11%) | (<1%) |
| Black     | 2,493 | 81        | 17    | 2,704 | 15,820|
| Hispanic  | 9,850 | 278       | 66    | 14,712| 68,663|
| Other     | 2,379 | 81        | 42    | 4,004 | 17,416|
|           | (10%) | (<1%)     | (17%) | (73%) | 23,922|

| Race      | 2020  | 2010-2019 |
|-----------|-------|-----------|
|           | (11%) | (<1%)     | (11%) | (<1%) | (11%) | (<1%) | (11%) | (<1%) | (11%) | (<1%) |
| White     | 5,250 | 166       | 8     | 2,040 | 23,518|
| Black     | 2,817 | 71        | 5     | 1,322 | 10,440|
| Hispanic  | 10,159| 307       | 33    | 9,481 | 44,079|
| Other     | 2,462 | 53        | 4     | 1,482 | 11,445|
|           | (16%) | (<1%)     | (10%) | (74%) | 15,446|

*Percentages may add up to slightly more or less than 100% due to rounding*
Table A5. Conversion of Misdemeanor Arrests in Santa Clara County, CA by Decade from 1980-2019 and by Race/Ethnicity*

| Decade  | Released | Other Agency | Within Department | Juvenile Probation | Complaint Sought | All    |
|---------|----------|--------------|-------------------|-------------------|-----------------|--------|
| 1980-1989 |          |              |                   |                   |                 |        |
|         | 16,196   | 892          | 5,217             | 42,996            | 238,513         |        |
| White   | (5%)     | (<1%)        | (2%)              | (14%)             | (79%)           | 303,814|
|         | 4,002    | 304          | 680               | 7,059             | 43,927          |        |
| Black   | (7%)     | (1%)         | (1%)              | (13%)             | (78%)           | 55,972 |
|         | 19,139   | 685          | 2,658             | 22,000            | 163,863         |        |
| Hispanic| (9%)     | (<1%)        | (1%)              | (11%)             | (79%)           | 208,345|
|         | 1,403    | 78           | 421               | 5,638             | 23,651          |        |
| Other   | (4%)     | (<1%)        | (1%)              | (18%)             | (76%)           | 31,191 |
| 1990-1999 |          |              |                   |                   |                 |        |
|         | 13,191   | 427          | 1,277             | 28,784            | 170,362         |        |
| White   | (6%)     | (<1%)        | (1%)              | (13%)             | (80%)           | 214,041|
|         | 4,323    | 99           | 192               | 8,680             | 47,012          |        |
| Black   | (7%)     | (<1%)        | (<1%)             | (14%)             | (78%)           | 60,306 |
|         | 18,058   | 326          | 717               | 37,326            | 189,891         |        |
| Hispanic| (7%)     | (<1%)        | (<1%)             | (15%)             | (77%)           | 246,318|
|         | 2,359    | 67           | 164               | 10,644            | 36,423          |        |
| Other   | (5%)     | (<1%)        | (<1%)             | (21%)             | (73%)           | 49,657 |
| 2000-2009 |          |              |                   |                   |                 |        |
| White   | 9,839    | 617          | 644               | 18,995            | 101,147         | 131,242|
|       | Black          | Hispanic       | Other         |
|-------|----------------|----------------|---------------|
|       | (7%)           | (<1%)          | (5%)          |
|       | 2,599          | 10,919         | 2,456         |
|       | 94             | 979            | 155           |
|       | 88             | 328            | 188           |
|       | (<1%)          | (<1%)          | (<1%)         |
|       | (14%)          | (16%)          | (19%)         |
|       | 6,318          | 38,026         | 9,911         |
|       | 30,359         | 152,737        | 38,334        |
|       | (77%)          | (77%)          | (75%)         |
|       | 39,458         | 202,989        | 51,044        |
| 2010-2019 |       |                |               |
| White | (14%)          | (<1%)          | (9%)          |
|       | 11,251         | 3,409          | 13,567        |
|       | 921            | 229            | 2,211         |
|       | 65             | 14             | 170           |
|       | (<1%)          | (<1%)          | (<1%)         |
|       | (6%)           | (9%)           | (14%)         |
|       | 5,227          | 2,696          | 18,940        |
|       | (79%)          | (79%)          | (74%)         |
|       | 65,750         | 23,213         | 100,457       |
| Black | (12%)          | (<1%)          | (10%)         |
|       | 3,409          | 13,567         | 3,015         |
|       | 229            | 2,211          | 261           |
|       | 14             | 170            | 23            |
|       | (<1%)          | (<1%)          | (<1%)         |
|       | (<1%)          | (14%)          | (10%)         |
|       | (79%)          | (74%)          | (80%)         |
|       | 29,561         | 135,345        | 35,353        |
| Hispanic | (10%)  | (2%)           | (9%)          |
|       | 3,015          | 3,015          | 3,015         |
|       | 261            | 261            | 261           |
|       | 23             | 23             | 23            |
|       | (<1%)          | (<1%)          | (<1%)         |
|       | (14%)          | (10%)          | (80%)         |
|       | 3,627          | 3,627          | 3,627         |
|       | 28,427         | 28,427         | 28,427        |
| Other | (9%)           | (<1%)          | (5%)          |
|       | 2,456          | 2,456          | 2,456         |
|       | 155            | 155            | 155           |
|       | 188            | 188            | 188           |
|       | (<1%)          | (<1%)          | (<1%)         |
|       | (19%)          | (19%)          | (19%)         |
|       | 9,911          | 9,911          | 9,911         |
|       | 38,334         | 38,334         | 38,334        |

*Percentages may add up to slightly more or less than 100% due to rounding*